

BRIDGTON BOARD OF SELECTMEN'S MEETING AGENDA

DATE: Tuesday, September 14, 2021

TIME: 5:00 P.M.

PLACE: Board of Selectmen's Meeting Room, 10 Iredale Street, Bridgton

1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes: August 24, 2021
4. Public Comments on Non-Agenda Items (*Each speaker may be limited to 3 minutes.*)
5. Committee/Liaison Reports
6. Correspondence, Presentations and Other Pertinent Information
 - a. Ordinance Violations
 1. 43 Grover Way, Map 14, Lot 24C
 2. 34 Aspen Drive, Map 12, Lot 58-8
 - b. Pondicherry Park Trail Upgrade and Other Project Updates; Loon Echo Trust
 - c. Recycling Committee; Select Board Direction for Committee
 - d. Lake Region Future Community Leaders Project
7. **Public Hearing at 5:30 P.M.**

Annual Adoption of the Maine Municipal Association Local General Assistance Ordinance and Appendices A through H for the Period of October 1, 2021 through September 30, 2022
8. Action Items Following Public Hearing

Annual Adoption of the Maine Municipal Association Local General Assistance Ordinance and Appendices A through H for the Period of October 1, 2021 through September 30, 2022
9. New Business
 - a. Awards and Other Administrative Recommendations
 - b. Permits/Documents Requiring Board Approval
 1. Music on Main Event
 - a. Request for Use of Town Owned Property
 - b. Outdoor Festival Permit Application
 - c. Victualer's Licenses to: Mister Twister; SAO Cooks and Catering LLC dba The Greenhouse by SAO; Fred's Fried Dough; Crepe Elizabeth; Bickford Box's
 2. Adult Use Marijuana Store License to Maine Only Adult Use Cannabis at 316 Portland Road, Unit 4
 3. Request for New Road Name: Sunshine Circle
 4. Vote to Authorize the Lease Purchase of a 2021 John Deer 672G Grader and Related Accessories
 5. Quit Claim Deed to Everett Snow III (To Release 1985 & 1987 Undischarged Tax Liens)
 - c. Selectmen's Concerns
 - d. Town Manager's Report/Deputy Town Manager's Report

10. Old Business (Board of Selectmen Discussion Only)
 - a. Wastewater Status Update
 - b. Streetscape: Upper and Lower Main Street Status Update
11. Treasurer's Warrants
12. Public Comments on Non-Agenda Items (*Each speaker **may** be limited to 3 minutes.*)
13. Dates for the Next Board of Selectmen's Meetings

September 28, 2021
October 12, 2021
October 19, 2021: Goal Setting Workshop at 5:00 P.M.
October 26, 2021
14. Adjourn

Future Agenda Items:

1. Workshop for Review of Committees

**Town Manager's Notes
Board of Selectmen's Meeting
September 14, 2021**

1. Call to Order

2. Pledge of Allegiance

3. Approval of Minutes

August 24, 2021

Suggested motion: Move to approve the August 24th Meeting Minutes.

6. Correspondence, Presentations and Other Pertinent Information

a. Ordinance Violations

1. Please see the memo and recommended fine for Town ordinance violation at 43 Grover Way.

Suggested motion: Move to assess a \$3,952 fine against H. Gail Chaiken 43 Grover Way (Map 14 Lot 24C) for violating Town ordinances.

2. Please see the memo and recommended Consent Agreement for 34 Aspen Drive.

Suggested motion: Move to approve the Consent Agreement with R & R Investments, LLC for 34 Aspen Drive (Map 12 Lot 58-8).

- b. Loon Echo Land Trust is requesting the support of the Board of Selectmen in their effort to secure funding from the Recreation Trails Program. The project will improve access to Pondicherry Park as recommended in the 2012 Management Plan. The estimated cost is \$115,000 to be funded with a \$50,000 grant from the Program, \$30,000 in-kind or cash donations and grant applications to the Ham Foundation and Quimby Foundation. A prior Board voted to support LELT's efforts. Please see the information sheet and draft letter in your binder. A representative from Loon Echo Land Trust will be present.

Suggest motion: Move to sign the letter of support to the Recreation Trails Program Review Committee.

- c. The Recycling Committee is seeking Board direction on their efforts to bring a Pay as You Throw (PAYT) Ordinance to the voters.
- d. Victoria Hill, Opportunity Alliance, will speak to the Board about the Lake Region Community Leaders Program proposal, a CDAC initiative. Please refer to the provided materials in your binder.

7. Public Hearings (5:30PM) (Note: Open Public Hearing-Anyone wishing to speak in favor; in opposition; offer comments neither for nor against; close Public Hearing)

Public Hearing on proposed Maine Municipal Association Model Ordinance for General Assistance. (Please refer to your binder)

8. Action Items Following Public Hearing

Suggested motion: Move to approve a Maine Municipal Association Model Ordinance for General Assistance including Appendices A through H for the Period of October 1, 2021, until September 30, 2022.

9. New Business

- a. Awards and Other Administrative Recommendations
- b. Permits/Documents Requiring Board Approval

1. Music on Maine Event

- a. Music on Main, LLC is requesting use the Town parking lot behind his property.

Suggested motion: Move to approve Music on Main, LLC's request for use of Town property.

- b. Music on Main, LLC has filed an Outdoor Festival Permit Application (in your binder). A request, noted on the application, to waive certain requirements has been made and would need Selectboard approval.

Suggested motion: Move to approve Music on Main, LLC's Outdoor Festival Permit and waiving the noted requirements.

- c. The following businesses have applied for Victualer's Licenses for the event: Mister Twister, SAO Cooks and Catering, LLC dba The Greenhouse by SAO, Fred's Fried Dough, Crepe Elizabeth, and Bickford Box's.

Suggested motion: Move to approve Victualer's Licenses for Mister Twister, SAO Cooks and Catering, LLC dba The Greenhouse by SAO, Fred's Fried Dough, Crepe Elizabeth, and Bickford Box's.

- 2. Maine Only Adult Use Cannabis, 316 Portland Road Unit 4, has applied for an Adult Use Marijuana Store License.

Suggested motion: Move to approve an Adult Use Marijuana Store License for Maine Only Adult Use Cannabis.

- 3. Brenda Day, E-911 Addressing Officer, received the following Proposed Street Name Request that has been reviewed by Cumberland County E-911 (Please refer to the packet in your binder): Map 10 Lot 10 Sunshine Circle.

Suggested motion: Move to approve the road name Sunshine Circle for the private way sited on Map 10 Lot 10 owned by Eco Estates, LLC.

- 4. In your binder is the required vote to authorize the lease purchase of a 2021 John Deere 672G Grader and related accessories in the amount of up to \$294,000. A copy of the motion drafted by the Town Attorney is in your binder.

Motion: Move to approve the motion, as drafted by the Town Attorney, for lease purchase of a 2021 John Deere 672G Grader and related accessories in the amount of up to \$294,000.

- 5. In your binder, please find a Quitclaim Deed without Covenant to Everett F. Snow, III releasing both a 1985 and 1987 undischarged tax lien.

Suggested motion: Move to approve a Quitclaim Deed without Covenant to Everett F. Snow, III releasing both a 1985 and 1987 undischarged tax lien.

10. Old Business

- a. Wastewater Update
- b. Lower Main Street Status Update

Board of Selectmen's Meeting Minutes

August 24, 2021; 4:30 P.M.

Board Members Present: Carmen E. Lone, Chairman; Glenn R. Zaidman, Vice-Chairman; Paul A. Tworog; G. Frederick Packard; Robert J. McHatton, Sr.; G. Frederick Packard.

Administration Present: Town Manager Robert Peabody, Jr.; Deputy Town Manager Georgiann Fleck; Town Clerk Laurie Chadbourne; Community Development Director Linda LaCroix.

1. Call to Order

Chairman Lone called the meeting to order at 4:30 P.M.

2. Pledge of Allegiance

The Board recited the "Pledge of Allegiance."

3. 4:30 P.M. Executive Session per MRS Title 1 Section 405.6.E; Legal Matters

Motion was made by Vice-Zaidman to enter executive session at 4:30 P.M. per MRS Title 1, Section 405.6.E. for discussion of legal matters; second from Selectman Tworog. 5 approve/0 oppose

Motion was made by Vice-Chairman Zaidman to exit executive session at 5:20 P.M.; second from Selectman Packard. 5 approve/0 oppose

4. 5:00 P.M. Approval of Minutes

a. August 10, 2021

Motion was made by Selectman Packard for approval of the minutes from the August 10, 2021 meeting; second from Vice-Chairman Zaidman. **Motion** was made by Vice-Chairman Zaidman to amend the minutes under Selectmen's Concerns to read: "Selectman McHatton was concerned that the Planning Board did not have ample time to review the Sign Ordinance to recommend mural amendment for the November Election;" second from Selectman Packard. 5 approve/0 oppose Vote on main motion: 5 approve/0 oppose

5. Public Comments on Non-Agenda Items

Justin McIver requested approval and a waiver of the fee for a one-day event victualer's license to The Greenhouse by SAO. Vice-Chairman Zaidman noted that the Board had already approved food trucks at the event to which Town Clerk Chadbourne responded that each food vendor must obtain a permit under the current ordinance. Selectman Tworog asked if the Board had waived any fees in the past, adding that all other businesses are subject to payment. **Motion** was made by Vice-Chairman Zaidman to approve the temporary permit and waive the fee as requested; second from Selectman Packard. 4 approve/1 oppose (Tworog was opposed)

Police Chief Jones introduced Grace Gendron as the new Police Department Administrative Assistant. The Board welcomed Ms. Gendron.

Justin McIver clarified that he requested the fee waiver for the one-time event license and not for a full year license.

6. Committee/Liaison Reports

a. Ordinance Review Committee Review Update

At the last meeting, Selectman McHatton reported that Gregory Bullard resigned from the Community Development Committee and from the Sub-Committee and has since requested reappointment to the

Community Development Advisory Committee. **Motion** was made by Selectman McHatton to appoint Gregory Bullard to the Community Development Advisory Committee; second from Selectman Tworog.

5 approve/0 oppose

Representing the Ordinance Review Committee, Glen Rudin reviewed a work summary and requested direction from the Board regarding priority. The Board opted to add this item to a future agenda.

7. Correspondence, Presentations and Other Pertinent Information

a. Discussion of a Surveillance Video Policy

Selectman Tworog requested information regarding the placement of cameras, public notification, length of retention and who is authorized to review. Discussion ensued. **Motion** was made by Vice-Chairman Zaidman confirming that video surveillance is an operational matter for the Town Manager; second from Selectman McHatton. 4 approve/1 oppose (Tworog opposed)

Selectman Tworog requested clarification of what would be considered a policy set by the Board versus an operational matter for the Town Manager. Selectman McHatton responded that motions are directives of the Board of Selectman to establish a policy for management and operational matters are administered by the Town Manager. **Motion** was made by Vice-Chairman Zaidman to move the question and close debate; second from Selectman Packard 4 approve/1 oppose (Selectman Tworog was opposed)

b. Lease Assignment (Laundromat)

This item was passed over.

c. Review of Ordinance Consolidation Costs (tabled 8/10/2021)

1. Discussion of a Legal Services Use Policy

Motion was made by Vice-Chairman Zaidman to take this item off the table; second from Selectman Packard. 5 approve/0 oppose

Community Development Director LaCroix provided an overview of the summary sheet as provided for legal expenses. Town Manager Peabody stated that if a department head has a legal line budget, they do not require approval from him in advance. The Department Head is the liaison to elected officials seeking legal advice as well. Selectman Tworog stated that this issue appears to be operational to which Town Manager Peabody reported that elected officials may not be following this procedure which is why this item is before the Board. Planning Board Chairman Deb Brusini explained the lengthy process in working with legal to prepare the ordinance consolidation which was all done through and with the Community Development Director. Discussion ensued.

d. Discussion of Virtual Board Meetings (tabled 8/10/2021)

Motion was made by Vice-Chairman Zaidman to take this item off the table; second from Selectman Packard. 5 approve/0 oppose

Motion was made by Selectman Tworog to allow the public to participate in meetings via electronic means; second from Selectman Packard. **Motion** was made by Selectman Packard to include a start date of October 1st; second from Selectman Tworog. 5 approve/0 oppose Vote on main motion: 3 approve/2 oppose (Vice-Chairman Zaidman and Selectman McHatton were opposed)

8. New Business

a. Awards and Other Administrative Recommendations

1. Request from Planning Board to Direct Ordinance Consolidation to Referendum Ballot Question 2. Shall an ordinance entitled "Amendments to and Consolidation of Certain Town of Bridgton Land Use Ordinances" be enacted?

(Note: A "Yes" vote will repeal the Town of Bridgton Land Use Ordinance, Site Plan Review Ordinance, Shoreland Zoning Ordinance, and Building, Plumbing and Razing Ordinance and replace these ordinances with the Bridgton Land Use Code. Copies of the text of the ordinance are available from the Town Clerk.)

Motion was made by Selectman Tworog to move the Order entitled, "Order to Place Referendum Question 2 on the November 2, 2021" be adopted in form presented this meeting, and that an attested copy of this Order be filed with the minutes of this meeting; second from Selectman McHatton. 5 approve/0 oppose

2. November 2, 2021 Special Town Meeting Warrant

Motion was made by Selectman Tworog for approval of the November 2, 2021 Special Town Meeting; second from Selectman McHatton. 5 approve/0 oppose

a. Certification of Proposed Ordinance Entitled "Repeal and Replacement of Victualers and Marijuana Establishment Licensing Ordinance" and Order

Motion was made by Vice-Chairman Zaidman to approve the Certification of Proposed Ordinance Entitled "Repeal and Replacement of Victualers and Marijuana Establishment Licensing Ordinance" and that an attested copy of this Order be filed with minutes of this meeting; second from Selectman Tworog. 5 approve/0 oppose

Motion was made by Vice-Chairman Zaidman to recommend passage of Question 1 on the ballot; second from Selectman Packard. 5 approve/0 oppose

b. Certification of Proposed Ordinance Entitled "Amendments to and Consolidation of Certain Town of Bridgton Land Use Ordinances" and Order

Motion was made by Selectman McHatton to approve the Certification of Proposed Ordinance Entitled "Amendments to and Consolidation of Certain Town of Bridgton Land Use Ordinances" and that an attested copy of this Order be filed with the minutes of this meeting; second Selectman Packard. 5 approve/0 oppose

Motion was made by Vice Chairman Zaidman to recommend passage of Question 2 on the ballot; second from Selectman Tworog. 5 approve/0 oppose

b. Permits/Documents Requiring Board Approval

1. Request for Use of Town Owned Property (Depot Street Parking Lot); Wreaths Across America

Motion was made by Vice-Chairman Zaidman to use the designated section of Depot Street Parking Lot on September 16th from 10:00 A.M. until 4:00 P.M. by Wreaths Across America; second from Selectman McHatton. 5 approve/0 oppose

2. Certificate of Commitment of Sewer User Rates Commitment #254

Motion was made by Vice-Chairman Zaidman for approval of the Certificate of Commitment of Sewer User Rates Commitment #254 comprising of two pages totaling \$8,511.66 to the Treasurer for collection; second from Selectman Packard. 5 approve/0 oppose

3. Tax Abatements and Supplementals

Motion was made by Selectman Packard to approve the recommended August 24, 2021 tax abatements totaling \$21,110.94 and tax supplements totaling \$18,569.57 as recommended by the Assessors Agent; second from Selectman Tworog. 5 approve/0 oppose

c. Selectmen's Concerns

- **Selectman Packard** had no concerns.
- **Selectman Tworog** reported that Board Members all received a letter requesting that pickleball be included in the proposed new community center behind Stevens Brook Elementary. Interested individuals should reach out directly to the Economic Development Corporation.
- **Selectman Tworog** reported several venues for live music over the weekend.
- **Selectman Tworog** voiced concerns with the amount of turnover with municipal government employees and suggested review of hiring procedures and employee satisfaction.
- **Vice-Chairman Zaidman** reported that he was not able to access the building on Friday night or Saturday to pick up his packet to which Town Manager Peabody has rectified this issue.
- **Selectman McHatton** asked if clarification was received on murals within the Sign Ordinance to which Deputy Town Manager Fleck read the following response from Maine Municipal Association:

Georglann,

I cannot give you a succinct and definitive legal opinion concerning whether a mural is a "sign" under Bridgton's sign ordinance because there is so much contradictory guidance from the courts on this point. As one federal court stated, "it is truly a Herculean task to wade through the mire of First Amendment opinions to ascertain the state of law relating to sign regulations." *Granite State Outdoor Advertising, Inc. v. Clearwater*, 213 F.Supp.2d 1312, 1327 (M.D. Fla. 2002).

However, I can say the following: artistic expression such as a mural is generally considered to be a form of speech that is protected by the First Amendment. Regulation of this sort of speech must pass a high standard that courts call "strict scrutiny." Commercial speech, on the other hand, is less protected by the First Amendment and subject to more rigid regulation, which must pass a lower standard called "intermediate scrutiny." In determining what kind of speech is at issue, it is helpful to know some of the guidelines set by the U.S. Supreme Court, which has characterized commercial speech as an "expression related solely to the economic interests of the speaker and its audience," *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557, 561 (1980), and as "speech that does no more than propose a commercial transaction." *United States v. United Foods, Inc.*, 533 U.S. 405, 409 (2001).

Thus, in order to regulate the murals as a sign, the town would have to show that the mural's primary purpose was commercial rather than non-commercial. For example, in *Complete Angler, LLC v. City of Clearwater*, 607 F. Supp.2d 1326, 1331-33 (M.D. Fla. 2009), a Florida bait shop had a marine-themed mural painted on the outside wall of the store. The city attempted to enforce its sign and banner ordinance, and so the shop owner sued the city in federal court. The court determined that the mural was artistic expression and *not* commercial activity because its primary purpose was to promote the local marine environment, and the mural did more than just "propose a commercial transaction." In contrast, in a case with a similar factual background, a federal appeals court determined that a mural on the side of a dog daycare business was commercial speech because it featured the company's cartoon dog logo.

With these cases and with the Supreme Court's definition of "commercial speech" in mind, I think that where a business proposes to hire or otherwise permit a local artist to paint a mural on its building, and the mural is not an advertisement insofar as it does not feature the business name, logo, mascot, etc., then a court would likely consider the mural to be artistic expression and protected by the First Amendment. Of course, this is such a complex and subjective area of the law, that the Select Board may want (and in my opinion would be well-served) to get a second opinion from your town attorney.

Please feel free to call or email if you or the Board like to discuss this in more detail.

Sincerely,

Michael Lichtenstein, Staff Attorney
Legal Services Department

- **Vice-Chairman Zaidman** questioned the Boards authority to allow murals on buildings to which Chairman Lone suggested further review.

- **Chairman Lone** expressed appreciation to the Planning Board, Community Development Director, Code Enforcement Officer and all the staff that worked on the consolidation project and congratulated all for a job well done.

d. Town Manager's Report/Deputy Town Manager's Report

Town Manager Peabody requested that the Board consider holding a goal setting session on September 21st as this provides guidance in working on the budget.

Deputy Town Manager read the following into the record:

TOWN OF BRIDGTON, DEPUTY TOWN MANAGER'S REPORT

August 24, 2021

General: A ground-breaking event to welcome Woodlands Memory Care located at 222 North High Street is scheduled for tomorrow, Wednesday, August 25 at 11:30. Woodlands Senior Living has been approved by the Planning Board for a 26,038 sf senior living facility containing 46 beds with a 12 person overnight caretaker/family unit. Charisse Keach, Finance Officer, recently tendered her resignation effective September 8, 2021. We thank Charisse for her years of service beginning in 2015 and wish her the best of luck in her next endeavor. A group of Tax Acquired properties are currently being offered for sale by sealed bids which are due Tuesday, September 14, 2021 at 2:00p.m. For more information please refer to the Town of Bridgton web site at www.bridgtonmaine.org or call Deputy Town Manager, Georgiann Fleck, at 207-647-8786

Community Development Director: Linda LaCroix, Community Development Director, reports that recently the CDD office held a workshop under the Resilience Pilot Project in conjunction with Windham and GPCOG to identify potential vulnerabilities from climate change and response options. The two towns will now meet to discuss overlapping vulnerabilities and identify priorities for action going forward that will inform a proposal request for a planning grant offered through the Governor's Office of Policy Innovation and the future. Anyone interested in participating in this project can contact CDD Administrative Assistant Courtney Kemp at CKemp@bridgtonmaine.org.

Public Works Department: Chadbourne Hill Road will be CLOSED on Tuesday, August 31, 2021 from 6:00a.m. to 5:30p.m. beginning at Route 37 to the four corners for the purpose of culvert replacement. Built a generator pad for North Bridgton Fire Station. Installed new driveway culvert on Winterberry Lane. Ditched and rip rapped ditch on Chadbourne Hill Road. Started installing solar speed signs.

Bridgton Recreation Department: Summer Rec came to an end for the season. The return of enrichment field trips, swim lessons, adding kayaks to the summer equipment, and so many activities, made it an eventful summer to say the least. Prior to this year there were 45-55 participants each week, this summer there were 160 participants in summer camp and a total of 250 participating in swim lessons. A teen program was added providing 30 full time scholarships, free breakfast and lunch thanks to SAD 61 Food Service. There were over 90 sign-ups for various summer varsity sports. Gary Colello, Recreation Director, would like to thank Leslie Hayes, Recreation Programmer, who was hired in late spring and did a fantastic job this summer...thank you Leslie! Now, fast forward to fall programming....for information on this and more, please refer to the Town of Bridgton website at www.bridgtonmaine.org or contact Gary at 647-1126.

Bridgton Police Department: Chief Phil Jones reports that the recent event "Coffee with a Cop" held this past Saturday at the Farmer's Market on Depot Street was a great success. The Police Department continues to actively recruit for the open patrolman's position most recently working with PoliceAPP, a nationwide advertising venue which implements modern technology, has marketing experts on staff, and a vast advertisement database for an energetic and responsive recruitment. The new speed signs are currently being installed at the Town Hall, Woods Pond, Kansas Road and South Bridgton by Adams Pond. The signs will be operational at the beginning of September.

Health Officer: Catherine Pinkham, Health Officer, reports that she was contacted by Ms. Daley, Bridgton resident, who has medical equipment on hand for individuals who are in need. Catherine will meet with Ms. Daley to establish an inventory. Catherine will be doing a health assessment with CDC in October to review demographic needs. Recently the U.S. FDA approved the Pfizer COVID 19 Vaccine reaffirming that the vaccine is safe and highly effective.

Until next time....be safe and be well.

Respectfully submitted, Georgiann M. Fleck, Deputy Town Manager

9. Old Business

a. Wastewater Status Update

Town Manager Peabody provided a brief wastewater status update.

b. Streetscape: Upper and Lower Main Street Status Update

Town Manager Peabody provided a brief upper and lower Main Street status update.

10. Treasurer's Warrants

Motion was made by Selectman Tworog for approval of Treasurer's Warrants numbered 181, 182, 14, 15, and 16; second from Vice-Chairman Zaidman. 5 approve/0 oppose

11. Public Comments on Non-Agenda Items

Planning Board Chairman Deb Brusini reported that Ms. Miller has made suggested amendments to the Sign Ordinances.

12. Dates for the Next Board of Selectmen's Meetings

August 31, 2021 (Workshop with Water District at 5:00 P.M.); September 14, 2021; September 28, 2021

13. Adjourn

Motion was made by Selectman McHatton to adjourn the meeting at 8:00 P.M.; second from Vice-Chairman Zaidman. 5 approve/0 oppose

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk

**CERTIFICATION OF PROPOSED ORDINANCE ENTITLED "REPEAL AND
REPLACEMENT OF VICTUALERS AND MARIJUANA ESTABLISHMENT LICENSING
ORDINANCE" AND ORDER**

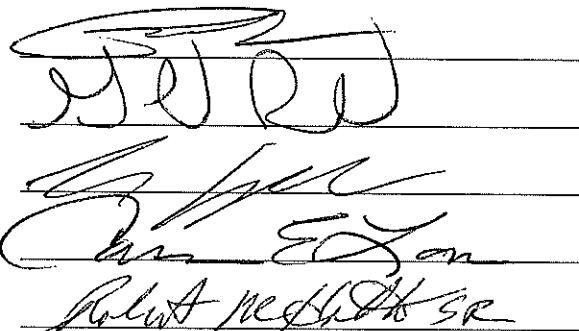
The municipal officers of the Town of Bridgton hereby **CERTIFY** to the municipal clerk of the Town of Bridgton, pursuant to 30-A M.R.S. § 3002, that attached hereto is a true copy of the proposed ordinance entitled "Repeal and Replacement of Victualers and Marijuana Establishment Licensing Ordinance" to be voted on at a referendum election of the Town of Bridgton on November 2, 2021 under the following secret ballot question:

Question 1. Shall an ordinance entitled "Repeal and Replacement of Victualers and Marijuana Establishment Licensing Ordinance" be enacted?

(Note: Copies of the text of the ordinance are available from the Town Clerk.)


BE IT FURTHER ORDERED, pursuant to 30-A M.R.S. § 3002(1), that the municipal clerk shall keep this certified copy as a public record and shall make copies of said proposed ordinance available for distribution to the voters of the Town of Bridgton from the time of this certification. Copies of said proposed ordinance shall also be attested by the municipal clerk and posted in the same manner as the warrant calling the referendum election on November 2, 2021 and shall be made available to the voters at the referendum election on November 2, 2021.

Dated: August 24, 2021

Three handwritten signatures of municipal officers, each written on a horizontal line.

A majority of the municipal officers
of the Town of Bridgton

A true copy of the proposed ordinance entitled "Repeal and Replacement of Victualers and Marijuana Establishment Licensing Ordinance" is attached hereto.

Attest: 
Laurie Chadbourne, Town Clerk
Town of Bridgton

**CERTIFICATION OF PROPOSED ORDINANCE ENTITLED
"AMENDMENTS TO AND CONSOLIDATION OF CERTAIN TOWN OF BRIDGTON
LAND USE ORDINANCES" AND ORDER**

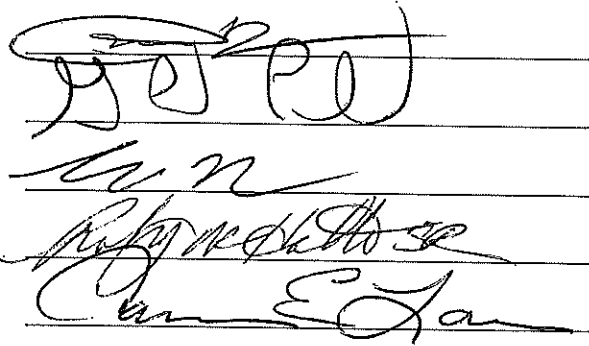
The municipal officers of the Town of Bridgton hereby **CERTIFY** to the municipal clerk of the Town of Bridgton, pursuant to 30-A M.R.S. § 3002, that attached hereto is a true copy of the proposed ordinance entitled "Amendments to and Consolidation of Certain Town of Bridgton Land Use Ordinances" to be voted on at a referendum election of the Town of Bridgton on November 2, 2021 under the following secret ballot question:

Question 2. Shall an ordinance entitled "Amendments to and Consolidation of Certain Town of Bridgton Land Use Ordinances" be enacted?

