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HOME RULE HEARING
COMMISSION ON INTERGOVERNMENTAL RELATIONS

DECEMBER 1, 1967

BANGOR CITY HALL

7:30 P.M.

MEMBERS Chairman Mitchell Cope, Auburn City Manager Woodbury Brackett, Senator
PRESENT: Theodore Curtis, Representative Joseph D'Alfonso, Representative John
 Martin and Senator Jon Lund.

Executive Secretary Frederick Kneeland.

COPE: Several years ago, we had hearings both in Bangor and Augusta and
 Portland about the problems of municipal government. One of the major
 disappointments and improvements in government was the subject of HOME
 RULE. In the last session, the 103rd session, a bill was presented on
 HOME RULE. Because it was not fully developed, it was thought it should
 be considered by this Commission on the basis of which we hope to have
 some improvements made on the subject of HOME RULE. We would like your
 comments and suggestions how we could form a better method of the HOME
 RULE suggestions, which means, of course, simply self autonomy or self
 HOME RULE. What I would like to do, is have the first speaker come up
 front and have less formality and not be formal. We will ask you to
 speak and as you do, we will probably ask you questions to help develop

the format of this subject. Who would like to be the first speaker?

Would you please state your name and the town you are from.

STEVENS: I am Earl Stevens, City Manager of Brewer, Maine. Chairman Cope, Gentlemen of the Commission, since this statement has not been submitted to the City Council for their approval, it must be considered mine alone. We are pleased that the Intergovernmental Relations Commission has been holding hearings throughout the State and this hearing at least, has come in the evening for the obvious desire that more people attend. It's a trite phrase, that everyone is for motherhood and against sin. It's equally ordinary to state that everyone is for HOME RULE. Only when we attempt to define motherhood, sin and HOME RULE, do we begin to bog down in debate and dispute. Rather than discuss details, specifics, words or phrases of the model provisions suggested by the National League of Cities or the National Municipal League, which your executive secretary sent to us, we will present two or three short and broad statements of opinion for such a system as they may be to you. Most, if not all, private and special legislation relating to municipalities, which is considered annually by the Maine Legislature, is a total waste of valuable time and effort for the Legislators. Consolidation of small, inefficient and ineffective municipalities must be encouraged through some easy method of self determination. As the last consolidation was in 1922, when Dover and Foxcroft merged, I would like to believe that there is some reason or some ---- other than inertia. Perhaps guidelines could be established to encourage these consolidations along existing school administration district boundaries. The establishment of several model municipal charters, any one of which may be adopted in

total by municipalities, is not really HOME RULE. It's a roulette, where the least objectionable charter is chosen for lack of an alternative. Finally, since constitutional amendments, even if desirable, may be difficult to accomplish, a rather simple state law should be enacted by the legislature establishing a clear and concise method by which municipalities, by their own action, can adopt and amend charters. For this, by itself, would not be total HOME RULE, it would be a giant step in the right direction. That is the end of my statement.

LUND: Senator Jon Lund, Augusta. I have a question that I would like to ask of Mr. Stevens. Aren't you afraid that if the HOME RULE provisions were embodied only in a statute, that there be a lingering temptation on the part of the legislators, thereafter, who weren't happy with the way it had worked out in their communities, to override the provisions of that statute by another statute relating either to their particular city by name or to cities between 225,000 and 227,000 people, by some similar device to try to get around the provisions of a statutory HOME RULE?

STEVENS: This is entirely a possibility and perhaps even a probability. I've been part of an effort to establish a certain law, namely registration, single registrar, straightening out, modernizing the election statutes, only to have them rather greatly amended and much of the effort totally abated at the following session. I understand this concern is probably a valid concern, I think, however, that a constitutional amendment embodying the broad range of HOME RULE would be very difficult to accomplish and, therefore, if we could get developing a consensus within the state that this is the way it ought to be, that the legislature might involve --- they might not also.

LUND: I might mention that the fever in this direction ran so high in the last session we had over 30 bills dealing with one municipality alone.

COPE: On the Halsey questions laid out on HOME RULE, have you had a chance to review the 9 questions that's on the third page?

STEVENS: I read the questions along with the entire publication sent to me and I'm certain of one thing and that is, I don't have the answers to the 9 questions, perhaps some thoughts on some of them

COPE: Do you have at this time, answers to the questions

STEVENS: Well

COPE: What we are trying to do is to try to develop a method and any suggestions and help at this time if you would at a later time, rethink and give us written answers to some of these questions or while we sit in hearing here, perhaps you could return.

STEVENS: I think I'll choose to join the audience and listen to further discussion and perhaps submit additional thoughts a later time.

MARTIN: Representative John Martin, Eagle Lake, Maine. Mr. Chairman. Mr. Stevens, following the line of questioning that Mr. Lund started, would you have any objections if the Legislature were to initiate a very brief constitutional amendment thereby giving the communities and municipalities of the state the right to have HOME RULE. Then, once that has been established, setting down the principals by statutes by the Legislature every time they would meet. Now this would go half way, I suppose, in what you originally stated.

STEVENS: I am not sure that I'm aware of all the ramifications of your simple constitutional amendment providing HOME RULE to municipalities. That's my concern, as I indicated, we're in favor of HOME RULE but then let's look at all the ramifications of it. I believe that the constitutional amendment would probably be the proper way to do it. Whether I would support the constitutional amendment that would be proposed, determines on how it is written and what it is designed to accomplish. I think we have to be a little careful about using the term HOME RULE without definition, there is so many things that it can or cannot include, debt limit, broad tax powers, annexation, all of these things which may or may not be included.

MARTIN: I'm not really sure I know how far I want to go either, at this point. For example, the proposal laid down I believe, by the National League of Cities, is the first one you received in your packet, is a relatively short document once it's written out into any constitution and obviously, the implementation of the constitutional amendment would then have to be done by statute and I was wondering whether or not that would fit with what you had in mind, or whether or not you still would want something even more, or I should say, less specific. I'm not sure whether I am following you as to the point of do you want more specifics in the constitution or would you prefer leaving the specifics to the Legislature so that the Legislature could fool with it every two years.

STEVENS: Well, I think we have to be a little careful. It seems to me, that we don't put in our constitution details to such a degree that the normal change of society requires continual changing of the constitution. We have to be careful not to put nuts and bolts in the constitution, when

what we need is a basic overhaul. But, insofar as the National League of Cities' proposal, it's short, it seems to be desirable. I would question one aspect of it and that is, that it would set up classes of cities and when a city became a certain size, if my interpretation is correct, that when a city became 10,000 as against 9,099, it would be in a different class and therefore require a different type of government, for instance, and I'm being a little bit drastic but this does indicate that classification of the cities apparently not only can but is encouraged here relating to this.

LUND: Mr. Chairman. I might indicate to Mr. Stevens, my understanding of the purpose of the classifications as set forth here, as I understand it, the purpose of the provisions with regard to size and classifications is to prevent the Legislature from establishing classification which encumbers only one city, any city, for instance, particularly interested in changing the charter. I think this is the basic purpose of having size classifications and they are, I think, not so drawn that a charter need be changed because of size changes.

STEVENS: I am sure there is a great deal that I do not know about these proposals.

