



**City Council Workshop & Meeting
January 23, 2017
Agenda**

5:30 P.M. Workshop

- A. Bike Ped Presentation – Craig Saddlemire (30 minutes)
- B. Sex Offender Residency Restrictions – Phil Crowell (20 minutes)
- C. Recreational Marijuana – Eric Cousens and Tim Cogle (30 minutes)

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Stone

Pledge of Allegiance

- I. **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.
 - 1. **Order 04-01232017***
Confirming Chief Crowell’s Appointments of Constables without firearms for the Auburn Police Department and Constable Process Servers without firearms within the City of Auburn.
- II. **Minutes**
 - January 9, 2017 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - CALEA Accreditation
- IV. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.
- V. **Unfinished Business**
- VI. **New Business**
 - 2. **Order 05-01232017**
Adopting the Tax Acquired Property Policy as amended.

VII. Executive Session

- Discussion regarding an economic development matter, pursuant to 1 M.R.S.A. §405(6)(C).
- Discussion regarding real estate matter, pursuant to 1 M.R.S.A. §405(6)(C).
- Executive Session regarding a personnel matter, pursuant to 1 M.R.S.A. §405(6)(A)

VIII. Reports

a. Mayor's Report

b. City Councilors' Reports

c. City Manager Report

d. Finance Director, Jill Eastman – December 2016 Monthly Finance Report

IX. Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

X. Adjournment

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosure of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussion of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- H. Consultation between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 23, 2017

Author: Sue Clements-Dallaire, City Clerk

Subject: Bike Ped Committee Presentation

Information: The Bike Ped Committee is here to present on their achievements to date, strengths, challenges, and discuss recommendations for council action to continue and improve the work of the committee.

Advantages: Keeps the Council informed and up to date on the work of the Committee

Disadvantages:

City Budgetary Impacts: N/A

Staff Recommended Action: Update and presentation

Previous Meetings and History: N/A

Attachments: Complete Streets Draft

ATRC: <http://www.avcog.org/index.aspx?NID=1073>

[Task 1 - Arterial Analysis](#)

[Task 2 - BMP Manual](#)

ORDINANCE, ESTABLISHING THE COMPLETE STREETS COMMITTEE

Be it Ordained, that the Code of Ordinances be Amended to Create the Complete Streets Committee as follows:

Article IV, Boards, Commissions, Committees and Bureau's
Division ____ -- Complete Streets Committee

Section 2- ____ . Purpose and Mission

The purpose of the Complete Streets Committee is to

- (a) Promote and advise the development of public infrastructure which supports a multi-modal transportation system for all users, not strictly motor vehicles, and includes the best design practices for enhancing safety as well as community and economic development;
- (b) Develop and recommend policies to the respective governing bodies and planning agencies that address and support all modes of transportation in Lewiston Auburn;
- (c) Advise the respective public works and engineering departments on how all modes of travel can be accommodated in street, highway, trail, and open space projects;

Section 2- ____ . Appointment and Membership.

- (a) The Committee shall consist of nine (9) members as follows: 4 residents of the City of Auburn, 4 residents of the City of Lewiston, and 1 representative of an organization directly involved in issues of public health and wellness. A city councilor may be appointed as a resident.
- (b) The residents of each community shall be appointed in accordance with the standard procedures employed by each community for such appointments. The representative of an organization directly involved in issues of public health shall be appointed by majority vote of the members of the full committee.
- (c) The initial term for resident members shall be three (3) years, as shall the term of the representative of a public health organization. These terms shall run from the first day of January of the year in which the appointment is made. At the time the initial appointments are made, the appointing authority shall assign each resident member to a term with one member appointed to a one year term; one to a two year term; and one to a three year term. Members shall remain in office until their successors are appointed.
- (d) Vacancies shall be filled following the same process employed for the initial appointment of members.
- (e) A vacancy shall be declared if any member of the committee fails to attend three consecutive regular meetings of the committee without being excused by the committee chair.

Section 2-____. Duties and Responsibilities.

The Complete Streets Committee shall:

- (a) Follow the City's Complete Streets Policy, oversee its implementation, and review the policy every 2 years to recommend changes as appropriate;
- (b) Serve as the primary resource representing Lewiston and Auburn in the update of Regional and Statewide plans dealing with transportation issues involving motorized vehicles, bicycles, pedestrians, public transportation, and other non-automobile related transportation issues;
- (c) Develop and recommend policies and ordinances for passage by the City Councils in support of alternative modes of transportation;
- (d) Review and comment on existing transportation projects including regionally approved projects, municipally initiated projects, and improvements originating from Traffic Movement Permits associated with development projects; and
- (e) Participate with appropriate city and state departments, committees, and metropolitan planning organizations in planning coordinated multi-modal transportation systems in L-A and the surrounding region, such as rail, bus, and air.

Section 2-____ Organization.

- (a) The Committee shall have the following officers: Chair, vice-chair, and secretary, each of whom shall be selected by a majority of the members of the committee at its first meeting in January of each year. The chair shall preside over all meetings of the board, shall supervise the affairs of the board, and shall perform such other duties as may be assigned to the office by the committee. The vice-chair shall assist the chair in carrying out the latter's duties and shall preside at meetings in the chair's absence. The secretary shall be responsible for preparing and distributing committee agendas and minutes and ensuring that the legal posting requirements are met.
- (b) A quorum necessary to conduct an official meeting shall consist of at least six members and at least six concurring votes shall be necessary to constitute an action on any matter.
- (c) The committee shall meet at least quarterly and may meet more frequently at the call of the chair.
- (d) Unless otherwise prescribed by this Division or by bylaws established by the Committee, the Committee shall operate in accordance with Robert's Rules of Order.

Section 2-____. Staff Support. The City Manager/Administrator of each community shall designate a planning or public works staff member to serve as a liaison to the committee.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 23, 2017

Author: Phillip L. Crowell, Jr., Chief of Police

Subject: Sex Offender Residency Restrictions

Information: City of Auburn staff recommends City Council adopts sex offender residency restrictions based on the State of Maine guidelines.

Advantages: Sex offenders convicted of offenses against persons who have not attained the age of 14 at the time of the offense will be prevented from living in designated areas.

Disadvantages: Some sex offenders will be grandfathered as long as they maintain their residence.

City Budgetary Impacts: N/A

Staff Recommended Action: City of Auburn staff recommends City Council approves proposed ordinance.

Previous Meetings and History: N/A

Attachments:

- Proposed Sex Offender Residency Restrictions Ordinance
- Restricted properties to include:
 - All public or private, primary, elementary or secondary schools
 - The real property comprising municipally owned property or state owned property that is leased to a non-profit organization for the purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users to include:
 - Androscoggin Learning & Transition Center
 - Auburn Middle School
 - East Auburn School
 - Edward Little High School
 - Fairview School
 - Franklin / Merrill Hill Alternative Schools
 - Park Avenue School
 - RETC / SOS (former Lake Street School)
 - St. Peter and Sacred Heart School
 - Sherwood Heights
 - St. Dominic Academy



- Walton School
 - Auburn PAL (Police Activities League)
 - Bonney Park
 - Boys and Girls Club
 - Chestnut Street Park
 - Cleveland Field Park
 - Community Gardens
 - Drummond Street Park
 - Edward Little Park
 - Festival Plaza
 - Garfield Road Park (Auburn Little League ball fields)
 - Lake View Fields (Gracelawn Road ball fields)
 - Little Androscoggin Park
 - Moulton Park
 - Municipal Outlet Beach
 - Norway Savings Bank Arena
 - Pettingill Park
 - Pulsifer Field (New Auburn Little League ball fields)
 - Raymond Park
 - Riverwalk
 - Sullivan Square
 - Tot Lot Park
 - Union Street Park
 - West Pitch Park
 - Parks & Recreation
-
- Maps will be provided at meeting identifying sex offender current locations
 - State of Maine, Title 30A, Chapter 141, Section 30-14

Chapter X - SEX OFFENDER RESIDENCY RESTRICTIONS

ARTICLE I. - IN GENERAL

Sec. X-X. - Title.

This chapter shall be known as the "City of Auburn Sex Offender Residency Restrictions Ordinance."

Sec. X-XX. - Findings and purpose.

The city promotes and strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of children to be of paramount importance. The city recognizes that sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding the fact that certain persons convicted of sex offenses or sexually violent offenses are required to register pursuant to the Maine Sex Offender Registration and Notification Act of 1999, 34-A M.R.S.A. § 11201 et seq., as may be amended from time to time, the city finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of this chapter is to provide such further protective measures while balancing the interests and residential needs of sex offenders.

Sec. X-XX. - Authority.

This chapter is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014, as may be amended from time to time.

Sec. X-XX. - Definitions.

Setback. A 750 foot radius surrounding "restricted property."

Designated sex offender(s). Person(s) convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the State of Maine or another jurisdiction.

Residence. The temporary or permanent occupation or use of a place, including, but not limited to a domicile, for the purpose of living, residing or dwelling.

Restricted property. (i) The real property comprising a public or private elementary, middle or secondary school; and (ii) the real property comprising a municipally owned property or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreation facility that is open to the public where children are the primary users.

Sec. X-XX. - Restricted property map; restrictions.

- (a) The GIS department, with the assistance of the police department, shall prepare and file with the city clerk and police department an official map showing restricted property as defined by this chapter. Said map is hereby incorporated herein and made a part of this chapter. The GIS department, with the assistance of the police department, shall by July 1 of each year recommend updates to the map to the city council to reflect any changes in the locations of any restricted property and setbacks. The city council may amend the restricted property official map by council order, and any amended official map shall be filed with the city clerk and the police department.
- (b) No designated sex offender shall reside within the setback of any restricted property.

Sec. X-XX. - Exceptions.

A designated sex offender maintaining a residence within the setback of a restricted property is not in violation of this ordinance if the residence was established and consistently maintained as a residence prior to March 1st, 2017, the date of adoption of this chapter. A designated sex offender is not in violation

of this chapter if the restricted property is created, moved or enlarged and such creation, movement or enlargement results in a designated sex offender residing within the setback of a restricted property, as long as the residence was in place and consistently maintained prior thereto.

Sec. X-XX. - Violations and penalties.

- (a) A designated sex offender who, 30 days after actual receipt of written notice sent by regular mail or hand-delivered from the city, acting by and through its police department, is in violation of this chapter shall be subject to an action brought by the city to enforce the requirements of this chapter. The city may file a legal action against the violator seeking any and all remedies to which it is entitled pursuant to state and local laws, including, without limitation, declaratory and injunctive relief.
- (b) The city may also seek a penalty in the minimum amount of \$500.00 per day. Each day of violation shall constitute a separate violation. In the event the city is the prevailing party in any action under this chapter, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the city. All civil penalties shall inure to the benefit of the City of Auburn.

Sec. X-XX. - Severability.

If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Maine Revised Statutes
Title 30-A: MUNICIPALITIES AND COUNTIES
Chapter 141: ORDINANCES

§3014. ORDINANCES REGARDING RESIDENCY RESTRICTIONS FOR SEX OFFENDERS

(REALLOCATED FROM TITLE 30-A, SECTION 3013)

1. Application and scope. The State intends to occupy and preempt the entire field of legislation concerning the regulation of persons convicted of a sex offense in this State or in another jurisdiction. Except as provided in this section, a municipality may not adopt or enforce any ordinance or bylaw addressing persons who have been convicted of a sex offense in this State or in another jurisdiction that would impose on them restrictions or requirements not imposed on other persons who have not been convicted of a sex offense in this State or in another jurisdiction. As used in this section, "convicted of a sex offense in this State or in another jurisdiction" means a conviction for any current or former Maine crime listed in former Title 17, sections 2922 to 2924 or Title 17-A, chapter 11 or 12 or Title 17-A, section 556; a conviction for an attempt or solicitation of those listed crimes; or any conviction for any former or current crime in any other jurisdiction in which the person engaged in substantially similar conduct to that of the earlier specified current or former Maine crimes.

[2009, c. 1, §21 (RAL) .]

2. Residency restriction ordinance. A municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense. Any such ordinance is limited as follows.

A. An ordinance may restrict only residence. It may not impose additional restrictions or requirements, including, but not limited to, registration and fees. [2009, c. 1, §21 (RAL) .]

B. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users. [2013, c. 161, §1 (AMD) .]

C. An ordinance may not restrict the residence of a person who lived in an area restricted pursuant to paragraph B prior to the adoption or amendment of the ordinance. [2009, c. 1, §21 (RAL) .]

D. An ordinance may not be premised on a person's obligation to register pursuant to Title 34-A, chapter 15. [2009, c. 1, §21 (RAL) .]

[2013, c. 161, §1 (AMD) .]

SECTION HISTORY

RR 2009, c. 1, §21 (RAL). 2013, c. 161, §1 (AMD) .

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**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 1-23-17

Author: Eric J. Cousens, Deputy Director of Economic and Community Development and Lieutenant Timothy Cogle, Criminal Investigations Commander

Subject: Recreational Marijuana Update

Information: In November 2016 Maine voters narrowly approved a ballot measure legalizing the personal use, possession and cultivation of marijuana by persons 21 years of age and older and the operation of retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs for on-premises sale and consumption. Governor LePage proclaimed the results of the vote at the end of December 2016 which means that portions of the law take effect at the end of January 2017. At the end of January, adults will be allowed to possess up to 2.5 ounces of marijuana for recreational purposes and may cultivate up to 6 mature plants at a time per adult. Provisions of the law allowing the commercial cultivation and sale of marijuana for recreational purposes will not go into effect at the same time so initially there will be no retail or social club licenses available. There are a couple of possible timelines for the remaining provisions to take effect and it looks likely that the legislature will amend the law to set February 1, 2018 as the timeline for that to place. Staff will update the Council on Monday on the anticipated timeline.

Locally, staff has been working on locational criteria and identifying other issues that should be considered in drafting the State Laws and local ordinances regarding recreational marijuana. Staff will participate in the State rulemaking process and needs a little input from Council to make sure we are advocating for what the Council wants and addressing any provisions absent in the eventual State laws with a ready-to-go ordinance in place for when the State laws take effect. Attached is a memorandum outlining the basic questions that require input from the Council.

Advantages: Stay ahead of the State Law process so we are prepared when the remaining provisions of the law take effect.

Disadvantages: The law was passed by voters; there are no disadvantages to being prepared.

City Budgetary Impacts: potential revenue source through licensing or possibly taxation.

Staff Recommended Action: Discussion, try to reach a consensus on the questions outlined in the attached memo and identify any additional Council concerns.

Previous Meetings and History: 12-5-2016 Workshop

Attachments: Memo summarizing questions for Council, Copy of LD88.



City of Auburn, Maine

Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Mayor LaBonte and Auburn City Council

From: Eric J. Cousens, Deputy Director of Economic and Community Development and Lieutenant Timothy Cogle, Criminal Investigations Commander

Re: Recreational Marijuana: Questions for Council

Date: January 23, 2017

At the December 3 Council workshop the Council asked staff to prepare for advocating for Auburn's interests in the State Law/Rulemaking processes and to prepare for a local ordinance to address locational concerns or any shortcomings of the State process. Staff brought the issue to the two Plan Review Committee meetings since December 3rd and has been following the State process to date. Below is an initial list of questions requiring input on from the City Council.

1. Safe Zones and Drug Free School zones: Staff recommends that these existing measures be used for determining appropriate locations for retail locations. They should not be allowed within these areas. We are working on updating mapping these and it appears the last update was done in 2012. Current maps do not include Whitman Spring Road, other public parks, the ice arena, etc. We would need to bring those updates to the Council for review and approval.

Council Question: Does the Council generally agree that using these zones as a locational criteria is appropriate and staff should move forward with recommending updates to the maps?

2. Commercial Growing Facilities Locational Criteria

Council Questions:

- a. Agricultural Zone – Do we want to allow this here? Retail/wayside stand currently allowed for Ag products produced on a site.
- b. Residential Zones – Many Ag uses carry through the larger lot residential zones. Staff recommends a prohibition of commercial growing in residential zones.
- c. Industrial zones are the right place for commercial growing. Does Council agree? Currently allows retail sales of products produced onsite-this should be fine.



City of Auburn, Maine

Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
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- d. General Business and Minot Avenue GB II Zones. The general staff comments concluded that these areas are appropriate for retail but there are concerns with large production facilities and odors. Does Council agree?
 - e. Downtown Form Based Code and Downtown Enterprise areas should be reserved for businesses that help form the identity that we want for Auburn. Most of the area would be prohibited anyways based on Drug Free School and Safe Zones if those are used so we should just not allow commercial growing in these areas. Does Council agree?
3. Retail Facilities Locational Criteria:
- a. General Business and GB II zones are appropriate for retail subject to Drug Free School and Safe Zones. Does the Council agree?
 - b. Industrial zones are appropriate for retail when it is accessory to a production facility, subject to Drug Free School and Safe Zones. Does the Council agree?
 - c. The existing licensed dispensary facilities have been well run and have not been problematic. If locational criteria would prohibit retail sales or recreational production at an existing dispensary grow facility or retail location we should consider exempting the two existing facilities (Remedy Compassion at 730 Center Street and Wellness Connection at 33 Omni Circle) if State Law allows. Does the Council agree?
4. Social Clubs
- a. Staff does not recommend allowing marijuana social clubs for consumption onsite at the point of sale. Does the Council agree?
5. License Quantity
- a. Staff is concerned that a high number of retail licenses could affect availability of retail space for other businesses and concentrate facilities along the Route 4 Corridor. Limiting licenses to 5-10 within Auburn would eliminate this concern. Alternatively, driving rental prices up along corridors may make our downtown (if retail marijuana is not allowed there) even more attractive to traditional small businesses until the rents increase there because of competition.



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 88

H.P. 66

House of Representatives, January 11, 2017

**An Act To Delay the Implementation of Certain Portions of the
Marijuana Legalization Act**

(EMERGENCY)

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LUCHINI of Ellsworth.
Cosponsored by President THIBODEAU of Waldo.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** implementing a system for the regulation and administration of the
4 cultivation, distribution and retail sale of recreational marijuana, a controlled substance, is
5 a complex function with significant financial costs; and

6 **Whereas,** ensuring that possession and use of recreational marijuana is limited to
7 persons who are 21 years of age and older is necessary to protect those who have not yet
8 reached adulthood from the potential negative effects of irresponsible use of a controlled
9 substance; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

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

15 **Sec. 1. 7 MRSA §2444, first ¶,** as enacted by IB 2015, c. 5, §1, is amended to
16 read:

17 ~~For~~ Beginning February 1, 2018, for the purpose of regulating and controlling the
18 licensing of the cultivation, manufacture, distribution, testing and sale of retail marijuana
19 and retail marijuana products in this State, the state licensing authority is the Department
20 of Agriculture, Conservation and Forestry.

21 **Sec. 2. 7 MRSA §2445, first ¶,** as enacted by IB 2015, c. 5, §1, is amended to
22 read:

23 ~~The~~ Beginning February 1, 2018, the state licensing authority shall establish, within a
24 specific time frame, a retail marijuana and retail marijuana products independent testing
25 and certification program. This program must require licensees to test retail marijuana
26 and retail marijuana products to ensure at a minimum that products sold for human
27 consumption do not contain contaminants that are injurious to health and to ensure
28 correct labeling.

29 **Sec. 3. 7 MRSA §2446, sub-§5** is enacted to read:

30 **5. Effective date.** This section takes effect February 1, 2018.

31 **Sec. 4. 7 MRSA §2447, first ¶,** as enacted by IB 2015, c. 5, §1, is amended to
32 read:

33 ~~An~~ Beginning February 1, 2018, an application for a license under the provisions of
34 this chapter must be made to the state licensing authority on forms prepared and furnished
35 by the state licensing authority and must set forth such information as the state licensing
36 authority may require to enable the state licensing authority to determine whether a
37 license should be granted. The information must include the name and address of the

1 applicant and the names and addresses of the applicant's officers, directors or managers.
2 Each application must be verified by the oath or affirmation of such person or persons as
3 the state licensing authority may prescribe. The state licensing authority may issue a
4 license to an applicant pursuant to this section upon completion of the applicable criminal
5 history record check associated with the application. The license is conditioned upon
6 municipal approval. An applicant is prohibited from operating a retail marijuana
7 establishment or retail marijuana social club without state licensing authority and
8 municipal approval. If the applicant does not receive municipal approval within one year
9 from the date of state licensing authority approval, the license expires and may not be
10 renewed. If an application is not approved by the municipality, the state licensing
11 authority shall revoke the license.

12 **Sec. 5. 7 MRSA §2448, sub-§19** is enacted to read:

13 **19. Effective date.** This section takes effect February 1, 2018.

14 **Sec. 6. 7 MRSA §2449, sub-§6** is enacted to read:

15 **6. Effective date.** This section takes effect February 1, 2018.

16 **Sec. 7. 7 MRSA §2450, first ¶**, as enacted by IB 2015, c. 5, §1, is amended to
17 read:

18 ~~A~~ Beginning February 1, 2018, a license granted under the provisions of this chapter
19 is not transferable except as provided in this section, but this section does not prevent a
20 change of location as provided in section 2451, subsection 7.

21 **Sec. 8. 7 MRSA §2451, first ¶**, as enacted by IB 2015, c. 5, §1, is amended to
22 read:

23 ~~The~~ Beginning February 1, 2018, the following provisions govern licensing in
24 general.

25 **Sec. 9. 7 MRSA §2452, sub-§1, ¶¶D and E**, as enacted by IB 2015, c. 5, §1, are
26 amended to read:

27 D. ~~Purchase~~ Beginning February 1, 2018, purchase up to 2 1/2 ounces of retail
28 marijuana and marijuana accessories from a retail marijuana store; and

29 E. ~~Purchase~~ Beginning February 1, 2018, purchase up to 12 seedlings or immature
30 plants from a retail marijuana cultivation facility.

31 **Sec. 10. 7 MRSA §2452, sub-§5**, as enacted by IB 2015, c. 5, §1, is amended to
32 read:

33 **5. Use.** ~~A~~ Prior to February 1, 2018, a person may consume marijuana only in a
34 ~~nonpublic place including a private residence.~~ Beginning February 1, 2018, a person may
35 consume marijuana in a nonpublic place.

36 A. The prohibitions and limitations on smoking tobacco products in specified areas
37 in Title 22, chapters 262 and 263 apply to smoking marijuana.

1 B. A person who smokes marijuana in a public place other than as governed by Title
2 22, chapters 262 and 263 commits a civil violation for which a fine of not more than
3 \$100 may be adjudged.

4 C. This subsection may not be construed to shield any adult from federal
5 prosecution.

6 D. This subsection may not be construed to allow any adult to possess or consume
7 marijuana on federal property.

8 **Sec. 11. 7 MRSA §2452, sub-§6** is enacted to read:

9 **6. Possession of certain edibles.** Notwithstanding subsection 1, until February 1,
10 2018, a person may not possess edible retail marijuana products. This subsection does
11 not apply to marijuana products purchased for medical use pursuant to Title 22, chapter
12 558-C.

13 **Sec. 12. 7 MRSA §2453, sub-§4** is enacted to read:

14 **4. Effective date.** This section takes effect February 1, 2018.

15 **Sec. 13. 7 MRSA §2454, sub-§5** is enacted to read:

16 **5. Effective date.** This section takes effect February 1, 2018.

17 **Sec. 14. 15 MRSA §3103, sub-§1, ¶B**, as amended by PL 2011, c. 464, §3, is
18 further amended to read:

19 B. Offenses involving illegal drugs or drug paraphernalia as follows:

20 (1) The possession of a useable amount of marijuana, ~~as provided in Title 22,~~
21 ~~section 2383,~~ unless the juvenile is authorized to possess marijuana for medical
22 use pursuant to Title 22, chapter 558-C;

23 (2) The use or possession of drug paraphernalia as provided in Title 17-A,
24 section 1111-A, subsection 4-B; and

25 (3) Illegal transportation of drugs by a minor as provided in Title 22, section
26 2389, subsection 2;

27 **Sec. 15. 15 MRSA §3314, sub-§3-A**, as corrected by RR 2009, c. 2, §36, is
28 amended to read:

29 **3-A. Operator's license suspension for drug offenses.** The court may suspend for
30 a period of up to 6 months the license or permit to operate, right to operate a motor
31 vehicle and right to apply for and obtain a license of any person who violates section
32 3103, subsection 1, paragraph B; Title 17-A, chapter 45; ~~Title 22, section 2383,~~ ~~unless the~~
33 ~~juvenile is authorized to possess marijuana for medical use pursuant to Title 22, chapter~~
34 ~~558-C;~~ Title 22, section 2389, subsection 2; or Title 28-A, section 2052 and is
35 adjudicated pursuant to this chapter to have committed a juvenile crime.