(Note: A "Yes" vote will repeal the Town of Bridgton Land Use Ordinance, Site Plan Review Ordinance, Shoreland Zoning Ordinance, and Building, Plumbing and Razing Ordinance and replace these ordinances with the Bridgton Land Use Code. Copies of the text of the ordinance are available from the Town Clerk.)

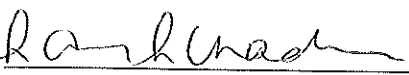
BE IT FURTHER ORDERED, pursuant to 30-A M.R.S. § 3002(1), that the municipal clerk shall keep this certified copy as a public record and shall make copies of said proposed ordinance available for distribution to the voters of the Town of Bridgton from the time of this certification. Copies of said proposed ordinance shall also be attested by the municipal clerk and posted in the same manner as the warrant calling the referendum election on November 2, 2021 and shall be made available to the voters at the referendum election on November 2, 2021.

Dated: August 24, 2021



A majority of the municipal officers
of the Town of Bridgton

A true copy of the proposed ordinance entitled "Amendments to and Consolidation of Certain Town of Bridgton Land Use Ordinances" is attached hereto.

Attest: 

Laurie Chadbourne, Town Clerk
Town of Bridgton

TOWN OF BRIDGTON

MEMO

TO: BOARD OF SELECTMEN
CC: ROBERT A. PEABODY, JR. TOWN MANAGER
FROM: BRENDA DAY, CODE ENFORCEMENT OFFICER
RE: 43 Grover Way Map 14 lot 24C
DATE: September 8, 2021

Summary of events:

H. Gail Chaiken built a Shed located at 43 Grover Way Map 14 lot 24 C which was permitted for a 11x16 foot shed. They built a 20x16 shed with a 6x20 deck. At one point the shed was furnished with beds that the grandchildren would occasionally sleep in. The beds have since been removed. The shed does not have running water or electricity. The structure complies with all applicable shoreland and lot line setbacks.

After several communications with the property owner, I do not feel that they intentionally violated the Town's ordinances.

H. Gail Chaiken was sent a violation letter on August 31, 2021, for building a larger structure than permitted.

On September 8, 2021, H. Gail Chaiken came to the town office to revise the building permit to a 20x20 shed with the deck included.

My recommendation is that H. Gail Chaiken pay for all legal fees created by this violation. At this time that amount is \$3952.00.

March 17, 2021

BY E-MAIL AND FEDEX

Brenda Day
Code Enforcement Officer
Town of Bridgton
3 Chase Street, Suite 1
Bridgton, Maine 04009

**Re: Ordinance Violations on Property of H. Gail Chaiken, Trustee
of the H. Gail Chaiken Revocable Living Trust at 43 Grover
Way, Map 14, Lot 24C**

Dear Brenda:

This firm represents Canons Ashby Retreat, LLC, (hereafter "Canons Ashby"), the owner of property at 84 Grover¹ Way and shown as Lot 24B on Tax Map 14.

On behalf of Canons Ashby, I am writing today to notify you of violations of the Land Use Ordinance, Shoreland Zoning Ordinance, and Floodplain Management Ordinance (hereafter the "Violations") on abutting property at 43 Grover Way owned by H. Gail Chaiken as Trustee of the H. Gail Chaiken Revocable Living Trust (hereafter "Ms. Chaiken") and shown as Lot 24C on Tax Map 14 (hereafter the "Chaiken Property"). The Violations arise out of the impermissible construction of a building that will, in this letter, be referenced as the "McNaughton Family Camp."

**I. THE BOUNDARIES AND HISTORY OF THE CHAIKEN
PROPERTY.**

The boundaries of the Chaiken Property are shown with reasonable accuracy on Tax Map 14. An enlargement of Tax Map 14 showing Lot 24C, with the boundaries of the Property outlined in red, is set forth below:

¹ The road in question has sometimes been called "Grover's Way." However the Town's list of approved road names specifies the name, "Grover Way." <https://bridgtonmaine.org/wp-content/uploads/2017/09/Approved-Road-Names.pdf>

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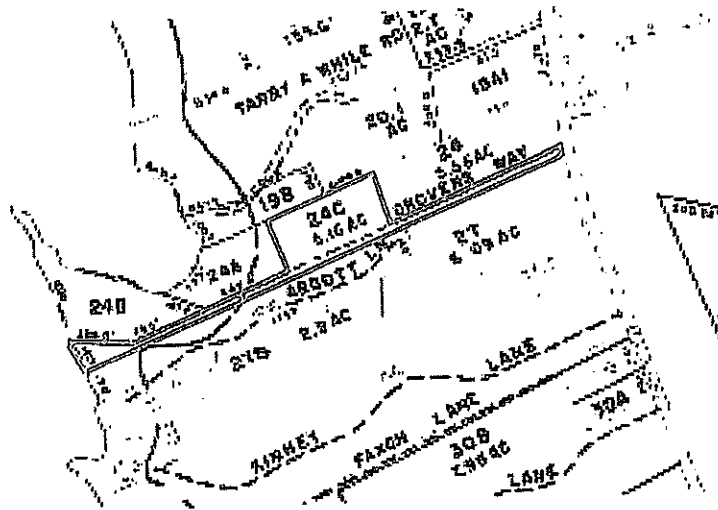


Figure 1

Figure 1
Enlargement of Tax Map 14 Showing Boundaries of the Chaiken Property

The Chaiken Property consists of a roughly rectangular inland portion that is connected, by a 25' wide strip of land, to both (a) the southwesterly sideline of Highland Road and (b) a triangular area on the shore of Highland Lake. Although the private right-of-way known as Grover Way is located on that strip, the land beneath Grover Way is a part of the Chaiken Property. Accordingly, the Chaiken Property does not consist of two lots; rather, it is a single lot with street frontage on Highland Road and shore frontage on Highland Lake.

The fact that the land beneath Grover Way is part of the Chaiken Property is demonstrated by, among other sources, (a) the deed from Sheldon A. Chaiken, Trustee of the Sheldon A. Chaiken Revocable Living Trust, to H. Gail Chaiken as Trustee of the H. Gail Chaiken Revocable Living Trust, dated June 13, 2012 and recorded at the Cumberland County Registry of Deeds in Book 29690, Page 239 and (b) the "Plan of Property in Bridgton, ME made for Hans and Barbara Jenni" by Earl Hotchkiss, RLS, dated April 20, 1990 and recorded at the Cumberland County Registry of Deeds in Plan Book 185, Page 65.

The location of the McNaughton Family Camp on the Chaiken Property is shown on the “Partial Boundary Survey, Land of Canons Ashby Retreat, LLC” by Bliss and Associates, Inc. dated December 8, 2020 (unrecorded) (hereafter the “Bliss Survey”)². Set forth below is an enlargement of the Bliss Survey focusing on the location of the McNaughton Family Camp:

² A copy of the entire Bliss Survey is attached to this letter as Exhibit A.



Figure 2
Enlargement of Bliss Survey Showing Location of McNaughton Family Camp
on the Chaiken Property³

The Chaiken Property as it now exists became a lot of record in 2004 after a series of prior conveyances. In 1989, Sheldon A. Chaiken and Shirley A. Chaiken were conveyed a single parcel consisting of what are now Lots 24 and 24C as shown on Tax Map 14.⁴ Sheldon Chaiken acquired sole title to that parcel in 1995.⁵ On June 14, 2004, Sheldon Chaiken conveyed what is now Lot 24 to Daniel and Joanne Cohn, thereby reducing the size of the Chaiken Property to what is now shown as Lot 24C on Tax Map 14. Lot 24C was at that time vacant. Later in 2004, Mr. Chaiken conveyed Lot 24C to himself as Trustee of the Sheldon A. Chaiken Revocable Living Trust.⁶

³ Note that the Bliss Survey shows the road labelled as "Grove's Way" as being owned in fee by the H. Gail Chaiken Revocable Trust under the deed recorded at the Cumberland County Registry of Deeds in Book 29690, Page 239.

⁴ Deed from Hans J. Jenni and Barbara L. Jenni to Sheldon A. Chaiken and Shirley C. Chaiken dated August 3, 1989 and recorded at the Cumberland County Registry of Deeds in Book 8861, Page 96.

⁵ Abstract of Divorce Judgment dated January 23, 1995 and recorded at the Cumberland County Registry of Deeds in Book 11798, Page 42.

⁶ Deed from Sheldon A. Chaiken personally to Sheldon A. Chaiken as Trustee of the Sheldon A. Chaiken Revocable Living Trust dated September 14, 2004 and recorded at the Cumberland County Registry of Deeds in Book 21828, Page 268.

In 2005, Mr. Chaiken constructed the residence that is presently the principal dwelling on the Chaiken Property.

Finally, in 2012, Mr. Chaiken conveyed the Chaiken Property to Gail Chaiken.

II. THE LAND USE REGULATIONS APPLICABLE TO THE CHAIKEN PROPERTY AND MCNAUGHTON FAMILY CAMP.

A. The Land Use Ordinance.

The Official Zoning Map adopted as part of the Town of Bridgton Land Use Ordinance (hereafter the "LUO") shows the entire Chaiken Property as being located within the Lakeside Neighborhood (LN) District:

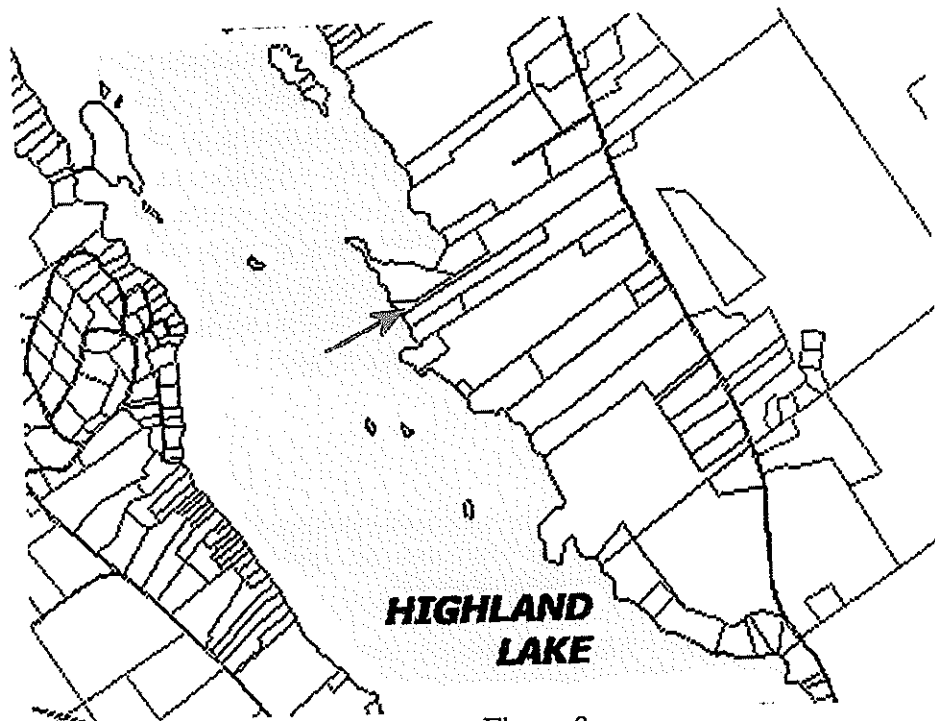


Figure 3

Enlargement of Official Zoning Map, Map 9 of 11, Lakeside Neighborhood District

B. The Shoreland Zoning Ordinance.

In addition, the portion of the Chaiken Property located within 250' of the shore of Highland Lake -- which includes the location of the McNaughton Family Camp -- is within the Limited Residential (LR) District established by the SZO. An enlargement of the relevant portion of the Town's Official Shoreland Zoning Maps is set forth below:

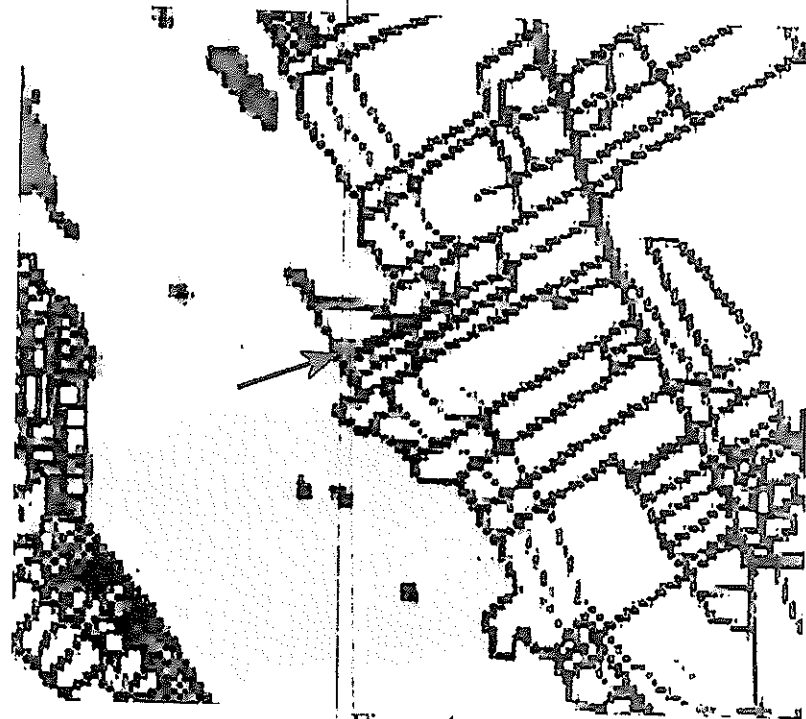


Figure 4
Enlargement of the Official Zoning Map showing Location of Chaiken Property Including McNaughton Family Camp

The legend to the Official Shoreland Zoning Map indicates that (a) areas colored in white are within the Limited Residential District,⁷ (b) the red line shown paralleling the shore depicts the landward boundary of the Shoreland Zone; and (c) the purple line paralleling the red line, but located further inland, indicates the landward boundary of the Erosion and Sedimentation District.

⁷ In an e-mail to Amy Furlong dated September 30, 2020, you indicated that "the shed is currently in the General Development 1 District." That must have been an inadvertent mistake. The General Development District I is colored bright green on the Official Shoreland Zoning Map, and is confined to "Downtown Bridgton" as shown on the insert to that Map.

C. The Floodplain Management Ordinance.

In addition, according to the map set forth below, the McNaughton Family Camp is located within the 100-Year Flood Plain; specifically, within Zone A1 at base flood elevation 428 NGVD:

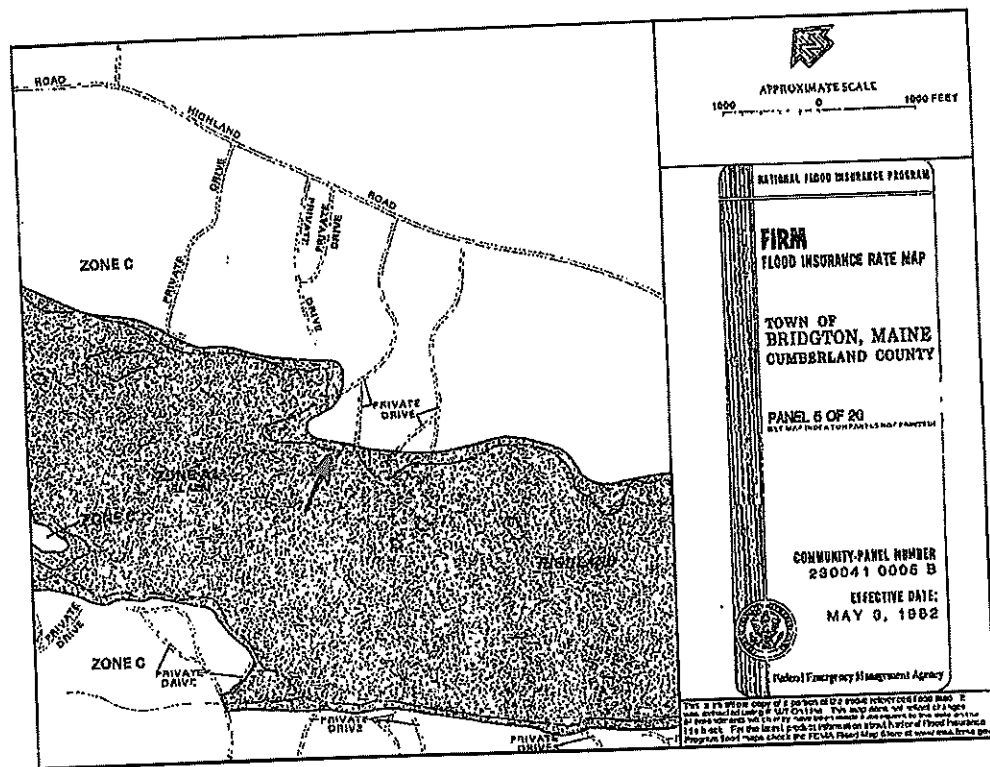


Figure 5

FIRM Panel with Approximate Location of McNaughton Family Camp Indicated by Red Arrow

III. DISCUSSION OF THE VIOLATIONS.

In summary, the Violations relate to the construction of the McNaughton Family Camp that (a) was based upon a permit application (hereafter the "Application") that contained false information, both affirmatively and by omission; (b) exceeds the scope of Building Permit # 177-19 issued by former CEO Robert Baker for the structure that morphed into the McNaughton Family Camp (hereafter the "Permit"); and (c) is permitted by none of the LUO, the

SZO, or the Floodplain Management Ordinance (hereafter the "Flood Ordinance").

A. False Information in the Application.

Ms. Chaiken's application for the Permit consisted of two pages of the Town's pre-printed building permit application.

partial

Town of Bridgton
Three Chase Street, Suite 1
Bridgton, ME 04009
207-647-8786

1. Property Owner <u>Ms. Chaiken</u>		2. Phone <u>207-647-9039</u>	
3. Owner's Address <u>43 Grovers Way</u>		4. Map <u>0014</u> Lot <u>0024C</u>	
5. Property Address <u>same as above</u>		6. Special Zoning <u>NA</u>	
7. Contractor <u>McNaughton Construction</u>		8. Phone <u>357-6743</u>	
9. Contractor's Address <u>143 Pleasant St. Yarmouth</u>		9. Special Zoning <u>NA</u>	
10. Project Description: New <input checked="" type="checkbox"/> Residential Remodel <input type="checkbox"/> Commercial Addition <input type="checkbox"/> Mobile Home Raze <input type="checkbox"/> Garage/Shed/Other <input checked="" type="checkbox"/>		11. Construction Cost <u>\$3,000</u>	
12. Additional Description: <u>16x11</u>			
13. Number of Stories Present <u>0</u> Proposed <u>1</u>		14. Height of Building Present <u>0</u> Proposed <u>0</u>	
15. Number of Bedrooms Present <u>0</u> Proposed <u>0</u>		16. Number of Bathrooms Present <u>0</u> Proposed <u>0</u>	
17. Present System is Approved for: <input type="checkbox"/> Bedrooms		18. Year Round Use Seasonal Use <input checked="" type="checkbox"/>	

Permit No. 177-19
Issue Date 10-1-79
Permit Fee 40.
Occupancy Fee _____
Read Operating Fee _____
Bear River Aquifer Fee _____
Approved By: _____

Figure 6
Page 1 of Application

19. Water Supply Type <u>N/A</u> Private _____ Public _____	20. Additional Permits, Approvals and Inspections Required: <u>N/A</u> Internal Plumbing _____ Septic/HHE 200 _____ D.E.P. _____ B.P.A. _____ Road Opening _____ Local _____ State _____ Alarm Permit _____ Occupancy Permit _____ Other _____
21. Sewage Disposal Type <u>N/A</u> Private _____ Public _____	

PROPERTY INFORMATION

22. Shoreland Zoning Frontage _____ ft. Road Frontage _____ ft. Non Conforming	Is there more than one use existing on the property? Yes _____ No <u>X</u> Use: _____ Non Conforming
24. Setbacks Front (lakeside) _____ Side _____ Rear _____ Non Conforming	25. How many dwelling units are presently on the lot? _____
26. Lot size (either in sq. ft. or acres) _____ Non Conforming	27. Total sq. ft. of all buildings and lot coverage (in percentage) for shoreland zone properties: (See Section 15.B.4 of the Town of Bridgton Shoreland Zoning Ordinance) _____
28. Total sq. ft. of all buildings for Non Shoreland zoned properties: Present _____ Proposed _____	29. Total sq. ft. of all buildings for shoreland zoned properties: Present _____ Proposed _____ Zone % _____

Building permits do not include plumbing, septic or commercial electric work. Building permits are valid for ONE year. Any false information may invalidate a building permit and stop all work. An Occupancy Permit will not be issued until a final inspection has been performed.

Ms. Chaiken
Applicant

9/17/2019
Date

Figure 7
Page 2 of Application

Section 6 of the Application required Ms. Chaiken to indicate whether the McNaughton Family Camp would be subject to any "Special Zoning." Although Ms. Chaiken should have disclosed that the proposed site of the McNaughton

Family Camp was located in both the Shoreland Zone and in the 100-Year Flood Zone, she instead wrote, "N/A."

Section 22 of the Application directed Ms. Chaiken to report the shore frontage of the Chaiken Property. According to the deed to Ms. Chaiken,⁸ the Property has a total shore frontage of 150'. However, Ms. Chaiken supplied no information about that shore frontage, thereby creating the impression that the Chaiken Property lacks any shore frontage.

Section 29 of the Application instructed Ms. Chaiken to disclose the "total sq. ft. of all buildings for shoreland zoned properties," both "present" and as "proposed." Ms. Chaiken provided no information in response to the latter question. That answer would have been truthful only if the McNaughton Family Camp was to be constructed outside the Shoreland Zone – which was never Ms. Chaiken's intention.

SZO § 16(C)(1) provides that, in order to obtain a permit under the SZO,

Every applicant for a permit shall submit a written application, *including a scaled site plan*, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

That requirement applies to all structures to be built within the Shoreland Zone, whether principal or accessory. However, you have informed me that the CEO Office file contains no site plan or any other drawing of either the McNaughton Family Camp or its location on the Chaiken Property. The absence of such a plan again falsely implied that the McNaughton Family Camp would not be located within the Shoreland Zone.

⁸ See Deed from Sheldon A. Chaiken, Trustee of the Sheldon A. Chaiken Revocable Living Trust, to H. Gail Chaiken as Trustee of the H. Gail Chaiken Revocable Living Trust, dated June 13, 2012 and recorded at the Cumberland County Registry of Deeds in Book 29690 Page 239. In that deed, the shore frontage is described as follows:

...to the shore of Highland Lake; thence in a general northerly direction along the shore of Highland Lake to a point opposite an iron bar set in the ground near the shore of Highland Lake, *the straight line distance between said two iron bars being one hundred fifty (150) feet*;...

(emphasis added).

Immediately above Ms. Chaiken's signature on the Application is the warning: "Any false information may invalidate a building permit and stop all work." That warning is based on LUO Article IV, § 5:

A permit may be suspended or revoked if:

- A. The permit was issued on incomplete or false information,....

Because the Application, on its face, falsely concealed the fact that the McNaughton Family Camp would be located in both the Shoreland Zone and the 100-Year Flood Zone A-1, the Permit should be revoked and the McNaughton Family Camp ordered removed from the Chaiken Property.

- B. The McNaughton Family Camp Substantially Exceeds the Scope of the Permit.

On October 11, 2019, former CEO Baker issued to Ms. Chaiken the Permit shown below:

****DISPLAY THIS CARD AT A VISIBLE LOCATION OF WORK****

BRIDGTON

No. # 177-19 Price \$ 40-

**BUILDING
PERMIT**

This is to certify that Gail Chaiken
has permission to build shed
Map 14 Lot 24C
at 43 Groves Way

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and the Ordinances of the Town of Bridgton regulating the construction, maintenance and use of buildings and structures, and of the application on file in the Town of Bridgton Complex.

10-11-19
This permit expires 1 year from Date of Issue

[Signature]
Code Enforcement Officer

Figure 8
The Permit

LUO Article IV, § 5(D) states that:

A permit may be suspended or revoked if:...

- D. The scope of the work for which the permit was issued is or has been exceeded;

Moreover, the Permit is subject to the following express condition printed on the Permit itself:

provided that the person or persons, firm or corporation accepting this permit shall *comply with all of the provisions of the Statutes of Maine and the Ordinances of the Town of Bridgton regulating the construction, maintenance and use of buildings and structures, and of the application on file in the Town of Bridgton Complex.*

(emphasis added) Because, as will next be discussed, the McNaughton Family Camp substantially exceeds the scope of the Permit, that Permit must be revoked.

1. **The McNaughton Family Camp exceeds the *dimensions* of the structure described in the Application.**

In Section 12 of the Application, Ms. Chaiken reports that the McNaughton Family Camp would have a footprint of "16 x 11,"⁹ or 137 sq. ft. By observation from adjacent properties, the McNaughton Family Camp in fact has a footprint of approximately 20' x 20', or 400 sq. ft. Thus, the McNaughton Family Camp exceeds the dimensions authorized by the Permit by nearly 300%.

2. **The McNaughton Family Camp exceeds the scope of the *use* described in the Application.**

The sole authority the Permit granted Ms. Chaiken was to "build shed." In the Application, Ms. Chaiken sought permission only to construct a one-story "shed" that would have no bedrooms and would cost no more than \$ 2,000.00. Ms. Chaiken listed "McNaughton Construction" as the contractor. What was not apparent on the face of the Application was that (a) the principal of McNaughton Construction, Peter McNaughton, is Ms. Chaiken's son and (b)

⁹ Although Ms. Chaiken did not indicate any units of measurement, presumably she was referring to measurements in linear feet.

the intended purpose of the Permit was to allow Peter McNaughton to construct a summer camp on the shore of Highland Lake for exclusive use by Mr. McNaughton, his wife, and his two children.

a. **The McNaughton Family Camp cannot reasonably be described as a “shed.”**

Because neither the LUO nor the SZO defines the term “shed,” that word must be given its “ordinarily accepted meaning.” LUO Article V, § 6(A). The “ordinarily accepted meaning” of a word is typically established by standard dictionary definitions.¹⁰ A typical such definition of “shed” is the following: “a slight structure built for shelter or storage, especially: a single-storied building with one or more sides unenclosed.” <https://www.merriam-webster.com/dictionary/shed>. The McNaughton Family Camp cannot reasonably be regarded as falling within that definition.

The McNaughton Family Camp is neither “slight” nor designed for mere shelter or storage of goods. Rather, it is a substantial structure, having the appearance of a residential dwelling, built upon posts permanently mounted upon numerous concrete piers. Among other things, the McNaughton Family Camp:¹¹

- is enclosed on all sides by studded plywood walls clad in residential-style clapboard siding;
- is equipped with numerous windows, including two large picture windows facing the Lake, most of which are of insulated, double-pane construction;
- is topped by a large, stoutly-braced gabled roof of asphalt shingles which is trimmed with decorative fascia boards;

¹⁰ “In construing a statutory term that is undefined in the statute itself, our primary obligation is to determine its plain meaning. *We often rely on the definitions provided in dictionaries in making this determination.*” *State Tax Assessor v. MCI Comm’ns Servs., Inc.*, 2017 ME 119, ¶ 14, 164 A.3d 952, 957. (emphasis added)

¹¹ The following description of the McNaughton Family Camp is based upon observations my clients made either from their own property or from the Abbott property that abuts the Chaiken Property on the south. It was unnecessary for my clients to enter the Chaiken Property to make these observations. Because the McNaughton Family Camp is only about 10’ from the stone wall on the Abbott property, it is possible to view the interior of the McNaughton Family Camp through the windows on the southerly side of that structure.