BRACKETT: Woodbury Brackett, City Manager of Auburn. Earl, of course HOME RULE means many things to many different people. I come from the area where the cities, we remarked about nearby, the favorite indoor sport's prevent the city charter of having dozens of bills go in the Legislature. Now I don't believe, Earl, you are as pessimistic as you indicate about the possibility of getting Constitutional HOME RULE. Seems as though we won't get very far if we have Legislative HOME RULE, because we still leave the doors wide open and it seems to me if this committee and if

the representatives of our various cities really go at this thing, I'm optimistic enough for one to believe, that we can get a sound Constitutional HOME RULE provision through the Legislature, because many of the legislators that I have talked with are just fed up with this thing of occupying so much of the time dealing with petty details. I'm reminded of the today many years ago and some of them not so many years ago, when city charters, that were not about three inches thick, were thought not to cover the field. Now, it has become realized amongst some of our better drafters these documents, these can be condensed, they can be basic constitutional charters, or what ever you want to call them, and the detail can be dealt with by ordinance. Now the objective here, of course, is to see what can be done toward drafting a comprehensive constitutional provision to provide HOME RULE. You, in your profession, certainly, and through attending the various meetings of the Municipal Association and all, have heard this discussed at some length and I believe we are all convinced that we can accomplish this and make a giant stride forward in local government in our state. To be sure there are well, I think the Legislature will realize that they, in particular, are the principal ones to benefit and get away from the frustrations of the pressures and going ons that exists as far as local affairs are concerned. And certainly I believe in my own city, that I represent, and many others, that this would be appreciated also. I think that while you perhaps haven't talked this over in detail with your own mayor and council, certainly these are reasonable people that certainly would see the benefits of doing something in this line and would certainly back their representative, or you, as representing their city at these various hearings.

STEVENS: It is very evident that something needs to be done. It is very evident that the Legislature must get out from underneath this load of legislative bills that come up from the printers, advertised, hearings held and the cost and nuisance and the problems of the legislators that this mass of private and special bills for municipalities entail. I am not pessimistic on the constitutional change and I feel that the Legislature could pass a constitutional change as quickly as it would pass a simple law permitting municipalities to do this. It's an ultimate enactment. I just have no real thoughts on it.

BRACKETT: Don't you feel that we might as well go for the constitutional change rather than settle for half a loaf before we even start?

STEVENS: As a matter of possibility of success and if the possibility of success to the committee, after consideration looks reasonably good, that would be a very good tact. I think it is the only safe way, because even in states that have the model charters that you Plan E, Plan F, or Plan A, even though these municipalities adopt these, they go back and have their's amended or try to and so this doesn't solve anything. When I indicate that the legislative enactment to allow charter adoption and amendment, perhaps I am too optimistic that the legislature might then leave it alone, I don't know. In being realistic, I think probably they wouldn't, but I guess that's hopeful. I would naturally support a Constitutional HOME RULE provision, properly drawn, that stood any chance at all of getting enacted.

COPE: May I ask you a question. In the Town of Brewer, have you any thoughts, if you had your druthers, what would you like to see as a HOME RULE proposal?

STEVENSON: Well, the only thing that I have seen so far in Brewer is one important, but insignificant in a way, charter change that went before the Legislature, was enacted, came back and went into effect. These minor amendments should originate and be enacted on the local level, I think. I just don't know whether we're talking how far the HOME RULE is proposed to go, if we're talking debt limit, if we're talking special taxation, we're talking something of this sort, then

COPE: We're asking you, what should we encompass.

STEVENSON: Well, first at the moment, it needs to encompass the right to adopt and amend a local charter in a fashion which does not violate general statutes. Now, I assume in general statutes, we have a debt limit, we have limits on...

COPE: Excuse me, you mean the constitutional limitation?

STEVENSON: Yes, on various things, constitutional as well as statutory.

COPE: We're searching for the same things you are, that is why we are here today, to help give us guidance.

STEVENSON: I hope some other person is....

COPE: Well, we appreciate your coming here, Earl. As you partake and the others, perhaps you will come back and have some more thoughts on this. Thank you very much.

STEVENSON: Thank you.

COPE: I am impressed with the amount of participants at our hearing here tonight.

MARTIN: I think we've scared them off, Mr. Chairman. (laughter)

COPE: Mr. Goff, would you be willing to

GOFF: Merle Goff, City Manager of Bangor, Maine. Mr. Chairman, I have no prepared remarks on this subject. I think there is a wealth of material that has been written and a very great disagreement on a number of aspects of it. I have some thoughts that perhaps, are at some diversion with some of my colleagues. I am not sure that I feel that HOME RULE as it is commonly described, is something that we want to jump into too readily. I think that there are some areas, however, that we in the State of Maine need to take a good look at. I've been concerned about the problems of the Legislature every time the charter amendments come up, in the number of communities that require this; the fact that from time to time a community will come in with seven or eight or nine charter amendments. On the other hand, I do think that this ought to be of the authority of the municipality; ought to be kept within some limits, and I have the feeling that since we are creatures of the Legislature, that there ought to be some ground rules. I just don't think we can open the door completely and say, HOME RULE, as some people define the term, is something we want in the State of Maine. It rather seems to me, that there ought to be available to the people of the state, an opportunity to select from perhaps seven or eight different plans of local government. I think I agree with what was stated by one of the members of the committee, that perhaps there ought to be the opportunity through a constitutional amendment to provide for HOME RULE, but with some very definite limitations. I think the matter of charters, again ought to have some very definite limits as to the number of ways and directions in which a municipality can go. As to that degree, let the community make the decision as to what form of local government organization they desire. I do think because of the

complexities and the ways that these things change, that if you did not have some basic ground rules or some basic plans, similar to the Massachusetts plan, whereby the people can select from a number of forms of government, that there would be almost chaos throughout the state; there would be so many possible forms of organizations and the people in each community would be from time to time changing their charters and perhaps doing some things that might meet their particular needs at a particular time, but were not generally good local government organization. I suppose some people might say, well if they want to do it, let them do it. We went through a period of that, which at one time required that the state set up a program which local government administrated. I do feel that we need more authority to deal with these matters then we have now, but perhaps not as much as some people envision. Secondly, I think also, we ought to have the opportunity to make some decisions relating to our financial structure. Yet, I think this has to be held within bounds, however, because there are all kinds of financing schemes and plans being promulgated from time to time by local government and quasi-municipal agencies. This too, I think could get out of hand, if not limited in some way. I think we have available in local government at the present time, the general property tax. It is possible that through some legislative act there could be available to those governments that choose to use it, a local sales tax, a local gross receipts tax, in any given community. These would be on top of any general legislation available to all municipalities and from time to time there might be some reasons why some communities might choose to utilize one of these other sources available to it. It might be for a very specific purpose for given period of time, but again, I think there has to be some kind of a framework and a

limitation to the extent to which we can go in these areas. The third point I want to make is this matter of constitutional debt limit. I personally feel this is a general state consideration and while I think perhaps we ought to take a look at the present statutes of the present constitutional provisions on this, I think we ought to stay up with the times, so to speak. I think we ought to be very careful about relaxing some of these basic provisions. It would be very possible for a community, even because it's perhaps anxious to develop, to utilize a number of vehicles in accomplishing this goal which might be in the long run to the detriment of either the community or areas around it. I'm really not concerned about the annexation problem in the State of Maine. I think this is something that is going to be a long time coming. There needs to be a lot of education done before we start thinking about annexation. I personally feel a step toward this is regional cooperation and possibly contractual agreements. Again, to open the door, as some states have done, in the relation to the length of our problems, I am for making some moves in all these directions, but I'm not for opening the door wide and trying to take one jump right into the middle of the stream.

LUND: I think I am in agreement with your comment as to having a number of plans from which to choose. In that connection while we were talking, I wondered how you take care of the problem where you have a community that had some presently existing "oddball" form of government that didn't fit one of the plans, and I'm not sure I can't recall how the model statute would take care of this problem. Presumably they would be allowed to continue with it, but the question would be if they could change it in any respect.

GOFF: Well, I think the Legislature in its wisdom, ought to establish some basic plans in the state and if someone, essentially some community, does not conform with one of these, perhaps their charters ought to be amended so they do. It seems to me that there are sufficient known tested plans of local government organizations that are workable that have proven their general satisfactory use to indicate that perhaps and I think I might point out that a lot of problems that the Legislature has, are with these very unusual forms and not with the generally accepted forms. I think that in itself, has proven the fact that perhaps we ought to establish some basic forms and rules of government and from those make the citizen select.