36 The court shall give notice of suspension and take physical custody of an operator's
37 license or permit as provided in Title 29-A, section 2434. The court shall immediately

1 forward the operator's license and a certified abstract of suspension to the Secretary of
2 State.

3 **Sec. 16. 36 MRSA §1817, sub-§8** is enacted to read:

4 **8. Effective date.** This section takes effect February 1, 2018.

5 **Sec. 17. Retroactivity.** This Act applies retroactively to January 30, 2017.

6 **Emergency clause.** In view of the emergency cited in the preamble, this
7 legislation takes effect when approved.

8 SUMMARY

9 This bill delays the effective date of most of the provisions of the Marijuana
10 Legalization Act as enacted by citizen initiative to February 1, 2018. The delayed
11 effective date does not apply to the provision in the initiated bill that repeals the Maine
12 Revised Statutes, Title 22, section 2382, subsection 1, which makes possession of up to 2
13 1/2 ounces of marijuana a civil violation, or the following provisions, which will be
14 effective as of January 30, 2017:

15 1. A person 21 years of age or older may use, possess or transport up to 2 1/2 ounces
16 of marijuana;

17 2. A person 21 years of age or older may transfer, without remuneration, up to 2 1/2
18 ounces of marijuana and up to 6 immature plants or seedlings to a person who is 21 years
19 of age or older;

20 3. A person 21 years of age or older may possess, grow, cultivate or transport up to 6
21 flowering marijuana plants, 12 immature plants and unlimited seedlings and possess all of
22 the marijuana produced by the plants at the person's residence; and

23 4. A person 21 years of age or older may consume marijuana in a private residence.

24 The bill clarifies that possession of a useable amount of marijuana by a juvenile is a
25 crime, unless that juvenile is authorized to possess marijuana for medical use. Finally,
26 the bill prohibits the possession of any edible retail marijuana products until February 1,
27 2018.

LEGAL NOTES

Legal Marijuana & Municipalities

Last month Maine voters narrowly approved a ballot measure legalizing the personal use, possession and cultivation of marijuana by persons 21 years of age and older and the operation of retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs for on-premises sale and consumption.

Barring other developments (for instance, a recount resulting in reversal of the vote), the new law will take effect either 30 days after the Governor proclaims the results of the vote or, if additional funds are required to implement the new law (as appears likely), 45 days after the next regular session of the Legislature convenes. In any event, the effective date of the new law will almost certainly be no earlier than sometime in January 2017, but it could be considerably later depending on a number of as-yet-unknowns.

As of the effective date – whenever it may be – it will be legal for adults to use, possess and cultivate “recreational” amounts of marijuana. However, retail marijuana stores and social clubs and commercial-scale cultivation, manufacturing and testing facilities will require annual State licenses under the new law. And the Department of Agriculture, Conservation and Forestry has up to nine months to adopt rules for licensing and operation of these establishments. So as a practical matter they will not be able to obtain licenses or operate legally until at least late 2017.

Under the new law, all required state licenses apparently require local approval as well, though it is not yet clear who on the local level decides or on what basis. Municipalities are also authorized, by ordinance, to regulate the number, location and operation of retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs, and to impose a separate local licensing requirement. In the alternative, municipalities may, by ordinance, entirely prohibit any or all of these establishments.

For municipalities that may want to allow but regulate retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs, it will be difficult to calculate how

MUNICIPAL CALENDAR

JANUARY 1 — New Year's Day 2017 – A legal holiday. (4 M.R.S.A. §1051)

ON OR BEFORE JANUARY 15 — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333-0011 [22 MRSA §4311].

JANUARY 16 — Martin Luther King, Jr. Day - a legal holiday (4 MRSA §1051).

BY JANUARY 20 — Treasurer of State to post notice of maximum interest rate which can be charged on delinquent taxes (36 M.R.S.A. §505).

JANUARY 31 — Deadline to submit quarterly withholding taxes to State Tax Assessor (36 MRSA § 5253).

DURING JANUARY — In towns with a March annual meeting, selectmen should begin preparing the town meeting warrant and town report. Obtain reports from all departments: schools, roads, etc. Arrange to have annual audit made before town meeting. ■

best to do so until after final rulemaking by the department and perhaps corrective or at least clarifying legislation. This will all probably take many months. To prevent unwanted developments in the meantime, we recommend adopting a moratorium ordinance. For a sample, see: <https://goo.gl/ulzgLX>.

For general information and advice on moratorium ordinances, see our “Information Packet” on the subject, available free to members at www.memun.org.

For municipalities that want to prohibit retail marijuana stores, marijuana cultivation, manufacturing and testing facilities, and marijuana social clubs entirely, there is no need to wait for rulemaking or more legislation. An ordinance prohibiting these establishments can be enacted any time (but probably the sooner the better) before State licensing begins, probably in late 2017. For a sample, see: <https://goo.gl/ulzgLX>.

For more on the legal as well as the practical implications of the new law, be sure and watch for two full-length articles planned for the February 2017 issue of the *Maine Townsman*.

Also, MMA is sponsoring a workshop on the new law on Feb. 28, 2017, probably in the Freeport area. Presenters will be attorneys from the Portland law firm of Drummond Woodsum. Watch for details and registration information on our website (www.memun.org). (By R.P.F.)

‘Defective’ Petitions

As we’ve noted here before, there are a variety of reasons why a town meeting petition may be rejected (see “Voter Petitions: What’s a ‘Reasonable’ Refusal,” *Maine Townsman*, Legal Notes, March 2010). For instance, if it lacks the requisite number of signatures or fails to request a meeting or include a proposed warrant article. Or it is unintelligible. Or it calls for action that is beyond the voters’ authority. Or it asks for reconsideration of a recent vote. Or it demands an immediate meeting but the subject matter is not an emergency.

These are all legitimate grounds for refusing a town meeting petition. But there are other technicalities that would not justify rejecting a petition as “defective.” These include:

Petition not addressed to selectmen. Though it is customary for a town meeting petition to be addressed to the selectmen, no law explicitly requires it. Provided the petition clearly asks for a town meeting vote, and presupposing that it bears the required number of signatures, meets all other legal requirements, and is otherwise lawful, it should be honored.

Petition not delivered to selectmen. As long as the petition is physically delivered to an official who is customarily an agent or intermediary for the selectmen, such as the clerk or the selectmen’s secretary or assistant, this should be sufficient.

Petition fails to specify “article.” If it is

JANET T. MILLS
ATTORNEY GENERAL



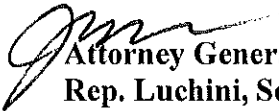
REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

FROM:  Attorney General Janet Mills
TO: Rep. Luchini, Sen. Mason, Chairs, Joint Committee on Veterans and
Legal Affairs
DATE: Tuesday, January 17, 2017
RE: New Cannabis Law, IB 2015 ch. 5, Some Problem Areas

There are a number of problems in the new recreational marijuana law that deserve extended examination before major parts of this law take effect.

What Happens on January 30th if the Legislature does nothing?

As of January 30, the new law, if unchanged, will allow people to possess, transport and furnish, not simply marijuana leaf, but up to 2½ ounces of hashish, honey butane oil, and all other derivatives of cannabis.

If unchanged, the law also will allow persons under 21 to possess and use some of these substances.

Other provisions throughout the new law would also create significant problems in implementation and serious unattended consequences if they take effect immediately.

These include section 2454, which relates to cannabis in the workplace, in the schools, in rental properties, and in child protection proceedings. This provision and others create ambiguities and conflicts with other state and federal laws that need attention before the new law takes effect.

The provisions of law that would kick in immediately, without needing rulemaking, include:

Sec. 2452 Personal use of marijuana.

1. Persons 21 years of age or older. A person 21 years of age or older may:
 - A. Use, possess or transport *marijuana accessories* and up to 2½ ounces of *prepared marijuana*.
 - B. Transfer or furnish, without remuneration, up to 2½ ounces of *marijuana* and up to 6 immature plants or seedlings to a person who is 21 years of age or older.

- C. Possess, grow, cultivate, process, or transport up to 6 *flowering marijuana plants*, 12 immature plants and unlimited seedlings, and possess all the *marijuana* produced by the plants at the adult's residence.

[Other provisions of this section allow the purchase of marijuana but depend on the licensing of stores and facilities that will await the adoption of state regulations].

2. Home Cultivation.

- A. A person may cultivate up to 6 flowering marijuana plants at that person's place of residence, on property owned by that person, or on another person's property with written permission of the owner of the property. *[not visible from a public way and not accessible by a person under 21 years of age; each plant must have a tag on it w/ person's name & ID on it]*

5. A person may consume *marijuana* in a nonpublic place including a private residence.

Issues to be Addressed

Definitions

The definition of "marijuana" in the new law is very broad and is different from what we normally consider to be marijuana to mean or as it is defined in the Maine Criminal Code or in the medical marijuana law. The new law does not define "marijuana accessories" or "prepared marijuana," and the term "flowering marijuana plant" seems to include a plant that is not actually flowering and is inconsistent with the term "mature marijuana plant" used in the medical marijuana law. See §2442(12) v. 22 MRS §2422(4-B)

The medical marijuana law uses the term "prepared marijuana" in 22 MRS §2422(14), which is defined as the dried leaves and flowers and the by-products of the dried leaves and flowers of the marijuana plant that require no further processing. It includes any mixture or preparation of those dried leaves and flowers and by-products, including but not limited to tinctures, ointments and other preparations, but does not include the seeds, stalks, or leaves that are disposed of and not dried for use and roots of the plant. Nor does the definition include the ingredients, other than marijuana, in tinctures, ointments or other preparations that include marijuana as an ingredient or food or drink prepared with marijuana as an ingredient for human consumption. 22 M.R.S §2423(14).

The Criminal Code defines "marijuana:"

"Marijuana" includes the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or

the sterilized seed of such plant which is incapable of germination.
17-A MRS §1101(1)

The Criminal Code defines “hashish” separately from marijuana:

"Hashish" includes the resin extracted from any part of the cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin. 17-A MRS §1101(5)

The new law, however, defines “marijuana” as the same as “cannabis.” “Cannabis,” in turn, is broadly defined in the new law as including “all parts of the plant..., the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin including cannabis concentrate....” §2442(5), (22).

Later the new law provides, “22. Marijuana. Marijuana means cannabis.” This broad definition makes it legal to possess concentrates (a/k/a Honey Oil, Honey Budder, or BHO) with THC levels between 40 and 80 percent. See <https://www.dea.gov/pr/multimedia-library/publications/marijuana-concentrates.pdf>

In other words, without explicitly saying so, the bill broadly includes hashish, THC, and other substances that are much more potent than marijuana. Two-and-a-half (2½) ounces of THC, of course, is quite a different thing than 2½ ounces of leafy marijuana. In contrast, hashish and synthetic cannabinoids are separately identified in §1102 of the Criminal Code and are not specifically mentioned in the medical marijuana law.

This section of the new law could be amended to incorporate the traditional definition of marijuana to reflect what “marijuana” is commonly understood to mean and that for which the people voted.

The new law has no penalties for violations of any of its provisions.

For instance, §2448(3)(C) says “A person must be 21 years of age or older to make a purchase in a retail marijuana store.” However, there is no penalty for violating this section. Section 2453 also prohibits a number of acts, but provides no penalty for these violations.

The new law does not address minors/people under 21 and does not regulate marijuana like alcohol

The new law affirmatively allows people over 21 to possess, buy, and consume marijuana. However, it says nothing about how people under the age of 21 are treated if found in possession of any amount of marijuana or what would happen if an adult provided marijuana to a minor. By contrast, there are a number of statutes regulating minors' access to alcohol and tobacco. See <http://www.maine.gov/dps/bhs/impaired-driving/guide.html>

The new law repeals the civil violation in 22 MRS 2383(1), which for 40 years has made it a civil violation for persons of any age to possess small amounts of marijuana. Referencing this law in the Juvenile Code makes it a juvenile offense for someone under 18 to possess marijuana.