- includes both a richly-stained, antique paneled front door with built-in windows and an insulated, double-hung side-door;
- offers a spacious porch running the length of the water-side of the house, on which are arranged cushioned rocking chairs, stools, folding chairs, tables, a portable cooler/sink, and a Coleman stove with cooking pots;
- contains a comfortable interior living area featuring chests of drawers and blanket chests; tables and chairs; a supply of toilet paper; a double bed for Mr. McNaughton and his wife plus a two-berth bunkbed for their children; and mattresses, pillows, blankets, and other bed clothes for those beds;
- provides facilities for cooking and heating in the form of an outdoor grill and portable "fire pit;" and
- allows nighttime illumination by means of kerosene lamps, a line of "tiki" torches, and conventional electric light fixtures powered by a portable generator.

However else it may be classified, the McNaughton Family Camp is not a "shed."

b. The McNaughton Family Camp includes a bedroom.

The term "bedroom" is not defined in the LUO or SZO. However, the ordinary meaning of that term is the following:

- "a room furnished and used for sleeping"¹²
- "a room used for sleeping in"¹³

The Application indicated that the McNaughton Family Camp would have "0" bedrooms. However, the interior of the McNaughton Family Camp includes

¹² <https://www.dictionary.com/browse/bedroom>

¹³ <https://dictionary.cambridge.org/us/dictionary/english/bedroom>

fully-furnished wooden beds to allow the McNaughtons and their children to sleep comfortably within that structure. Because the McNaughton Family Camp has one bedroom, it exceeds the scope of Application and, in turn, the scope of the Permit.

- c. **The cost of the McNaughton Family Camp exceeds \$ 2,000.**

In order to reinforce the impression that she intended only to construct an ordinary "shed," Ms. Chaiken stated that the structure would cost only \$ 2,000 to build. Although neither my clients nor I are building contractors, even a layperson can confidently assert that the McNaughton Family Camp cost vastly more than \$ 2,000 in materials alone.

- C. **The McNaughton Family Camp Does Not "Comply With All of the Provisions of...the Ordinances of the Town Of Bridgton Regulating the Construction, Maintenance and Use Of Buildings And Structures."**

- 1. **The McNaughton Family Camp was constructed without review or approval under the Flood Ordinance.**

As is shown in Figure 5 above, the McNaughton Family Camp is located within the 100-Year Flood Plain in Zone A-1. Accordingly, the McNaughton Family Camp could not legally be constructed without the submission and approval of an application for a permit under Article II of the Flood Ordinance.

Even if the McNaughton Family Camp were actually only a "shed," accessory structures are included within the definition of the types of "development" for which a flood zone permit is required under Article V.F.1 of the Flood Ordinance. Moreover, only accessory structures meeting all the following requirements (among others) are exempt from the flood plain construction standards set forth in Articles VI.F and VI.G of the Flood Ordinance:

- 1. ... have a value less than \$ 3,000;
- 2. Have unfinished interiors and not be used for human habitation;

3. Have hydraulic openings, as specified in Article VI.L.2.¹⁴, in at least two different walls of the accessory structure;...

The McNaughton Family Camp cannot satisfy those criteria because: (a) it has a value of at least \$ 3,000, and likely several times that sum; (b) has an interior that is at least partially finished and which is unquestionably used for "human habitation;" and (c) has no apparent hydraulic openings in the walls.

Because Ms. Chaiken did not even apply for a permit under the Flood Ordinance, it is presently unnecessary to examine further whether the McNaughton Family Camp complies with all the criteria of the Flood Ordinance. Ms. Chaiken's failure to apply for and obtain a permit under the Flood Plain Ordinance is sufficient grounds, standing alone, for revoking the Permit and ordering the removal of the McNaughton Family Camp.

¹⁴ Article VI.L.2. provides, in pertinent part, as follows:

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

a. Be engineered and certified by a registered professional engineer or architect;

or,

b. Meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

(2) The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;...

2. **The McNaughton Family Camp is not allowed in the Limited Residential District established by the SZO.**
 - a. **Ms. Chaiken neither applied for nor obtained a permit under the SZO.**

SZO § 16(B) provides, in pertinent part, as follows:

After the effective date of this Ordinance no person shall, without first obtaining a permit(s), engage in any activity or use of land or structure requiring a permit(s) in the district in which such activity or use would occur;...

Any permit required by *this* Ordinance shall be *in addition to* any other permit required by *other law or ordinance*.

(emphasis added)

In order to be legally constructed, the McNaughton Family Camp required a SZO permit from the Code Enforcement Officer under Section 14 of Table 1, "Land Uses in the Shoreland Zone." It appears that the Town has only one application form for a building permit, which is intended to apply to structures and uses both within and outside the Shoreland Zone. However, because, as discussed above, Ms. Chaiken neither (a) indicated on the Application that the McNaughton Family Camp would be located within the Shoreland Zone nor (b) submitted a site plan where within the Shoreland Zone the structure would be located, CEO Baker had no reason to review the Application for compliance with the SZO and did not purport to do so.

Because Ms. Chaiken did not even *apply* for a permit under the SZO, the Permit does not satisfy the requirements of SZO §16(B) and therefore does not authorize the McNaughton Family Camp under the SZO. Once again, Ms. Chaiken's failure to apply for or obtain the approval required by the SZO requires the revocation of the Permit and removal of the McNaughton Family Camp from the Chaiken Property.

b. Had Ms. Chaiken applied for a SZO permit for the McNaughton Family Camp, such an application would have to have been denied.

i. The Chaiken Property is a nonconforming lot.

SZO § 15(A)(1) requires a minimum of 200' of shore frontage for all lots that are at least partially within the Shoreland Zone. "Shore frontage" is defined under SZO § 17 as "the length of a lot bordering on a water body or wetland *measured in a straight line between the intersections of the lot lines with the shoreline.*" (emphasis added) In the deed to the Chaiken Property, the lot boundary along Highland Lake is expressly described as being only 150' long. For that reason alone, the McNaughton Family Camp could not legally be constructed on the Chaiken Property.

Moreover, SZO § 15(A)(4) establishes a minimum lot width requirement for all portions of lots that are located within the Shoreland Zone:

The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

Thus, in order for the Chaiken Property to comply with SZO § 15(A)(4), it would need to be at least 200' wide within 100' of the shore. However, as is evident from Figures 1 and 2 above, the portion of the Chaiken Property fronting on Highland Lake has a *maximum* width of only 150', and then narrows rapidly so that it is only about 60' wide at a distance of 100' from the shore. Accordingly, the Chaiken Property is nonconforming to SZO § 15(A)(4).

In your e-mail to Amy Furlong dated September 30, 2020, you confirmed that "the lot is non-conforming due to the frontage." It is not clear from your e-mail whether you meant to imply that that fact rendered the Chaiken Property "grandfathered" with respect to the construction of the McNaughton Family Camp under SZO § 12(E). If so, then I respectfully disagree.

On one hand, it is true that § 12(E) provides that:

A nonconforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area lot width and shore frontage can be met. ...

However, that provision means only that the lot can be built upon only *once* despite its nonconformities, in order to avoid a potential unconstitutional taking – not that the nonconforming lot can be developed indefinitely despite those nonconformities.

As was discussed above, the principal residence on the Chaiken Property was constructed in 2005. The 200' minimum shore frontage and lot width requirement had been in effect since no later than the June 10, 2003 revision to the SZO. Although SZO § 12(E) allowed Mr. Chaiken to build a summer residence on the Chaiken Property in 2005 despite its nonconformity with the minimum shore frontage requirement, after that, the Chaiken Property's "grandfathered" rights were exhausted. There were no remaining "grandfathered" rights that could be applied to the construction of the McNaughton Family Camp.

Finally, even if the Chaiken Property had continued to have some "grandfathered" rights after the construction of the Chaiken residence, it would still have been necessary for the Chaikens to obtain a variance from the Board of Appeals in order to build that structure. As noted above, SZO § 12(E) "grandfathers" nonconforming lots only from the

ii. The McNaughton Family Camp does not comply with the performance standards for an individual private campsite.

Although it does not exactly correspond to any of the uses allowed in the Limited Residential Zone under SZO Table 1, the permitted use that it most closely resembles is an "individual private campsite."¹⁵ That use is defined in SZO § 17 as follows:

¹⁵ The McNaughton Family Camp does not qualify as an "accessory use" to Ms. Chaiken's summer residence on the Chaiken Property. Under SZO §17, an "accessory use" is defined, in pertinent part, as "a use or structure which is incidental and subordinate to the principal use or structure." Ms. Chaiken makes no use of the McNaughton Family Camp, and has no need to use it given her ownership of a conventional residence on the same lot. Rather, it is a separate principal structure that is used exclusively by Peter McNaughton and his family.

an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

However, an "individual private campsite" is subject to the performance standards set forth in SZO § 15(E). The most important of those performance standards is set forth in SZO § 15(E)(6):

When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, *all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules* unless served by public sewage facilities.

(emphasis added) The McNaughton Family Camp does not comply with that performance standard. As was described above, the McNaughton Family Camp is a permanent structure, supported by wooden posts embedded in concrete piers. It is "placed on-site" *365 days per year* -- three times longer than the maximum 120-day period after which a shelter within an "individual private campsite" must comply with all requirements for a residential structure, including the installation of a State-approved septic system. No such septic system currently exists, and it is doubtful that one could be sited anywhere near the McNaughton Family Camp.

Because the McNaughton Family Camp is in place for more than 120 days per year, under SZO 15(E)(6), it must meet *all* the standards for a residential structure, including all dimensional standards applicable to a residence. Those dimensional standards include the minimum shore frontage of 200' set by SZO § 15(A)(1) and the minimum lot width of 200' within 100' of the shore mandated by SZO § 15(A)(4). However, as discussed above, the Chaiken Property is nonconforming to both of those dimensional standards.

Moreover, SZO § 15(A)(5) has for many years provided that:

If more than one residential dwelling unit principal governmental institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, *all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.*

(emphasis added) Because the McNaughton Family Camp was required to meet all the requirements for a residential dwelling unit, it could not legally have been built unless the Chaiken Property had at least 400' of shore frontage. The building of the McNaughton Family Camp therefore created a new *illegal* nonconformity that is not "grandfathered."

For the above reasons, even if Ms. Chaiken had applied for an SZO permit for the McNaughton Family Camp, that permit would have to have been denied because the McNaughton Family Camp does not comply with the performance standards applicable to an individual private campsite.

In turn, because the McNaughton Family Camp does not "comply with all of the provisions of the ...the Ordinances of the Town of Bridgton regulating the construction, maintenance and use of buildings and structures," the Permit must be revoked and the McNaughton Family Camp ordered removed from the Chaiken Property.

3. The McNaughton Family Camp is not allowed in the Lakeside Neighborhood District Established by the LUO.

Under LUO Article III, § 1, the only uses allowed in the LN District are those expressly listed as permitted uses in that District under LUO Article II, § 2(G)(9)(a) and/or the "Table of Land Uses by District" set forth in Article III, § 3. Any use that is not expressly listed as permitted is prohibited.

The McNaughton Family Camp cannot reasonably be regarded as falling within the scope of any use listed as permissible in the LN District. Although some of the uses permitted in the LN District have *some* characteristics in common with the McNaughton Family Camp, none of them fit it closely. Ironically, the use included in the Table of Uses that most nearly resembles the use of the McNaughton Family Camp – "indoor recreation" – is expressly *prohibited* in the LN District.

Because the McNaughton Family Camp does not match any of the uses expressly allowed in the LN District, under LUO Article III, § 1, it violates the LUO. Here, too, because the McNaughton Family Camp does not "comply with all of the provisions of the ...the Ordinances of the Town of Bridgton regulating the construction, maintenance and use of buildings and structures," the Permit must be revoked and the McNaughton Family Camp removed from the Chaiken Property.

CONCLUSIONS

As has been demonstrated in this letter, the Permit is subject to revocation for any or all of the following reasons:

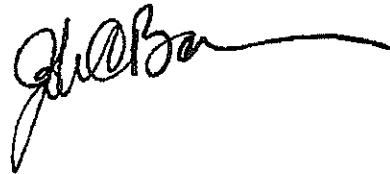
1. The Application for the Permit falsely omitted:
 - a. the fact that the Chaiken Property is located in both the Shoreland Zone and 100-Year Flood Zone A-1;
 - b. the fact that the Chaiken Property has any shore frontage, let alone the 150' of shore frontage it actually includes;
 - c. the number of square feet within the Shoreland Zone that the McNaughton Family Camp would occupy; and
 - d. a site plan showing the location of the McNaughton Family Camp on the Chaiken Property.
2. The McNaughton Family Camp exceeds the scope of the Application and the Permit because it:
 - a. has a footprint measuring approximately 20' x 20' rather than 16' x 11';
 - b. is not a "shed;"
 - c. contains a bedroom; and
 - d. was built at a cost exceeding \$ 2,000.00.
3. The McNaughton Family Camp does not "comply with all of the provisions of...the ordinances of the Town of Bridgton regulating the construction, maintenance and use of buildings and structures" because:
 - a. it was built without review or approval under the Flood Ordinance;

- b. it was built without review or approval under the SZO;
- c. if Ms. Chaiken had applied for approval of the McNaughton Family Camp under the SZO, it could not have been approved in the Limited Residential District because of nonconformities on the Chaiken Property and inability to comply with the performance standards governing individual private campsites; and
- d. the McNaughton Family Camp is not a permitted use in the Lakeside Neighborhood District established by the LUO.

I respectfully submit that the above-described Violations provide you with ample cause to revoke the Permit and for the Town to issue a notice of violation ordering the removal of the McNaughton Family Camp from the Chaiken Property.

Thank you for your attention to this letter. I look forward to working with you to cure the Violations as expeditiously as possible.

Sincerely,

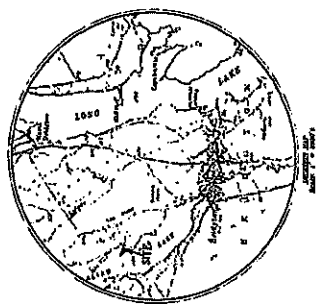


John C. Bannon

JCB/kpm
Enclosure

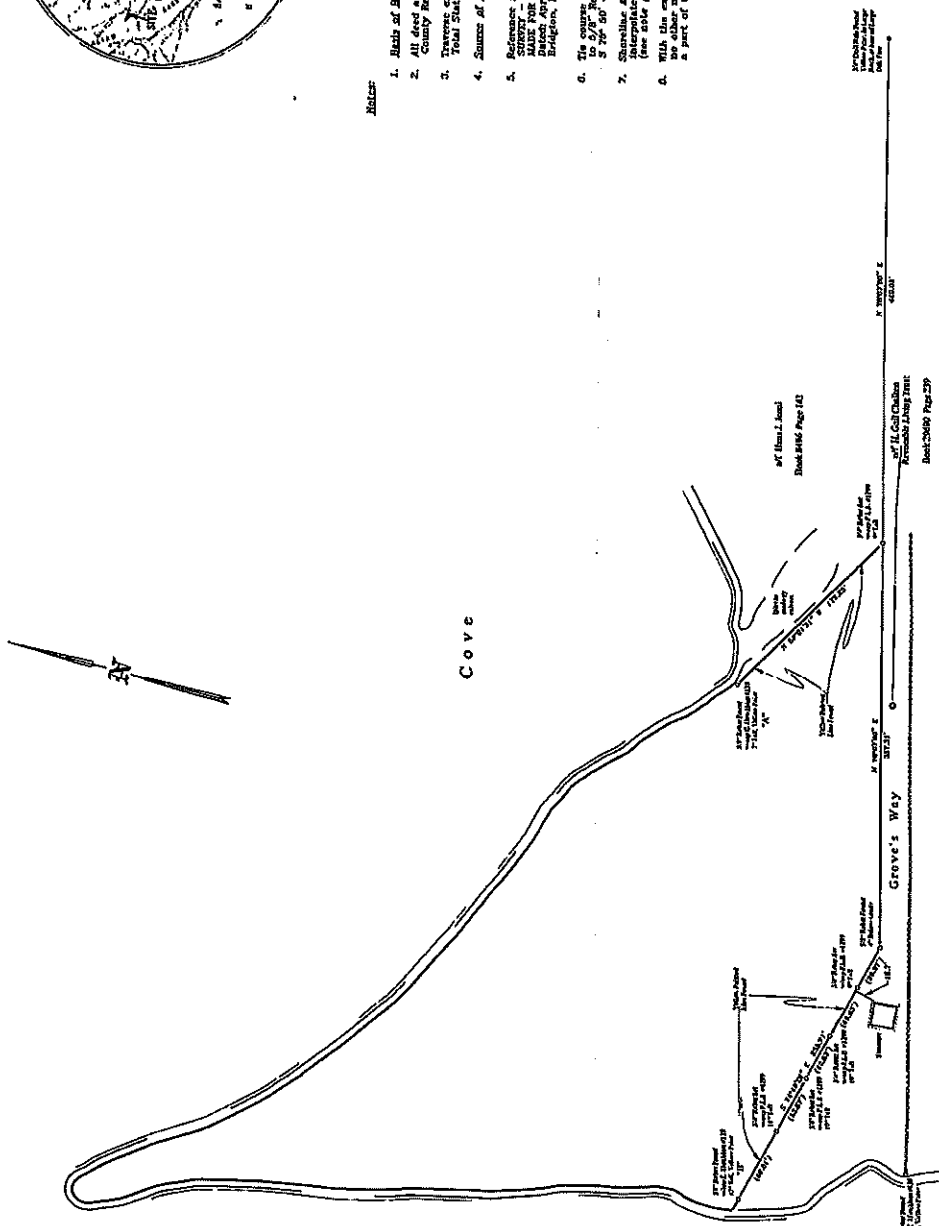
cc: J. M. Dryden Hall, Jr. (w/encl)
Amy H. Furlong (w/encl)
Hans and Barbara Jenni (w/encl)
Donald G. Abbott Trust c/o Kenneth Abbott, Trustee (w/encl)
Cohn Nominee Trust c/o Joanne B. Cohn, Trustee (w/encl)
William Chalmers (w/encl)

Received: _____
 at _____ h _____ m _____ M.
 Vol. _____ Page _____
 Minutes! _____ REGISTER



25/10/19

1. Birth of Brothers: Jagorito No. 1023. (see sec. 40)
2. All stock and other accretions refer to the Cumberland County Registry of Insects.
3. Twelve: cover of chapter, under a 5 second Total Station, was less than 1/2 of 1000.
4. Source of Milk: Book 27569 Page 74, Book 27593 Page 55.
5. Reference made to this entitled "STANDARD BOUNDARY MAP FOR THE TOWN OF JAMES AND MORGAN, IN THE DISTRICT OF COLUMBIA, 1900" Prepared by Earl Hinchelbush, Washington, Md. June 15, 1900.
6. The corners from 5/8" Rubber Fama' (see p. 119) " to 5/8" Rubber Fama' (see p. 120) " are 5' 50" 50" 41" W, 435' 70" 41" W.
7. Shoreline: A inlet of Highland lake depicted between (interpolated from a detailed image of Tonal Pina, see note on p.)
8. With the exception of the structure described on plan the other components were decided as a part of this survey.



LEGEND:

◆	iron pipe
◊	rebar
△	slant bound
■	gratic bound
●	drill hole
+	nail point
—	edge of gravel road
—	edge of paved road
—	utility pole
—	overhead utilities
—	wood storefront
—	wood fence line
—	edge of brook
—	new or formerly

海軍工廠

1950

P.O. BOX 113
POVINZ, TEXAS 04011
TELEPHONE 207-228-1000
ALBINO62197012.04
ALBINO62197012.04

Project No. 20-046

PARTIAL BOUNDARY SURVEY
Land Of
CANONS ASHBY RETREAT, LLC

Located At 84 Groves Way
Town Of Bridgton, Cumberland County, Maine

November 8, 2020 Reviewing

105

DC	Surveyed By: CCM RWB DDB
----	--------------------------

20-1-20-046

of I

Wavelength (nm) 200 250 300 350 400 450 500 550 600 650 700 750 800 850 900

STRIKED 647-9039

Drummond

ATTORNEYS AT LAW

Agnieszka A. Dixon
Admitted in ME

207.253.0532
adixon@dwmlaw.com

84 Marginal Way, Suite 600
Portland, Maine 04101-2480
207.772.1941 Main
207.772.3627 Fax

July 20, 2021

Delivery by email to jcb@mpmlaw.com and plyons@eatonpeabody.com

John C. Bannon, Esq.
Murray, Plumb & Murray
75 Pearl Street
Portland, ME 04101

Patrick W. Lyons, Esq.
Eaton Peabody
80 Exchange Street
Bangor, ME 04402-1210

RE: Land Use Dispute; 43 Grover Way, Bridgton, Maine (Map 14, Lot 24C)

Dear John and Patrick:

This letter concerns a land use dispute involving a developed portion of 43 Grover Way in the Town of Bridgton, Maine, which is owned by H. Gail Chaiken as Trustee of the H. Gail Chaiken Revocable Living Trust ("Ms. Chaiken"), and more specifically described as a portion of Lot 24C of Map 14 of the Bridgton Tax Maps (the "Subject Property").

As you know, in a letter dated March 17, 2021, Attorney Bannon, on behalf of the adjoining property owners, Canons Ashby Retreat, LLC (the "Abutter"), has alleged that there exist certain land use violations on the Subject Property and has asked the Town's Code Enforcement Officer (the "CEO") to issue a Notice of Violation ("NOV") ordering the removal of a recently built structure located on the Subject Property.

In assisting the CEO in evaluating this matter, I have reviewed the March 17th letter from Attorney Bannon to the CEO, as well as the following materials submitted to me:

- Letter from Attorney Lyons, dated 04/14/2021
- Letter from Attorney Bannon, dated 05/03/2021, with attached exhibits and affidavits
- Photographs submitted by Attorney Lyons on 05/16/2021 and 05/17/2021
- Photographs submitted by Attorney Bannon on 07/12/2021
- Miscellaneous email correspondences from each of you over the past several months

In addition, I have discussed this matter with the CEO.

Based on this review, and for the reasons explained next, I have advised the CEO to issue an NOV to Ms. Chaiken for violating the terms of the building permit that was granted to her and to order such action that the CEO deems is necessary to correct the violation, in accordance with Section 16 of the Town's Shoreland Zoning Ordinance (the "SZO") and, as applicable, Article V, Section 1(A) of the Town's Land Use Ordinance (the "LUO").

Background

As you know, the Subject Property is an odd-shaped parcel composed of a roughly triangular-shaped portion (the "Triangle") containing 150 feet of shore frontage on Highland Lake, which tapers to the width of a roadway that connects to a roughly rectangular portion of the parcel (the "Rectangle"). The Rectangle is likewise connected to the Highland Road via a sliver of land that is roughly the width of a roadway. The Rectangle is developed with a single-family dwelling unit, and the Triangle is developed with an approximately 20 x 20-foot structure (the "Structure"). This land use dispute concerns the Structure in the Triangle.

As between the Abutter and Ms. Chaiken, there appears to be no dispute that:

1. The Subject Property is a legally existing nonconforming lot because it does not meet the minimum shore frontage or the minimum lot width requirements of Section 15(A) of the SZO, but it became a lot of record prior to the amendment of the SZO in June of 2003, which among other amendments, enacted these two dimensional requirements;
2. The Triangle and the Structure are located within the Limited Residential (LR) shoreland zoning district and the Lakeside Neighborhood (LN) land use district;
3. Ms. Chaiken obtained a building permit from the CEO¹ in September of 2019 to construct an 11 x 16-foot shed on the Subject Property (the "Building Permit");
4. The Structure, as actually constructed, complies with all applicable shoreland and lot line setback requirements; and
5. The Structure, as actually constructed, (a) is larger in footprint than the structure authorized by the Building Permit; (b) contains two doors, six windows, a pitched roof, and a covered porch; and (c), during at least some portion of the spring and summer of 2021, was furnished with beds, rocking chairs, and an outdoor cook stove.

The Abutter and Ms. Chaiken disagree on the nature of the use of the Structure—including, among other things, whether the Structure is being used or has been used as living or sleeping quarters, and by whom, or as storage space for outdoor recreation equipment such as canoes and kayaks. The parties also dispute the land use characterization of the Structure—specifically, whether the Structure is a permissible "accessory structure" to the principal residential use of the Subject Property or an impermissible "individual private campsite," as those terms are used in the SZO and the LUO. Finally, the parties disagree on whether adequate evidence was presented at the time of Ms. Chaiken's filing of the Building Permit application for the CEO to determine that the Structure is located outside of a FEMA 100-year mapped flood zone.

¹ Note that it has been the Town's longstanding practice for the CEO to issue a building permit (rather than a "shoreland zoning ordinance" permit) whenever a provision of the SZO calls for a permit from the CEO, whether or not a building permit is also required pursuant to the Town's Building, Razing, and Plumbing Permit Ordinance ("BRPPO") or other local rules or ordinance provisions.

Analysis and Recommendation

It is clear from the information presented to me that Ms. Chaiken did not comply with the terms of the Building Permit when she caused the Structure to be constructed to dimensions greater than the 11 x 16-foot dimensions authorized by the Building Permit. It is also readily apparent based on the undisputed information presented that the Structure—which contains numerous windows, doors, and a covered porch and, at least for a part of the spring and summer of 2021 was furnished with beds inside the Structure and rocking chairs and a cook stove on the covered porch—was constructed and furnished so as to be used for something other than a shed, as authorized by the Building Permit.

Exceeding the terms of a permit issued by the CEO is a violation of the Town's ordinance provisions. *See* BRPPO Art. 3 § 1 (requiring property owners to obtain a permit from the CEO "covering the proposed project"); BRPPO Art. 6 § 1 (setting forth the enforcement authority of the CEO upon finding that any provision of the BRPPO or any condition of a permit issued pursuant to the BRPPO is being violated); LUO, Art. V § 1(A) (setting forth authority of the CEO to enforce the provisions of the LUO and the terms and conditions of any permit or approval granted pursuant to the LUO); SZO § 16(B) (providing that a permit is required for structures and uses requiring a permit pursuant to the SZO); SZO § 16(I)(2)(a) (setting forth the enforcement authority of CEO upon a finding that a provision of the SZO is being violated).

It is not apparent, however, that the way to remedy this violation *must* be to suspend or revoke the Building Permit² and/or order removal of the Structure. Indeed, if a structure or use is allowed under local ordinances, violations may be—and often are—efficiently resolved vis-à-vis the issuance of "after-the-fact" permits and the payment of penalties and costs. While suspension or revocation of the Building Permit and the removal of the Structure are certainly options available to the CEO in exercising her enforcement authority and resolving the violation, ultimately, the CEO determines the appropriate corrective action when issuing an NOV. *See* SZO § 16; LUO Art V § 1(A).

The parties have devoted significant time and effort arguing competing points with respect to how the Structure is being used, by whom it is being used, and whether or not such use is permissible under the SZO and LUO. But it is not necessary for the CEO to characterize the current or recent prior use of the Structure in order to resolve this violation. Rather, the CEO could find that the Building Permit was issued for a shed and that the Structure is or was being used for something other than a shed, in violation of the Building Permit. Should Ms. Chaiken wish to change the use of the Structure to something other than a shed, she can seek to do so by filing a new building permit application. The CEO would then review the application and, based on the information submitted and upon independent investigation, issue a permit if the CEO concludes that the proposal satisfies the requirements of applicable ordinances. And, if a party were unhappy with the CEO's findings and conclusions, the appeal process would thereafter afford an aggrieved party the opportunity to argue these points.