D'ALFONSO: Joseph A. D'Alfonso, Representative from Portland, Maine. Mr. Chairman. Mr. Goff, from your remarks I make it an assumption that you gave an affirmative answer to question number two on page three.

GOFF: I think, as I understand this term of self-executing, this is almost doing the thing that I do not think we should do and that is opening the door for continued change within the local government structures. Perhaps I am not understanding this correctly, but it is my understanding that self-executing HOME RULE provision is that it's rather liberal and I guess probably my position on this matter might be classified as conservative because I do not think we should go all that distance.

D'ALFONSO: My understanding of your comments is that you suggested that a constitutional provision be made whereby the locality would then submit to the Legislature a HOME RULE plan. Is that true?

GOFF: No. I think there needs to be a general constitutional provision per-

mitting HOME RULE. Now, my whole feeling is that this ought to be a limited HOME RULE, perhaps cover some very specific areas of local government activities. I think as far as charters are concerned, these ought to be limited in nature as I have suggested. I think as far as certain financial provisions and the ability to effect certain taxation, again, might be permitted under the constitutional provisions but developed within a framework which would be established by a specific proposal of the Legislature.

D'ALFONSO: So that my thinking is right, that actually the Legislature would actually approve or disapprove of what the locality would desire to have.

GOFF: Well again, perhaps I'm not making myself awfully clear on this. Let's assume for example, that there are three or four sources of revenue which the Legislature feels might be available to a municipality other than general property tax, let's say, a gross receipts tax, if a city wanted to impose this in addition to other general taxation, possibly a local sales tax, possibly there might be some other revenue feature. It seems to me that perhaps the Legislature ought to state those things that might be available to a municipality, if it chooses to use it -- similar to their stating the forms of government that might be available to municipalities, if they choose to use it. In other words, I think we need some options and we need far more flexibility than we have at the present time, and to go into the Legislature with general legislation at any given time, as the city for example on gross receipts tax, it is almost impossible to get this on a state-wide level. As a matter of fact, it is very difficult to do it even for a community, because of the problems of getting into Legislature with these matters, or getting

a general agreement. But, if there are some areas that the Legislature feels would give municipalities more flexibility than they have now, in some matters of finance and some matters of organization, it would seem to me that we retain this kind of a step and do a great deal to offer more alternatives to local government than we presently have. I am fearful of this what they call "self-executing", where there's almost no end what kind of things municipalities can do.

D'ALFONSO: So that you actually would incorporate these options within the constitutional amendment.

GOFF: No, I constitute those within the legislation. The constitutional amendment would simply say that certain HOME RULE provisions might be permitted. The legislation would establish what those are.

D'ALFONSO: The legislation would actually limit and restrict whatever HOME RULE provisions the municipalities or localities would desire to have.

GOFF: They would set up alternatives.

MARTIN: Mr. Chairman. Mr. Goff, take a look on page 15, actually it isn't really page 15, but it's page 15 in according to National League of cities. Section 3 Classification; Optional Plans of Government. The Legislature may classify municipal corporations by grouping them into not more than four classes based upon population to be determined by the most recent census made under the authority of the United States or of this State. Unquote. Do you feel that the four classes would be sufficient, for example, for the State of Maine or would you feel there should be more than four classes or do you feel that we shouldn't base it on population at all.

GOFF: I honestly I can't I have no answer to that or any particular thought to that. I have the feeling that perhaps Maine and the New England communities somewhat differ in their makeup, population wise, then some other parts of the country and I'm not sure that four are. We have some exceedingly small communities in Maine and we've got tremendous territory between communities. Whether this is a practical thing for this state, I hate to say without a great deal more study. I just can't begin to answer that and I'm sure that people from some of those sizes of communities will have a far different opinion about the matter than someone from Bangor or Portland.

MARTIN: Does the MMA divide various communities into four classes No John? Sorry about that, but I thought they had a classification, for example, for municipalities less than 1,000 or 1,025.

SALISBURY: John Salisbury, Executive Director, Maine Municipal Association, Hallowell Maine.

(Spoke from the rear of the Council Chambers; his comments were not clear). We have annual reports five or six categories but no basic reason, other than population.

GOFF: The classification bothers me a little bit because it attempts to well whatever, whether you use valuation, whether you use population, whatever you use it does something that perhaps is not really good. I think every community is different, one that's 2500 population may have certain characteristics about it, that, it ought to be classified for this purpose in some other way. Just population or just valuation may not be an entire criteria. Well, I think perhaps, an example I can use, might be Orono, which is not a large community but there are factors

there that make it a far different community than perhaps in some respects having greater requirements than communities that have much more population and have much more valuation. I think there is a classification on the bases that are being suggested and I have some reservations.

COPE: In other words, you think the communities should choose it's own classification?

GOFF: I'm not so sure that is necessary to classify it. I really don't see any reason for classifying it. I would assume, for example, that communities up to perhaps 10 or 12,000 population, according to themselves, choose and if up to a point they might choose to be ... have some form of town meeting form of government. For the most part, communities very much larger than that are going to choose one of the other plans as far as organizations are concerned. I would assume that communities of 1,000 or 2500, probably would choose a town meeting form. I don't know that we have to establish classes that fit the different programs to the class.

MARTIN: Mr. Chairman, if I may. Again, on page 15 in relationship to the comment if you will note, it says under the general scheme of the draft, a city may have three major choices under the National League plan as to the organization and powers. One, it may continue to operate with the form of government and powers afforded by the general law under which it is incorporated; secondly, if an optional charter legislation has been enacted, it can use that or; third, a HOME RULE charter may be framed and adopted, which I think would probably take care of the problem that you seem concerned about.

GOFF: Well again my own personal feeling is, that any HOME RULE charter

that is framed and adopted, ought to be framed and adopted by the Legislature. As I said, I think we've got a number of options that ought to be established and I think those charters ought to be spelled out in detail if it's a ... well, I hate to refer to Massachusetts, but if it's a form E, the form E is all spelled out in detail and it says certain things. If it happens to be the city manager form of government, city manager council form of government, you've got other forms, forms D, that may be more limited in this organization.

MARTIN: And I assume that these steps ... these various classifications ... could be done by statute and the general HOME RULE provision placed with the constitutional amendment in the constitution.

GOFF: Right.

BRACKETT: Mr. Chairman. Merle, you speak about opening the door. I think what concerns many of us, is that the door is open too far now and one of the purposes is to devise means, and, of course, in obtaining any result, sometime we loose some flexibility to be sure, and maybe that can be found to be worthwhile. But one of the things that concerns us is, having anybody ... any special interest group being able to run to the Legislature (and this I keep bringing up repeatedly) for particular benefits or favors. They can come and bring a dozen friends with them and especially if they go to their own city council and can't get something go to their Legislature and get it. The Legislature now can act on things and does, that imposes financial burdens on the communities. One of the principal reasons behind our efforts, (and this, of course requires certain standardizations), I'm thinking, is that this will give

some more flexibility, because it reminds me of your towns where you can't even do anything about an ordinance, unless you wait for the next town meeting or call for a special town meeting; and some towns are revising their charters to take care of that, of course. It appears to me that it's not the matter of opening the door further, it's a matter of regulating it a bit and securing means that we close the door a little more.