Sec. 3103(B) of Title 15 says, “juvenile crime” means...” (1) The possession of a useable amount of marijuana, as provided in Title 22, section 2383....” Repealing this provision of Title 22 makes it *lawful* for juveniles of any age to buy, possess, and consume a “usable amount of marijuana,” even though the current provisions of the Criminal Code would still make it a crime to *furnish* or *sell* marijuana to juveniles.

Repealing the civil violation also makes it lawful for people ages 18, 19 and 20 to possess and use several ounces of marijuana, as there would simply be no civil or criminal penalty for that age group.

Reenacting 22 MRS 2383(1) and referencing the reenacted law in the Juvenile Code should address this problem.

Does the new law regulate marijuana/cannabis like alcohol?

1. No restrictions on location of facilities

Nowhere in the new law is there any restriction about where a marijuana cultivation or testing or retail store or social club may be located, no restrictions, for instance, regarding proximity to schools, daycare facilities, healthcare institutions, and the like, as there are for alcohol-related facilities.

The Medical Use of Marijuana Act, by contrast, provides that a dispensary may not be located within 500 feet of the property line of a preexisting public or private school. 22 MRS §2428(6)(B).

2. What happens if a minor tries to purchase marijuana under the new law?

The law says a shop may not sell to a person under 21 “without checking the person’s identification.” Sec.2453(3) Conversely, this means that as long as the clerk has ostensibly checked an ID, the sale is lawful since the new law specifies no penalty for the sale. By contrast, in the case of alcohol or tobacco, a retailer must check the ID of anyone appearing to be under the age of 21. 28-A M.R.S., §706 and 22MRS § 1555-B(2)

Section 2448(3)(C) of the new law requires the seller to verify the age of the purchaser, but there is *no penalty* for not asking for an ID; the new law even says, “If a person under 21 years of age presents a fraudulent proof of age, any action relying on the fraudulent proof of age may *not* be grounds for the revocation or suspension of any license...” By contrast, in the case of alcohol, it is an offense for a minor to present a false ID to

purchase alcohol, and if a licensee sells alcohol or tobacco to a minor, even with a fraudulent ID, the seller may face administrative penalties.

Penalties for a retailer who sells marijuana to a minor could be the subject of rulemaking but rulemaking cannot create a criminal penalty. The criminal penalty for selling alcohol to a minor is statutory. See 28-A M.R.S. §2081.

Title 28 provides a series of civil violations for a minor who purchases liquor or imitation liquor, with fines ranging from \$200 to \$400 for a first offense up to a mandatory \$600 fine if the minor has two or more prior convictions. See 28-8 M.R.S. §§ 2051 (1)(A)(1),(2), & (3). Under the new marijuana law, however, there are no civil or criminal penalties for a minor (anyone under 21 years of age) if the minor fraudulently purchases marijuana.

3. No liability for a server, like there is for alcohol.

The “Dram Shop Act,” or Liquor Liability Act, provides a civil recovery for a person injured in an accident caused by an intoxicated person who was served alcohol at a bar when the person has already had too much to drink. 28-A MRS §2502. No similar provision in the new law holds cannabis social clubs accountable for serving too much of a cannabis-related substance to a person who drives away and hurts another person. The new law in fact *requires* that all retail marijuana and marijuana products purchased at a social club be consumed or disposed of on the premises. Section 2448(7)(A).

4. What if an adult provides a place for kids to consume marijuana?

In the case of alcohol, it is a Class D crime to allow a minor under that person's control, or in a place under that person's control, to possess or consume liquor. There is no similar offense in the new law for allowing the consumption of marijuana. 28-A M.R.S., §2081(B)

5. What about impaired drivers?

The initiative does not address operating vehicles or machinery (the Medical Use of Marijuana Act does mention this). The Criminal Justice Committee struggled with this issue for months this past spring and did not arrive at a threshold nanogram amount of THC to determine when a driver is impaired. According to the National Conference of State Legislatures, 17 states have laws setting limits on THC in the bloodstream while operating a vehicle. Several of those states have set the amount between 1 and 5 nanograms per milliliter. Nothing in the new law prohibits a person from consuming cannabis while operating a motor vehicle or from operating a motor vehicle with a certain level of THC in the blood.

6. You can't have an open alcohol container in a car, what about lit joint?

Current law prohibits the operator or passenger from consuming alcohol in a motor vehicle or possessing an open alcoholic beverage container. See 29-A MRS 2112-A. Nothing in the new marijuana law prohibits a person from driving a motor vehicle or ATV or snowmobile or boat while the operator or passenger consumes a cannabis-related substance.

7. You can't drink in public, what about consuming marijuana in public?

Drinking alcohol in public is a Class E Crime. A person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a law enforcement officer, unless the person has been given permission to do so by the owner or authorized person. A public place for the purpose of drinking in public could be school grounds, public beaches, parking lots and other areas. There is no similar prohibition in the new law which refers to 'nonpublic' places but does not define the terms. By contrast, 17 MRSA, §2003-A prohibits consumption in a public place, defined as:

D. "Public place" means:

(1) A place owned or operated by a governmental entity to which the public at large or a substantial group has access, including but not limited to:

(a) Public ways as defined in Title 17-A, section 505;

(b) Schools, government-owned custodial facilities;

(c) The lobbies, hallways, lavatories, toilets and basement portions of apartment houses, hotels, public buildings and transportation terminals; and

(d) Public beaches; and

(2) Private ways and parking areas, physically adjacent to public ways and designed primarily for vehicular traffic.

8. What is an additive that is appealing to children?

The only specific mention of children in the new law is in §2448(3)(C)(4). "A retail marijuana product may not contain an *additive* designed to make the product more appealing to children." Unfortunately, this provision does not make it unlawful to sell such a product or any other substance to children. One must cross-reference the Criminal Code to see if sale of a particular substance to children may still be a crime.

This provision also does not incorporate the common sense prohibitions contained in our alcohol and tobacco laws that restrict advertising and labeling that attract children or the shapes, forms, colors, and product placement that are attractive to children or access by children to places where cannabis products are available.

Section 2448(3)(C)(2) allows the State to issue regulations regarding signs and marketing to persons under 21, but the law provides no standards for those regulations.

9. No restriction on pricing.

Section 2448(9) seems to say the state is not allowed to set prices for marijuana or marijuana products, in contrast to the state's authority to set base pricing for alcohol.

Conflicts regarding Workplace Provisions:

What can an employer do to ensure employees are not under the influence of recreational marijuana?

Section 2454 of the new law says an employer may not “refuse to...employ...or otherwise penalize a person...solely for that person’s consuming marijuana outside of the...employer’s...property.”

However, can an employer suspend or dismiss an employee for showing up under the influence because the employee consumed marijuana *outside* the employer’s property? This provision seems to say a person working off grounds might be free to consume marijuana while working outside the employer’s property.

A person working for an employer with a federal contract or federal grant comes under the federal Drug Free Workplace Act of 1988, 41 US Code §8102, which requires such employers to discipline employees who use marijuana or offer them an employee assistance program in certain circumstances.

The new law also says that “This chapter does not affect the ability of employers to enact and enforce workplace policies restricting the use of marijuana by employees or to discipline employees who are under the influence of marijuana in the workplace.” However, this provision leaves open the question of how, when, on what grounds may an employer require a test. How is an employer to determine whether an employee is under the influence of marijuana? What tests are reasonably available to employers and acceptable to employees?

It is unclear why the drafters did not at least use the same language in the new law as in the Medical Use of Marijuana Act when it comes to workplace regulation.

For instance, the Medical Use of Marijuana Act adds the phrase:

“...unless failing to do so would put the school, employer or landlord in violation of federal law or cause it to lose a federal contract or funding. This subsection does not prohibit a restriction on the administration or cultivation of marijuana on premises when that administration or cultivation would be inconsistent with the general use of the premises. A landlord or business owner may prohibit the smoking of marijuana for

medical purposes on the premises of the landlord or business if the landlord or business owner prohibits all smoking on the premises and posts notice to that effect on the premises.”

The Medical Use of Marijuana Act also provides specific limits on the use of marijuana by employees. See §§2426(1)(A), 2426(1(C)(1) & (2) and 2426(2)(B) of Title 22:

1. Limitations. This chapter does not permit any person to:

A. Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice or would otherwise violate any professional standard. B.... possess marijuana or otherwise engage in the medical use of marijuana:

In a school bus;

On the grounds of any preschool or primary or secondary school; or

In any correctional facility;

C. Smoke marijuana:

On any form of public transportation; or

In any public place;

D. Operate, navigate or be in actual physical control of any motor vehicle, aircraft, motorboat, snowmobile or all-terrain vehicle while under the influence of marijuana; or

....

1. Construction. This chapter may not be construed to require:

...

B. An employer to accommodate the ingestion of marijuana in any workplace or any employee working while under the influence of marijuana.”

This language is absent in the new recreational marijuana law.

There are also many potential conflicts between the new law and Maine’s workplace drug testing law, 26 MRS §681 et seq., covering employers of 20 or more employees.

In summary, a number of conflicts between this new law and other state and federal laws will make it difficult for employers, co-workers, and supervisors to know what to do with a problem employee who happens to use marijuana for recreational purposes.

Conflicts re Landlord/Tenant Provisions:

Can a landlord have a 100% smoke free or marijuana free property?

Sec. 2454 (p.27) says only that a landlord “may not refuse to...*lease* [an erroneous term] or to otherwise penalize a person....solely for that person’s consuming marijuana outside of the...landlord’s property.” It does not say that a landlord can prohibit consumption of marijuana *on* the landlord’s property or smoking marijuana in an apartment complex. A landlord generally will want to regulate consumption of marijuana *on* the landlord’s property, not *outside* the landlord’s property. However, the bill affirmatively allows a

person to consume marijuana in a “nonpublic place, including a private residence,” presumably regardless of whether the landlord thinks otherwise.

This provision of the new law also does not address the rights of other tenants of an apartment complex where there are children present or seniors or others who desire to be free from marijuana smoke.

Other

Taxation:

The State taxes medical marijuana at the standard sales tax rate of 5.5%. See MRS Instructional Bulletin No. 60, http://www.maine.gov/revenue/salesuse/Bull602016_08_01.pdf

Under the new law, recreational marijuana will be taxed at 10%. §1817. However, this tax must be deposited in the General Fund and not used for any new state programs, even substance abuse oriented programs. §1817(7). Policymakers may wish to review the possible uses of any new revenues and may wish to align this tax rate with those of other states that now allow and tax recreational marijuana.

License Fees:

The range of fees listed in §2448(10) does not indicate whether they are annual or one-time fees but, in any case, would appear inadequate to produce the revenue “needed to set up the licensing and enforcement operations of the department.”

Public Smoking laws:

“A person may consume marijuana in a nonpublic place including a private residence.” Sec. 2452(4), p.26. “Nonpublic place” is not defined. *Smoking* marijuana in a “public place” is prohibited, but “public place” in the smoking law, 22 MRS §1541, means “any place not open to the sky to which the public is invited or allowed” and includes outdoor eating areas. So smoking marijuana in other open areas arguably will be allowed under the new law, and consuming marijuana in other forms in other places appears to be allowed.

The new law also states that marijuana sold in a marijuana social club must be consumed on premises, but the law also states that smoking marijuana is not allowed in a public place, which would include a social club.

The new law requires the Commissioner of Agriculture to train law enforcement in “investigations, searches, seizures, forfeitures and such additional activities as may become necessary from time to time.” §2446(3), p.8. The Department of Agriculture, of course, has no expertise in law enforcement; the Maine Criminal Justice Academy, which is a bureau of the Department of Public Safety, does.

Application of the new law to the unorganized territories:

The new law refers frequently to “municipalities” and their right to regulate, license, limit the number of marijuana shops, zone, etc. However, out of the 47 different definitions in the bill, there is no definition or statutory reference for “municipality.” The Unorganized Territories, for instance, comprises 10.4 million acres in Maine, including a number of islands and communities formerly organized as towns, but neither the UT nor its governing body, the Land Use Planning Commission, is referred to in this bill. The new law leaves an open question as to what form of regulation is allowed in the UT.