² The LUO authorizes the CEO to suspend or revoke a permit, but does not mandate that the CEO do so. *See* LUO Art. IV, § 5 ("A permit *may* be suspended or revoked ..." (emphasis added).)

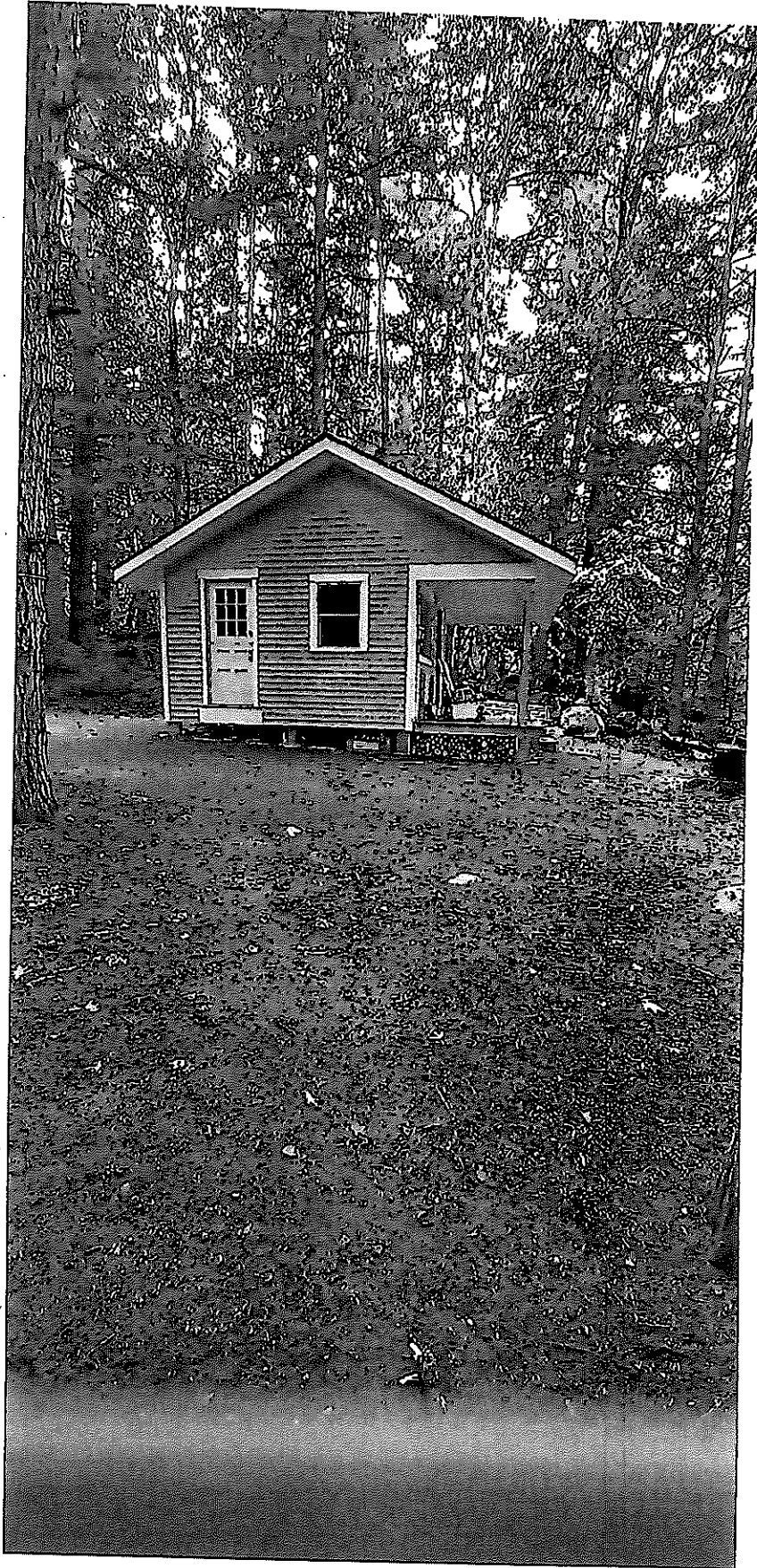
Thank you again for your efforts in presenting me with comprehensive information and thoughtful legal argument in this matter, and for your patience as I conducted my own legal review. I will ask the CEO to transmit to both of you a copy of the NOV when it is issued.

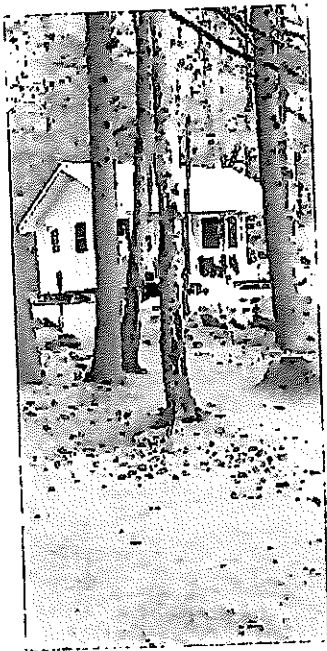
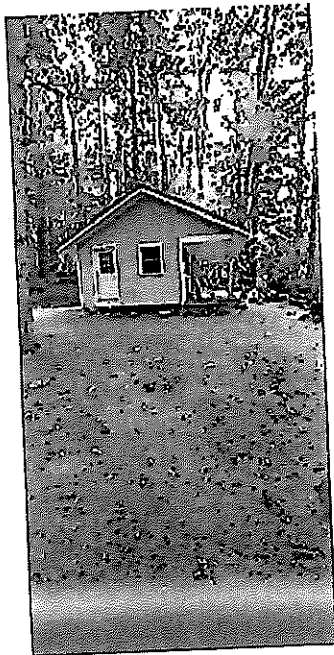
Very truly yours,

/s/ Agnieszka A. Dixon

Agnieszka A. Dixon

cc: Brenda Day, CEO, Town of Bridgton





Brenda Day

From: Benjamin J. Plante <BPlante@dwmlaw.com>
Sent: Tuesday, August 31, 2021 1:14 PM
To: Brenda Day
Subject: RE: McNaughton Family Camp

Brenda,

To date we have billed \$1,666.50 for this matter. Our unbilled time—which will be provided to the Town in an upcoming invoice—is \$1,889.50. That totals out to \$3952.00 in legal fees through yesterday. That number may go up as we continue to work on this matter.

Thanks,

Ben

From: Brenda Day <bday@bridgtonmaine.org>
Sent: Tuesday, August 31, 2021 11:24 AM
To: Benjamin J. Plante <BPlante@dwmlaw.com>
Subject: McNaughton Family Camp

Good morning Ben,

Can you tell me what the legal fees are for this as of today?

Thank you.

Brenda Day

Code Enforcement Officer
bday@bridgtonmaine.org
207-803-9963
Fax: 207-647-8789

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



TOWN OF BRIDGTON

www.bridgtonmaine.org
THREE CHASE STREET, SUITE #1
BRIDGTON, MAINE 04009
Phone- 207-647-8786
Fax- 207-647-8789

August 31, 2021

H. Gail Chaiken,
Trustee of the H. Gail Chaiken Revocable Trust
43 Grover Way
Bridgton, Maine 04009

RE: Notice of Violation for Building Permit Violation at 43 Grover
Way, Bridgton, Maine 04009 (Tax Map 14, Lot 24C)

Dear Ms. Chaiken,

This letter shall serve as formal notice that you are in violation of the terms and conditions of building permit # 177-19 ("Permit"), which authorized you to build a shed structure on property that you own at 43 Grover Way, Bridgton, Maine ("Property").

As you are aware, the Permit authorized you to construct a 16 ft. x. 11 ft. shed on the Property. By letter dated March 17, 2021, Canons Ashby Retreat, LLC ("Canons Ashby"), a neighboring property owner, informed me that a 20 ft. x 20 ft. structure ("Structure") was constructed on the Property instead. Canons Ashby's letter also claimed that the Structure contained beds, furniture and other amenities that are not typically associated with a shed.

Your attorney, and Canons Ashby, subsequently provided follow up letters, affidavits, and photographs detailing both the dimensions, and the current use, of the Structure. Based upon the information provided to me by yourself, and Canons Ashby, it appears as though the Structure includes the following features: (a) two doors, (b) six windows and a pitched roof, and (c) a covered porch. Based upon the information provided to me, it appears as though the Structure at one time, or currently, included several beds for overnight guests, rocking chairs, and outdoor cooking facilities. Furthermore, and as I understand it based upon your attorney's representations in a letter to the Town's Attorney, you concede that the Structure is larger than what was authorized by the Permit, and that the use of the Structure exceeds the scope of the Permit.

As a result, the Structure violates the Permit because (1) its dimensions are greater than what was authorized by the Permit, and (2) it is, or was, being used as something other than a shed. Therefore you are in violation Town of Bridgton's Building, Razing and Plumbing Permit Ordinance, Article 3 § 1, and the conditions of the Permit itself, which required the Structure to conform to the application for the Permit.

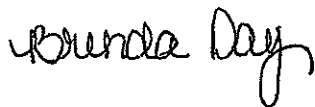
To remedy the violations on the Property you must submit an after-the-fact building permit application to the Town's Code Enforcement Office for approval of a 20 x. 20 ft. structure within fourteen (14) days of receipt of this notice of violation. This after-the-fact building permit application must demonstrate that the Structure meets all the requirements of the applicable Town Ordinances for me to issue a new building permit authorizing the Structure.

Additionally, as I understand it you propose to remove the beds from the Structure, and to use the Structure strictly as a shed moving forward. I agree that these actions are necessary for the Structure to comply with the Permit. Should you wish to use the Structure as something other than a shed now, or in the future, then you must file a new building permit application with my office to authorize such use.

In addition, the Town will impose a fine upon you for the foregoing violations. As you know, Town staff has expended considerable time and resources dealing with the violations on your property, while also incurring legal fees in the process. To that end, the Town requests that you enter into a voluntary consent agreement, the terms of which shall require you to (1) remedy the aforementioned violations on the Property, and (2) pay a fine for the costs associated with the Town's efforts to resolve this matter.

Please contact me at (207) 803-9963 as soon as possible to discuss both the submission of a new building permit application, and the terms of the proposed consent agreement.

Sincerely,



Brenda Day

Cc: Patrick Lyons, Esq., Gail and Sheldon Chaiken
John Bannon, Esq., Canons Ashby Retreat, LLC

Town of Bridgton
Three Chase Street, Suite 1
Bridgton, ME 04009
207-647-8786

Permit No.	154-21
Issue Date	9-8-21
Permit Fee	51.-
Occupancy Fee	—
Road Opening Fee	—
Bear River Aquifer Fee	—
Approved By	130

Building Permit Application

1. Property Owner H. Gail Chalico Trustee	2. Phone 207-647-9039	
3. Owner's Address 43 GROVES WAY	4. Map 14 Lot 24C	
5. Property Address 43 GROVES WAY	6. Special Zoning Shoreland _____ Water Body _____ Bear River Aquifer _____ Willis Brook Aquifer _____ Wetlands _____ Flood Zone _____ DEP Shoreland Zone Contractor Certification Number _____	
7. Contractor McNAUGHTON CONSTRUCTION	8. Phone 207-357-6743	
9. Contractor's Address 143 Pleasant St. Yarmouth ME	11. Construction Cost 2000.	
10. Project Description: New <input checked="" type="checkbox"/> Residential _____ Remodel _____ Commercial _____ Addition _____ Mobile Home _____ Raze _____ Garage/Shed/Other <input checked="" type="checkbox"/>	12. Additional Description: Revisen Permit from 16 x 11 Shed to 20 x 20 Shed Deck included	
13. Number of Stories Present 1 Proposed _____	14. Height of Building Present _____ Proposed _____	15. Number of Bathrooms Present 0 Proposed 0 Full 0 Half
16. Number of Bedrooms Present 0 Proposed _____	17. Present System is Approved for: _____ Bedrooms	18. Year Round Use _____ Seasonal Use X

19. Water Supply Type

Private _____

Public _____

21. Sewage Disposal Type

Private _____

Public _____

20. Additional Permits, Approvals and Inspections Required:

_____ Internal Plumbing

_____ Septic/HHE 200

_____ D.E.P.

_____ E.P.A.

_____ Road Opening

_____ Local

_____ State

_____ Alarm Permit

_____ Occupancy Permit

_____ Other _____

PROPERTY INFORMATION

22. Shoreland Zoning Frontage _____ ft.

Road Frontage _____ ft.

_____ Non Conforming

24. Setbacks

Front (lakeside) _____ Side _____ Rear _____

_____ Non Conforming

26. Lot size (either in sq. ft. or acres)

_____ Non Conforming

28. Total sq. ft. of all buildings for Non Shoreland zoned properties:

Present _____

Proposed _____

Is there more than one use existing on the property? Yes _____ No _____

Use: _____

Non Conforming

25. How many dwelling units are presently on the lot?

27. Total sq. ft. of all buildings and lot coverage (in percentage) for shoreland zone properties: (See Section 15.B.4 of the Town of Bridgton Shoreland Zoning Ordinance) _____

29. Total sq. ft. of all buildings for shoreland zoned properties:

Present _____ Proposed _____

Zone % _____

Building permits do not include plumbing, septic or commercial electric work. Building permits are valid for ONE year. Any false information may invalidate a building permit and stop all work. An Occupancy Permit will not be issued until a final inspection has been performed.

W. Gail Chalmers
Applicant

9/8/2021
Date

BRIDGTON

No. # 154.21

BUILDING

Price \$ 51.-

PERMIT

This is to certify that H. Gail Chalken
has permission to revised shed permit from 10x11
to 20x20

at 43 Grovers Way
provided that the person or persons, firm or corporation accepting this permit shall comply with
all of the provisions of the Statutes of Maine and the ordinances of the Town of Bridgton
regulating the construction, maintenance and use of buildings and structures, and of the
application on file in the Town of Bridgton Complex.

Subsurface Waste Disposal System

☐ 1st Date _____

☐ 2nd Date _____

☐ Interior Plumbing Date _____

☐ Foundation Inspection Date _____

☐ Framing Inspection Date _____

9-8-21

This Permit Expires 1 Year From Date of Issue

Brendes Day
Code Enforcement Officer

TOWN OF BRIDGTON

MEMO

TO: BOARD OF SELECTMEN
CC: ROBERT A. PEABODY, JR. TOWN MANAGER
FROM: BRENDA DAY, CODE ENFORCEMENT OFFICER
RE: 34 Aspen Drive, Map 12 lot 58-8
DATE: September 8, 2021

Please see the attached Consent Agreement. R & R Investments, LLC has agreed to the following:

1. pay \$11,000 within 14 days of the effective date of this agreement
2. reimburse the Town all costs and attorneys' fees incurred by the Town in Connection with resolution of this agreement. not to exceed \$6100.00
3. Reimburse to the Town its costs and attorney fees in the event of an appeal.

IN THE MATTER OF

R & R INVESTMENTS, LLC)	
34 ASPEN DRIVE)	ADMINISTRATIVE CONSENT AGREEMENT
BRIDGTON, MAINE)	

THIS AGREEMENT is entered into this ____ day of _____, 2021 (the "Effective Date") by and between R & R INVESTMENTS, LLC (hereafter, the "Homeowner") of 20 Brewster Circle, Bridgton, Maine 04009, for itself, its heirs, successors and assigns, and the TOWN OF BRIDGTON, a municipal corporation located in Cumberland County in the State of Maine, acting by and through its Select Board (hereafter, the "Town") (collectively, the "Parties").

RECITALS

WHEREAS, the Homeowner and the Town each stipulates to the following facts:

1. The Homeowner is the owner of certain real property located at 34 Aspen Drive, Bridgton, Maine, being generally identified as lot 58-8 on the Town Tax Map 12, and more particularly described by a deed recorded in the Cumberland County Registry of Deeds in Book 35502, Page 312 (the "Property").
2. The Property is located within Phase II of the Pleasant View Estates Subdivision (the "Subdivision"), and is depicted as lot 8 on the final approved plans for the Subdivision, which are recorded in Cumberland County Registry of Deeds in Plan Book 208, Page 482 ("Subdivision Plan").
3. The Subdivision was originally approved by the Town's Planning Board on November 4, 2008. Each lot within the Subdivision, including lot 8, contains meadow buffers zones ("Meadow Buffer"), the locations of which are depicted upon the Subdivision Plan.
4. The Subdivision Plan prohibits any buildings or structures from being constructed, or maintained, within the Meadow Buffer.
5. The Declaration of Common Easements and Protective Covenants that applies to, and binds, lot owners within the Subdivision ("Declaration")¹ provides that "[n]o buildings or other structures shall be maintained within [the] Meadow Buffer Zones on any lot."

¹ The Declaration is recorded in the Cumberland County Registry of Deeds in Book 27582, Page 254.

6. On August 22, 2019, the Town issued the Homeowner a building permit to construct a single family residence on the Property ("Permit"). The Permit provided that "the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and the Ordinance of the Town of Bridgton regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the Town of Bridgton Complex."
7. The Homeowner completed construction of a single-family dwelling (the "Structure") in 2020, and subsequently placed the Property on the market for sale.
8. After the Homeowner contracted to sell the Property to a purchaser, the Homeowner discovered that the Structure had been built almost entirely within the Meadow Buffer on the Property.
9. The Structure's location on the Property violates the Subdivision Plan and the Planning Board's approval of said Subdivision Plan, which is subject to the enforcement provisions of 30-A M.R.S. §§ 4406 and 4452, and the Declarations that apply to the Subdivision.
10. The Homeowner acknowledges and agrees that constructing and maintaining the Structure within the Meadow Buffer is in contravention of the Subdivision Plan, the Planning Board's approval of said Subdivision Plan, and the Declarations that apply to the Subdivision, and, therefore, constitutes a violation of Article XV, Section 3 of the Town of Bridgton Subdivision Regulations and other applicable rules, regulations and ordinances (the "Violations"), and that the Violations have continued since at least February 17, 2020, to this day.
11. The Homeowner wishes to cooperate with the Town, and the Parties have agreed to resolve the Violations in accordance with this voluntary Consent Agreement.

NOW THEREFORE, in consideration of the mutual premises and covenants contained herein, the Parties agree as follows:

1. The Homeowner shall pay to the Town a penalty of \$11,000 within 14 days of the Effective Date of this Agreement. Payment shall be made to the Town of Bridgton, at the Bridgton Town Office, c/o Town Manager Robert Peabody, 3 Chase Street, Suite 1, Bridgton, Maine 04009.
2. In addition to the penalty set forth in Paragraph 1, above, and without limiting the penalties or fines that may accrue as a result of the Homeowner's failure to comply with the terms and conditions of this Agreement, the Homeowner shall reimburse the Town all costs and attorneys' fees incurred by the Town in connection with resolution of this enforcement action and negotiation and finalization of this Agreement. The Homeowner shall pay these costs and fees to the Town at the address listed in Paragraph 1 above, within 14 days of receipt of

an itemized invoice from the Town. The Parties agree that the costs and fees shall be in an amount not to exceed \$ 6,100.

3. Within 30 days of the Effective Date of this Agreement, the Parties agree that the Homeowner shall, if it has not already, submit an application to the Town Planning Board to (a) amend the Subdivision Plan so as to relocate the portion of the Meadow Buffer where the Structure is located to a different location on the Property such that the Structure is no longer located within the Meadow Buffer, and (b) amend the form of Declaration approved by the Town Planning Board to reflect the relocated portion of the Meadow Buffer as depicted on the amended Subdivision Plan, in accordance with the requirements of the Town of Bridgton Subdivision Regulations, as may be amended.
4. Within 30 days of the Town Planning Board's approval of the application to amend the Subdivision Plan and form of Declaration, the Homeowner shall cause the recorded Declaration to be amended so as to conform with form of Declaration approved by the Town Planning Board pursuant to Paragraph 3, above, and record such amendment to the Declaration in the Cumberland County Registry of Deeds.
5. Should a subdivision amendment application not be approved by the Town Planning Board within 90 days of the Effective Date of this Agreement, this Agreement and all obligations arising hereunder, except for the Homeowner's obligations under paragraphs 1 and 2 above which shall survive the termination of this Agreement, shall become void and no party shall have any further obligation to perform. In the event that this Agreement becomes void and the Homeowner performs its surviving obligations pursuant to paragraphs 1 and 2 above, the Town shall refrain from seeking further fines and/or penalties, not including reasonable costs and attorney's fees, in any future enforcement action to remove the violations resulting from the Structure's placement in the Meadow Buffer, as described in paragraph 11 of the Recitals above.
6. Notwithstanding anything contained herein to the contrary, the Homeowner shall reimburse to the Town its costs and attorney's fees, ~~not to exceed \$25,000~~, in the event that an appeal, or an action for equitable relief of any kind, is brought ~~by a third party~~ from the Town Planning Board's decision regarding the Homeowner's proposed amendment to the Subdivision Plan and form of Declaration. The Homeowner shall pay these costs and fees to the Town at the address listed in Paragraph 1, above, within 14 days of an itemized invoice from the Town, which shall be provided to the Homeowner after receipt of a final, non-appealable judgment or consent decree from a court of competent jurisdiction.
7. So long as the Homeowner complies with the terms and conditions of this Agreement, the Town agrees not to institute an enforcement action in the Maine District Court pursuant to Rule 80K of the Maine Rules of Civil Procedure, the Town's applicable ordinances, and 30-A M.R.S. §§ 4406 and 4452, for any fines, penalties or causes of action that the Town may have against the Homeowner from the Violations. Nothing in this paragraph or elsewhere in this Agreement shall limit the Town's rights to enforce other violations and activities that may exist on the Property, and the Parties agree that the Town, by entering this Agreement, is

not waiving or otherwise limiting or relinquishing its land use enforcement authority over any violations or activities other than those specifically described in this Agreement.

8. This Agreement shall be binding on the Homeowner, its heirs and assigns, and it shall be duly recorded by the Homeowner in the Cumberland County Registry of Deeds within thirty (30) days of the date of this Agreement. Proof of the recording must be submitted to the Town Manager within forty-five (45) days of the date of this Agreement.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the Town and the Homeowner have executed this Agreement as of the Effective Date.

HOMEOWNER

Dated

R & R Investments, LLC
By: Steven James
Its: Owner

STATE OF MAINE
CUMBERLAND, ss.

_____, 2021

Then personally appeared before me the above named Steven James and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Notary Public/Attorney at law
Printed Name: _____

TOWN OF BRIDGTON

On August _____, 2021, the Town of Bridgton's Board of Selectmen authorized Town Manager Robert Peabody to enter into this Agreement with the Homeowner.

Dated

Robert Peabody, Town Manager

STATE OF MAINE
CUMBERLAND, ss.

_____, 2021

Then personally appeared before me the above named Robert Peabody and
acknowledged the foregoing instrument to be their free act and deed.

Before me,

Notary Public/Attorney at law

Printed Name: _____

Before me,

Notary Public/Attorney at law

Printed Name: _____

IN THE MATTER OF

R & R INVESTMENTS, LLC 34 ASPEN DRIVE BRIDGTON, MAINE)))	ADMINISTRATIVE CONSENT AGREEMENT
--	-------------	---

THIS AGREEMENT is entered into this ____ day of _____, 2021 (the "Effective Date") by and between R & R INVESTMENTS, LLC (hereafter, the "Homeowner") of 20 Brewster Circle, Bridgton, Maine 04009, for itself, its heirs, successors and assigns, and the TOWN OF BRIDGTON, a municipal corporation located in Cumberland County in the State of Maine, acting by and through its Select Board (hereafter, the "Town") (collectively, the "Parties").

RECITALS

WHEREAS, the Homeowner and the Town each stipulates to the following facts:

1. The Homeowner is the owner of certain real property located at 34 Aspen Drive, Bridgton, Maine, being generally identified as lot 58-8 on the Town Tax Map 12, and more particularly described by a deed recorded in the Cumberland County Registry of Deeds in Book 35502, Page 312 (the "Property").
2. The Property is located within Phase II of the Pleasant View Estates Subdivision (the "Subdivision"), and is depicted as lot 8 on the final approved plans for the Subdivision, which are recorded in Cumberland County Registry of Deeds in Plan Book 208, Page 482 ("Subdivision Plan").
3. The Subdivision was originally approved by the Town's Planning Board on November 4, 2008. Each lot within the Subdivision, including lot 8, contains meadow buffers zones ("Meadow Buffer"), the locations of which are depicted upon the Subdivision Plan.
4. The Subdivision Plan prohibits any buildings or structures from being constructed, or maintained, within the Meadow Buffer.
5. The Declaration of Common Easements and Protective Covenants that applies to, and binds, lot owners within the Subdivision ("Declaration")¹ provides that "[n]o buildings or other structures shall be maintained within [the] Meadow Buffer Zones on any lot."

¹ The Declaration is recorded in the Cumberland County Registry of Deeds in Book 27582, Page 254.

6. On August 22, 2019, the Town issued the Homeowner a building permit to construct a single family residence on the Property ("Permit"). The Permit provided that "the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and the Ordinance of the Town of Bridgton regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the Town of Bridgton Complex."
7. The Homeowner completed construction of a single-family dwelling (the "Structure") in 2020, and subsequently placed the Property on the market for sale.
8. After the Homeowner contracted to sell the Property to a purchaser, the Homeowner discovered that the Structure had been built almost entirely within the Meadow Buffer on the Property.
9. The Structure's location on the Property violates the Subdivision Plan and the Planning Board's approval of said Subdivision Plan, which is subject to the enforcement provisions of 30-A M.R.S. §§ 4406 and 4452, and the Declarations that apply to the Subdivision.
10. The Homeowner acknowledges and agrees that constructing and maintaining the Structure within the Meadow Buffer is in contravention of the Subdivision Plan, the Planning Board's approval of said Subdivision Plan, and the Declarations that apply to the Subdivision, and, therefore, constitutes a violation of Article XV, Section 3 of the Town of Bridgton Subdivision Regulations and other applicable rules, regulations and ordinances (the "Violations"), and that the Violations have continued since at least February 17, 2020, to this day.
11. The Homeowner wishes to cooperate with the Town, and the Parties have agreed to resolve the Violations in accordance with this voluntary Consent Agreement.

NOW THEREFORE, in consideration of the mutual premises and covenants contained herein, the Parties agree as follows:

1. The Homeowner shall pay to the Town a penalty of \$11,000 within 14 days of the Effective Date of this Agreement. Payment shall be made to the Town of Bridgton, at the Bridgton Town Office, c/o Town Manager Robert Peabody, 3 Chase Street, Suite 1, Bridgton, Maine 04009.
2. In addition to the penalty set forth in Paragraph 1, above, and without limiting the penalties or fines that may accrue as a result of the Homeowner's failure to comply with the terms and conditions of this Agreement, the Homeowner shall reimburse the Town all costs and attorneys' fees incurred by the Town in connection with resolution of this enforcement action and negotiation and finalization of this Agreement. The Homeowner shall pay these costs and fees to the Town at the address listed in Paragraph 1 above, within 14 days of receipt of

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[SIGNATURE PAGES FOLLOW]

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Dated

R & R Investments, LLC
By: Steven James
Its: Owner

STATE OF MAINE
CUMBERLAND, ss.