GOFF: Well, I think my position on this is, regardless of how you state it, in looking at it one point of view, you might be opening the door and looking at it from your point of view, you're tightening up the situation. The thing I would fear is making it possible for HOME RULE Charters, of a variety of kinds and natures and provisions, going into the Legislature and as you suggest, people coming in with enough people and power to get a different charter essentially for Brewer, a different charter for Bangor, a different charter for Orono, all the varying provisions and organizational structures. I think there are sufficient basis, organizational structures known and tested today. There is ... whereby the people will have a choice of the kind of organization they want. It seems to me that we know enough generally, about local government to determine in, for example, a council manager form, what the essential provisions of a council manager charter ought to be. Now I hope, and unless its desirable at the legislative level, to change these provisions, in which case, they ought to apply to everyone ... they ought not to be changed. Now we know enough about the strong mayor council plan so that charters can be written, which give the voters the right to determine, if they want a strong mayor council form of government ... Here is the charter. These are the provisions of the charter. If they want a town meeting-selectman form, we have general legislation, but

perhaps there ought to be some additional detail in the general legislation, if that is going to apply. As I say, I think we know enough generally about what is required in these governmental organizations for the legislature to establish the basic charter.

BRACKETT: Then would you be happy if we had certain amount of standardization of charters under constitutional HOME RULE would you feel it to be proper if we had a certain amount of standardization of types of organization under constitutional HOME RULE.

GOFF: As a rule, yes sir. That's what I'm trying to say. Call it what you will, I think that HOME RULE has a as someone said ... it means a lot of things to a lot of people. To me, it means giving the communities a far wider ability and authority than I personally feel they ought to have it.

BRACKETT: I must add here, that I worked in the State of New Hampshire one time, and HOME RULE over there meant to the politicians that they wouldn't be hiring any more Maine managers to come over and be city managers.
(laughter)

COPE: We should reverse that and say no New Hampshire men can come to Maine.

GOFF: I do think that the organization is one thing. I think the increasing of the financial flexibility is another great important thing right now. Honestly, I can't get too excited about annexation and this sort of thing in Maine, at this point and time. Maybe we ought to provide for it, but I think the two basic problems are organization and financial flexibility for municipalities.

BRACKETT: Mr. Chairman. I think there's two or three things I think Mr. Goff is speaking for HOME RULE under constitutional provisions here, with two or three things that's bothering him about it ... such as local determination on methods of finance and so forth. It appears to me that (I don't want to put the words in his mouth) but, I put it together that he is speaking for constitutional HOME RULE and expressing concern with certain features of it, such as financial arrangements and on one or two others and standardization of procedures as far as local charters are concerned.

GOFF: The only thing I can say, is that the Legislature has to set the ground rules and I think it has to be done on some ... there has to be some framework provided. I don't think that municipalities should be able to go outside of that framework unless they're able to convince Legislature that it is desirable in general in the state.

D'ALFONSO: Mr. Chairman. Mr. Goff, do you think that HOME RULE is a real desire in the State of Maine today or would you agree with me that it's more academic than anything else.

GOFF: Well, again, it depends on what you mean when you say HOME RULE. I think there is a real desire on the part of many many people in this State to find some additional flexibility as far as financing local government. I think one of the ways that this can be done is establishing some other source of revenues that perhaps are not generally used at the present time, which a community, if it sees fit, can select from these without having to go to the Legislature. In other words, if we in Bangor wanted to institute a city sales tax in Bangor, to finance something that we want to do, or for the City of Bangor, financing

something they want to do, perhaps they ought to be permitted to do it. Now some of their businesses may suffer in result of it and all these things that go with that, but certain types of financing flexibility ought to be provided, that if the voters in that city say, we would like to institute and tax ourselves a city sales tax, then it's up to the voters to make that decision, assuming that the Legislature has stated that these are alternatives available to municipalities. I think there is a desire for something of this kind. I think there is a desire, and I know there is a desire on the part of the Legislature, to prevent this flood of charter amendments with all kinds of details and perhaps in many respects the very poor draftsmanship, complications, and all this sort of thing. I think there is a desire on the part of the public to realize that when they do have a charter, when they do decide upon a charter, that this has been generally accepted and agreed to by the Legislature and it has met with certain accepted standards as far as charter draftsmanship and provisions of the charter. I think the community that has not had experience, for example, in council manager plan, I know what they do, they get a charter committee and they look at a model city charter, everytime they do it there's a little change in that charter ... it may be consistent in their thoughts. It goes to the Legislature and unless someone objects to it, it probably passes and then it comes back to referendum, and nine times out of ten, the people want that form of bill and it passes. But nine times out of ten, there are little variations in that charter, they may not be too important and yet they may. I think the public generally would like to know, that the charter that they adopt has been generally accepted, considered and approved by legislative authority and that they are not going to run into

basic legal problems with some of the provisions.

D'ALFONSO: With exception of the one municipality that we're all making reference to, without naming them, in my own experience with the Legislature, I don't know of any particular locality that has promiscuously used the Legislature for charter changes. There seems to be a great concern here, from what I've heard, for a broad financial responsibility of local level. Do you think just considering that ... as a point of consensus, that it would be a comprehensive approach to HOME RULE, could'nt this actually be accommodated through a simple legislative statute.

MARTIN: Mr. Chairman, Joe. I just wanted to comment on this, because it's just something which came to my mind. I think we are all aware of anyone who sat in the Legislature what happened to charter bills in the City of Lewiston and what happens within the Lewiston delegation when Lewiston charter bills come up. I, representing the Town of Eagle Lake, suddenly find myself embroiled in the politics of Lewiston as you representing Portland are involved in the politics of Lewiston and also in a roll call a number of times, as we were last session over Lewiston politics. I am just worried when we talk about statutory HOME RULE, if Lewiston might not decide to amend that particular law to please itself on that particular day and then the day after, they would be more than willing to change it back again.

D'ALFONSO: Oh certainly, speaking just about that particular locality this is very possible.

GOFF: I served several communities and I don't think I served one yet, except the City of Bangor, that hasn't been to Legislature for some kind of a

charter change and some of the earlier charters were very badly drawn and probably cannot be attacked on a piece meal basis and the best intentions in the world on the part of the people of Lewiston, the people of Westbrook, people of Biddeford, and Saco, are going to necessitate that they come to Legislature as times change and conditions change and ask that their particular charter be amended. Now, if those communities that I mentioned, that happen to basically operate on a strong mayor plan form of government, if those communities generally having decided that's what they want for their structure, knew that the Legislature had determined a good sound strong mayor charter, then there would be no need for them coming and asking for a particular change to suit their own community, unless this change suited the needs of all council mayor charters and as time changed there is going to be a need to keep up with the changing times, and you're going to have to make changes. The council managers have it and the strong mayor charters and the town meeting form of government in order to satisfy the needs of this day and age, but, I almost think it's got to be done, not by each community, but by some legislative authority.

BRACKETT: Do you think that Rep. Martin of Eagle Lake should be deciding on how we should operate our City of Auburn or Lewiston, all the time?

GOFF: Not as Rep. Martin, but as a member of the State Legislature. I think in total, the members of the Legislature ought to determine if the City of Auburn is going to operate on a council manager form of government, what that council manager form of government constitutes, what does it mean.