Moratoria/Local Prohibition & Regulation:

There are serious omissions and conflicts in the following provisions:

Section 2447(4) says that “The state licensing authority may not limit the total number of retail marijuana stores in this State. A municipality may regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and retail marijuana social clubs and may prohibit the operation of retail marijuana establishments and retail marijuana social clubs within its jurisdiction.”

Section 2449 says that “A municipality may regulate the location and operation of retail marijuana establishments and retail marijuana social clubs pursuant to Title 30-A, chapter 187, subchapter 3.” Section 4356 of Title 30-A provides only a limited 180-day moratorium on the processing or issuance of permits or licenses, arguably in conflict with Section 2447 of the new law.

Section 2451(7) refers to “all reasonable restrictions” that may be placed on a licensee's new location by the municipality, but does not suggest what kind of restrictions would be authorized.

Prior convictions that disqualify a person from being licensed:

Section 2447(1)(B) says a person may not be licensed if the person has a “disqualifying drug offense” that is a “violation of a state or federal controlled substance law that is a crime punishable by imprisonment for 5 years or more.” However, this definition excludes Class C crimes (punishable by a sentence “not to exceed 5 years”), is inconsistent with the Criminal Code, and allows a person with a recent felony record of any kind or a recent drug felony to grow or sell marijuana or otherwise be licensed under this bill.

By contrast, the Medical Use of Marijuana Act defines a “disqualifying drug offense” as a crime that carries a penalty of one year or more, 22 MRS §1211(4), which is the definition of a felony in our criminal law; and the medical marijuana law prohibits anyone with a disqualifying drug offense from serving as a principal officer or board member of a dispensary. 22 MRS §2428(9), not simply serving as a “licensee.”

The new law also says that the state and/or the municipality “shall also consider any information provided by the applicant [but not by anyone else?] regarding...evidence of rehabilitation, character references and educational achievements....” This provision invites litigation over the standards for disregarding one person's recent drug convictions over another's. Section 2447(2), 1st paragraph.

Section 2447(2) describes in detail the process for obtaining and processing fingerprints. It is unclear why this provision is necessary and whether it suggests that the only qualification for holding a license is the lack of a recent criminal drug conviction.

Administrative Procedures Act

Various sections of the new law appear to mimic the state's Administrative Procedures Act; see, for instance, §2444(2)(A), §2448(12) (16), except that a person's license may not be suspended for more than six months, apparently no matter how egregious the conduct, and a licensee may continue to do business when under suspension, and part of the “fees” paid (not “fines”) “must be retained by the state licensing authority,” and fines paid for the purpose of avoiding a suspension are paid “to the state licensing authority;” these provisions are not consistent with general administrative practice.

Testing and Certification

Section 2445 requires the state to establish a “retail marijuana and retail marijuana products independent testing and certification program” “within a reasonable time frame.” This provision seems vital to the safe consumption of marijuana products, but there is no indication that anyone in state government is qualified to test or certify marijuana products to ensure that they are safe for human consumption and “do not contain contaminants” and “to ensure correct labeling;” nor is there any definition of what a “reasonable time frame” would be to develop such a complicated but necessary program.

This provision further requires the state to verify the potency representations for THC and to ensure that dangerous or contaminated substances will be quarantined, but the final sentence of this provision then seems to say that the cultivation, production, and sale of the products will commence regardless of whether there is yet a testing and certification facility to protect the public safety.

Section 2446(3) requires major substantive rulemaking for the Department of Agriculture to train law enforcement and “local jurisdictions” [sic] in inspections,..”and such additional activities as may become necessary from time to time.” This vague language fails to give lawful guidance to the agency in developing rules.

Section 2446(4)(C) requires rules for license renewals, etc., “as well as other matters that are necessary for the fair, impartial and comprehensive administration of this chapter.”

This section fails to give any standards for the proposed rules or guidance as to the subject matter of the rules.

Section 2447(3)(D)(1) suggests that if too many applications are filed, then the state will consider the municipality's "preferences for licensure" without describing any standards for such preferences to avoid arbitrary decision-making.

The term "unreasonably impracticable," not generally used in Maine law, and found in sections 2444(2)(G) and 2448(4)(A)(3), is a subjective term that appears to give a licensee a reason to ignore certain regulations; this could easily promote extensive litigation.

The provisions relating to public hearings by municipalities, §2449(4)(5), are inconsistent with the provisions of some city charters, state law, and municipal ordinances relating to licenses and permitting. Requiring or suggesting that municipalities (instead of the licensee) post and pay for public notifications that an entity is applying for a state license, even when that municipality does not issue licenses, does not make sense.

Section 2443 of the new law

The intent of this section is unclear, as it purports to say that something is legal if it is permitted by this new law "except as provided in this chapter." This section does not make sense and should be clarified or repealed.

Please let me know if I may provide more information or assist you in any way as you deliberate this important issue.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 23, 2017

Order: 04-01232017*

Author: Phillip L. Crowell, Jr., Chief of Police

Subject: Confirm Chief Crowell's appointments of Constables without firearms for the Auburn Police Department and Constable Process Servers without firearms within the City of Auburn.

Information: Chief of Police Crowell requests that the Auburn City Council appoint civilians without firearms to serve documents in the City of Auburn as Constables (city employees and volunteers) and Constable Process Servers (employed by private businesses).

Advantages: Documents (ie: subpoenas) are time sensitive. Civilians, who have been appointed by the City Council, will be authorized to serve documents in the City of Auburn.

Disadvantages:

City Budgetary Impacts: N/A

Staff Recommended Action: Vote to confirm Chief Crowell's appointments of Constables without firearms for the Auburn Police Department and Constable Process Servers without firearms within the City of Auburn.

Previous Meetings and History: December 7, 2015, March 21, 2016 – Annually and periodically, requests are made for appointments and re-appointments for the next or current calendar year.

Attachments:

- Memo from Chief Crowell



Auburn Police Department

Phillip L. Crowell, Jr. | Chief of Police
Jason D. Moen | Deputy Chief of Police
www.AuburnPD.com | 207.333.6650
60 Court Street | Auburn, Maine 04210

MEMORANDUM

Date: January 10, 2017
To: Honorable Mayor Jonathan LaBonte and Members of the City Council
From: Phillip L. Crowell, Jr., Chief of Police

RE: CONSTABLES 2017

We request the following named persons be appointed to serve documents as Constables on behalf of the Auburn Police Department and Constable Process Server within the City of Auburn for 2016:

Randall Burnham	Constable Process Server	Without Firearm	Re-appointment
Paul Carpentier	Constable Process Server	Without Firearm	Re-appointment
Francis Carignan	Constable Process Server	Without Firearm	Re-appointment
Steven Chouinard	Constable Process Server	Without Firearm	Re-appointment
Harry Gorman	Civil Process Only	Without Firearm	Re-appointment
Claire Barclay	Civil Process Only	Without Firearm	Re-appointment
Kenneth Edgerly	Civil Process Only	Without Firearm	Re-appointment
Klinger, Charity	Constable Process Server	Without Firearm	Re-appointment
Jerry Webster	Civil Process Only	Without Firearm	Re-appointment
Glenn Garry	Civil Process Only	Without Firearm	Re-appointment
Carol Theriault	Civil Process Only	Without Firearm	Re-appointment
Amanda Tierney	Civil Process Only	Without Firearm	Re-appointment

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 04-01232017

ORDERED, that the City Council hereby appoint the following named persons be appointed to serve documents as Constables on behalf of the Auburn Police Department and Constable Process Servers within the City of Auburn for 2017:

Randall Burnham	Constable Process Server	Without Firearm	Re-appointment
Paul Carpentier	Constable Process Server	Without Firearm	Re-appointment
Francis Carignan	Constable Process Server	Without Firearm	Re-appointment
Steven Chouinard	Constable Process Server	Without Firearm	Re-appointment
Harry Gorman	Civil Process Only	Without Firearm	Re-appointment
Claire Barclay	Civil Process Only	Without Firearm	Re-appointment
Kenneth Edgerly	Civil Process Only	Without Firearm	Re-appointment
Klinger, Charity	Constable Process Server	Without Firearm	Re-appointment
Jerry Webster	Civil Process Only	Without Firearm	Re-appointment
Glenn Garry	Civil Process Only	Without Firearm	Re-appointment
Carol Theriault	Civil Process Only	Without Firearm	Re-appointment
Amanda Tierney	Civil Process Only	Without Firearm	Re-appointment

IN COUNCIL REGULAR MEETING JANUARY 9, 2017 VOL. 35 PAGE 1

Mayor LaBonté called the meeting to order at 7:04 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Burns had an excused absence. All other Councilors were present.

I. Consent Items

1. Order 01-01092017*

Setting the date of the Special Election for Ward 4 Council seat as June 13, 2017.

2. Order 02-01092017*

Referring the Gowell's Market Zoning Change Proposal to the Planning Board.

3. Order 03-01092017*

Appointing Jonathan LaBonte, Robert Stone, and Bettyann Sheats to serve on the NNEPRA (Northern New England Passenger Rail Authority) Project Advisory Team.

Motion was made by Councilor Titus and seconded by Councilor Walker for passage.
Passage 5-0.

II. Minutes

- December 19, 2016 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Stone to accept the minutes of the December 19, 2016 Regular Council Meeting as presented.
Passage 4-0-1(Councilor Pross abstained because he was not present at the December 19, 2016 meeting).

III. Communications, Presentations and Recognitions

- Audit – Runyon Kersteen and Ouellette (Casey Leonard and Josh Kochis presented)

IV. Open Session – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

Larry Pelletier, New Auburn resident raised concerns to the Council about cars speeding on Route 100 North.

V. Unfinished Business

1. Ordinance 09-10172016

Amending the zoning map in the area of 1863 Pownal Road. Second reading.

Motion was made by Councilor Titus and seconded by Councilor Pross for passage.

Public comment – Kim Visbaris, 42 Hershey Hill Road who represents Gary McFarland, owner of this property. Mr. McFarland has no intention of developing the property. His client would like to be able to improve the structure with no plans to add on to it. The only way to do work on it is to get permits. His client is asking that we allow him to

improve this lot and maintain it as single residence and if approved it would be placed on record with the Registry of Deeds, self imposed restrictions that prevent any further development on this lot forever to be enforced expressly by the City.

Dan Herrick, 470 Hatch Road, said he would love to see this place put back to its original shape but re-zoning this single property is not the way to do it. It would open up a can of worms.

Joe Gray, Sopers Mill Road, stated that we all want to see this property fixed but it comes down to how do we do this properly. We need to look at the entire Agricultural Zone.

Motion failed 2-3 (Councilors Young, Stone, and Titus opposed).

VI. New Business - None

VII. Executive Session

- Discussion regarding a Economic Development, pursuant to 1 M.R.S.A. §405(6)(C).

Motion was made by Councilor and seconded by Councilor to enter into executive session, pursuant to 1 M.R.S.A. §405(6)(). Passage 5-0, time 6:33 PM (this item was taken up during the workshop).

Council was declared out of executive session at 7:02 PM.

- Discussion regarding labor negotiations, pursuant to 1 M.R.S.A. §405(6)(D).

Motion was made by Councilor Titus and seconded by Councilor Stone to enter into executive session, pursuant to 1 M.R.S.A. §405(6)(D). Passage 5-0, time 7:54 PM.

Council was declared out of executive session at 9:06 PM.

VIII. Reports

a. Mayor's Report

Reported that the City Manager position has been reopened. Applications will be accepted until February 1, 2017.

b. City Councilors' Reports

Councilor Walker – had no report but asked for clear interpretation of the Charter on the transfer of appropriations.

Councilor Young – reported on the Great Falls TV meeting that was held at the high school.

Councilor Pross – reported that the Lake Auburn Watershed Protection Commission is hosting a ribbon cutting at North Gate to the Spring Road 4:00 PM on January 27, 2017. On January 24, 2017 at 6:00 PM the Building Committee for ELHS will be convening. He reported on the School Committee meeting that was held last Wednesday. He added that the School Committee has expressed interest in holding a joint workshop in February with School Committee and the City Council.