_____, 2021

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Before me,

Notary Public/Attorney at law
Printed Name: _____

TOWN OF BRIDGTON

On August _____, 2021, the Town of Bridgton's Board of Selectmen authorized Town Manager Robert Peabody to enter into this Agreement with the Homeowner.

Dated

Robert Peabody, Town Manager

STATE OF MAINE
CUMBERLAND, ss.

_____, 2021

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acknowledged the foregoing instrument to be their free act and deed.

Before me,

Notary Public/Attorney at law

Printed Name: _____

Before me,

Notary Public/Attorney at law

Printed Name: _____

September 7th, 2021

Memo: Park and Trail Project Updates

To: Bridgton Board of Selectmen

Pondicherry Park

Goals of Pondicherry Park Trail Upgrades

- Improve accessibility of main trail per recommendations in 2012 Management Plan
 - Upgrade bridges to culverts, upgrade surface material to screened gravel
- Improve access for DPW to the Park for maintenance, including access for new tractor
- Address decamping Board walks throughout rest of park
- Total Budget Estimate: \$115,000 (to paid for in grants and donations)

Accomplished so far:

- Summer 2021 – LElt staff and volunteers replaced 22 boardwalks in the Park with cedar bridging. In our experience elsewhere, this design has life span of 10-20 years.

Remaining:

- LElt has offered to manage all aspects of fundraising. Implementation to be coordinated between LElt staff and Bridgton DPW
- No cost to tax payers for project activities
- Re-applying for 2022 Recreational Trails Program (publicly funded grant program), grant application due at end of September. Grant request will be for \$50,000. Program has significantly more funding available from DOT then last year. The Pondicherry Project was used as the main example of a project that wasn't funded, but should have been, to persuade DOT to release more funds.
- *Letter of Support from Board of Selectman will significantly increase chances of success.*
- Approximately \$30,000 already secured through in-kind or cash donations.
- Additional grant applications to Ham Foundation and Quimby Foundation in early 2022
- Opportunity for Town to apply for Land and Water Conservation Funding in spring 2022 to fill budget gaps. If Town wishes, LElt can write grant on behalf of town. Casco used LWCF funding in 2021 to build accessible trail on town-owned property.
- Because of location at confluence of two streams, archeological survey is required by Maine Historic Preservation Commission. LElt will pay these costs – opportunities for collaboration with Stevens Brook School if a full survey is required.
- Earliest the project will be shovel-ready is summer 2022.

Town Farm Brook Trail

- LElt proposes to build, manage, and maintain foot path loop originating from Foster Pond Trail at Bald Pate Mountain Preserve (LElt-owned), leading to undeveloped shoreline of Foster Pond on town property, and looping back to LElt land. Trail would leave LElt property and cross town-owned property until reaching Foster Pond and then crossing back over to LElt property. LElt would accept written acknowledgement of sole responsibility to build and manage trail, at no cost to Town.

September 14th, 2021

Recreation Trails Program Review Committee
Grants and Community Recreation Program
124 State House Station
Augusta, Maine 04333

Dear Recreational Trails Program Review Committee,

On behalf of the Town of Bridgton, we are writing in support of funding from the Recreation Trails Program for the Pondicherry Park Trail Maintenance and Upgrade Project. Pondicherry Park is a 66-acre forest park in the center of downtown Bridgton, owned by the Town of Bridgton. Beloved by the residents and visitors for its convenient location in the center of the village, connections to facilities like Bridgton Hospital and Lake Environmental Association's Lake Science Center, the park is home to over 3 miles of walking trails that range in levels of difficulty and accessibility.

Currently, the main entrance to the Park from the public parking area on Depot Street is accessible for individuals with a broad range of abilities, including those who use wheeled mobility devices. The Bob Dunning Memorial Bridge, which leads visitors in to the Park, was designed with a grade and width to meet ADA standards. After the Bridge however, the Park's trail system, which follows the meandering Stevens Brook, is not suitable for a broad range of abilities given a natural surface of roots and rocks, and multiple board walk crossings that are either too narrow or lack a threshold to accommodate many mobility devices.

The Park's management plan, adopted by the town in 2012, specifically recommends that "ADA compliant surfacing be installed on the trails that follow the brooks to allow for wheelchairs and mobility devices." The Park currently hosts many thousands of visitors annually. It has become an iconic destination for individuals from far and wide to enjoy a peaceful hike in the park, followed by patronage at the adjacent downtown business district. The Park is a unique natural asset that serves the needs of many. The goal of this project is to serve the needs of more people, and make access to this community space more equitable.

In addition, the trail upgrades and surface improvements will provide easier access for the town's employees to maintain the infrastructure in the park. The upgraded trail will enable access for maintenance equipment, like a small tractor, into the Park. Currently, access for this equipment is not possible.

We fully support this proposal and encourage you to give it the highest possible consideration.

Sincerely,

The Bridgton Board of Selectmen

Carmen Lone, Chair

Glenn Zaidman

Fred Packard

Paul Tworog

Robert Mchatton

Laurie Chadbourne

From: Sally & Jon <beepbeep207@roadrunner.com>
Sent: Tuesday, August 24, 2021 7:16 PM
To: Laurie Chadbourne
Cc: Donna Joss; Kate Fitzcharles; Maddie Acosta; Maureen McDevitt; Rachel Miller; Therese Johnson
Subject: Re: recycling committee proposal

Hi Laurie,

Yes, we will be available to attend the Board Meeting on Sept. 14th.
Sally

From: Laurie Chadbourne
Sent: Tuesday, August 24, 2021 2:55 PM
To: Sally & Jon
Cc: Donna Joss ; Kate Fitzcharles ; Maddie Acosta ; Maureen McDevitt ; Rachel Miller ; Therese Johnson
Subject: RE: recycling committee proposal

Hi Sally,

Notification that you will not be attending the Board Meeting tonight was received. Would you be available to attend the Board Meeting on September 14th to discuss how the Select Board would like the Committee to move forward?

Thank you,
Laurie

From: Sally & Jon <beepbeep207@roadrunner.com>
Sent: Monday, August 23, 2021 3:46 PM
To: Laurie Chadbourne <lchadbourn@bridgtonmaine.org>
Cc: Donna Joss <djoss@worcester.edu>; Kate Fitzcharles <katefitzcharles@gmail.com>; Maddie Acosta <maddie@wazi.com>; Maureen McDevitt <mmcd1952@gmail.com>; Rachel Miller <rcm273@gmail.com>; Therese Johnson <johnson479@roadrunner.com>
Subject: recycling committee proposal

Hi Laurie,

Would you please let the Selectboard know that I will be attending the meeting tomorrow (August 24, 2021) as part of committee reports (or public participation) to propose a Pay As You Throw ordinance to be voted on this November? Thank you.

Sally Chappell

Town of Bridgton
Office of the Community Development Director
MEMORANDUM

To: Select Board
From: Linda LaCroix, Community Development Director
RE: Lake Region Future Community Leaders Project
Date: 8/24/2021

Dear Select Board,

Victoria Hill will speak to the Board at the September 14, 2021 meeting about the above-named project under the CDAC. We propose to carry out the effort under an informal working group, but may come before the Board in the future to propose a leadership committee.

An introduction to the effort from Victoria Hill who will be taking the lead:

The CDAC is looking to get youth voices at that table. We would like to propose a project we call the Lake Region Future Community Leaders, and recruit Lake Region junior/senior age youth to join our efforts! Please see the attachment: CDAC Scope of Project.

Thank you.

Attached are a number of related documents.

Respectfully,
Linda

Community Development Advisory Committee (CDAC) Youth Engagement Proposal:

Lake Region Future Community Leaders

The CDAC is looking to get youth voice at that table. We would like to recruit Lake Region junior/senior age youth to join our efforts by forming the Lake Region Future Community Leaders.

Scope:

- Use guidance from Maine Youth Action Network (MYAN) <https://www.myan.org/about/> to build a program for high school juniors and seniors to lead their own community project
- Time commitment would be small (a couple hours/week and as flexible as possible to fit in each young person's existing schedule) and a small stipend from MYAN would be offered for their commitment. Right now, our stipend looks like \$50 quarterly (\$150 for the school year). We would like to increase this if MYAN allows.
- 3 - 5 Lake Region High students will meet weekly, biweekly, or monthly with 1 - 2 CDAC members at Lake Region High, via Zoom, or possibly at Bridgton Community Center. These 1 - 2 CDAC members would act as liaisons to the rest of the committee, and help guide the Future Community Leaders through their projects
- Students will be invited to present their project idea to the board of selectmen or the CDAC to learn about municipal government processes
- Students will also be invited to attend at least one CDAC meeting
- Near the end of the school year – students can create a presentation, news article, photo/voice project, or written report to share with CDAC and local media outlets

Project examples:

- Mental health survey for peers (example attached to email sent)
- Survey of amenities they would like to see in Bridgton for youth
- Study of what has helped students stay connected during the pandemic
- Perform a study/survey selected by the Town of Bridgton
- Collaboration with environmental group: identify public lands they find important (partner with rec department and survey younger students as well)
- Open to suggestions!

LAKE REGION JUNIORS & SENIORS, BRIDGTON WANTS TO HEAR YOUR VOICE JOIN THE FUTURE COMMUNITY LEADERS

The Town of Bridgton in partnership with the Community Development Advisory Committee is offering a unique opportunity to elevate youth voice in municipal government!

Your participation includes:

→ A community project lead by YOU

→ A great way to build your resume!

→ Guided monthly meetings

→ Hands-on experience working with municipal government

→ A stipend up to \$150

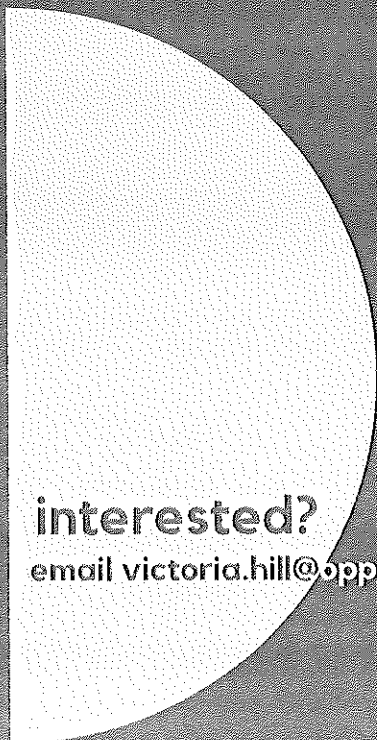
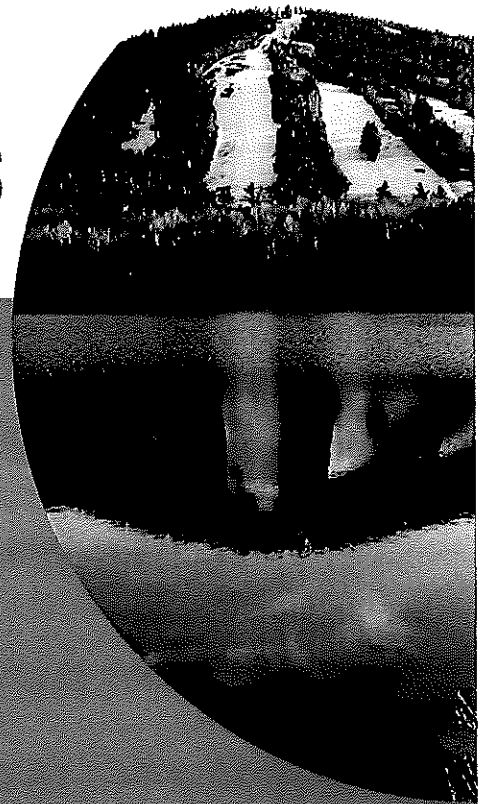
interested?

email victoria.hill@opportunityalliance.org

*Let's always
BRIDGTON*

The
Opportunity
Alliance

MYAN
Maine Youth Action Network



Maine Youth Action
Network --
Opportunity Alliance

Cumberland County
Youth Policy Board

2019-20 Mental Health
Project Report

GETTING A GAUGE ON MENTAL HEALTH IN CUMBERLAND COUNTY

RECOMMENDATIONS OF
MYAN'S CUMBERLAND
COUNTY YOUTH POLICY
BOARD

WILL FOURNIER, ALEXIS USHER, VIOLET
WILSON-WOOD, CIERRA GROVER, JENNA
PARKER, VANESSA DEHART, CONOR WOLFF,
CAMDEN OLSEN, MYA GRANT, AND MADELYN
COTE. AIDED BY KAI MORLEY (ADVISOR), AND
CHELSEA MANCINI (FORMER ADVISOR).

GETTING A GAUGE ON MENTAL HEALTH IN CUMBERLAND COUNTY

INTRODUCTION AND BACKGROUND

We are the Cumberland County Youth Policy Board (CCYPB), a group of high school-aged students that focuses on topics that are cared about by and affect the youth peoples in our community. Such topics include mental health, racism and bias, school atmosphere, and much more. In August 2019, we presented to the DCC (District Coordinating Council) about the effects of racial discrimination on the mental health of students. Our overall intent is to directly confront these problems, and provide aid using research methods. We have recently been meeting about twice a month via zoom due to the CoronaVirus. During these zoom calls, we have talked about topics we feel need to be addressed and that are important to us. To be more specific we have highlighted ideas such as racism, school climate/resources, and mental health.

Our group was first formed in the fall of 2018 originally coming to the census through a community survey to focus on racism and its effects in our county. After a an open group discussion and collecting data through surveys we wanted to emphasize our focus on its effects in non-diverse situations (along the stigma that comes along with this). However earlier this school year (late 2019), after a successful research initiative on racism's effect on mental health, our group collectively decided to broaden our scope to the mental health of our county.

To gain a gauge on said topic, we do research in order to figure out how we, as a group, can spread awareness to them. This research can and has looked many ways for us. For example surveys, focus groups with students, focus groups with adults, personal experiences, etc... As CoronaVirus became a more prominent issue in Maine we weren't able to partake in as many focus groups and direct dialogue as we were hoping to, however, we were able to push out a successful survey.

"We want to make a change in any way that we can so that everyone can feel safe and happy in the community that we live in" - CCYPB Member

ABOUT THE SURVEY

Originally released in January of 2020, with a second push in February, our survey has a total of 92 responses, all from Cumberland County. Over 80% of the respondents were Sophomores, with upwards of 90% being from the Freeport area. Take a look at the responses on the next page ...

GETTING A GAUGE ON MENTAL HEALTH IN CUMBERLAND COUNTY

SURVEY RESULTS

Question One (Open-ended): What are some of the ways you or someone around you has coped with, stress, anxiety, depression, etc...

Most common responses-

- Physical outlets such as music, drawing, instruments, singing, games, exercise, etc

"I like to read or play a card / board game to calm myself down or feel less stressed."

- Talking to a trusted person. Friends, adults, teachers, therapists, etc....

Question Two (Open-ended): How does stress, anxiety, depression, etc., affect your daily life

Most common responses-

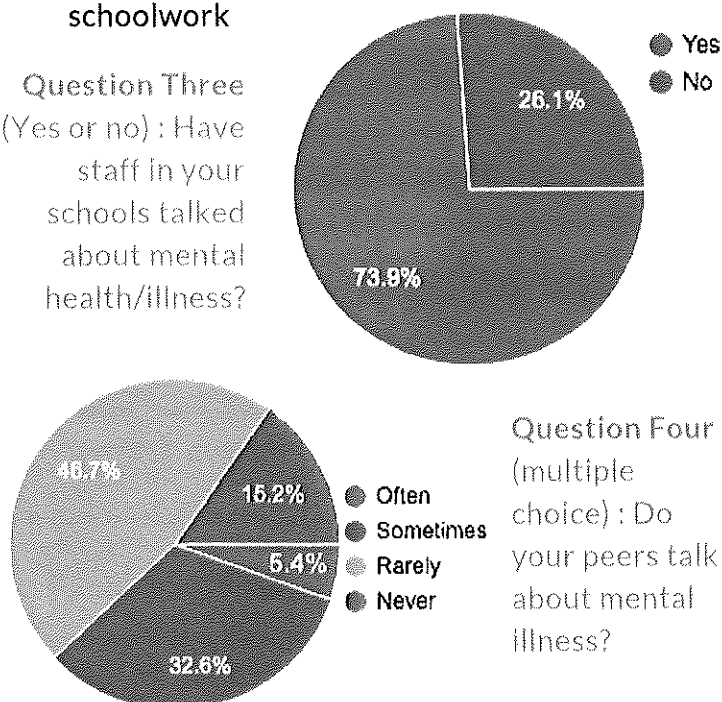
- School work makes students feel overwhelmed

"Stress from school makes me freak out about what I have to get done"

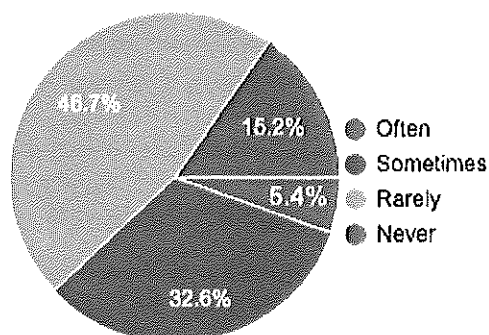
- A LOT of responses talking about diagnosed anxiety, depression, etc...

- Can't focus, or dedicate time to events or schoolwork

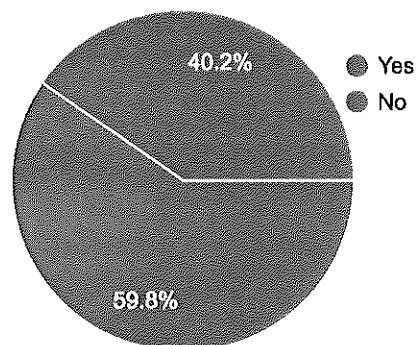
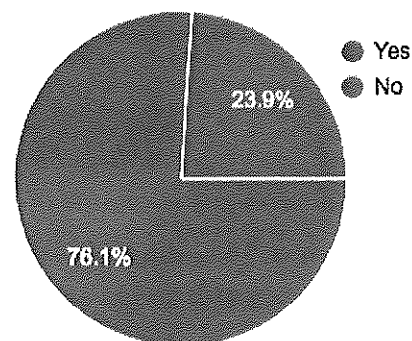
Question Three (Yes or no): Have staff in your schools talked about mental health/illness?



Question Four (multiple choice): Do your peers talk about mental illness?



Question Five (Yes or no): Do you think students know where to get help in your school?



Question Six (Yes or no): Do you think school resources are helpful?

Question Seven (Open-ended): How do you think school resources could be improved?

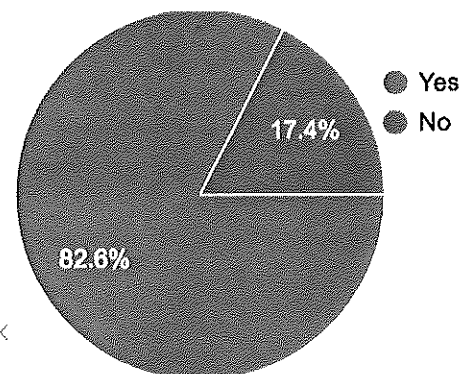
Most common responses-

- More access to the social workers and expose them more to the student body

"More accessible, people are often scared to go ask for help"

- Provide more hotlines and self initiative resources (phone number and websites)
- Have trained staff reach out as some students are too afraid to do so themselves.

Question Eight (Yes or no): If a peer was struggling with mental health related issues would you feel comfortable/would you know how to talk to/help them?



GETTING A GAUGE ON MENTAL HEALTH IN CUMBERLAND COUNTY

RECOMMENDATIONS

What Are Recommendations?

Before we dive into the interpretations of our data, we think it's important everyone has a clear understanding of what we mean by a "recommendation". To begin, yes, it's a strong suggestion made by our group, however it also provides aid and possibly a solution to a certain issue. When creating our recommendations we take the overall issues and major problems that become apparent through our research, and then create a suggestion (recommendation) on how schools, administration, local, and even state authorities can help to fight this issue. In sum, it's a policy or policy guideline that we as a group physically did all the work to create as well as back up, that we are giving to rule makers in hopes of them integrating them into their systems.

Our Three Recommendations

1) Normalizing mental health conversations which could include having a more open dialogue around mental health issues and topics in class

- A day or time dedicated to mental health talks and education
- Longer curriculum for mental health in health classes
- Using advisories or homeroom periods to normalize emotional check-ins (high and lows of the week, teaching coping techniques)

Notes: *Copping for anxiety, stress, and depression*

Recommendation intended for BOTH school climate (social aspects) and school-work (education aspects)

2) More education for teachers and staff about youth mental health

- All teachers participate in mental health training, not just health teachers
- Participating in and demonstrating coping exercises in schools ^
- Making accommodations for students with mental health needs
- Learning what causes students the most anxiety and stress (i.e. what specific aspects of school)

3) Making mental health resources more accessible

- Have the school send out a list of resources available at their school (newsletter, email, etc..)
- Along with making guidance councilors and social workers more visible and well known (making announcements, sending an email, newsletter, etc...)

- Providing hotlines to students (via email, newsletter, posters, bathroom magnets, etc...)

NAMI Hotline: 1-800-464-5767 (Press 1) // Suicide Prevention: 1-800-273-8255 // The Maine Crisis Hotline: 1-888-568-1112 or 711 // etc..

We present these recommendations in hope that you will include them or push for an inclusion within your systems.

Any concerns or feedback contact Kai Morley (they/them): kai.morley@oportunityalliance.org

Laurie Chadbourne

From: Laurie Chadbourne
Sent: Thursday, August 26, 2021 1:09 PM
To: Bridgton News
Subject: public hearing ad

TOWN OF BRIDGTON
Municipal Officers' Notice of Informational Hearing

The Municipal Officers of the Town of Bridgton will hold a Public Hearing at 5:30 P.M. on Tuesday, September 14, 2021 in the Downstairs Meeting Room located at 10 Iredale Street, in Bridgton to hear public comments on the annual adoption of the Maine Municipal Association Local General Assistance Ordinance and Appendices A through H for the period of October 1, 2021 – September 30, 2022.

Please run in the Bridgton News on September 2nd.

Kindly confirm receipt.
Thank you,
Laurie

Laurie L. Chadbourne, Town Clerk
Town of Bridgton
3 Chase Street, Suite 1
Bridgton, ME 04009
Voice (207) 647-8786 Fax (207) 647-8789
www.bridgtonmaine.org

[For use when adopting a new version of the GA ordinance or amending the body of the ordinance – not solely adoption of updated appendices]

MUNICIPALITY OF BRIDGTON
GENERAL ASSISTANCE ORDINANCE

Pursuant to 22 M.R.S. § 4305(1), the municipal officers of the Municipality of
Bridgton _____, after notice and hearing, hereby enact the attached General
Assistance Ordinance with appendices in its entirety. This Ordinance shall supercede and
replace all previous Ordinance versions. A copy of this Ordinance will be filed with the Maine
Department of Health & Human Services (DHHS) pursuant to 22 M.R.S. § 4305(4), and shall be
available for public inspection at the municipal office along with a copy of 22 M.R.S. chapter
1161.

Signed this 14th day of September, 2021, by the municipal officers:

<u>Carmen E. Lone, Chairman</u>	
(Print Name)	(Signature)
<u>Glenn R. Zaidman, Vice-Chairman</u>	
(Print Name)	(Signature)
<u>Robert J. McHatton, Sr.</u>	
(Print Name)	(Signature)
<u>Paul A. Tworog</u>	
(Print Name)	(Signature)
<u>G. Frederick Packard</u>	
(Print Name)	(Signature)

[Send a copy of the enactment page and ordinance to DHHS, 109 Capitol Street, SHS 11, Augusta, ME 04330-0011]

GENERAL ASSISTANCE ORDINANCE



**Prepared by Maine Municipal Association
August 2021**

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ARTICLE I

Statement of Policy

The Municipality of _____ administers a general assistance ("GA") program available to all persons who are eligible pursuant to the standards provided in this ordinance, state law (22 M.R.S. § § 4301 – 4326), and Department of Health and Human Services (DHHS) regulations.

The program will make every effort to recognize the dignity of applicants while helping eligible persons achieve self-maintenance by promoting the work incentive. When possible, the program will connect recipients with rehabilitative, preventive and protective services to alleviate non-financial needs. The GA program will not place unreasonable restrictions on the personal rights of applicants or recipients, nor will it discriminate based on sex, age, race, nationality, religion, sexual orientation or disability. The municipality is committed to including qualified individuals with disabilities in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the GA program are encouraged to contact the municipality to make an accommodation request.

The Administrator will act promptly on all applications for assistance and requests for fair hearings, and will provide GA applicants with information regarding their rights and responsibilities under the program. Within 24 hours after receipt of an application, the Administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The Administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is

submitted except when the Administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment (*see Ordinance § 5.6*).

The Administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law. 22 M.R.S. § 4306.

The Administrator will post notice stating the day(s) and hours the Administrator will be available. The Administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be available to any member of the public upon request. Notice to this effect will be posted.

ARTICLE II

Definitions

Section 2.1—Common Meaning of Words

Unless otherwise apparent or defined, all words in this ordinance will have their common meaning.

Section 2.2—Special Definitions

Administrator. See “General Assistance Administrator,” below.

Applicant. A person who has submitted an application for GA directly or through an authorized representative, or who has, in an emergency, requested assistance without first completing an application. All persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form. A standardized form used by the Administrator to allow a person to apply for GA benefits. The application form also confirms that a person has made an application. The application form is not complete unless signed by the applicant.

Basic Necessities. Food, clothing, shelter, fuel, electricity, potable water, non-elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical or work related reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality.

“Basic necessities” do not include:

- Phone bills
- Cable or satellite dish television
- Mail orders
- Vehicle payments
- Credit card debt**

- Furniture
- Loan re-payments**
- Cigarettes
- Alcohol
- Pet care costs
- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property (except when no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full) (22 M.R.S. § 4301(1)).

**Repayments of loans or credit will be treated as having been spent on basic necessities when the applicant can provide verification of this fact.

Case Record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions and types and amounts of assistance provided; records concerning an applicant's request for fair hearing; and fair hearing decisions.

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant's deficit is the appropriate overall maximum level of assistance for the household (see Ordinance § 6.8) less the household income (calculated pursuant to Ordinance § 6.7), provided that this calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled Person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Dwelling Unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit (22 M.R.S. § 4301(2)).

Eligible Person. A person who is qualified to receive GA benefits from the municipality according to the eligibility standards in this Ordinance, Maine law (22 M.R.S. ch. 1161), and DHHS regulations (10-144 C.M.R. ch. 323). If otherwise qualified, "Eligible Person" includes U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1)-(3); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for non-citizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. "Eligible Person" does not include a fugitive from justice as defined in 15 M.R.S. § 201(4).

Emergency. Any life threatening situation, or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. At the municipality's option, it includes a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S. § § 4301(4), 4308(2), 4310).

General Assistance ("GA") Program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A GA program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not lessen the municipality's responsibility to provide GA benefits to a person each time that the person is in need and is found to be eligible to receive GA (22 M.R.S. § 4301(5)).

General Assistance ("GA") benefits. Benefits provided to a person through the GA program.