- MARTIN: I think you just changed in the process here, you're saying the Legislature should set the guidelines under which, for example, whether it would be a weak mayor, strong mayor, city council, town manager, et cetera, and then did you also say that they ought to decide whether the City of Bangor should have one of these or should the City of Bangor ...
- GOFF: No, what I was saying is, at the time this is done ... in order to do this ... Legislature is the wisest to decide, not the individual community. Each individual community selects the form, after you determine the basic form.
- COPE: Any other questions? Thank you, Merle. Would you stand by and we may call on you again....Mr. Henchy
- HENCHY: Mr. Chairman, members of the committee I am John Henchy from Presque Isle, Maine. Perhaps a little more liberal than some of the other managers, in my thinking. I think that perhaps people have often accused us from the northland of writing some of our own rules. (laughter) Although I would like to say that I could give a real deep and thorough discourse on HOME RULE as the others have said, it really covers a broad spectrum. As to what everybody may think of HOME RULE and how involved it can get ... the implications. I do have a few thoughts in mind, why I think HOME RULE in a pretty broad outline or a pretty general form is desirable in the State of Maine. We're all involved in, I think, an age when changes are coming more rapid as each day goes by. Municipalities, in general now are ... even within the framework of the existing laws of the State of Maine ... are frequently forced to wait practically two years in order to make any basic changes in their charters. To me, this alone

is highly undesirable, and can have a very detrimental affect. I have seen the time when two years in the things that we wanted to do in Presque Isle could for all intentional purposes, could be an eternity and perhaps we would never be able to achieve what we wanted to had we really had to go to the Legislature or were not able to find some reasonable alternative which might have been marginal, legally or otherwise. I do feel basically, as Merle said, many municipalities in Maine are in need of somewhat of a broader financial base and there again, it may depend upon the municipalities in many situations and therefore, we should be given more latitude in this area. I would not go so far as to say, as Merle did, that we should have model charters, et cetera. I believe there should be a very general rule, provided by the constitution, to permit HOME RULE or a very general legislation and then broad outlined in the State Legislature, which would set such things as debt limits and an extremely broad framework within which we can work. But, I believe essentially we have much of this now. We don't have anything spelled out in detail how many councilmen we may have and the forms of government we may generally adopt. I think within a real broad framework, communities could be permitted to adopt their forms of government, the administrative organization, their financial set-up, there again, with limits. I do feel very strongly, that if the municipalities are given more authority to adopt these things, that they in turn or their council will be forced to show more responsibility to their citizens for their government. I think these things go hand in hand and that the process of going to the State Legislature many times gives pressure groups and councils excuses to shunt their responsibilities and say this is what Legislature did or this is what some other group did. It

is within certain framework which necessarily, I think can be very broadening, if this responsibility is placed at the local level, whereby the people have to get involved with the city council, the town council have to be involved with initiating things and voting on them. We will have much more responsible government and there again this may be theoretical, but I think we will do away with much of the public apathy that evolves around the city government today. Most managers here, I think, will have to admit if their community is well run or reasonably well run, the ordinary person on the street really couldn't care much less as to what's going on. If he does have an opportunity to say more, sees more activity on a local level, has more opportunity to express his needs and desires, that his interest will increase and in the long run... and it's a slow process ... we will have a better informed, better educated public and more responsible government. I hope I haven't said enough to involve myself too deeply. (laughter)

COPE: You just give the starting gun of it and we will have John Lund ask you the first question.

LUND: I have no questions, thank you.

D'ALFONSO: Your first comment was, that localities are forced to wait two years to make changes. Would this be an indication on your part, that the Legislature should have annual sessions? (laughter)

COPE: Next question.

HENCHY: There again, speaking for myself, I approve of annual sessions, but not to solve this particular problem of municipalities.

COPE: In other words, every annual session might, every year, have a new change.

HENCHY: That's right it might compound our problem, although it could some-
way decrease the problem. It isn't a cure that I think we need.

MARTIN: And triple the Lewiston bills, too.

D'ALFONSO: You talked about a broad financial base too. Would you agree that the
strongest indication here is that the pressing problem is this one item,
broad financial base at the local level or provisions for it.

HENCHY: I think that it is one of the most pressing problems, but I wouldn't like
to have the broad financial base minimized, the need we have to make
changes in a more rapid manner. Really, I think that this is equally as
detrimental as the broad financial base. One thing, I didn't mention. I
really don't approve of these categories of municipalities trying to si-
phon everybody into four or five categories on an end basis. Any muni-
cipality, I think, to a degree, is unique in its structure, economic base
and any real attempt to shove them into four or five categories of the
population, financial resource, or otherwise, I think we just tend to pro-
long and frustrate. You take Old Orchard which is unique even though it
may have the same number of people similar to that population of Portland.
There's no relationship between the two communities in relation to finan-
cial resources or economic structure at all. If you try to categorize it,
the limitations within any type, I think we will just to be realistic
.... if you go through with it, you'll find it just can't be done to any
degree of efficiency or anything else.

LUND: One of the earlier speakers mentioned debt limit and that started me on a

train of thought. I would like to inquire of you, one of the objections to the present system of debt limit is, that it tends to drive municipalities into special districts or quasi municipal corporations in order to raise money needed for water, sewerage or what have you. We have a great many quasi municipal corporations in Maine. Would you think that it would be worthwhile to consider including these, as well as conventional municipalities in the HOME RULE provisions such as this.

HENCHY: I think districts already have too much autonomy, I would rather see them have less autonomy before they ever have any more.

LUND: Well, I don't know that this goes to autonomy so much as it goes to the problems that Legislature has, that we get a fair volume of routine charter changes with respect to municipal districts. I would venture a guess that perhaps about half as many bills as we have dealing with the cities and towns.

HENCHY: Well, I don't think this type of legislation should go to the Legislature in my opinion, anymore than the municipal ones. Thank you.

COPE: Thank you, Mr. Henchy. Would anybody else like to speak?

SILSBY: My name is Herbert Silsby, I'm Chairman of the City Council in Ellsworth. I think Ellsworth, like all cities has been concerned with these charter problems. We've had, I think, in the last four years, two problems which had to be taken to the Legislature. One was taken on changing of our school committee from four to three appointed by the city council, to five elected by the people. They wanted to have staggered terms and through poor draftsmanship, we ended up with one person on the school committee. (laughter) We had to rush, fortunately the Legislature was

in session, we rushed through an emergency and straightened it out. We've got three voting places within spitting distance of each other, and we still haven't got that changed. It's just a ridiculous indication of that, it's a detail, in either case, it shouldn't be a legislative case, it doesn't seem to me. Most of our city charters, from a historical point of view, are historical accidents. When Ellsworth became a city in 1869, we agreed to have a town meeting, get to be incorporated as a city, there was no other way. Ellsworth was too large a place at that time, or at least so it was thought. They have town meetings, the town meetings were pandemonium which I can testify to as somewhat of an amateur historian. The thing got way out of hand. It was impossible to manage, there wasn't any place in the city large enough to contain the voters entitled to vote, some were left out ... well anyway ... the city charters were adopted by a careful system, et cetera. When we had our major fire in Ellsworth in 1833, the city was completely, totally destroyed. It was decided then to go into the city manager form of government. We have a reasonably workable charter, we really don't have too many problems. It seems to me, there are a couple of points that I would like to speak of. First place, I don't think there is any need to make this so-called HOME RULE a constitutional matter. I don't acquaint HOME RULE with whatever form or definition it may take with the right to free speech. We've over-loaded our constitution now with a lot of things that shouldn't be in there and this is one of them. The only way you could do it, to be meaningful, is to go into so much detail it will double the length of our constitution now or else you could simply say in the constitution we will have HOME RULE whatever that might be. I don't think there is any necessity or reason for having it in the constitution. Now in Maine, as far as classi-

fications of municipalities are concerned, we have now, one classification. The good thing about classifications is, you can classify anything 500 different ways or more. But really, we have two things in Maine -- we have town meetings, or we have a representative government on a local level. Certainly, town meeting form of government is excellent for the small towns, but after a certain population is reached, it isn't practical, it doesn't work. Now, it seems to me, in Maine, what we ought to have, is some sort of a count between our town meetings and then go into a city manager or town manager form of government. Just where that should be, is something that can be debated, maybe it should be 2500 -- I think one of our Maine newspapers used that figure, somebody else said 4,000 population, or what have you. I think we have a city in Maine with just barely 3,000 people in it. Now when you get into the representative type of local government, it seems to me the way it should be set, is on a functional guideline basis by the Legislature. Now we have a good precedent there in our town government in our Title 30 of the Revised Statutes, Each town is governed by the same rule, it's all set up. You can have 3, 5, 7 selectmen for instance, take your choice, they have certain statutory officers, town clerks, selectmen, treasurers, et cetera, set up and the structure of the towns is set forth in statutes. They're authorized to pass local ordinances within certain fields and I agree with Mr. Goff, certainly, I don't think we should allow the municipalities in Maine to have a free reign. It should be well-defined functional fields and within well-defined areas. Now this can be done. I think there is one thing that we think of with HOME RULE, that all of us are apt to do, and that is this -- to assume we have to have a city charter, which of course, we don't. What I am saying is, we don't need statutory