Councilor Stone – reported that most of his off meeting time has been spent preparing for the Audit Committee Meeting. He and Councilor Titus spent time together going over the documents prior to the meeting. They received an advanced copy from the Finance Director which he found helpful. He noted that the City is in good shape, financially, however there is not enough growth in the city.

Councilor Titus – next week the monthly meetings of Auburn Water and Sewer Districts.

- c. **City Manager Report** – Provided an update on the Neighborhood Challenge Grant. The application is on line, and to date, we've received one application for the \$10,000 grant and other inquiries are coming in. A reminder that January 27th through the 29th is the annual Winter Festival.

IX. Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

No one from the public spoke.

X. Adjournment

Motion was made by Councilor Stone and seconded by Councilor Walker to adjourn. All were in favor, the meeting adjourned at 9:18 PM.

A True Copy.

ATTEST 
Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 23, 2017

Author: Phillip L. Crowell, Chief of Police

Subject: Presentation of CALEA (Commission on Accreditation for Law Enforcement Agencies) Award

Information: The Auburn Police Department was awarded its third re-accreditation after appearing before a panel of Commissioners at the November, 2016 CALEA (Commission on Accreditation for Law Enforcement Agencies) conference. The A.P.D., currently a "Gold Standard" agency, was designated as a "Gold Standard – with Excellence" agency. Ms. Karen Shepard, Assessment Manager for CALEA, will officially present the award to the Auburn Police Department staff.

Advantages: Recognition of the CALEA "Gold Standard – with Excellence" agency award.

Disadvantages: None

City Budgetary Impacts: None

Staff Recommended Action: None

Previous Meetings and History:

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 23, 2017 **Order:** 05-01232017

Author: Jill M. Eastman, Finance Director

Subject: Tax Acquired Property Policy

Information: Attached is an updated Tax Acquired Property Policy with amendments discussed at the January 9, 2017 Workshop.

Advantages:

Disadvantages:

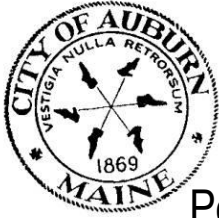
City Budgetary Impacts:

Staff Recommended Action: Staff recommends passage.

Previous Meetings and History: City Council Workshop January 9, 2017.

Attachments:

Tax acquired property policy with amendments highlighted.



City of Auburn

Policy Regarding the Acquisition and Disposition of Tax Acquired Property

Article 1. Purpose

The purpose of this policy is to establish a procedure for the management, administration and disposition of real property acquired due to non-payment of taxes in accordance with Title 36 MRSA Sections 942 - 943 which directly relates to the disposition of property acquired for non-payment of taxes. It is in the City's and the residents' best interest to have a clear policy with respect to the disposal of tax acquired property and to have that property disposed of efficiently as possible in order to:

- Return properties to the tax rolls;
- Reduce the opportunity for neighborhood blight by not having buildings or lots sit vacant and unattended, thus potentially becoming an eyesore and a target for vandalism;
- Preserve neighborhoods by having properties sold in a timely manner, thus reducing the likelihood of deterioration or becoming dilapidated.

It is the City of Auburn's goal to make a reasonable effort to return properties to their previous owner(s) by working with them to find a way to redeem the property, while maintaining the integrity and fiscal well-being of the City.

Article 2. Administration – “Tax Acquired Property Management Committee”

Section 2.1 Committee Established. With the passage of the policy a staff committee will be established and will be called the "Tax Acquired Property Management Committee".

Section 2.2 Committee Composition. Permanent members of the committee will be the Finance Director, Tax Collector and the Facilities/Purchasing Manager. The remainder of the committee will have representation from the following departments: Economic and Community Development, Assessing, Public Services, Recreation, Fire and Police.

Section 2.3 Meetings. The Committee will meet as often as necessary to carry out the duties and responsibilities set forth in this policy.

Article 3. Duties and Responsibilities of the City Tax Collector and the Committee

Section 3.1 Review of Properties. At least forty five (45) days prior to the foreclosure date, the City Tax Collector shall identify each property on the list and notify all members of the committee of the impending foreclosure. The identification shall include, but is not limited to, the following: property tax map and lot number, property owner name, property location by street address, current property use if improved with buildings, and any other information available that the Tax Collector feels will be helpful to the committee.**Section 3.2 Notice to Departments.** The Tax Collector shall notify the following departments of the impending foreclosure, and provide the list of properties and the same information as provided to the committee: the City Manager, Health and Social Services and City Clerk.

Section 3.3 Request for Department Review. At the time of the notice, the Tax Collector will request the departments to review the property list for the purpose of advising the committee of any properties which the City should not acquire through the lien foreclosure process. When appropriate,

the department should perform a field visit to the property. In reviewing the list, each department will consider the criteria and guidelines established in this policy and by the Committee.

In order for the Committee to perform its work, each department must conduct its review and return its written findings and recommendations to the Tax Collector within five (5) business days.

Section 3.4 Guidelines for reviewing

When reviewing properties that may be subject to foreclosure, the Committee and the affected departments will, at a minimum, consider the following guidelines and criteria in determining whether the City should: (1) retain the property for public use, (2) sell the property, or (3) waive foreclosure:

- the property is either unfit or unnecessary for City use;
- the City wishes to retain ownership for municipal purposes;
- the property is adjacent to publicly owned land;
- there are buildings on the property that should be demolished;
- there are environmental liabilities or hazards present on the site
- the property has investment or marketable value;
- there are uses that the property is suited for which meet the requirements of the City's zoning and land use ordinance;
- the property has value only to an abutter (provides additional set back, off street parking, etc.).

The Committee may consider additional criteria in formulating its recommendation to the Manager and City Council regarding disposition of the property.

Section 3.5 Committee Action/Recommendations. The committee will meet to review the comments received from each department. The Committee will then forward a recommendation to the City Manager for appropriate action. The Committee will meet in sufficient time before the foreclosure deadline in order for the City Manager and City Council to have sufficient time to take any action that may be necessary, including waiver of foreclosure.

Article 4. Sale and Marketing of Tax Acquired Properties

The City of Auburn will dispose of tax acquired properties by the following method.

Section 4.1 Guidelines Regarding the Sale or Disposition of Tax Acquired Property. All tax acquired properties will automatically be eligible for disposition immediately following foreclosure by the City with the following exceptions:

- In cases where the City has negotiated a payment plan with the owner for back taxes - prior to foreclosure, and payments are being made accordingly; and
- In cases where the City wishes to retain ownership for municipal purposes, such as open space, public improvements, sewers, storm drains, parks and recreation, public safety, transportation, education, right of ways, storage areas, etc., or the City wishes to convey the property for a use which serves the City's interests.

Section 4.2 Sale to the Prior Owner. The City will first offer tax acquired property to the prior owner, it shall be offered upon the following conditions: Upon acquiring a property, the Tax Collector shall notify the prior owner that they have thirty (30) days within which to inform the City if they intend to redeem the foreclosed property. This notification is a matter of courtesy only, the failure of the municipality or municipal officers to send this notice shall not create any legal rights to any person. The failure of the municipal officers to send this notice, or the fact that the notice has not been received or understood by the person to whom it was sent, shall not invalidate the sale or disposal of the tax acquired property pursuant to this policy nor shall such failure provide a legal basis for any legal action against the Municipality, municipal officers or any employee thereof.

A “ Contract for Repayment of Real Estate Taxes” may be entered into, if mutually agreed upon by the Municipality and the prior owner. This contract will state that the previous owner will have one (1) year from the foreclosure date to pay all taxes assessed and currently unpaid, all interest due on the unpaid taxes, all costs associated with the lien and foreclosure process and the estimated next fiscal year’s taxes if the redemption occurs after April 1st. The contract will also state that the repayment will be done in four (4) or less installments. Prior to the execution of the contract, the purchaser shall provide the City of Auburn with written proof of homeowners’ insurance on the foreclosed property and the insurance policy shall list the City of Auburn as “loss payee”.

Section 4.3 Sale to Immediate Heirs. The City may offer tax acquired property to an immediate heir of the last assessed owner. To redeem the property, the immediate family member must pay all all taxes assessed and currently unpaid, all interest due on the unpaid taxes, all costs associated with the lien and foreclosure process and the estimated next fiscal year’s taxes if the redemption occurs after April 1st and any legal fees that the City of Auburn incurs.

~~**Section 4.3 Sale to Abutters.** In the event the prior owner or immediate heirs have declined or are unable to buy the property within the timeframe specified in Section 4.1, the property will be offered to all immediate abutters. Immediate abutters will receive notice by certified mail. When selling any property the Purchasing/Facilities Manager will take into consideration:~~

- ~~• Whether the lot is nonconforming and/or unbuildable.~~
- ~~• The needs of abutting properties for additional land to meet current zoning requirements.~~
- ~~• The plans for neighborhood development or master planning and the potential effect on the neighborhood.~~
- ~~• The minimum bid price.~~

~~The Purchasing/Facilities Manager will determine the outcome of all tax acquired bids and reserves the right to accept or reject any proposal it receives. The City will provide tax title only through a quit claim deed.~~

Section 4.4 Sales. Depending on the type of property and its value, the City may use a variety of marketing methods, as indicated below. Regardless of the method, the City reserves the right to accept or reject any proposal it receives. The Finance Department will maintain an updated list of all tax acquired properties which are available for sale and which will be provided to the public upon request.

i. Sealed Bids. The City may offer properties for sale by sealed bid in conformance with the City charter and applicable statutes. This sale will be conducted by the City’s Purchasing/Facilities Manager. The City retains the sole discretion to accept or reject any bid depending on whether the City determines a bid proposal meets the City’s objectives.

ii. **Request for Proposals.** The City may solicit proposals using an RFP process.

iii. **Real Estate Broker Contract.** Vacant land, commercial, industrial, residential and multi-family residential properties which are determined to have investment or high sale value will be identified with a disclosure statement describing all property attributes. This disclosure statement will be obtained from the Assessing Department based on the available record and a field inspection when entry to the property can be obtained. The City may place these properties with a professional real estate broker to be marketed. If the properties are placed with a professional broker, they will be given a deadline within which to sell the property. If the property is not sold within that timeframe, thereafter if any broker produces a purchaser, which results in a sale, the broker will receive a commission.

Section 4.4. Rejection of Bid or Purchase Offer. All properties will be sold at a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed value, the property's current condition, and potential use. Nothing in this policy shall limit or modify the discretion of the City Manager or the City Council to reject any bid offer to purchase, should they deem it in the best interests of the City to do so. All properties must be sold for uses in keeping with the City's zoning ordinance. The City may place criteria on the disposition of any property that meet or further the City's objectives including: the density of development, design standards, the intended use (even when the particular use is allowed in that zone), and evidence of the buyer's financial ability to develop the property.

Article 5. Occupied Residential Properties. Prior to the conveyance by the City of a foreclosed residential property, the City will manage the property in accordance with the provisions of Title 14 MRSA Section 8104-A. The purpose for this provision is to avoid any liability, or management responsibility with regard to ownership of the property.

If the property is a single family home occupied by the assessed owner, the City will do all that it can to help the property owners remain in their home.

If the property is not owner occupied, the City may notify the occupants that the property has been foreclosed and is in the possession of the City of Auburn. The City may choose to evict the occupants in accordance with the law. If the City allows the occupants to continue to reside in the building, the City will notify the occupants that it will perform no maintenance on the property or buildings, that the City will accept no financial obligations or responsibilities to operate the buildings and that the continued occupancy of the property is at the sole discretion and risk of the tenant or leasee.

~~building, the City will notify the occupants that it will perform no maintenance on the property or buildings, that the City will accept no financial obligations or responsibilities to operate the buildings and that the continued occupancy of the property is at the sole discretion and risk of the tenant or leasee.~~

The sale of tax-acquired property shall be subject to any additional terms and conditions of sale which the municipal officers may require and the City Attorney may reasonably advise.

The bid price for either process shall be determined by the Finance Director or his/her designee in no event being less than all outstanding property taxes, including the total amount of all delinquent taxes plus the total taxes for the current year (and the estimated taxes for the next year after commitment) plus accrued interest, lien costs and any other costs relating to the property and this process (including, but not limited to, insurance, attorney's fees, auction/bid or notice costs). If the tax-acquired property is

sold for a sum which exceeds the determined bid price, the municipality is entitled to retain the entire proceeds. There is no requirement to refund the former owner(s) any of the "surplus" realized upon the sale.