General Assistance Administrator (“Administrator”). A municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. He or she may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker (22 M.R.S. § 4301(12)).

Homelessness. “Homelessness” means a situation in which a person or household is: (a) living in a place that is not fit for human habitation; (b) living in an emergency shelter; (c) living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; (d) exiting a hospital or institution licensed under 22 M.R.S. ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; (e) losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or (f) fleeing or attempting to flee violence and has no other residence.

Household. “Household” means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable shall be considered as available to the applicant only when there is a pooling of income (22 M.R.S. § 4301(6)).

Income. “Income” means any form of income in cash or in kind received by the household including:

- Net remuneration for services performed;
- Cash received on either secured or unsecured credit;
- Payments received as an annuity, retirement or disability benefits;
- Veterans' pensions and/or benefits;
- Retirement accounts or benefits;
- Workers' compensation payments;
- Unemployment benefits;
- Federal and/or state tax returns;
- Income from pension or trust funds;
- Student loans;
- Benefits under any state or federal categorical assistance program such as, TANF, Supplemental Security Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation);
- Court ordered support payments (e.g., child support);
- Household income from any other source, including relatives or unrelated household members; and
- Rental income.

The following items will not be considered as income or assets that must be liquidated for the purposes of deriving income:

- 1) Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- 2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or
- 3) Earned income of children below the age of 18 years who are full-time students and who are not working full time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality (22 M.R.S. § 4301(7)).

- 4) Benefits received pursuant to public benefit programs that are specifically exempt from being counted as income for purposes of GA. These programs include:
- Food Stamps (7 USC § 2017(b))
 - Li-Heap (42 USC § 8624)
 - Family Development Accounts (22 M.R.S. § 3762)
 - Americorp VISTA program benefits (42 USC § 5044 (f))
 - Property tax rebates issued under the Maine Property Tax Fairness Credit program, but only if the money is spent on basic necessities. (22 M.R.S. § 4301(7))
 - Aspire Support Service Payments (10-144 CMR Chapter 323)

Initial Applicant. A person who has not previously applied for GA assistance in this or any other municipality.

Just Cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing (22 M.R.S. § § 4301(8), 4316-A(5)).

Lump Sum Payment. A one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after required deductions have been taken from the gross lump sum payment. A lump sum payment does not include conversion of a non-liquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 M.R.S. § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's GA eligibility, and which would, if disclosed to the

Administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum Levels of Assistance. The amount of financial assistance for a commodity or service as established in Ordinance § 6.8 or the actual cost of any such basic necessity, whichever is less.

Misconduct. For purposes of the GA work requirement (22 M.R.S. § 4316-A) misconduct shall have the same meaning as “misconduct” in 26 M.R.S. § 1043(23). *(See Ordinance Appendix I)*. Generally, misconduct occurs when an employee violates his or her obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer’s interest may also be found guilty of misconduct.

Municipality. Any city, town or plantation administering a GA program.

Municipality of Responsibility. The municipality which is financially liable for the support of an eligible person at the time of application (22 M.R.S. § § 4301(9), 4307).

Need. The condition whereby a person’s income, money, property, credit, assets or other resources available to provide basic necessities for the individual and the individual’s family are less than the maximum levels of assistance (22 M.R.S. § § 4301(10), 4308).

Net General Assistance Costs. Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the GA program (22 M.R.S. § § 4301(11), 4311).

Period of Eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided; however, in no event shall this period extend beyond one month (22 M.R.S. § 4309(1)).

Pooling of Income. "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. This ordinance establishes a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who request that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Real Estate. Any land, buildings, homes, mobile homes and any other things affixed to the land (22 M.R.S. § 4301(13)).

Recipient. A person who has applied for and is currently receiving GA.

Recovery Residence. Recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder. 5 M.R.S. § 20003(19-D).

Registered Domestic Partner. An individual registered as the domestic partner of the applicant pursuant to 22 M.R.S. § 2710.

Repeat Applicants. All applicants for GA benefits that are not initial applicants are repeat applicants. For purposes of this ordinance "repeat" and "subsequent" shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he/she is eligible, until he/she establishes a new residence in another municipality (22 M.R.S. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for GA. There are two kinds of resources: “available” and “potential”. Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Potential resources include, but are not limited to, state or federal assistance programs, employment benefits, governmental or private pension programs, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual (22 M.R.S. § 4317). Potential resources include the TANF (previously known as AFDC) program, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the Administrator a minimum balance required by a financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

The Administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities; however, eligibility for GA benefits shall not be based or conditioned on the use of a private charitable resource(s).

30-Day Need. An applicant’s 30-day need is the sum of the household’s prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household’s actual 30-day cost for the basic necessity or the maximum

30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unforeseen Repeat Applicants. A repeat applicant who has not applied for assistance within the last twelve months and who has been regularly employed or receiving support from a public benefit program or private source and who has unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need. An applicant's unmet need is the household's 30-day need (established by Ordinance § 6.6) less the household income (calculated pursuant to Ordinance § 6.7), provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Work Requirements. Work requirements are obligations the Administrator places on applicants as directed and/or authorized by 22 M.R.S. § 4316-A to the extent such obligations (1) ensure a continuing potential eligibility for GA when complied with, (2) result in ineligibility when violated, and (3) are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III

Administrative Rules and Regulations

Section 3.1—Confidentiality of Information

Case records and all other information relating to a GA applicant or recipient are confidential and will not be disclosed to the general public. (22 M.R.S. § 4306).

Release of Information. Applicants, recipients and their legal representatives have the right to review their case records. No record will be released to a third party unless the Administrator receives a signed consent form in which the applicant expressly authorizes the release of his or her records to the specified parties. Whenever the Administrator releases any information, he/she will make a notation in the applicant's file stating to whom the record was released and the date. The Administrator may charge a reasonable fee for reproduction of records.

Information from Other Sources; Penalty. Information concerning an applicant or recipient furnished to the municipality by DHHS or any other agency or institution pursuant to 22 M.R.S. § 4314, is confidential. The Administrator will also comply with laws requiring confidentiality of vital statistic records such birth, marriage and death records. (22 M.R.S. § 2706).

Any representative of a financial institution or any employer of a GA applicant who, upon receipt of a written release signed by the depositor /employee and a written request from the Administrator, refuses to provide necessary information to the Administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. National banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named

depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the Administrator commits a Class E crime (22 M.R.S. § § 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense (22 M.R.S. § 42(2)).

Section 3.2—Maintenance of Records

The Administrator will maintain complete and accurate program records (22 M.R.S. § 4306). These records are necessary to: (a) document and account for municipal program expenditures; (b) document and support decisions concerning applicants and recipients; and (c) ensure relevant information is available for any fair hearing or judicial review of the Administrator's decisions.

Case Records. The Administrator will maintain a separate case record, in paper or digital format, for each applicant or recipient. Each case record will include at least:

- household applications;
- household budget sheets;
- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever GA is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less);
- written decisions;
- requests for fair hearings and the fair hearing authority decisions;
- workfare participation records;
- repayments to the municipality;
- narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in status;

- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information;
- adjustments in aid, and suspension or termination of eligibility;
- physician's documentation;
- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms; and
- vendor forms

Case records will not include information that is irrelevant to the applicant's or recipient's application or the Administrator's decisions.

Retention of Records. GA records shall be retained for at least three full years. The three-year period shall coincide with the state government's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by supervised shredding, burning or an appropriate digital deletion/destruction process. If a recipient's records contain SSI reimbursement forms, the recipient's records should be retained so that the municipality may seek reimbursement.

ARTICLE IV

Application Procedure

Section 4.1—Right to Apply

Who May Apply. Any person may apply for GA. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations (see Ordinance § 4.9) or when the applicant resides at an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents eligible for GA benefits (22 M.R.S. § 4304(3)). In such cases, the Administrator may require a representative to present a signed statement documenting that he/she is authorized to apply on behalf of the named applicant. The applicant or representative must complete a written application and any other forms necessary for the Administrator to determine eligibility (22 M.R.S. § § 4305, 4308). With notice, all members of the household receiving GA may be required to physically present themselves to the Administrator. Note that fugitives from justice are ineligible for GA benefits.

Telephone Applications. When a person has an emergency but is unable to apply in person due to illness, disability, lack of child care, lack of transportation or other good cause, and he/she cannot send an authorized representative, the Administrator will accept an application by telephone. The telephone application is subject to written verification by mail and a visit to the applicant's home with his or her permission (22 M.R.S. § 4304).

Written Application Upon Each Request. Each request for assistance will be administered in accordance with these guidelines, and the Administrator will make an independent determination of eligibility for GA each time a person applies (22 M.R.S. § § 4308, 4309).

Applications Accepted; Posted Notice. Application forms will be available during regular business hours at the municipal office and when the Administrator is conducting interviews with applicants. Completed applications will be accepted and

interviews given only during the regular hours established and posted by the Administrator. In an emergency, however, the Administrator or his or her designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the times and location where people may apply for assistance and contact information for the Administrator available to take emergency applications at all other times. In addition, the posted notice shall state that the municipality must issue a written decision on all applications within 24 hours, and will include the DHHS toll-free telephone number for reporting alleged violations or complaints. (22 M.R.S. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the Administrator will interview each applicant in person before making a decision. Interviews will be conducted in private, although the applicant may be accompanied by a legal representative, friend or family member.

Section 4.3—Contents of the Application

An application must contain the following information:

- a) the applicant's name, address, date of birth, SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
- b) the names, date(s) of birth, and SSN(s) or appropriate USCIS documentation of other household members for whom the applicant seeks assistance;
- c) the total number of individuals living with the applicant;
- d) employment and employability information;
- e) a listing of all household income, resources, assets, and property;
- f) the applicant's household expenses;
- g) the types of assistance requested;
- h) a statement of the penalty for false representation;
- i) the applicant's permission for the Administrator to verify information;

j) the signature of applicant and date.

If an initial applicant is unable to provide identification records (e.g., SSN card/number) because the record may have been lost, stolen or misplaced, the Administrator may allow the initial applicant a reasonable amount of time (e.g., five working days), to obtain copies of identification records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA benefits necessary to cure an immediate and/or emergency need shall not be withheld. In such cases the Administrator may elect to provide a prorated amount of GA (e.g., five days' worth), while the applicant attempts to obtain the required information.

Section 4.4—Administrator's Responsibilities at the Time of the Application

The Administrator will inform all applicants of: (1) their rights and responsibilities; (2) general program requirements for applying for and receiving GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The Administrator will help applicants complete application forms, and inform applicants of any other information or documents necessary to evaluate the applicant's eligibility. The Administrator will fully explain the purpose of any forms consenting to release of the applicant's information and any benefit reimbursement agreements before the Administrator requests the applicant's signature or written authorization.

Eligibility Requirements. The Administrator will inform the applicant, either orally or in writing, of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the reduction in assistance that results from spending household income on non-basic necessities;

- immigration status (see definition of “Eligible Person”); and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The Administrator will inform all applicants of their right to:

- review the municipal GA ordinance and Maine GA statute and regulations;
- apply for assistance;
- receive a written decision concerning eligibility within 24 hours after application;
- confidentiality of the application and other records;
- contact the DHHS with complaints;
- challenge the Administrator's decision by requesting a fair hearing.

Reimbursement/Recovery. The Administrator will inform the applicant/recipient that he/she must reimburse the municipality the amount of GA benefits he/she has been granted if he/she subsequently has the ability to pay. The municipality may also, as appropriate, contact and inform the applicant/recipient's legal representative of the recipient's obligation to repay the municipality.

The municipality may also recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support, such as a spouse, or the parents of persons under the age of 25. (*See Article VIII, “Recovery of Expenses”*) (22 M.R.S. § § 4318, 4319). Whenever applicable, the Administrator will explain the liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the Workers' Compensation lump sum payment lien, or the SSI “interim assistance agreement” lien, described in Article VIII, “Recovery of Expenses.”

Section 4.5—Responsibilities of the Applicant at the Time of Application

The applicant is responsible to provide accurate, complete and current household information and verifiable documentation at the time of each application concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant's support
- Any change in this information from a previous application that would affect household eligibility (22 M.R.S. § 4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

- a) has remained employed, if previously employed, and has not quit work without just cause or been discharged from employment for misconduct;
- b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
- c) has made use of all available and potential resources when directed in writing to such a program by the Administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
- d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the Administrator, in order to diminish the applicant's need for general assistance (22 M.R.S. § § 4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The Administrator will issue a written decision concerning the applicant's eligibility within 24 hours after the applicant submits a written

application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to Ordinance § 5.6) to issue assistance conditionally on the successful completion of a workfare assignment (22 M.R.S. § § 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced or terminated.

Content of Decision. The Administrator's written decision will contain:

- a) the type and amount of benefits granted, or the applicant's ineligibility for benefits;
- b) the period of eligibility if the applicant is eligible for assistance;
- c) the specific reasons for the Administrator's decision;
- d) the applicant's right to a fair hearing; and
- e) the applicant's right to notify the DHHS if he/she believes the municipality has acted illegally (22 M.R.S. § 4321).

Section 4.7—Withdrawal of an Application

An application will be considered withdrawn if the applicant requests in writing that the application be withdrawn; or if the applicant refuses to complete or sign the application or any other document needed by the Administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the Administrator may temporarily refuse to accept applications. Such circumstances include, but are not limited to, the following:

- a) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave; if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when his or her conduct is under control.

- b) If the Administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, if the applicant's behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, the applicant may be required to designate a third party to apply for assistance on his or her behalf and the applicant may be prohibited from entering the municipal building;
- c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that he/she has been duly authorized to act as a representative for the applicant (22 M.R.S. § 4308).

Section 4.9—Emergencies

An "emergency" means any life threatening situation, or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household (22 M.R.S. § 4301(4)). An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive GA benefits, unless he/she is disqualified as provided below, emergency assistance may be granted to applicants who lack sufficient income and resources to meet the emergency need and also have not had sufficient income and resources to avert the emergency (22 M.R.S. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the applicant or the municipality.

Disqualification for Emergency Assistance. A person who is currently disqualified from receiving GA due to a violation of Ordinance § § 5.5, 5.6, 5.7, 5.8, 5.9 or 6.4 is ineligible to receive emergency assistance (22 M.R.S. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the

purposes of this section, "dependents" are defined as: (1) a dependent minor child; (2) an elderly, ill or disabled person; or (3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household (22 M.R.S. § 4309(3)).

If one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Assistance Prior to Verification. Whenever an applicant informs the Administrator that he/she needs assistance immediately, the Administrator will grant, pending verification, the assistance within 24 hours, provided that:

- a) after interviewing the applicant the Administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
- b) the applicant submits documentation when possible, to verify his or her need. The Administrator may contact at least one other person to confirm the applicant's statements about his/her need for emergency assistance. No further assistance will be authorized until the applicant's eligibility is confirmed (22 M.R.S. § 4310).

Telephone Applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the Administrator shall accept an application over the telephone (22 M.R.S. § 4304).

Assistance will not be granted after a telephone application if the applicant refuses to allow the Administrator to verify information provided by the applicant either by visiting his or her home or by mail, and the Administrator cannot determine eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If an applicant had income which could have been used to prevent all or part of an emergency, but he or she spent that income on items which are not basic necessities, the applicant will not be eligible to receive GA to replace the misspent money (22 MRSA § § 4308(2) & 4315-A).

All applicants must provide the Administrator with verifiable documentation demonstrating that the applicant lacked sufficient income to avert the emergency situation. According to the following criteria, the Administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

- a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.
- b) The Administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for his or her basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.

- d) From the total household costs for basic necessities during the applicable time period, the Administrator shall subtract the total income and lump sum payments available to the household for the applicable time period as well as the total general assistance actually received during the applicable time period.
- e) The Administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.
- f) The Administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for general assistance.
- g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

Section 4.10—Residence

The Administrator shall provide GA to all eligible applicants who are residents of this municipality. A resident is a person who has no other residence, is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the Administrator will determine his or her eligibility and, if eligible, will grant assistance until he/she establishes a residence in another municipality (22 M.R.S. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the Administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 30 days after he/she moves provided the recipient remains eligible.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, he/she will be the responsibility of this municipality for up to 6 months after he/she enters the institution if the conditions of 22 M.R.S. § 4307 and § 4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which he/she intends to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution (22 M.R.S. § 4307(4)).

Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging.

Note: A municipality which illegally denies housing assistance will be responsible for the applicant for up to 6 months if, as a result of the denial, the applicant stays in temporary lodging. The municipality may also be subject to other penalties (22 M.R.S. § 4307(4)).

Disputes. When the Administrator believes that an applicant is a resident of another municipality but that municipality disputes its responsibility, the Administrator will notify DHHS' Augusta office (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the Administrator will determine his or her eligibility and, if eligible, will grant assistance until the DHHS has concluded

which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. § § 4307(5), 4307(6)).

ARTICLE V

Eligibility Factors

A person will be eligible for GA if he/she is an "Eligible Person" as defined in section 2.2, is in need, and has complied with the eligibility requirements set forth below. *(For guidance in determining whether an applicant is an Eligible Person, contact DHHS at (800) 442-6003 (TTY: 287-6948)).*

Section 5.1—Initial Application

Initial Application. For initial applicants, need will be the sole condition of eligibility, except that all applicants, including initial applicants, are disqualified for a defined period (1) for quitting employment without just cause or for being discharged from employment for misconduct (*see Ordinance § 5.5*) or (2) who are fugitives from justice as defined in 15 M.R.S. § 201(4) (22 M.R.S. § 4301(3)). An initial applicant is a person who has never before applied for GA in any municipality in Maine (22 M.R.S. § 4308(1)).

"Need" means that the applicant's income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in Ordinance § 6.8 or the applicant's 30-day need, whichever is less, and he/she does not have adequate income or other resources available to provide basic necessities.

Repeat Applicants. Persons who are not initial applicants are repeat applicants; these are persons who have previously applied for GA at some time, including persons on whose behalf a GA application was previously made at any time, provided that the applicant was not a dependent minor in the household at the time of the previous application. To be eligible for GA, repeat applicants must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.1A – Presumptive Eligibility

A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person. Presumed eligibility may not exceed 30 days within a 12-month period. After the period of presumed eligibility, full eligibility must be verified before assistance will be issued. When presumptive eligibility is determined under this section, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

Section 5.1B – Recovery Residences

The Administrator will not deny GA benefits to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, housing assistance will not be provided to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S. § 20005 (22), except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only. The Administrator will inform the person of the requirements and time limits regarding recovery residences. A person who is ineligible for housing assistance under this subsection may remain eligible to receive GA for other basic necessities.

Section 5.2—Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify an otherwise eligible person. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need (7 U.S.C. § 2017 (b)).

In addition, fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the Administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with his or her fuel needs (42 U.S.C. § 8624(f)). When an applicant has received HEAP or ECIP, GA heating energy needs will be calculated

pursuant to Ordinance § 6.7, subsection (c) under “Types of Income”. For several additional exceptions please refer to the definition of “Income” in this Ordinance (see Ordinance § 2.2, page 7, subsection 4).

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the Administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit (22 M.R.S. § 4317).

Section 5.3—Personal Property

- a) **Liquid Assets.** No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security, will be eligible for GA unless and until he or she uses these assets to meet his or her basic needs, and thereby exhausts them. At the discretion of the Administrator, liquid assets need not include a reasonable minimum balance necessary to obtain free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.
- b) **Tangible Assets.** No person owning or possessing personal property, including but not limited to: a motor vehicle (except as provided immediately below in subsection c), or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant’s household, will be eligible for GA. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in Ordinance § 2.2 or when reasonable efforts to convert assets to cash at fair market value are unsuccessful. Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

- c) **Automobile Ownership.** Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation or training facilities, or for any other reason the GA Administrator determines reasonable for the maintenance of the applicant's household. GA recipients who own an automobile with a market value greater than \$8,000 may be required, with 7-day's written notice, to make a good faith effort to trade that automobile for an automobile with a market value of less than \$8,000. Any income received by the applicant by virtue of such a trade down must be used for his or her basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification (22 M.R.S. § 4317).

The Administrator will neither pay nor consider as necessary any car payment or vehicle maintenance cost, including insurance, for which the applicant is responsible. However, if the vehicle's value is \$8,000 or less and the applicant is utilizing the vehicle for an "essential" reason (see above), the Administrator may choose to not consider reasonable car payments, reasonable car insurance or reasonable associated costs of maintenance as "misspent" income. GA for travel-related needs shall be computed in accordance with Ordinance § 6.8(F)(7), (8) "Work Related/Travel Expenses."

- d) **Insurance.** Insurance available to an applicant on a non-contributory basis or required as a condition of employment will not be a factor in determining eligibility for GA. Life insurance with a cash surrender value may, at the discretion of the Administrator, be considered as a tangible asset.
- e) **Transfer of Property.** Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for GA will not be granted GA benefits to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day

disqualification will be issued. There will be a presumption that the applicant transferred his or her assets in order to be eligible for GA whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for GA unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

a) **Principal Residence.** Solely for purposes of GA, the applicant's principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training, education, illness or disaster, provided the applicant demonstrates an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, that land may be considered a potential resource if:

1. The applicant has received GA for the last 120 consecutive days; and
2. The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
3. The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and
4. The land is not utilized for the maintenance and/or support of the household; and
5. A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant's financial rehabilitation; and
6. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If conditions above are met, the Administrator may condition the receipt of future assistance on the applicant's good faith efforts to sell, or render

saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 "excess" acres. Sale of 10 of the acres would provide for the necessary support; therefore the entire 100 acres need not be sold at the present time.) Assistance shall not be denied during the time that the applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance the obligations under this section shall also cease.

b) **Other Property.** If the applicant or dependents own real property other than that occupied as the principal residence, continued GA eligibility will depend on the applicant making a reasonable effort to:

1. Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
2. Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for GA will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the sale of the property or upon the death of the recipient (*see also Ordinance § 6.8*). 22 M.R.S. § 4320.

Section 5.5—Work Requirement

All GA recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and households members who are 16 years of age or older and who are not attending a full-time primary or

secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment workshops and rehabilitative services, except as provided below (*see "Exemptions"*). Applicants must demonstrate to the Administrator that they are available for work and are actively seeking employment.

A "suitable job" means any job, which the applicant is mentally and physically able to perform. "Available for work" means that applicants must make themselves available for work during normal business hours prevailing in the area, and show that no circumstance exists which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis must provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation will consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. "Pursuit of employment" means actually submitting a written application or applying for a job in person when reasonable, or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant's period of unemployment or partial employment, the Administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill his or her work search requirements. The number of weekly employer contacts required by the Administrator shall be reasonably related to the number of potential employers in the region and the number of hours per week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application, but will be a condition of eligibility for subsequent assistance.

Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

- a) refuse to register for employment with the Maine Job Service;
- b) refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified;
- c) refuse to accept a suitable job offer;
- d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
- e) fail to be available for work; or
- f) refuse to participate or participate in a substandard manner in the municipal work program (*see Ordinance § 5.6*).

Ineligibility Due to Job Quit or Discharge for Misconduct. No initial or repeat applicant who has quit his or her full-time or part-time job without just cause or who has been discharged from employment for misconduct (*see definition in Appendix I*) will be eligible to receive GA of any kind for 120-days from the date the applicant is separated from employment (22 M.R.S. § § 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

- a) the applicant has a physical or mental illness or disability which prevents him/her from working;
- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;

- e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
- f) the applicant is unable to arrange for necessary child care or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the Administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause (22 M.R.S. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the Administrator that they are complying with the work requirement by fulfilling the work requirement(s) the person violated.

For the purpose of regaining eligibility by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S. § § 1043 or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in Ordinance § 5.6, under "Eligibility Regained."

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

- a) a dependent minor child;
- b) an elderly, ill, or disabled person; and

- c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household (22 M.R.S. § 4309(3)).

If one or more member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved by the Department of Labor (DOL) or determined by the DOL to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the DOL.

Section 5.6—Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance (22 M.R.S. § 4316-A(2)).

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in

Ordinance § 5.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of GA and the work program. Before signing the form, the Administrator will read it to the applicants or allow the applicants to read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

Subtracting Value of Workfare Performed from Client's GA Debt. Pursuant to 22 M.R.S. § 4318, individuals who received GA benefits are obligated to repay the municipality when and if they become able (*see Ordinance Article VIII*). However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt including GA liens (e.g., Workers' Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

Limitations. The work requirement is subject to the following limitations (22 M.R.S. § 4316-A(3)).

- 1) No person shall, as a condition of eligibility, be required to perform any amount of work that exceeds the value of the net GA that the person receives under municipal GA standards. Any person performing work under this subsection shall be provided with net GA, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.
- 2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.
- 3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.

- 4) In no case will work performed under this subsection interfere with an eligible person's:
 - a) existing employment;
 - b) ability to follow up on a bona fide job offer;
 - c) attendance at an interview for possible employment;
 - d) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
 - e) classroom or on site participation in a training program which is approved by the Department of Labor (DOL) or determined by the DOL to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the DOL.
- 5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with his or her regular employment would result in the person working more than 40 hours per week.
- 6) In no case will an eligible person be required to perform work beyond his or her capabilities. However, when an illness or disability is claimed, an eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness (22 M.R.S. § 4309).

If the Administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case the Administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The Administrator will not require verification of medical conditions which are apparent or which are of such short duration that a reasonable person would not ordinarily seek medical attention (22 M.R.S. § 4316(5)).

- 7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving GA. The Administrator shall meet immediate needs upon receiving written assurance from the eligible person that he/she is willing to work to maintain eligibility for GA. When the recipient has no immediate need, workfare participation may be required prior to receiving GA in accordance with the "workfare first" policy below.

"Workfare First" Policy. Pursuant to 22 M.R.S. § 4316-A(2)(D), the Administrator may, in accordance with the following guidelines, require a GA recipient to perform a workfare assignment prior to the actual issuance of the GA benefit conditionally granted.

- 1) In no circumstance will emergency GA for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
- 2) All workfare participants under this policy will be provided a written decision within 24 hours after submitting an application for GA and prior to performing any workfare for the municipality associated with that request for assistance. That written decision must include:
 - a) a specific description of the amount of GA being conditionally granted to the household, and for which basic needs;
 - b) the period of eligibility for which the GA grant is being issued (in days or weeks, but not to exceed 30 days);
 - c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
 - d) the actual duration of the workfare assignment that must be performed, in hours, before the GA grant will be actually issued;
 - e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of work-site,

- date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and
- f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.
- 3) As previously provided in this section, all workfare participants must sign a consent form that informs the participant of his or her workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
- 4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the Administrator shall issue a grant of GA benefits corresponding to the number of workfare hours satisfactorily performed multiplied by the hourly rate used to calculate the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued GA grant shall be terminated, and notice of the partial termination, together with the reasons therefore, will be issued to the workfare participant in accordance with Ordinance § 6.10.
- 5) If any part of the workfare assignment is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons, it shall be reassigned or excused at the discretion of the Administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net GA to be provided to the person (22 M.R.S. § 4316-A(2)(E)). The municipality will provide any special clothes or equipment the recipient needs to perform his or her work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S. § 4316-A(1)). As soon as the

Administrator knows that a recipient failed to fulfill the work assignment, the Administrator will notify the recipient in writing that he/she is disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The workfare participant has the burden of demonstrating there was just cause for any failure to perform a workfare assignment.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions.

- Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (*see Ordinance § 5.5, "Dependents"*).
- If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which he or she, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The Administrator will give the recipient a work assignment as soon as possible.
- If a recipient under a 120-day disqualification has an emergency need and the Administrator is unable to schedule a work assignment in time to alleviate the emergency, the Administrator will provide sufficient assistance to the recipient to avert the emergency. However, the provision of emergency assistance will not bar the Administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

- Recipients who have asked for the opportunity to regain their eligibility during a 120 day disqualification period and who agreed to fulfill the assignment which they previously failed to perform but who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the Administrator will enforce the 120-day disqualification for the term of its initial duration.
- If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date, but will be provided no opportunity to requalify.
- Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The Administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS (22 M.R.S. § 4316-A(2)).

Section 5.7—Use of Resources

Each applicant is responsible to make a good faith effort to utilize every available or potential resource that may reduce his or her need for GA (*see Ordinance § 2.2, definition of “Resources”*). Persons who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the

resource. Applicants are required to prove that they have made a good faith effort to secure the resource (22 M.R.S. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for GA and who is pregnant or has a dependent child or children will be eligible to receive GA only if the minor is residing in the home of his or her parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

- 1) the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or
- 2) the minor has no living parent or the whereabouts of the both parents are unknown; or
- 3) no parent will permit the minor to live in the parent's home; or
- 4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or
- 5) the DHHS determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and his or her child or children lived with a parent; or
- 6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility (22 M.R.S. § 4309(4)).

Any person under the age of 25 who is applying independently from his or her parents for GA will be informed that until he or she reaches the age of 25, the applicant's parents are still legally liable for his or her support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his or her parents are financially capable of repaying the municipality (22 M.R.S. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for GA by contacting his or her parents. If the applicant's parents declare a willingness to provide the applicant with his or her basic needs directly,

and there is no convincing evidence that the applicant would be jeopardized by relying on his or her parents for basic needs, the Administrator may find the applicant not to be in need of GA for the reason that his or her needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The Administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until he/she has made a good faith effort to utilize or obtain the resources. GA will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

Forfeiture of Benefits. Any applicant who forfeits receipt of, or causes a reduction in, benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive GA to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under GA law, the value of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided in the form of a specific, regularly issued resource of a calculable value rather than in the form of income, , that resource, up to its forfeited value, need not be replaced with GA for a period of 120 days from the date of the forfeiture—unless the municipality is prohibited by federal

or state law from considering the forfeited resource as available with respect to local public assistance programs (22 M.R.S. § 4317).

Section 5.8—Period of Ineligibility

No one will have his or her GA terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing (22 M.R.S. § § 4321-4322). Each person will be notified in writing of the reasons for his or her ineligibility, and any person disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

Work Requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) (*see Ordinance § § 5.5, 5.6*). If an applicant/recipient is provided assistance and does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the end of the period covered by the grant of assistance. The Administrator shall give recipients written notice that they are disqualified as soon as the Administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. Persons who commit fraud are disqualified from receiving GA for a period of 120 days (*see Ordinance § 6.4, "Fraud"*). The Administrator shall give recipients written notice that they are ineligible as soon as the Administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

Section 5.9 – Unemployment Fraud

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to 26 M.R.S. § 1051(1) is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor. 22 M.R.S. § 4317.

ARTICLE VI

Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his or her individual rights.

Section 6.2—Determination; Redetermination

The Administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for GA. The Administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The Administrator may redetermine a person's eligibility at any time during the period he or she is receiving assistance if the Administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the Administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority (22 M.R.S. § 4309).

Section 6.3—Verification

Eligibility of applicant; duration of eligibility. The overseer shall determine eligibility each time a person applies or reapplies for GA. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's responsibilities. Applicants and recipients for GA are responsible for providing to the Administrator all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or documentation required by the Administrator. When such information is unavailable, the Administrator must accept alternative available information, which is subject to verification.

Each applicant and recipient has the responsibility at the time of application and continuing thereafter, to provide complete, accurate, current information and documentation concerning his/her:

- Need
- Income
- Employment
- Use of income
- Expenses
- Assets & liabilities
- Use of available resources
- Household composition

Initial Applicants. Persons who have not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants (*see below*). However, such applicants must still provide the GA Administrator with reasonably obtainable documentation adequate to verify that there is a need for assistance. In addition,

initial applicants must also comply with both lump sum and relevant work rules (i.e. job quit).

Repeat Applicants. All applicants for GA who are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this municipal ordinance.

The Administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results, (e.g., provide a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted) as required by the Administrator.

Repeat applicants must provide updates to information reported on previous applications, including changes in his/her household or income that may affect his/her eligibility.

Unforeseen Repeat Applicants. Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source but who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the Administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Administrator's responsibilities. In order to determine an applicant's eligibility for GA, the Administrator first must seek information and documentation from the

applicant. Once the applicant has presented the necessary information, the Administrator must determine eligibility. The Administrator will seek verification necessary to determine eligibility, and may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant -- except that the Administrator may examine public records without the applicant's knowledge and consent.

Appropriate sources, which an Administrator may contact, include, but are not limited to:

- DHHS, any other department or agency of the state, or non-profit organizations
- financial institutions
- creditors
- utility companies
- employers
- landlords
- physicians
- persons with whom the applicant/recipient is a cohabitant
- legally and non-legally liable relatives

Assistance will be denied or terminated if the applicant is unwilling to supply necessary information, documentation, or permission to make collateral contacts, or if the Administrator cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of eligibility. The Administrator may redetermine a person's eligibility at any time during the period that person is receiving assistance if the Administrator is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled, or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient stating the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

Penalty for Refusing to Release Information. Any person governed by 22 M.R.S. § 4314 who refuses to provide necessary information to the Administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than \$25 nor more than \$100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the Administrator is guilty of a Class E crime (22 M.R.S. § § 4314(5), 4314(6), 4315).

Section 6.4—Fraud

It is unlawful for a person to knowingly and willfully make a false representation of a material fact to the Administrator in order to receive GA or cause someone else to receive GA (22 M.R.S. § 4315). A person who commits fraud in an effort to receive GA benefits may be prosecuted for this offense.

False representation means any individual who knowingly and willfully:

- a) makes a false statement to the Administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
- b) conceals information from the Administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
- c) uses GA benefits for a purpose other than the purpose for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the Administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself or herself eligible for GA, the Administrator shall notify that applicant in writing that he or she must reimburse the municipality for the assistance he or she was not entitled to receive and that he/she is ineligible for assistance for the longer of: (a) a period

of 120 days; (b) until he or she reimburses the municipality for the assistance; or (c) until he or she enters a reasonable written agreement to reimburse the municipality. (22 M.R.S. § 4315)

For the purpose of this section, a material misrepresentation is a false statement about eligibility factors in the absence of which some or all of the assistance would not be or would not have been granted.

The notification of ineligibility issued by the Administrator shall inform the applicant of his or her right to appeal the Administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this Ordinance. No recipient shall have his or her assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure (22 M.R.S. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the FHA determines that a recipient made a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he/she was not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household (22 M.R.S. § 4309(3)). In the event one or more members of a household are disqualified and assistance is

requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Section 6.5—Period of Eligibility

The Administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month (22 M.R.S. § 4309). Upon receiving a completed and signed application the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis.

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA Administrator, the GA Administrator shall render a notice of "ineligibility" and advise the applicant that he or she has a right to reapply as soon as he or she has the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency the Administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the Administrator elects to disburse GA for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6—Determination of Need

The period of time used to calculate need will be the next 30-day period from the date of application (22 M.R.S. § 4301(7)). The Administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in Ordinance § 6.8, whichever

is less. The sum of these expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency (22 M.R.S. § 4308(2)) (*see Ordinance § 4.9*).

Applicants will also not be considered in need of GA if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of Ordinance § 6.8 (22 M.R.S. § § 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this Ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity shall guide Administrator's distribution of assistance for which the applicant is eligible. (*See Ordinance Appendices A-H*). The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency (22 M.R.S. § 4305(3-A)).

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no applicant is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility (22 M.R.S. § 4315-A). Applicants who have sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The Administrator may require that anyone applying for GA provide documentation of his or her use of income. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the Administrator for “unforeseen” repeat applicants (*See Ordinance § 6.3*), repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and in such case will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of non-elective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the Administrator.

Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

- Internet services
- Cable or satellite television
- Cellular phones, except when deemed essential by the overseer for medical or work related purposes
- Cigarettes/alcohol
- Gifts purchased
- Pet care costs
- Costs of trips or vacations
- Paid court fines
- Repayments of unsecured loans
- Legal fees
- Late fees
- Credit card debt.

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use his or her income for basic necessities or fails to reasonably document his or her use of income (22 M.R.S. § 4315-A). Those additional requirements will be applied in the following manner:

- 1) The Administrator may require the applicant to use some or all of his or her income, at the time it becomes available, toward specific basic necessities. The Administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities;
- 2) The Administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
- 3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income; and
- 4) If the applicant does not spend his or her income as directed, but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the Administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of Ordinance § 6.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (*see Ordinance § 4.9*). If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in Ordinance § 6.8 for specific basic necessities except in an emergency or when the Administrator elects to consolidate the applicant's deficit, as provided immediately below.

Consolidation of Deficit. As a general rule, and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the Administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

- 1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
- 2) The total GA grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
- 3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient mispending his or her income or resources in violation of the use-of-income requirements of this ordinance.

Section 6.7—Income

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in Ordinance § 6.8 shall not be eligible for GA except in an emergency. Each time an applicant applies, the Administrator will conduct an individual factual inquiry into the applicant's income and expenses.

Calculation of Income. To determine whether applicants are in need, the Administrator will calculate the income they will receive during the next 30-day period commencing on the date of application, and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the Administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities, as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in Ordinance § 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded (22 M.R.S. § 4308) (*see Ordinance § 4.9*). To calculate weekly income and expenses, the Administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

- a) **Earned income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and child care costs will be deducted from an applicant's income (22 M.R.S. § 4301(7)).

- b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and fuel assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for GA for heating fuel or electricity if a recently received HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period.

The Administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for his or her total fuel costs. Accordingly, in such cases, the Administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the Administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with his or her utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
- Americorp VISTA program benefits (42 USC § 5044(f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities. (22 M.R.S. § 4301(7))

- c) **Court-Ordered Support Payments.** Alimony and child support payments will be considered income only if actually received by the applicant. The Administrator will refer cases in which support payments were not actually received to the Maine DHHS Child Support Enforcement Unit. In order to be eligible for future GA benefits, applicants referred to DHHS for support enforcement assistance shall be required to follow-through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.
- d) **Income from Other Sources.** Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives (22 M.R.S. § 4301(7)).
- e) **Earnings of a Son or Daughter.** Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.
- f) **Income from Household Members.** Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household

members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.

- g) **The Pooling or Non-Pooling of Income.** When two or more individuals share the same dwelling unit but not all members of the household are applying for GA, the Administrator shall make a finding under a rebuttable presumption that the entire household is pooling income (22 M.R.S. § 4301(12-A)).

One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the Administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling during the duration of the shared living arrangement. Such documentation would include evidence of the entire household's expenses, bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for his or her pro-rata share of household costs.

If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his or her income and his or her pro-rata share of actual household expenses.

- h) **Lump Sum Income.** A lump sum payment received by any GA applicant or recipient prior or subsequent to the date of application for GA will be considered as income available to the household. However, verified required payments (i.e., any third party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below, will not be considered available income.

Where a household receives a lump sum payment at any time prior or subsequent to the date of application for GA, the Administrator will assess the need for prorating an applicant's eligibility for GA according to the following criteria (22 M.R.S. § 4301(7), (8-A)):

- 1) identify the date the lump sum payment was received;
- 2) subtract from the lump sum payment all required payments;
- 3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the GA program such as: reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted. (22 M.R.S. § 4301(7), (8-A));
- 4) add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for GA; and
- 5) divide the sum created in subsection (4) by the verified actual monthly amounts for all of the household's basic necessities. 22 M.R.S. § 4305(3-B)

This dividend represents the period of proration determined by the Administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. (22 M.R.S. § 4308)

Section 6.8—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Ordinance Appendices B-H, an applicant's eligibility for GA will be first determined by subtracting his or her income from the overall maximum level of assistance designated in Appendix A for the applicable household size (22 M.R.S. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for GA up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for GA unless they are in an emergency, in which case eligibility for emergency GA will be determined according to Ordinance § 4.9.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The Administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the Administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs. In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the Administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with GA; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

A) **Food**. The Administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size.

For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine DHHS on or about October of each year. See Ordinance Appendix B for the current year's food maximums.

In determining need for food the Administrator will not consider the value of the food stamps an applicant receives as income (22 M.R.S. § 4301.7(A); 7 U.S.C. § 2017(b)). The municipality will authorize vouchers to be used solely for approved food products.

The Administrator will exceed the maximums when necessary for households having members with special dietary needs. The Administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

- B) **Housing.** The Administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. See Ordinance Appendix C for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the Administrator may help the applicant find housing when appropriate. The Administrator will inform the applicant of the allowed housing maximums to assist the applicant in his or her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

Rental Payments to Relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children (22 M.R.S. § 4319(2)).

Rental Payments to Non-Relatives. When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to the ordinance maximum (22 M.R.S. § 4301(6)).

Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than \$600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see § 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the DHHS Division of Health Engineering, pursuant to 10-144A CMR, Chapter 201, as a condition of that landlord receiving future GA payments on behalf of his or her tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the Administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the Administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

- (1) the marketability of the shelter's equity;
- (2) the amount of equity;
- (3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
- (4) the extent to which liquidation may aid the applicant's financial rehabilitation;

- (5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if he/she were to be dislocated to rental housing;
- (6) the imminence of the applicant's dislocation from owned housing because of his or her inability to meet the mortgage payments;
- (7) the likelihood that the provision of housing assistance will prevent such dislocation; and
- (8) the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

The Administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for GA if after review of the criteria above, the Administrator determines that:

- (1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
- (2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or reamortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and
- (3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

If a mortgage payment is necessary, the Administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given

only after the applicant has made all reasonable efforts to borrow against the equity of his or her home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the Administrator will inform the applicant that he/she is responsible for finding alternative housing within his or her ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate (22 M.R.S. § 4320). No lien may be enforced against a recipient except upon his or her death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for GA if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing GA for a mortgage payment or capital improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the GA recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The

municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with his or her property taxes, the Administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.R.S. § 841(2)) and GA. If the applicant chooses to seek property tax assistance through GA, or if the applicant is denied a poverty tax abatement, the Administrator may consider using GA to meet this need only if:

- a) the property tax in question is for the applicant's place of residence;
- b) there is a tax lien on the property which is due to mature within 60 days of the date of application;
- c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and
- d) the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax Fairness Credit program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the U.S. Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and

adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. See Ordinance Appendix C for the current year's housing maximums.

If and when the maximum levels of housing assistance in this Ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this Ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

- C) **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

Disconnection of utility service will not be considered an emergency in all cases. The Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The Administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive GA to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S. § 4308(2)) (*see Ordinance § §*

4.9; 6.3). The Administrator will notify applicants in writing that they must give the Administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the Administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

- D) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the Administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in Ordinance § 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the Administrator timely notice of their need for fuel, the Administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to Ordinance § 4.9. See Ordinance Appendix E for the current year's fuel maximums.

E) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Ordinance Appendix F for the current year's personal care and household supplies maximums.

F) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the Administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

- 1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance Administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.
- 2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills (*see below*), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the

applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his or her need to seek general assistance for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the Administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue GA at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing GA for any medical expenses, the Administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate, and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.

- 3) **Hospital Bills.** In the event of an emergency admission to the hospital, the hospital must notify the Administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the Administrator, the municipality will have no obligation to pay the bill.

Any person who cannot pay his or her hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22 M.R.S. § 1716. Anyone who is not eligible for the hospital's free care program may apply for GA. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that he or she is not eligible for the hospital's free care program.

Before the Administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he/she applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at Ordinance § 6.6.

- 4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue GA for dental services at the established Medicaid rates for those services, and before authorizing the GA benefit for dental services, the Administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The Administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.

- 5) **Eye Care.** In order to be eligible to receive GA for eyeglasses, an applicant must have his or her medical need certified by a person licensed to practice optometry. The Administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.
- 6) **Telephone Charge.** A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA Administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or work related reasons exist and/or for any other reasons the Administrator deems necessary.
- 7) **Work-Related Expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum. See Ordinance Appendix G for the current maximum mileage allotment. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.
- 8) **Travel Expenses.** In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the Administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. See Ordinance Appendix G for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.

- 9) **Burials, Cremations.** Under the circumstances and in accordance with the procedures and limitations described below (*see Ordinance § 6.9*), the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Ordinance Appendix H for the current maximums.
- 10) **Capital Improvements.** The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the Administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The Administrator may grant GA for capital improvements when:
- 1) the failure to do so would place the applicant(s) in emergency circumstances;
 - 2) there are no other resources available to effect the capital repair; and
 - 3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S. § 4320 when GA has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (B) "Liens", above.

Section 6.9—Burials; Cremations

Funeral Director Must Give Timely Notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the

Administrator prior to the burial or cremation or by the end of three business days following the funeral director's receipt of the body, whichever is earlier (22 M.R.S. § 4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the Administrator. In addition, the funeral director may refer legally liable relatives to the Administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing GA for burial or cremation purposes, an application for assistance shall be completed by the Administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under Ordinance § 4.10.

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for GA inasmuch as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are themselves eligible for GA, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all GA issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. Grandparents, parents, children and grandchildren of the deceased whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the Administrator, all legally liable relatives must provide the Administrator with any reasonably requested information regarding their income, assets, and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the deceased. Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313(2) and provide a written request and a notarized affidavit signed by the Administrator of the municipality or its agents stating that the named depositor is deceased.

Consideration of the Financial Responsibility of Family Members. Generally, when the Administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the Administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the Administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is considered to be responsible for his or her pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the Administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Eight Days to Determine Eligibility. The Administrator may take up to 8 days from the date of an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of application shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The Administrator shall not use this 8-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to

any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of \$75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the Administrator.

Burial Expenses. The Administrator will respect the wishes of family members concerning whether the deceased is interred by means of burial or cremated. See Ordinance Appendix H for the maximum levels of burial assistance.

Cremation Expenses. In the absence of any objection by any family members of the deceased, or when neither the Administrator nor the funeral director can locate any family members, the Administrator may issue GA for cremation services. See Ordinance Appendix H for the maximum assistance levels for cremations.

Section 6.10—Notice of Decision

Written Decision. Each time a person applies, the Administrator will provide a written decision to the applicant after making a determination of eligibility. The decision will be given to the applicant within 24 hours after a completed and signed application is received (22 M.R.S. § 4305(3)) (*see Ordinance § 4.6*).

In order to comply with the statutory requirement to issue a decision within 24 hours, if an applicant submits an incomplete or unsigned application, the Administrator may decide to issue a notice of "ineligibility" and provide the applicant with another application to submit as soon as is practicable for the applicant.

The Administrator must explain the applicant's right to a fair hearing in the Administrator's written notice of decision.

Contents of Decision. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In

addition to the items listed in Ordinance § 4.6, the notice of decision will include a statement that:

- a) the applicant has the right to a fair hearing and how to request a fair hearing and;
- b) the applicant has the right to contact the DHHS if he or she believes the municipality has violated the law. The decision will include contact information for the appropriate DHHS office.

Disbursement of General Assistance. Except when the Administrator determines it is impractical, all GA will be provided as a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. GA will not be issued in the form of a cash payment to an applicant unless there is no alternative to the cash payment, in which case the Administrator shall document the circumstances requiring GA to be issued in the form of cash (22 M.R.S. § 4305(6)).

ARTICLE VII

The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of receipt of a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or his or her authorized representative has the right to request a fair hearing (22 M.R.S. § 4322). The right to review a decision of the Administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 7.2—Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the Administrator, all claimants will be informed of how to request a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the Administrator. If the client is satisfied with the adjustment or explanation, the Administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or his or her authorized representative, must make a written request within 5 working days of receipt of the Administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The Administrator will make a form available to request a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

- a) the decision on which review is sought;
- b) the reason(s) the claimant is dissatisfied and why the claimant believes he/she is eligible to receive assistance; and
- c) the relief sought by the claimant.

The Administrator may not deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request, the FHA must meet and hold the hearing within 5 working days. The Administrator will notify the claimant in writing when and where the hearing will be held (22 M.R.S. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing shall include, at a minimum, the claimant's rights to:

- a) be his or her own spokesperson at the fair hearing, or at the claimant's own expense be represented by legal counsel or another;
- b) confront and cross-examine any witnesses presented at the hearing; and
- c) present witnesses on his or her own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case.

Section 7.3—The Fair Hearing Authority

The municipal officers will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with ensuring that GA is administered in accordance with state law and this ordinance.

The FHA may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the FHA, or, if designated by ordinance, a municipal board of appeals created under 30-A M.R.S. § 2691 (22 M.R.S. § 4322). In

determining the FHA, the municipal officers will ensure that all person(s) serving as FHA must:

- a) have not participated in the decision which is the subject of the appeal;
- b) be impartial;
- c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
- d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the Administrator operated, and conveying to the Administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

At the time that written notice of the date, time, and place of the fair hearing is provided to a claimant, he/she will also be given adequate information about the hearing procedure to allow him/her to effectively prepare his or her case. The claimant shall be permitted to review his or her file before the hearing. At a minimum, the claimant will be provided with the following information regarding fair hearing procedures. All fair hearings will:

- a) be conducted in private, with only to the claimant, witnesses, the claimant's legal counsel, others whom the claimant wants present, and Administrator, the Administrator's agents, counsel and witnesses present;
- b) be opened with a presentation of the issue by the FHA;
- c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
- d) allow the claimant and the Administrator the option to present their positions for themselves or with the aid of others, including legal counsel;

- e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
- f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
- g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The FHA will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the FHA must be made available to the claimant or his or her representative. The claimant will be responsible for preparing a written transcript if he/she wishes to pursue court action.

The FHA shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs (22 M.R.S. § 4322).

Claimant's Failure to Appear. If the claimant fails to appear at the hearing, the FHA will send a written notice to the claimant indicating that the Administrator's decision remains unchanged because of the claimant failure to appear. The notice will state that the claimant has 5 working days from receipt of the notice to provide the Administrator with information demonstrating "just cause," for failure to appear. "Just cause" for a claimant's failure to appear at a fair hearing, may include:

- a) a death or serious illness in the family;
- b) a personal illness which reasonably prevents the party from attending the hearing;
- c) an emergency or unforeseen event which reasonably prevents the party from attending the hearing;

- d) an obligation or responsibility which a reasonable person in the conduct of his or her affairs could reasonably conclude takes precedence over the attendance at the hearing; or
- e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or his/her attorney) establishes that just cause existed, the request for the hearing will be reinstated and a hearing rescheduled.

If a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of 'fact' but may cross examine witnesses and make 'legal' arguments on behalf of the claimant.

Section 7.5—The Fair Hearing Decision

The FHA's decision will be binding on the Administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing.

Written notice of the decision will contain:

- a) a statement of the issue;
- b) relevant facts brought out at the hearing;
- c) pertinent provisions in the law or GA ordinance related to the decision; and
- d) the FHA's decision and the reasons for it.

A copy of the decision will be given to the claimant. The hearing record and the case record will be maintained by the Administrator.

The written decision will state that if the claimant is dissatisfied with the fair hearing decision, he/she may appeal pursuant to Maine Rule of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the FHA or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII

Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or his or her executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall “offset” the value of any workfare performed by a GA recipient against the repayment obligation, at a rate not less than minimum wage.

Before filing a court action to seek repayment of GA benefits previously provided to a recipient, the municipality will seek voluntary repayment after written notice and discussion with the recipient. However, the municipality will not attempt to recover such amounts if, as a result of the repayment, the recipient would again become eligible for GA (22 M.R.S. § 4318).

Recipients Anticipating Workers’ Compensation Benefits. The municipality shall claim a lien on any lump sum payment under the Workers’ Compensation Act or similar law of any other state, which lien shall equal the value of all GA payments made to a recipient of any such lump sum payment. (22 M.R.S. § 4318, 39-A M.R.S. § 106). After issuing any GA on behalf of a recipient who has applied for or is receiving Workers’ Compensation, the municipality shall file a notice of the municipal lien with the GA recipient and the Maine Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form which must be signed by the GA recipient who has applied for or is receiving Workers’ Compensation. Any GA applicant who has applied for or who is receiving Workers’ Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive GA until he or she provides the required signature. The municipality shall also send a photocopy of that filing to the recipient’s Worker’s Compensation

attorney, if known, the applicant's employer or the employer's insurance company, and, at the Administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum Workers' Compensation benefit is issued.

Recipients of SSI. All applicants who receive GA while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended (and which therefore may be retroactively issued to the applicant at a later date), will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the GA granted. Any GA applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive GA until he or she provides the required signature (22 M.R.S. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S. § 4319). In addition, the grandchildren, children, parents, grandparents, the spouse and a registered domestic partner, are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on behalf of a recipient if the relatives fail to fulfill their responsibility (22 M.R.S. § 4319).

ARTICLE IX

Severability

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not invalidate any other provision of the ordinance.

2020-2021 GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	775	879	1,116	1,397	1,956
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	883	926	1,197	1,649	1,882
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	741	798	1,025	1,287	1,633
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	741	742	981	1,229	1,341
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,179	1,284	1,668	2,180	2,654
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	821	933	1,095	1,449	1,691

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	918	980	1,212	1,539	1,720
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,136	1,165	1,539	1,926	2,699

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	649	710	831	1,119	1,200
Franklin County	683	729	837	1,102	1,480
Hancock County	836	871	1,047	1,319	1,445
Kennebec County	769	786	979	1,284	1,371
Knox County	792	795	979	1,291	1,390
Lincoln County	868	886	1,057	1,349	1,554
Oxford County	764	767	936	1,322	1,537
Piscataquis County	659	708	874	1,158	1,396
Somerset County	709	744	959	1,249	1,338
Waldo County	818	871	997	1,339	1,705
Washington County	710	713	926	1,160	1,254

* Please Note: Add \$75 for each additional person.

Appendix B

Effective: 10/01/20 to 09/30/21

2020-2021 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2020, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 47.44	\$ 204
2	86.98	374
3	124.42	535
4	158.14	680
5	187.67	807
6	225.35	969
7	249.07	1,071
8	284.65	1,224

Note: For each additional person add \$153 per month.