or special resolves or what have you, city charters. Now we can have in our cities, which I suppose is another definition of HOME RULE, an ordinance charter. If the Legislature says a municipality, city, town or what have you, incidentally we have towns in Maine much bigger than Ellsworth which is a city, and if the Legislature says you can have either 3, 5, 7 city councils, then a municipality can adopt, I guess you'd call it, an ordinance charter, what they're going to have. I'm not going to go in great detail on this sort of thing, it's readily seeable what I'm driving at. In other words, these things, these powers, should be set forth by the Legislature and give the municipalities certain options within limits. Now I don't think it's a good idea to have charter A, B, C, D, E and F. In the first place, you haven't accomplished anything by doing this. It should be set up, functional, guideline basis for each municipality to choose within those guidelines what it will do. The field can be covered and as speakers here tonight have said, we know a lot about local government, we know what we need, and what we can do. I'm sure a bill could be worked out, along these lines, similar to what are now applicable laws of towns adopting these forms of government and even a town manager form of government could be worked out for all the local governments whether they be town or city. I don't think any classification on the basis of population or assessed value, is very meaningful. I don't see what help that can really be. There might possibly be, and I don't know anything about Portland, which is a large city or Bangor, which is a large city in Maine, there might be something there which special provisions would have to be made, in those cases, but off hand, I don't know what that would have to be. As far as the ordinance making power of the cities and towns is concerned, we've always got the problem of conflict of laws,

conflict of state laws, et cetera. There are certain areas which are strictly local in nature and works out perfectly all right with our towns and I don't see why it wouldn't work all right with our cities. So basically, what I think I'm trying to say is, I think we've got to give up this concept of city charters, is about what it amounts to, and put all our cities and all our municipalities with a representative form of government within a statute, the same as our towns are now. I don't think there is anything more I need to say.

COPE: Anyone wish to ask questions?

BRACKETT: I might, Mr. Chairman. Apparently you're concerned possibly with the size of community. You bring out, of course, the problems are different for the community of 5,000 or 50,000, or what have you, and certainly they are. Some of the problems are more aggravated and maybe the impact of them is felt sooner or would it be possibly in your mind that there be a dividing line here, perhaps at 4,000 or 5,000 something ... I don't know ... population?

SILSBY: I don't think I made myself clear. I don't think there really is any difference, but I don't presume to speak for the large cities, for I'm not familiar with them. I say there may very well be, but not a very reasonable basis for differentiation between, say Ellsworth, which has about 5,000 population now and Portland, which has 70,000, there may be some particular areas where a differentiation would be logical, I don't know.

COPE: Well, you raise a point now, the Town of Brunswick, population of 18,000, they want to consider themselves a town.

SILSBY: That's right.

COPE: They don't want to be a city.

SILSBY: I went to school there. It's ridiculous to try to have a town meeting in a town that size. They wouldn't change to a town manager form of government. It doesn't seem to me that any municipality really has a right to be obstinate on some of these points. It doesn't seem to me that any town with that population or even 10,000 population, has a right to try to maintain a town meeting, which just doesn't work. I think the cut-off period should be named between what is really a workable, good form of town meeting and representing the government.

BRACKETT: Do you have any suggestions how this situation might be handled, whereby a group of your employees might go to the Legislature and get a four weeks vacation, maybe, imposed by the Legislature, and get up there and pay 50 or 60 percent and do, I'm exaggerating a bit now, and come back and impose that upon your city. Can you think of any way that this could be handled? The idea here is, of course, is if the Legislature is voting on their own home community, they will be a little more reluctant to go back and face the home folks, but if they're voting on it for Ellsworth, they haven't got to fully face the Ellsworth voters and someone who's well thought of, or sponsors this bill, or maybe isn't so well thought of, sponsors this bill, the hearing is one-sided because enough of the people aren't well enough informed of what's at stake or some special pension benefit or what have you. Do you have any ideas about how this could be handled in a general way so the Legislature wouldn't be burdened with this thing.

SILSBY: Well, I think that if in this act of setting forth the powers and duties and privileges of the municipality, as the act says, each municipality shall set its wage scale, for instance, I think that should settle matters. I don't see why anybody would stand out pretty much, in view of such a statute, commanding to say accept firemen in Portland, for instance or something we had the same thing in our speaking of budgets this year. You, gentlemen, and I'm not being critical, when the Legislature passed the minimum wage law for firemen, it causes a lot of repercussions on the local level because the number of hours our firemen are working and the minimum wage this year, they get one hundred dollars and fifty cents a week. If they get a hundred dollars a week, the policemen think they ought to get more and the clerks and everything else think they ought to be paid in proportion, so by just raising the firemen, everybody in effect gets raises. We can't logically say that a fireman shouldn't get a substantial raise ... nor the city people shouldn't -- highway crew and everything we have, machine operators and all that stuff.

BRACKETT: Do you have any suggestion how this might be handled by the Legislature handle it on a general basis.

SILSBY: I don't have any objections and I would be very pleased that I can say, with no equivocation to have the Legislature set minimum wages in the municipalities.

BRACKETT: But not pinpoint Ellsworth

SILSBY: But, I don't think it should be done for firemen, without regard to the other people. In other words, if they are going to do anything for min-

imum wages, it should go across the board. As I said, when you do it for the firemen, you in effect do it for everybody, it's hard to adjust and causes a lot of difficulty, but if the Legislature says a policeman shall get \$2.00 an hour, firemen \$1.50, highway crew and certain classification even if they said shall pay the same as the state wage rate, you see.

BRACKETT: Well, would you have any objections, if the Legislature happened to eventually get into real detail of telling you how you are going to run the City of Ellsworth, what your budget is going to be for certain departments, how many men you are going to have and how much they are going to be paid, would you like that?

SILSBY: No, not to that extent, certainly I wouldn't, but I mean, as far as minimum wages are concerned, after all the Legislature does and the federal government, they tell a businessman you pay at least this. Now, I don't see any reason in the world why the Legislature wouldn't be entirely justified and I think it would be good policy to say a municipal employee shall receive this, it's the same thing principally, but when they go and say you shall pay ... and set the wage scale in detail, it's something else again.

BRACKETT: Well, I am not implying that the Legislature likes this any better than the municipal official does but they are caught in a situation here where these things are happening and they are going to be happening more, much more.

COPE: I have a question here, I would like to ask you. You raise a very interesting train of thought for me. The problems of various municipalities

have in standardization. Just recently we had a survey made on county government, and we promulgated self standardization among the 16 counties, and the Legislature passed it. It is conceivable that through legislative action this insures modernization of municipalities, standardization, instead of trying to attempt it from the HOME RULE top down, work from the bottom up and try to have more standardization and by the time you have more standardized certain basic requirements, then the step goes to HOME RULE and more and more model charters. In other words, there are certain things across the board you mentioned, like wage levels. Now, also, perhaps you mentioned that certain towns over size should never have a town form of government, they should be a city. In other words, perhaps we should re-think and perhaps the municipalities should be modernized and updated.

SILSBY: That's exactly right.