The Finance Director/designee shall convey any property sold through either process by Quitclaim Deed.

The purchaser of any tax-acquired property sold through either process shall purchase the tax-acquired property and any improvements thereon on an 'as is/where is" basis and shall acknowledge such in writing with the signing of a City-provided form to that effect. The municipality and its officers, agents or employees make no representations or warranties of any kind, express or implied, including, but not limited to, the warranties of fitness, habitability, merchantability, satisfaction of building requirements or use for any particular purpose or otherwise, all of which shall be disclaimed.

The purchaser of any tax-acquired property sold through either process shall be responsible for the removal of any and all occupants and contents of said property, as may otherwise provided by law, and shall, in writing with the signing of a City-provided form that effect, forever defend and indemnify the municipality and its officers, agents or employees from any and all claims arising out of the said sale, whether by the occupants of the purchased property, their heirs or assigns or otherwise, or by the owners of any contents therein, whether by the occupants, their heirs or assigns or otherwise.

Purchase and Sale Agreement as well as a Notice and Acknowledgement prepared by the City Attorney shall be entered into between the municipality and the successful bidder no later than 30 days from the date of the award of bid and upon successful completion of all terms of sale. Such agreements shall require the buyer to close in full on the property within thirty (30) days thereafter.

Adopted by the Auburn City Council: July 6, 2009
Amended by the Auburn City Council: January 23, 2017

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 05-01232017

ORDERED, that the City Council hereby adopts the Tax Acquired Property Policy as amended.



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: January 23, 2017

Subject: Executive Session

Information: Discussion regarding economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
 - (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
 - (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
 - (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.
- This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: January 23, 2017

Subject: Executive Session

Information: Discussion regarding a real estate matter, pursuant to 1 M.R.S.A. Section 405(6) (C).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
 - (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
 - (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
 - (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.
- This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: January 23, 2017

Subject: Executive Session

Information: Discussion regarding a personnel matter, pursuant to 1 M.R.S.A. Section 405(6) (A).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
 - (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
 - (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
 - (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.
- This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services



TO: Denis D'Auteuil, Acting City Manager

FROM: Jill Eastman, Finance Director

REF: December 2016 Financial Report

DATE: January 17, 2017

The following is a discussion regarding the significant variances found in the City's December financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its sixth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 50.0% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through December 31st, including the school department were \$39,354,748, or 48.87%, of the budget. The municipal revenues including property taxes were \$29,443,296, or 51.26% of the budget which is the same as last year at this time. The accounts listed below are noteworthy.

- A. The current year tax revenue is at 52.6% as compared to 51.64% last year.
- B. Excise tax for the month of December is at 57.96%. This is a \$52,948 increase from FY 16. Our excise revenues for FY17 are 7.98% above projections as of December 31, 2016.
- C. State Revenue Sharing at the end of December is 49.44% or \$725,891.

Expenditures

City expenditures through December 2016 were \$20,828,817 or 52.35%, of the budget. This is 1.41% less than the same period last year. Noteworthy variances are:

- A. The operating departments are all in line with where they should be at this time. Several line items are paid quarterly, semi-annually or annually thus creating the appearance of being over budget. I have and will continue to monitor each department's expenditures throughout the fiscal year.

Investments

This section contains an investment schedule as of December 31st. Currently the City's funds are earning an average interest rate of .55%.

Respectfully submitted,



Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND
AS of December 2016, November 2016, and June 2016

	UNAUDITED December 31 2016	UNAUDITED November 30 2016	Increase (Decrease)	AUDITED JUNE 30 2016
ASSETS				
CASH	\$ 14,856,493	\$ 14,486,975	\$ 369,518	\$ 10,809,594
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	2,446,911	2,222,832	224,079	2,561,677
TAXES RECEIVABLE-CURRENT	20,418,472	20,811,723	(393,251)	1,015,068
DELINQUENT TAXES	641,499	650,227	(8,728)	613,248
TAX LIENS	784,962	959,367	(174,405)	473,362
NET DUE TO/FROM OTHER FUNDS	2,927,057	1,723,900	1,203,157	2,298,596
	<hr/>			
TOTAL ASSETS	\$ 42,075,395	\$ 40,855,024	\$ 1,220,371	\$ 17,771,545
 LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ (29,305)	\$ (19,188)	\$ (10,117)	\$ (643,393)
PAYROLL LIABILITIES	(466,746)	(318,043)	(148,703)	-
ACCRUED PAYROLL	529,353	529,353	(1)	(3,934,340)
STATE FEES PAYABLE	(53,738)	(50,383)	(3,355)	-
ESCROWED AMOUNTS	(11,183)	(10,873)	(310)	(12,981)
DEFERRED REVENUE	(21,687,645)	(22,264,026)	576,381	(1,970,197)
	<hr/>			
TOTAL LIABILITIES	\$ (21,719,264)	\$ (22,133,160)	\$ 413,896	\$ (6,560,911)
 FUND BALANCE - Unassigned	 \$ (18,489,161)	 \$ (16,854,894)	 \$ (1,634,267)	 \$ (6,158,083)
FUND BALANCE - Assigned	\$ (783,311)	\$ (783,311)	\$ 0	\$ (2,084,993)
FUND BALANCE - Nonspendable-long term receivables				\$ (1,341,590)
FUND BALANCE - Restricted	(1,083,659)	(1,083,659)	-	(1,625,968)
	<hr/>			
TOTAL FUND BALANCE	\$ (20,356,131)	\$ (18,721,864)	\$ (1,634,267)	\$ (11,210,634)
	<hr/>			
TOTAL LIABILITIES AND FUND BALANCE	\$ (42,075,395)	\$ (40,855,024)	\$ (1,220,371)	\$ (17,771,545)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH December 31, 2016 VS December 31, 2015

REVENUE SOURCE	FY 2017 BUDGET	ACTUAL REVENUES THRU DEC 2016	% OF BUDGET	FY 2016 BUDGET	ACTUAL REVENUES THRU DEC 2015	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 46,032,435	\$ 24,214,168	52.60%	\$ 44,021,283	\$ 22,734,555	51.64%	\$ 1,479,613
PRIOR YEAR TAX REVENUE	\$ -	\$ 668,740		\$ -	\$ 749,064		\$ (80,324)
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 750,000	\$ 569,088	75.88%	\$ 505,000	\$ 258,527	51.19%	\$ 310,561
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ -	\$ -		\$ -
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -		\$ -
EXCISE	\$ 3,365,000	\$ 1,951,063	57.98%	\$ 3,350,000	\$ 1,898,115	56.66%	\$ 52,948
PENALTIES & INTEREST	\$ 150,000	\$ 87,790	58.53%	\$ 150,000	\$ 67,910	45.27%	\$ 19,880
TOTAL TAXES	\$ 50,297,435	\$ 27,490,849	54.66%	\$ 48,026,283	\$ 25,708,171	53.53%	\$ 1,782,678
LICENSES AND PERMITS							
BUSINESS	\$ 48,000	\$ 25,582	53.29%	\$ 48,300	\$ 29,393	60.86%	\$ (3,812)
NON-BUSINESS	\$ 427,384	\$ 196,259	45.92%	\$ 356,800	\$ 165,971	46.52%	\$ 30,288
TOTAL LICENSES	\$ 475,384	\$ 221,841	46.67%	\$ 405,100	\$ 195,364	48.23%	\$ 26,477
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ -	0.00%	\$ 440,000	\$ -	0.00%	\$ -
STATE REVENUE SHARING	\$ 1,468,313	\$ 725,891	49.44%	\$ 1,477,641	\$ 788,791	53.38%	\$ (62,900)
WELFARE REIMBURSEMENT	\$ 59,000	\$ 29,426	49.87%	\$ 70,000	\$ 19,402	27.72%	\$ 10,024
OTHER STATE AID	\$ 22,000	\$ -	0.00%	\$ 22,000	\$ -	0.00%	\$ -
CITY OF LEWISTON	\$ 160,000	\$ -	0.00%	\$ 155,000	\$ 5,040	3.25%	\$ (5,040)
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 2,109,313	\$ 755,317	35.81%	\$ 2,164,641	\$ 813,233	37.57%	\$ (57,916)
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 132,640	\$ 51,750	39.02%	\$ 133,040	\$ 48,132	36.18%	\$ 3,618
PUBLIC SAFETY	\$ 139,077	\$ 56,252	40.45%	\$ 239,138	\$ 38,075	15.92%	\$ 18,177
EMS TRANSPORT	\$ 1,250,000	\$ 512,320	40.99%	\$ 1,250,000	\$ 515,927	41.27%	\$ (3,607)
TOTAL CHARGE FOR SERVICES	\$ 1,521,717	\$ 620,322	40.76%	\$ 1,622,178	\$ 602,134	37.12%	\$ 18,188
FINES							
PARKING TICKETS & MISC FINES	\$ 65,000	\$ 27,792	42.76%	\$ 60,000	\$ 32,844	54.74%	\$ (5,052)
MISCELLANEOUS							
INVESTMENT INCOME	\$ 10,000	\$ 10,736	107.36%	\$ 5,000	\$ 7,051	141.02%	\$ 3,685
INTEREST-BOND PROCEEDS	\$ -	\$ -		\$ 2,000	\$ -	0.00%	\$ -
RENTS	\$ 18,000	\$ 19,010	105.61%	\$ 18,000	\$ 145,165	806.47%	\$ (126,155)
UNCLASSIFIED	\$ 10,000	\$ 41,415	414.15%	\$ 20,000	\$ 20,016	100.08%	\$ 21,399
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 22,403		\$ -	\$ 22,560		\$ (157)
SALE OF PROPERTY	\$ 20,000	\$ 10,667	53.34%	\$ 20,000	\$ 501,020	2505.10%	\$ (490,353)
RECREATION PROGRAMS/ARENA	\$ -	\$ -		\$ -	\$ -		\$ -
MMWAC HOST FEES	\$ 210,000	\$ 213,207	101.53%	\$ 210,000	\$ 105,328	50.16%	\$ 107,879
TRANSFER IN: TIF	\$ 1,537,818	\$ -	0.00%	\$ 545,000	\$ -	0.00%	\$ -
TRANSFER IN: POLICE	\$ -	\$ -		\$ 45,000	\$ -	0.00%	\$ -
TRANSFER IN: REC SPEC REVENUE	\$ 54,718	\$ -	0.00%	\$ 42,718	\$ -	0.00%	\$ -
TRANSFER IN: SPECIAL REVENUE	\$ -	\$ -		\$ -	\$ -		\$ -
ENERGY EFFICIENCY	\$ -	\$ 1,625		\$ -	\$ 3,600		\$ (1,975)
CDBG	\$ 254,127	\$ 8,112	3.19%	\$ 58,000	\$ 11,174	19.27%	\$ (3,062)
UTILITY REIMBURSEMENT	\$ 27,500	\$ -	0.00%	\$ 37,500	\$ 4,526	12.07%	\$ (4,526)
CITY FUND BALANCE CONTRIBUTION	\$ 825,000	\$ -	0.00%	\$ 1,650,000	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 2,967,163	\$ 327,176	11.03%	\$ 2,653,218	\$ 820,440	30.92%	\$ (493,264)
TOTAL GENERAL FUND REVENUES	\$ 57,436,012	\$ 29,443,296	51.26%	\$ 54,931,420	\$ 28,172,186	51.29%	\$ 1,271,110
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 21,373,337	\$ 9,520,263	44.54%	\$ 20,854,672	\$ 9,300,312	44.60%	\$ 219,951
EDUCATION	\$ 814,540	\$ 391,189	48.03%	\$ 856,607	\$ 115,588	13.49%	\$ 275,601
SCHOOL FUND BALANCE CONTRIBUTION	\$ 906,882	\$ -	0.00%	\$ 906,882	\$ -	0.00%	\$ -
TOTAL SCHOOL	\$ 23,094,759	\$ 9,911,453	42.92%	\$ 22,618,161	\$ 9,415,900	41.63%	\$ 495,553
GRAND TOTAL REVENUES	\$ 80,530,771	\$ 39,354,748	48.87%	\$ 77,549,581	\$ 37,588,086	48.47%	\$ 1,766,662