Appendix C

Effective: 10/01/20 to 09/30/21

2020-2021 GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should **ONLY consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (*See Instruction Memo for further guidance.*)

Non-Metropolitan FMR Areas

Aroostook County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	117	504	141	606
1	123	528	154	663
2	139	599	180	776
3	195	840	246	1,057
4	200	859	262	1,126
Franklin County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	125	538	149	640
1	127	547	159	682
2	141	605	182	782
3	191	823	242	1,040
4	265	1,139	327	1,406
Hancock County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	159	682	182	783
1	159	682	188	809
2	186	801	227	975
3	238	1,022	287	1,235
4	251	1,079	312	1,342
Kennebec County				
Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	143	615	167	716
1	143	615	168	724
2	170	733	211	907
3	230	987	279	1,200
4	234	1,005	295	1,268

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	148	638	172	739
1	148	638	172	739
2	170	733	211	907
3	231	994	281	1,207
4	238	1,024	299	1,287
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	166	714	190	815
1	166	714	192	824
2	189	811	229	985
3	245	1,052	294	1,265
4	276	1,188	337	1,451
<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	142	610	165	711
1	142	610	165	711
2	160	690	201	864
3	238	1,025	288	1,238
4	272	1,171	333	1,434
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	116	501	142	609
1	119	512	152	652
2	146	627	189	811
3	200	862	253	1,086
4	241	1,037	305	1,312
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	129	555	153	656
1	129	555	159	682
2	166	713	206	887
3	221	952	271	1,165
4	226	972	287	1,235

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	154	664	178	765
1	157	676	188	809
2	175	751	215	925
3	242	1,042	292	1,255
4	311	1,339	373	1,602
<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	129	556	153	657
1	129	556	153	657
2	158	680	199	854
3	201	863	250	1,076
4	206	888	268	1,151

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	144	621	168	722
1	159	684	190	817
2	202	870	243	1,044
3	256	1,100	305	1,313
4	370	1,590	431	1,853
<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	170	729	193	830
1	170	731	201	864
2	221	951	262	1,125
3	314	1,352	364	1,565
4	353	1,516	414	1,779
<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	137	587	160	688
1	140	603	171	736
2	181	779	222	953
3	230	990	280	1,203
4	295	1,267	356	1,530

Metropolitan FMR Areas

<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	137	587	160	688
1	137	587	160	688
2	171	735	211	909
3	217	932	266	1,145
4	227	975	288	1,238
<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	238	1,025	262	1,126
1	253	1,089	284	1,222
2	331	1,422	371	1,596
3	438	1,883	487	2,096
4	532	2,288	593	2,551
<u>Sagadahoc Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	155	667	179	768
1	172	738	203	871
2	197	849	238	1,023
3	268	1,152	317	1,365
4	308	1,325	369	1,588
<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	178	764	201	865
1	183	785	213	918
2	225	966	265	1,140
3	289	1,242	338	1,455
4	315	1,354	376	1,617
<u>York/Kittery/S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	228	982	252	1,083
1	228	982	257	1,103
2	301	1,293	341	1,467
3	379	1,629	428	1,842
4	543	2,333	604	2,596

Appendix D

Effective: 10/01/20 to 09/30/21

2020-2021- ELECTRIC UTILITY MAXIMUMS

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

- 1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

Number in Household	Weekly	Monthly
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below

Appendix E

Effective: 10/01/20 to 09/30/21

2020-2021 HEATING FUEL MAXIMUMS

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F

Effective: 10/01/20 to 09/30/21

2020-2021 PERSONAL CARE & HOUSEHOLD SUPPLIES
MAXIMUMS

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

APPENDIX G

Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is 45 cents (45¢) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>

Appendix H

Effective: 10/01/20 to 09/30/21

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **\$1,475.** Additional costs may be allowed by the GA Administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal Administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **\$1,025.** Additional costs may be allowed by the GA Administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

26 MRS § 1043 (23)

23. Misconduct. "Misconduct" means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge.

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;
- (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;
- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or
- (14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[PL2019, c. 125, §1 (AMD).]

Appendix I

B. "Misconduct" may not be found solely on:

- (1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;
- (2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or
- (3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

[PL 2019, c. 125, §1 (AMD).]

TOWN OF BRIDGTON, MAINE
3 Chase Street, Suite 1, Bridgton, ME 04009

Application/Agreement to Use Bridgton Park and/or Property

Please fill out and return

INFORMATION ABOUT APPLICANT & LOCAL CONTACT PERSON

Applicant's Name: Music on Main, LLC Tel # 207-647-3883 e-mail info@musiconmainbridgton.com

Applicant's Mailing Address: 175 Portland Road, Suite 2, Bridgton, ME 04009

Local Contact Name: Justin McIver Tel # 207-441-8544 e-mail justin@mainecohomes.com

Local Contact Mailing Address: 175 Portland Road, Suite 2, Bridgton, ME 04009

Other Contact Information: Steve Richard (207) 693-2975

INFORMATION ABOUT PROPOSED EVENT

Place of Event: 144 Main Street, Bridgton Date of Event: 9/25/2021 Hours of Event: 6 to 9 pm

Type of Event: Live Music Number of Participants: 300-500

Structures (tents, chairs, etc.) Tables, fencing, bring your own chair, food truck, food cart, porta potty, signs

Food and Beverages to be served: Pizza, Pretzels, Crepes, Fried Dough, Vegan, Water, Soft Drinks, Beer and Wine

Entertainment: B.Positive, Catcha Vibe

Signage "No Alcohol Beyond this Point" "Music on Main" "Restroom" "Hand Sanitizer Station" "Trash and Recycle"

Provisions for Cleanup/Litter: Provide trash and recycle bins and remove them after the event. Have elected volunteers change trash and recycle bins as needed.

Provisions for Parking: Nulty Street lot (Map 23, Sub 24) for additional parking

ADDITIONAL INFORMATION REQUIRED

Certificate of Liability Insurance: Date of the event: September 25th, 2021, 6 to 9PM, Town of Bridgton as additionally insured

Insurance Agent/Company Lena Murch, Chalmers Insurance Group

Additional Information to Applicant _____

OUTDOOR FESTIVAL PERMIT APPLICATION

No person shall exhibit, sponsor, hold, promote or operate any pageant, amusement show, theatrical performance, including a music festival or exhibition where an excess of 500 people are reasonably anticipated to attend and where a substantial portion of the entertainment will be out of doors without first procuring from the Municipal Officers a license therefore at least seven (7) days prior to the event and payment of the sum of \$100.00 to the Town therefore.

No license shall be granted by the Municipal Officers unless the applicant satisfies the Municipal Officers or their designee(s) that the following facilities will be available for such an event in the area to be used and no such person shall hold such an event unless such facilities are available. The applicant must comply with all applicable rules and regulations of the state and the municipality prior to being issued a license. The Town's Code Enforcement Officer shall be the designee responsible for confirming same.

Name of applicant: Music on Main, LLC

Address of applicant: 175 Portland Road, Suite 2 Bridgton

Telephone # of applicant: 207-441-8544

Location of Event (attach property owner permission) 144 Main Street, Bridgton, Maine

Type of Event: Live music

Hours of Event: 6 to 9 pm

☐ Separate male and female sanitary facilities shall be available and connected to a public sewer system or septic tank.

**Asking the board to waive this requirement*

☒ Adequate metal, wood or plastic containers with a height of at least two feet and diameter of at least two feet shall be spaced in the area to take care of the solid waste and garbage, with at least one container for each reasonably anticipated 100 persons. Within 24 hours after the close of the event such waste material shall be removed to a public solid waste disposal facility.

☐ First Aid facility shall be provided on the grounds with at least one ambulance in attendance and one doctor for each 1,000 persons.

**Asking for the board to waive this requirement as the attendance will be less than 1000 persons.*

☒ Off the street parking facilities shall be furnished with at least one car space with adequate access ways for each six persons reasonably expected to attend.

☒ A uniformed police officer or constable shall be provided to direct traffic to and from public ways with at least one officer for each reasonably expected 500 persons.

☐ Prior to the issuance of the license and the holding of the event, the applicant shall furnish a corporate surety bond from a company authorized to do business in Maine insuring that forthwith after the event the grounds will be cleaned of waste and damages to public or private property in the area arising out of or in connection with the event will be promptly paid; such bond to be in the amount of \$5,000.00 for each expected 500 persons in attendance.

**Asking for the board to waive this requirement*

☒ The applicant shall file with his application adequate proof that he has authority from any landowners to use his property and shall furnish a plan showing the size of the area to be used, with designated locations for drinking, toilet and washing facilities, waste containers, first aid facilities and off the street parking.

Signature: [Signature] Date: 9-7-21

FOR OFFICE USE ONLY:

AMOUNT PAID \$100.00 DATE SUBMITTED / / 20 RECEIVED BY:
BOARD OF SELECTMEN

DATE OF APPROVAL / / 20

TOWN CLERK'S OFFICE • 3 CHASE STREET, SUITE 1 • BRIDGTON, ME 04009 • (207) 647-8786

TOWN OF BRIDGTON

MEMO

TO: Board of Selectmen
FROM: Laurie L. Chadbourne, Town Clerk
RE: Business Licenses
DATE: September 9, 2021

▪ **Mister Twister the Pretzel Guy , Brownfield**

Music on Main Event

Mobile Victualer's License

☐ CEO ☐ Fire ☐ Police ☒ Town Clerk

▪ **SAO Cooks and Catering, LLC dba The Greenhouse by SAO, Parsonsfield**

Music on Main Event

Mobile Victualer's License

☐ CEO ☐ Fire ☐ Police ☒ Town Clerk

▪ **Fred's Fried Dough, Portland**

Music on Main Event

Mobile Victualer's License

☐ CEO ☐ Fire ☐ Police ☒ Town Clerk

▪ **Crepe Elizabeth, Cape Elizabeth**

Music on Main Event

Mobile Victualer's License

☐ CEO ☐ Fire ☐ Police ☒ Town Clerk

▪ **Bickford Box's, Fryeburg**

Music on Main Event

Mobile Victualer's License

☐ CEO ☐ Fire ☐ Police ☒ Town Clerk

Complete applications are on file at the Town Clerk's Office and available for Select Board review.

TOWN OF BRIDGTON

MEMO

TO: Board of Selectmen
FROM: Laurie L. Chadbourne, Town Clerk
RE: Business Licenses
DATE: September 9, 2021

▪ **Maine Only Adult Use Cannabis**

316 Portland Road, Unit 4

Adult Use Marijuana Store License

☒ CEO ☒ Fire ☒ Police ☒ Tax Collector ☒ Town Clerk

Complete applications are on file at the Town Clerk's Office and available for Select Board review.



Town of Bridgton

3 Chase Street, Suite 1
Bridgton, ME 04009

Laurie L. Chadbourne, Town Clerk
Town Clerk's Office

MEMORANDUM

To: Bridgton Board of Selectmen
Robert A. Peabody, Jr., Town Manager
David Madsen, Public Services Director

From: Brenda Day, E-911 Addressing Officer

Date: September 1, 2021

Re: Sunshine Road

The property owner of Map 10 Lot 10 has proposed the following names for the private road:

First Choice: Sunshine Circle

Second Choice: Sunlight Circle

This office recommends approval of Sunshine Circle and Cumberland County E911 Dispatch Center supports this recommendation.

Thank you for your consideration.

Attachments: Proposed Street Name Request Application
Location Maps



TOWN OF BRIDGTON, MAINE STREET NAME REQUEST FORM

Application fee \$50.00 per sign

Date paid: ____/____/____

Applicant Information:

Name: Eco Estats LLC Phone #: (207) 647-3883

(current) Mailing Address: 175 Portland Rd, Suite 2, Bridgton, ME 04009

Email address: Chris.perkins@mainecohomes.com

Signature: Christopher Perkins MEH

Date: 07/26/2021

Proposed street is a: ☐ Private Way ☒ Subdivision Road/Name of Subdivision: Eco Estats

New street access off (name of street): Sustainable Way and between numbers N/A and N/A

Tax map and lot numbers(s) of access points: Map 10, Lot 10

Length of new street (in feet): 390 ft Number of lots accessed by new street: 1

Other owners that access their property from this private way:

Name: _____ Map/Block/Lot: _____

Name: _____ Map/Block/Lot: _____

Name: _____ Map/Block/Lot: _____

**Applicant MUST submit a plan or sketch showing the road to be named,
location of all driveway entries and distances from crossroads with application.**

Proposed Names of New Street (in order of preference):

1st Choice: Sunshine Circle ☐ Accepted ☐ Rejected Reason: _____

2nd Choice: Sunlight Circle ☐ Accepted ☐ Rejected Reason: _____

3rd Choice: _____ ☐ Accepted ☐ Rejected Reason: _____

Return this completed form with a plan/sketch showing the road to be named, and payment to:
E-911 Addressing Officer, 3 Chase Street, Suite 1, Bridgton, ME 04009

For office use only

Date application was received: ____/____/____ ☐ Sketch attached

Street name recommended by E-911 Addressing Officer: ☒ 1st choice ☐ 2nd choice ☐ 3rd choice

Cumberland County Dispatch Center Supports Recommendation ☒ Yes ☐ No

Approved by Board of Selectmen: ____/____/____

☐ Mapping updated
☐ Notifications sent
☐ Complete
Initials: _____

Brenda Day

From: Deborah Plummer <DPlummer@cumberlandcounty.org>
Sent: Wednesday, September 1, 2021 11:18 AM
To: Brenda Day
Subject: Re: Road name

Either is fine with us. Thank you

On Wed, Sep 1, 2021 at 11:08 AM Brenda Day <bday@bridgtonmaine.org> wrote:

The Town of Bridgton received a request for a new road name:

1st choice: Sunshine Circle

2nd choice: Sunlight Circle

It is recommended that we approve the first choice, Sunshine Circle.

Would you support this name or do you anticipate conflict?

Please advise,

Brenda Day

Code Enforcement Officer

bday@bridgtonmaine.org

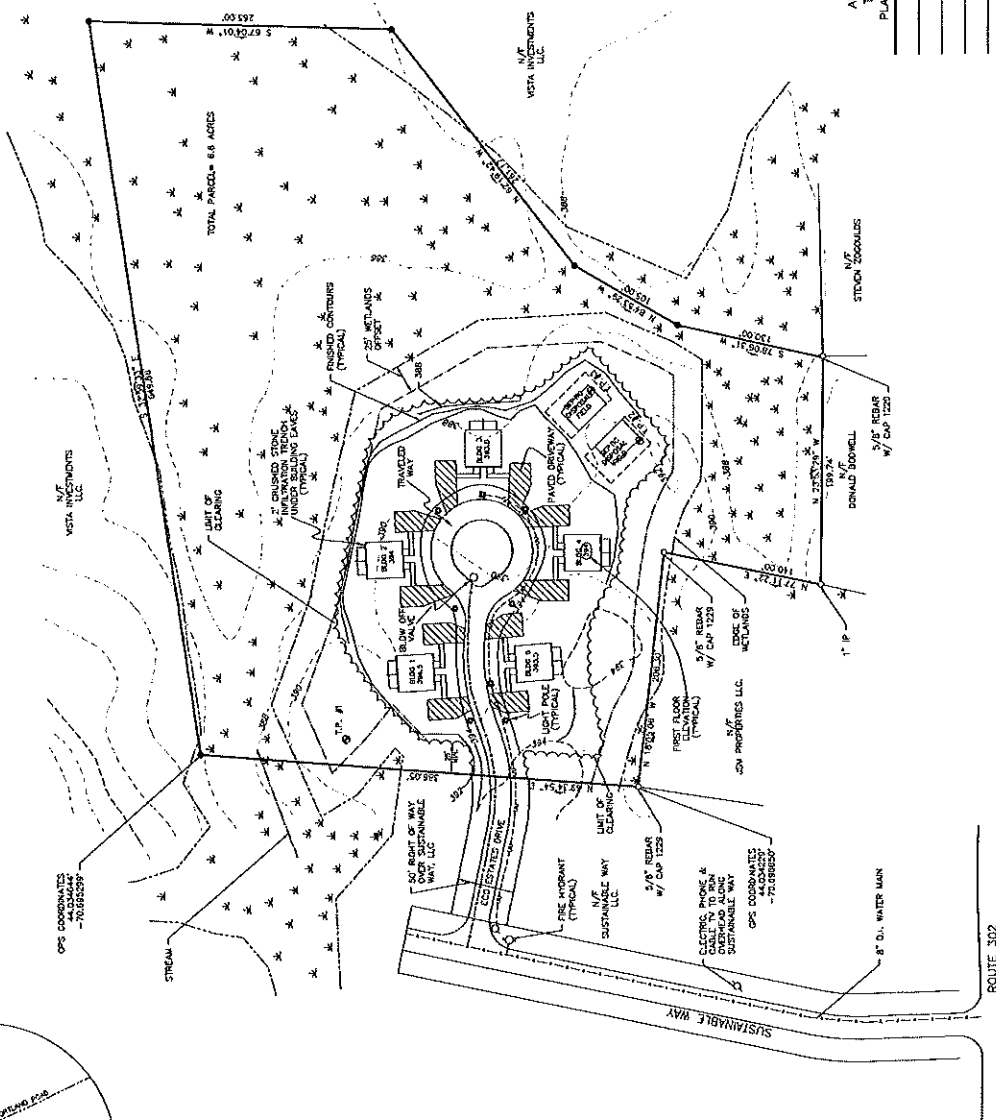
207-803-9963

Fax: 207-647-8789

--

Deb Plummer, Deputy Director
Cumberland County Regional Communications Center
22B High Street
Windham, ME 04062

207-892-3245



4. THE PLANT SPECIES LISTED IN THE ATTACHED SCHEDULE SHALL BE MAINTAINED AND PROTECTED TO THE MAXIMUM EXTENT POSSIBLE. THE PLANT SPECIES LISTED IN THE ATTACHED SCHEDULE SHALL BE MAINTAINED AND PROTECTED TO THE MAXIMUM EXTENT POSSIBLE. THE PLANT SPECIES LISTED IN THE ATTACHED SCHEDULE SHALL BE MAINTAINED AND PROTECTED TO THE MAXIMUM EXTENT POSSIBLE.

SURVEY BY	DATE	COUNTDOWN	SCALE	PLAN NO.
JUNCDMAN	06-07-2013	JUN 8. EST.	1"=50'	113-3-308

ECCO ESTATES LLC.
P.O. BOX 50 BRIDGTON, MAINE 04009
RECORD OWNER:
BRIDGTON, MAINE 04009

SAWYER ENGINEERING & SURVEYING, INC.
2 ELM STREET
BRIDGTON, MAINE 04009

REVISED PLAN
ECO ESTATES
BRIDGTON, MAINE

Date: September 14, 2021

VOTE TO AUTHORIZE LEASE PURCHASE OF A 2021 JOHN DEERE 672G GRADER
AND RELATED ACCESSORIES IN PRINCIPAL AMOUNT OF UP TO \$294,000.00

Under and pursuant to the provisions of Title 30-A M.R.S., Sections 5721, 5722, and 5728, budgetary appropriations approved by the voters of the Town of Bridgton (the "Town") at a Town Meeting duly called and held on June 8, 2021, and all other applicable law, the Select Board of the Town hereby VOTES as follows:

1. That the Town Manager of the Town (the "Town Manager") is authorized to solicit proposals from lease purchase companies and to execute and deliver a lease purchase agreement subject to annual appropriation in the name and on behalf of the Town to provide financing for a 2021 John Deere 672G Grader and related accessories (the "Equipment") in a principal amount not to exceed \$294,000.00 (the "Maximum Principal Amount") in such form and on such terms not inconsistent with this Vote, as the Town Manager may approve (the "Lease"), provided, however, that the Town has appropriated funds sufficient to make any and all payments due under the Lease during the current fiscal year;
2. That, to the extent not inconsistent with this Vote, the Town Manager is authorized to select such date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, form(s), and other details of the Lease as the Town Manager may approve, said approval to be conclusively evidenced by the execution and delivery thereof;
3. That the Town Manager is authorized to execute and deliver on behalf of the Town such tax compliance certificates and arbitrage and use of proceeds certificates as may, in the Town Manager's judgment, be necessary or convenient to effect the transactions authorized by this Vote;
4. That the Town Manager is authorized to covenant on behalf of the Town that (i) no part of the proceeds of the Lease shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Lease to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, (the "Code"), and (ii) the proceeds of the Lease and the Equipment financed by the Lease shall not be used in a manner that would cause the Lease to be a "private activity bond" within the meaning of Section 141 of the Code;
5. That the Town Manager is authorized to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Lease, and to take all other lawful actions necessary to ensure the interest portion of the rental payments under and pursuant to the Lease will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof;
6. That the Town Manager may, as applicable, designate the Lease as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of the Code;
7. That the Town hereby resolves and declares its official intent pursuant to Section 1.150-2(e) of the Treasury Regulations that the Town reasonably expects to use the proceeds of the Lease to reimburse certain original expenditures from the Town's general or other fund, paid not earlier than 60 days prior to adoption of this Vote or to be paid, which original expenditures have been or will be incurred in connection with costs of the Equipment; and that the Town reasonably expects that the maximum principal amount that the Town will issue to finance the Equipment is the Maximum Principal

Amount, as stated hereinabove, and further that an attested copy of this declaration of official intent be kept in the permanent records of the Town;

8. That the appropriate officials of the Town, acting singly, are authorized to execute and deliver on behalf of the Town such other documents and certificates as may be required in connection with the Lease;
9. That if the Town Manager or any other officer or official of the Town is for any reason unavailable to, as applicable, approve, execute, or attest the Lease or any related financing documents, the person acting in any such capacity, whether as a successor, assistant, deputy, or otherwise, is authorized to act for such officer or official with the same force and effect as if such officer or official had performed such act; and
10. That an attested copy of this Vote is to be filed with the minutes of this meeting.

A true copy, attest:

Town Clerk
Town of Bridgton

QUITCLAIM DEED

Without Covenant

The Town of Bridgton, a body corporate and politic in the County of Cumberland and State of Maine, for consideration paid, **RELEASES** to **Everett F. Snow, III.**, of 16 Snow Valley Road, Bridgton, Maine, without Quitclaim Covenant, all its right, title, and interest in and to a certain lot or parcel of land, together with any buildings or improvements thereon, situated at 494 Lower Main Street in the Town of Bridgton, County of Cumberland and State of Maine, being identified as Tax Map 25, Lot 3 on the Assessor's Tax Commitment, more particularly bounded and described as follows:

A certain lot or parcel of land, with any buildings thereon, situated on the northerly side of Main Street, in the Town of Bridgton, in the County of Cumberland and State of Maine, bounded and described as follows:

Northerly by land now or formerly of Sarah L. Harrison; easterly by the homestead premises now or formerly of Elbridge Sanborn, formerly of John Johnson; southerly by said Main Street; and westerly by Forest Avenue

Meaning and intending to convey all of the same premises which the said Grantor acquired by virtue of a Tax Lien assessed against Barbara Thompson Estate and in favor of the Town of Bridgton, recorded on May 31, 1985 and recorded in Book 6773, Page 329 in the Cumberland County Registry of Deeds, and a Tax Lien assessed against Barbara Thompson and in favor of the Town of Bridgton, recorded July 13, 1987 and recorded in Book 7869, Page 346 in said Registry of Deeds.

Witness my hand and seal this 14th day of September 2021.

Inhabitants of the
TOWN OF BRIDGTON

By: _____ Robert J. McHatton Sr.

Municipal Officers

_____ Glenn R. Zaidman

_____ G. Frederick Packard

_____ Carmen E. Lone

_____ Paul E. Tworog

STATE OF MAINE

COUNTY OF CUMBERLAND ss.

June 22, 2021

Then personally appeared the above named Municipal Officers of the Town of Bridgton, Robert J. McHatton Sr., Glenn R. Zaidman, G. Frederick Packard, Carmen E. Lone, and Paul E. Tworog, and acknowledged the foregoing to be their free act and deed in their said capacity, and the free act and deed of the Inhabitants of said Municipality.

Before me, _____

•

Laurie Chadbourne

Notary Public, State of Maine

My Commission Expires November 14, 2026

TAX COLLECTOR'S LIEN CERTIFICATE

(TITLE 36, M.R.S.A., SECTION 942 AND 943, AS AMENDED)

STATE OF MAINE

I, PHILIP M. TARR, Tax Collector of the Municipality of Bridgton, in the County of Cumberland, said taxes having been duly and legally committed to me for collection on the 29th day of July, 1986, hereby certify that a tax of \$139.59, duly and legally assessed to real estate in said municipality and assessed against THOMPSON, BARBARA of 222 LOWER MAIN ST., BRIDGTON, ME, as owner thereof, said real estate being bounded and described as follows:

Map 25 Lot 3 - - - Location 222 LOWER MAIN ST.

Property Tax Map, Town of Bridgton, Cumberland County, Compiled by James W. Sewall Co., Old Town, Maine, Completed in April 1963, and as revised in 1986. Above maps on file at the Bridgton Town Office, 48 Main Street, Bridgton, ME 04009.

together with interest of \$9.41, which has been added to and become a part of said tax, a total of \$149.00, remains unpaid; that a lien is claimed on said real estate, above described to secure the payment of said tax; that a demand for payment of said tax has been made of the said THOMPSON, BARBARA by my sending by certified mail, return receipt requested, to his last known address at BRIDGTON, ME, on the 4th day of June, 1987, a notice in writing signed by me stating the amount of said tax describing the real estate on which said tax is assessed, alleging that a lien is claimed on said real estate to secure the payment of said tax and demanding payment of said tax and costs within 30 days after mailing of said notice, in accordance with the provision of Title 36, M.R.S.A. Section 942 and 943, as amended.

Additional Costs:	\$13.00
Recording and Discharging Lien	\$10.00
Certified Mail, Return Receipt requested	\$ 1.67
TOTAL	\$24.67

Philip M. Tarr

SEAL

Philip M. Tarr, Tax Collector
Municipality of Bridgton

STATE OF MAINE

July 9, 1987

Then personally appeared the above the subscribed Philip M. Tarr, Tax Collector, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me, *Janice A. Chadbourne*
Janice A. Chadbourne, Notary Public
MY COMMISSION EXPIRES

JANUARY 26, 1996

SEAL

RECEIVED
RECORDED
1987 JUL 13 AM 9:34
CUMBERLAND COUNTY
James W. Sewall

Then personally appeared the above subscribed... Philip M. Tarr
Tax Collector, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me, *Judy L. Adams*
Judy L. Adams Notary Public, *Superior of the District*

MY COMMISSION EXPIRES
4-14-11

RECEIVED

1965 MAY 31 AM 10:29

James L. Clark

SEAL

"Selling and" (other) on public sale" where assessed to "owner" and not to the
**If an owner or tenant or person in possession of real estate is notified by the Tax Collector that a demand is made (in form, but in demand may be made upon the
owner or tenant) of the estate or upon any of the heirs or devisees Title 26, M. R. S. A., Section 947 as amended
**Includes the \$1.00 for the officer demanded on the Tax Collector's Notice No. 1372
§ If the quality of the land is not satisfactory, strike out (1) but upon receipt Title 26, M. R. S. A., Section 947 as amended
§ If the land is not satisfactory, strike out (1) but upon receipt Title 26, M. R. S. A., Section 947 as amended
NOTE: When the undersigned (not public) of a deceased person has been notified to the heirs or devisees and is not desirous of any of them by name, it will be public sale to
the heirs and devisees (not public) in the name of the heirs or the devisees of said deceased without designating them by name, BUT THE TERMS ON DEVISEES MUST
FIRST HAVE NOTICE IN HAND, AT HAND OR BY MAIL.
SADDITION TO COLLECTOR. Make written record of time of service of Tax Collector's Notice No. 1372, and of recording No. 1372 in Registry of Deeds, and of filing
the TAP with Municipal Treasurer, and of making the TAP by certified mail, return receipt requested, to Mortgage Lender's and of making the TAP by certified mail,
return receipt requested, to each unperfected Record Owner. If copies are made and filed in the office, you will have written record of compliance with the Statute.