COPE: In other words, at the end have the HOME RULE as the ... to fill in, rather than at the beginning. I just raise this point, that perhaps we are approaching it, as I see it, this idea of HOME RULE is good, but try to develop it. It's so complex and will take a little time to get the humanity, so you could start, as a starting point, its standardization to statutory, that all towns will have certain basic requirements and so therefore, when a town comes up and says we want a change, we can't do it, because if you change one, you will have to change every other town, make exceptions and it's very difficult to make exceptions to a general statutory rule. Just like, for instance, county government, all counties have line budgets, one county says, now look, I want to change that, this won't be done. Same way like Lewiston, we want a change, I'm sorry, you

can't do it, for the rest of them won't allow it. It's just toying with that idea, that's another approach, to handle a problem. I'm just raising this to you, John, too. It's just a question of thought ... suggestions, perhaps the legislative action, to have more standardization to the Legislature rather than to the municipal level. Work horizontally. Just raising that point, that perhaps there's that possibility that time and the Legislature should take some positive action than waiting for communities to do it themselves, apparently it will take too long for communities because of its own idiosyncrasy, won't do anything. Now take the good town of Brunswick.

SALISBURY: (from rear of the chambers) What are you talking about, standardizing charters?

JOPE: No, standardizing certain formulas of ... just take wage rates, or certain towns should have certain forms of government.

SALISBURY: Well, I think you are getting a fundamental question here in our personal remarks. One, why do we elect local officials. Why should they, if they all agree there should be a minimum wage on state level, why shouldn't they be willing to take political legislative responsibilities locally for setting wages locally and what they do is pass on the political responsibility to that Legislature and they get ...

COPE: Well, yes

SALISBURY: The Legislature takes the brunt of it, because then the elected official comes right up and the Maine Municipal Association comes right out and yells like crazy because the Legislature just got through setting the

minimum wage and we've got to raise the local budgets and we have no choice you know how it goes.

COPE: I was just tossing out that suggestion. Thank you, John.

WALKER: I am Frank Walker, I'm an attorney in Ellsworth. I am the city attorney for Ellsworth. My office represents, I think every municipality in Hancock County, but three. As I have sat here this evening and listened to your side of the story, you obviously had a problem of primarily cities coming back to the Legislature every session, requesting charter changes because basically here in Maine, our city charters are nothing more than legislative acts. I have been a great part of my practice, in the six years that I have practiced law has been all very strongly been in municipal law. As I say, I work with most of the towns in Hancock County. The town form of government, I had very little problems and they had very little problems. I had strenuous problems in the City of Ellsworth, primarily stemming from the fact that they have this ridiculous thing called a charter. If we could just tear it up and forget it, we would be so much better off. It strangles us in so many respects. In the last five years or six years, every major improvement that the Legislature had made to the general municipal law does not apply to Ellsworth because we are left behind, because we have a special law that basically hasn't been updated since 1933. If you, at the legislative level, would cut out the private and special municipal legislation, do away with the charters, on the town level a town has a choice of operating with a town meeting and board of selectmen. If it wishes to go to a town manager form of government, the law is varied (inaudible) ... to enable this themselves they don't have to go to the Legislature. If they wish to go from there

to some sort of a town council that meets periodically, they don't have to go to the Legislature, they can do it themselves. But a city, each time it ever wants any sort of a change, regardless of how small, must go to the Legislature. I don't see following up Mr. Silsby's remarks, I don't see why you could not grant a statute like Title 30, dealing with the towns, that would also apply to your cities, and do away with the charters. Let the cities then choose the intricacies of their local system. If they want different commissions, they can have different commissions, set the minimum standards for them, they must have obviously a clerk, a treasurer, a tax collector, the towns all have them, then they could handle their own individual problems and if you would do away with charters, you people would never see the cities coming back to you. That's the only point I wish to speak on, as I say, in Hancock County, we only have, Ellsworth is the only city there, the rest are all towns, they have no problems. Ellsworth has numerous, because of the charter.

KNEELAND: Executive Secretary of the Intergovernmental Relations Commission. I'm awed by what you say, because I lived Downeast for a number of years and I always thought we made our own laws down there. Aren't you almost suggesting that a constitutional HOME RULE provision and not in detail, could be passed and the guidelines, minimum guidelines, be established by statute and electorate isn't that almost what you're thinking?

WALKER: That is what I was thinking.

COPE: We have some more smiling faces there, would you like to Merle would you have something to add?

GOFF: Well, I think there's a couple of things, these people that have discussed

.... number one, I'm not sure that I agree, that the towns don't have any problems, insofar as the general legislation is concerned. I've served towns and I think they have fantastic problems. The only way they are able to solve them is by going to the Legislature and getting changes in the general law or general legislation. One community alone can't do it and I think there are a lot of problems with a piece of general legislation at this time. Second thing, I think with charters or with a type of charter or form, let's not use the term charter, because, I think these gentlemen do have a point there with a form of government that is permissive in nature and the form itself is quite liberally drawn and as some of the people suggested, the communities might want to make a determination whether they have 3, 5, or 7 members of the council or nine or they might want to decide for themselves. For example, whether they have a three-man board of assessment or board of assessors, things of this kind, can be written into these on permissive basis so the community can choose which of that type of representation they want within the form so that there would be considerable flexibility whether it should still be somewhat standardized. I think anything that can be done to improve the flexibility structure wise and financially, if it can be done within a framework, would be a very great improvement. Very much of what's been said here, I think more people are thinking along the same lines, just how we will accomplish this, there will probably be some differences as to how far you go and just how you will set up the machinery to accomplish this -- it's going to be difficult, but, it almost seems to me as I listened to everyone that generally they take the approach that there does need to be some changes in this direction. One other thing I would like to say, is the matter of the financial structure of debt limitation.

I'm not sure that this could be possible right now in the State of Maine, but, I'm not sure that the debt limitation shouldn't be taken right out of the constitution and be determined from time to time by a general statute. Now, obviously this requires a referendum and I'm not sure that the people of the State of Maine would be willing at this point to remove the debt limitation from the constitution. It seems to me with the things that are happening to the dollar and to the economics of the local government today, that to have a constitution limitation is not being realistic. We haven't changed the debt limitation in the State of Maine, I think, since 1952 or 1953, somewhere in that area. We're operating on a far different dollar today and the fact that this $7\frac{1}{2}$ percent rests in the constitution right now is driving the municipalities to a number of vehicles that are costing us money and costing the people of the State money. We are creating quasi municipal agencies in order to get around the debt limit, we're seriously exploring revenue bonds for just about any possible thing we can revenue out of and I'm not saying that this is necessarily bad but revenue bonds do cost a lot more money, unfortunately most of us are not in the position where we have a choice, there may be, and particularly as we get into the stream pollution and interceptor programs, most communities are going to be driven to revenue bonds after we increase the debt limitation. I just think perhaps that is one thing that ought to be taken out of the constitution and the Legislature, from time to time, establish this as it is necessary to make a change. I think there should be a limitation ... (inaudible)

LUND:

I was going to ask whether you feel that it is necessary to have a debt limit or whether perhaps the increase and interest rates, as a municipal-

ity became too heavily in debt, would act as a self-regulating feature.

GOFF: Well, it would except for a municipality that might be right up against the wall and might find some way to involve the money at any price. No, I think there needs to be a limitation. But, I think it has to have the ability to be somewhat more flexible than it is right now, as conditions change, we certainly need to be able to adapt ourselves to this.

LUND: Thank you.

D'ALFONSO: Do you have any idea on what the debt limitation should be right now?
It would be set by the Legislature.

GOFF: Oh, I've heard figures kicked around anywhere from 10 to 20%. I think it would be a very substantial help if we were increased to 10, I'm not sure that maybe a more realistic figure might be twelve right now. This would require a little bit of study, assuming that the Legislature is right, when they set $7\frac{1}{2}$, what's happened percentage wise, as far as the value of a dollar, what it buys and so forth. Basic increase in costs, this would I don't know what the percentage would be.

BRACKETT: Mr. Chairman. I think there is something here, Merle, that might be done. Instead of having the debt limitation based on this "pulled apart valuation basis" if it would be based upon the state adjusted valuation of the community, possibly and that would in itself ... would be a big step in the direction of equalizing the situation.

GOFF: Yes, and here again, there are an awful lot of problems with this and I go back to a community like Orono, where regarding the state valuation of that city, or the local valuation of that city does not even begin

to reflect its ability to finance projects. Maybe we ought to take the total value, not necessarily assessed value, this I think the constitution says assessed value, and this may not be realistic because there are certain types of tax exempt institutions and particularly in some communities that make it a very great difference in its total ability. I'm sure it makes a difference, for example, in financing sewers. In the case of Orono, the fact that the University is going to be a major factor or major customer in the sewer system is going to have a very substantial effect on the rate that they will have to pay for revenue bonds.

D'ALFONSO: Yes, I agree with you. The City of Portland has an assessed value of something like 150 million dollars in tax exempt property, which represents about 50% of what the assessed value is right now.

GOFF: I think we need to take a strong look at this as soon as possible, because most communities, and I suspect this is true with small ones, too, but the larger ones, as we get into some of these programs like the Interceptor and Treatment Programs, and we're being, for one reason or another, forced into very substantial expenditures for transportation, parking, and things of this kind. We're just not going to be able to do it, without again going through the same cycle we went through just prior to 1952 or 3, when the thing was changed. When you look back historically, there were more districts and agencies created during that period, just prior to that. Any way you can find or get around this constitutional debt limit, is the approach that we are going to have to take, and we will be creating parking districts again all over the state. We will be creating more sewer districts, I am sure, all over the state and this really isn't necessary. The district interest as you know, costs more than the

general obligation.

D'ALFONSO: Do you face the same problems in the Bangor, Brewer area that Portland did in trying to meet their obligations on proposed sanitary treatment facilities, that would run as high as thirty million dollars for the greater Portland area?

GOFF: Well, fortunately Ellsworth doesn't go as high as thirty million dollars and we had to take a very great portion of our available debt capacity for the first stage of our sewer program. We're under construction, as a matter of fact, it will be completed in April on the first phase. The local share of this, involved close to two million dollars and this brought us within the two million dollars of our total debt limitation with the other debt obligations that we've incurred over the years, so that from this point on, the second phase of the program, we have to go revenue bonds and there is no other way. If anything should happen here, that was to indicate substantial expansion of schools or, I know we are faced with, as Portland is and other communities are, the serious problems as far as downtown parking and parking structures and these things cost fantastic amounts of money. There's no problem, well, I shouldn't say no problem, but we're not really faced with the problem of our capability to pay. The problem is, we don't have the limitation so we find some other vehicle to solve the problem and everytime we do it, it costs us money because either we have to create some kind of a structure to handle it with additional administrative costs plus the fact that we add interest charges because the districts bonds are not generally as good and they charge us a little more for district bonds at the financial institutions, where local government really basically has the capacity to

do more in terms of debt service than we do, without all this problem. This is something I feel is fairly urgent. I think we've got to do this right away or a number of places are going to be going some of these other routes and once you go that route, you can't get out.

COPE: Thank you, Merle.

DUBAY: Roland J. Dubay, City Manager of Belfast. Mr. Chairman, Gentlemen, my name is Roland J. Dubay, I am City Manager of Belfast. I want to apologize for my sitting here, reluctant to come up here to speak, I came here with the attitude ... intention of just sitting here and listening, simply because I'm recently removed, I mean ... strike that (laughter) ... returned from New Hampshire where I have been for the past 5½ years, so I'm a little bit blank on the Maine situation. However, I've been faced with HOME RULE in New Hampshire and Mr. Brackett can back me up on this very laughable situation and strange as it seems, in the three weeks that I've been in Belfast, come head on with the same problem and it appears that the department heads, and I'm now talking about police, fire and things of this nature, are reluctant to do certain things because they seem to be in a state of them. When I say to the department heads, I want it done tomorrow and not next year, such things as demolition of buildings not fit for human habitation, junk yards, and one or two car things, and old factories that are dilapidated, traffic signs, things of this nature. I had a problem the other day, where I asked the chief of police to clean up three or four car junk yards and he said, "Well the state came in the other day and told me I had six months to do it" ... six months, excuse the language, hell, you do it now, and ordered it done. We say the state controls this well, here is an example, I feel that

there doesn't seem to be enough local autonomy to get these things done, in other words, I do favor HOME RULE, whether it be absolute HOME RULE frankly, I'm not, I believe, in a position to answer that question nor have I any convictions on it. I do favor the constitutional-type HOME RULE, perhaps a combination of constitutional HOME RULE and legislative assistance. In the New Hampshire area, for an example, when the last Legislature was convened back in January, there was a clarion call sounded from the hallowed halls of Concord and the grand old body assembled, all 495 of them, like old home week. Most managers and other municipal officials down from the state started putting their boxing gloves on to get ready for the almighty fight and believe me it was, because other than the ... had 13 local bills put into the Legislature directed at Lebanon alone and I think about eight of those were directed, I think, against the city manager personally. (laughter) We defeated those seven or eight bills, five of them were charter changes, were adopted, and to be acted on a local level. I had to make about twenty to twenty-five trips to Concord, with other officials to defend this and one of the bills was that the City of Lebanon alone, stirred up the entire state because if it had passed, it would have made a precedent for other managers and I understand Bob Violette, John Chico, and all those boys were really upset about it. So this type of thing where the Legislature was interfering directly in the affairs of the city, caused a stir. I don't say the Legislature should not have something to say about municipalities because there are certain areas in my estimation that can not be delegated to the local level. To pigeon hole, I think as one of our managers, previous speakers mentioned, municipalities in a classification. I agree with them, I don't

think it should be done because you will get into a hassle over a varying types of charters. New Hampshire did pass in a 1963 Legislature, a HOME RULE bill, I can't think of the name of the charter, where they had a lot of municipalities to adopt HOME RULE charters and there were several examples set up in the law. I believe those mayor alderman form, the mayor councilman form, the city manager, council manager form and another form I can't remember, anyway, it was optional to the municipality to adopt it and not mandatory upon the municipalities and even allow the municipalities to adopt portions of the HOME RULE bill, which would allow them to amend their own charters on a local level without returning to Concord to get permission to do so. Perhaps this could be a method of solving the problems here. I do not believe, gentlemen, that a perfect or all inclusive package or law to fill all situations, can be enacted or achieved in the first instance. I think there will have to be a combination of legislation. I don't think the Legislature can give it up just like that, suddenly, because I think it may have chaos on its hands. The municipalities in Maine ranging from Madawaska to Kittery, do differ in many, many, many respects, particularly in population size and what might fit the City of Portland, certainly would not fit Misery Gore. I don't believe it matters, personally, to the localities, what type of government the locality has, I think it is a matter of local choice whether it be the town form of government, or the selectman or selectman town manager form, the city type form of government. I think this should be up to the locality to determine themselves, how they shall govern themselves. I think the Legislature should set the pattern, for examples, perhaps similar to what New Hampshire did, or maybe a stronger type of thing of this nature, to allow municipalities to make their choice. Their guidelines written into legislation. I don't

think that HOME RULE should be mandatory, it should be permissive, is what I'm getting at. I believe that is about all I can say at this time without having studied the broad form much more than this thank you very much.

COPE: Anyone have any questions? Thank you, Mr. Dubay. Thank you for coming. While this will conclude our hearing, I appreciate you all coming here. We plan to have a later hearing in Portland, but the result of our conversation in part here, will give us a better insight to some of the problems and I hope that when we have a transcript we will mail you a copy. If you have your addresses, be sure the secretary has them, so I can give you a copy of the transcript and we will probably invite your comments later to help us formulate this policy of HOME RULE. Thank you.