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH December 31, 2016 VS December 31, 2015

DEPARTMENT	FY 2017 BUDGET	Unaudited EXP THRU DEC 2016	% OF BUDGET	FY 2016 BUDGET	Unaudited EXP THRU DEC 2015	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 78,464	\$ 45,488	57.97%	\$ 77,366	\$ 38,085	49.23%	\$ 7,403
CITY MANAGER	\$ 378,880	\$ 125,811	33.21%	\$ 269,340	\$ 127,691	47.41%	\$ (1,880)
CITY CLERK	\$ 177,906	\$ 91,184	51.25%	\$ 165,053	\$ 89,546	54.25%	\$ 1,638
FINANCIAL SERVICES	\$ 637,754	\$ 317,405	49.77%	\$ 619,855	\$ 312,264	50.38%	\$ 5,141
HUMAN RESOURCES	\$ 150,435	\$ 39,626	26.34%	\$ 143,526	\$ 72,314	50.38%	\$ (32,688)
INFORMATION TECHNOLOGY	\$ 479,324	\$ 296,917	61.94%	\$ 390,190	\$ 263,174	67.45%	\$ 33,743
LEGAL SERVICES	\$ 45,650	\$ 62,009	135.84%	\$ 65,000	\$ 39,242	60.37%	\$ 22,767
TOTAL ADMINISTRATION	\$ 1,948,413	\$ 978,440	50.22%	\$ 1,730,330	\$ 942,316	54.46%	\$ 36,124
COMMUNITY SERVICES							
ECONOMIC & COMMUNITY DEVELOPMENT	\$ 1,938,437	\$ 497,323	25.66%	\$ 1,267,711	\$ 715,436	56.44%	\$ (218,113)
HEALTH & SOCIAL SERVICES	\$ 171,474	\$ 91,839	53.56%	\$ 184,711	\$ 77,683	42.06%	\$ 14,156
RECREATION & SPECIAL EVENTS*	\$ 341,772	\$ 134,599	39.38%	\$ 338,871	\$ 152,146	44.90%	\$ (17,547)
PUBLIC LIBRARY	\$ 979,516	\$ 565,317	57.71%	\$ 979,516	\$ 400,006	40.84%	\$ 165,311
TOTAL COMMUNITY SERVICES	\$ 3,431,199	\$ 1,289,078	37.57%	\$ 2,770,809	\$ 1,345,271	48.55%	\$ (56,193)
FISCAL SERVICES							
DEBT SERVICE	\$ 6,406,845	\$ 5,905,713	92.18%	\$ 6,324,864	\$ 5,792,676	91.59%	\$ 113,037
FACILITIES	\$ 645,756	\$ 292,129	45.24%	\$ 653,080	\$ 276,072	42.27%	\$ 16,057
WORKERS COMPENSATION	\$ 522,088	\$ -	0.00%	\$ 496,536	\$ -	0.00%	\$ -
WAGES & BENEFITS	\$ 5,274,528	\$ 2,638,062	50.02%	\$ 5,171,309	\$ 2,440,777	47.20%	\$ 197,285
EMERGENCY RESERVE (10108062-670000)	\$ 375,289	\$ -	0.00%	\$ 375,289	\$ -	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 13,224,506	\$ 8,835,904	66.81%	\$ 13,021,078	\$ 8,509,525	65.35%	\$ 326,379
PUBLIC SAFETY							
FIRE DEPARTMENT	\$ 4,049,396	\$ 2,089,774	51.61%	\$ 4,099,634	\$ 2,195,809	53.56%	\$ (106,035)
FIRE EMS	\$ 590,997	\$ 248,276	42.01%	\$ 549,801	\$ 228,329	41.53%	\$ 19,947
POLICE DEPARTMENT	\$ 3,875,113	\$ 1,868,197	48.21%	\$ 3,870,995	\$ 1,837,825	47.48%	\$ 30,372
TOTAL PUBLIC SAFETY	\$ 8,515,506	\$ 4,206,247	49.40%	\$ 8,520,430	\$ 4,261,963	50.02%	\$ (55,716)
PUBLIC WORKS							
PUBLIC SERVICES DEPARTMENT	\$ 4,496,349	\$ 1,928,638	42.89%	\$ 4,525,898	\$ 1,995,859	44.10%	\$ (67,221)
SOLID WASTE DISPOSAL	\$ 932,689	\$ 330,470	35.43%	\$ 927,278	\$ 345,919	37.30%	\$ (15,449)
WATER AND SEWER	\$ 599,013	\$ 305,753	51.04%	\$ 599,013	\$ 305,756	51.04%	\$ (3)
TOTAL PUBLIC WORKS	\$ 6,028,051	\$ 2,564,861	42.55%	\$ 6,052,189	\$ 2,647,534	43.75%	\$ (82,673)
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 106,000	\$ 49,184	46.40%	\$ 105,000	\$ 52,500	50.00%	\$ (3,316)
E911 COMMUNICATION CENTER	\$ 1,088,857	\$ 537,020	49.32%	\$ 1,069,122	\$ 537,328	50.26%	\$ (308)
LATC-PUBLIC TRANSIT	\$ 182,244	\$ 182,244	100.00%	\$ 209,244	\$ 233,349	111.52%	\$ (51,105)
LA ARTS	\$ -	\$ -	-	\$ -	\$ -	-	\$ -
TAX SHARING	\$ 270,000	\$ 18,015	6.67%	\$ 270,000	\$ 21,066	7.80%	\$ (3,051)
TOTAL INTERGOVERNMENTAL	\$ 1,647,101	\$ 786,463	47.75%	\$ 1,653,366	\$ 844,243	51.06%	\$ (57,780)
COUNTY TAX							
TIF (10108058-580000)	\$ 2,167,824	\$ 2,167,824	100.00%	\$ 2,142,268	\$ 2,142,268	100.00%	\$ 25,556
OVERLAY	\$ 2,824,803	\$ -	0.00%	\$ 2,599,914	\$ -	0.00%	\$ -
	\$ -	\$ -	-	\$ -	\$ -	0.00%	\$ -
	\$ -	\$ -	-	\$ -	\$ -	-	\$ -
TOTAL CITY DEPARTMENTS	\$ 39,787,403	\$ 20,828,817	52.35%	\$ 38,490,384	\$ 20,693,120	53.76%	\$ 135,697
EDUCATION DEPARTMENT	\$ 40,743,368	\$ 13,587,770	33.35%	\$ 39,062,197	\$ 12,820,568	32.82%	\$ 767,202
TOTAL GENERAL FUND EXPENDITURES	\$ 80,530,771	\$ 34,416,587	42.74%	\$ 77,552,581	\$ 33,513,688	43.21%	\$ 902,899

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF December 31, 2016**

INVESTMENT		FUND	BALANCE December 31, 2016	BALANCE November 30, 2016	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	\$ 4,174,616.61	\$ 4,172,844.28	0.45%
ANDROSCOGGIN BANK	502	SR-TIF	\$ 1,005,941.26	\$ 1,005,514.22	0.45%
ANDROSCOGGIN BANK	836	GENERAL FUND	\$ 5,511,817.66	\$ 4,057,641.35	0.45%
ANDROSCOGGIN BANK	801	WORKERS COMP	\$ 50,253.43	\$ 50,232.10	0.45%
ANDROSCOGGIN BANK	748	UNEMPLOYMENT	\$ 50,253.46	\$ 50,232.10	0.45%
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	\$ 230,752.90	\$ 230,654.93	0.45%
NORTHERN CAPITAL	02155	CAPITAL PROJECTS	\$ 750,000.00	\$ 750,000.00	0.70%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	0.70%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	0.85%
GRAND TOTAL			\$ 12,773,635.32	\$ 11,317,118.98	0.55%

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2016 - June 30, 2017
Report as of December 31, 2016

	Beginning	December 2016				Ending
	Balance 12/01/16	New Charges	Payments	Refunds	Adjustments	Balance 12/31/2016
Bluecross	\$ 39,634.00	\$ 6,585.00	\$ (4,561.64)	\$ -	\$ (2,236.98)	\$ 39,420.38
Intercept	\$ 34.80	\$ 300.00	\$ (300.00)			\$ 34.80
Medicare	\$ 75,329.97	\$ 53,336.40	\$ (20,141.57)		\$ (26,888.80)	\$ 81,636.00
Medicaid	\$ (10,844.69)	\$ 24,267.60	\$ (17,285.15)		\$ (25,583.00)	\$ (29,445.24)
Other/Commercial	\$ 124,997.56	\$ 34,789.60	\$ (19,768.97)	\$ 1,025.00	\$ (14,628.55)	\$ 126,414.64
Patient	\$ 511,807.85	\$ 6,623.80	\$ (5,025.94)	\$ 96.01	\$ (859.80)	\$ 512,641.92
Worker's Comp	\$ 728.40	\$ -	\$ -			\$ 728.40
TOTAL	\$ 741,687.89	\$ 125,902.40	\$ (67,083.27)	\$ 1,121.01	\$ (70,197.13)	\$ 731,430.90

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2016 - June 30, 2017
Report as of December 31, 2016

	July 2016	August 2016	Sept 2016	Oct 2016	Nov 2016	Dec 2016	Adjustment	Totals	% of Total
No Insurance Information		\$ 4,649.80					\$ (4,649.80)	\$ -	0.00%
Bluecross	\$ 10,000.40	\$ 13,101.80	\$ 7,886.80	\$ 10,183.80	\$ 7,624.60	\$ 6,585.00	\$ 4,240.00	\$ 59,622.40	5.63%
Intercept	\$ 200.00	\$ 800.00	\$ 200.00	\$ 400.00	\$ 434.80	\$ 300.00	\$ 1,025.00	\$ 3,359.80	0.32%
Medicare	\$ 65,787.40	\$ 79,078.20	\$ 87,750.40	\$ 101,560.20	\$ 70,601.00	\$ 53,336.40	\$ 13,854.80	\$ 471,968.40	44.54%
Medicaid	\$ 34,317.20	\$ 36,679.60	\$ 25,523.80	\$ 34,320.80	\$ 35,292.20	\$ 24,267.60	\$ 7,078.60	\$ 197,479.80	18.64%
Other/Commercial	\$ 54,548.80	\$ 49,906.40	\$ 44,401.40	\$ 39,102.00	\$ 34,393.20	\$ 34,834.60	\$ (7,451.80)	\$ 249,734.60	23.57%
Patient	\$ 16,125.40	\$ 20,867.80	\$ 12,572.60	\$ 13,732.00	\$ 20,298.20	\$ 6,623.80	\$ (13,445.40)	\$ 76,774.40	7.25%
Worker's Comp	\$ 651.40				\$ 728.40		\$ (651.40)	\$ 728.40	0.07%
TOTAL	\$ 181,630.60	\$ 205,083.60	\$ 178,335.00	\$ 199,298.80	\$ 169,372.40	\$ 125,947.40	\$ -	\$ 1,059,667.80	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2016 - June 30, 2017
Report as of December 31, 2016

	July 2016	August 2016	Sept 2016	Oct 2016	Nov 2016	Dec 2016	Adjustment	Totals	% of Total
No Insurance Information		6						6	0.44%
Bluecross	12	15	9	12	10	8		66	4.80%
Intercept	2	10	2	4	8	3		29	2.11%
Medicare	80	99	105	126	87	69		566	41.13%
Medicaid	45	50	33	44	45	35		252	18.31%
Other/Commercial	69	65	56	54	44	49		337	24.49%
Patient	20	25	16	17	25	15		118	8.58%
Worker's Comp	1				1			2	0.15%
TOTAL	229	270	221	257	220	179	0	1376	100.00%

TOTAL REVENUE COLLECTED AS OF 12/31/16 \$512,320.

TOTAL EXPENDITURES AS OF 12/31/16 \$ 248,276.

**EMS BILLING
AGING REPORT
July 1, 2016 to June 30, 2017
Report as of December 31, 2016**

	Current		31-60		61-90		91-120		121+ days		Totals	
Bluecross	\$ 2,135.89	29%	\$ 2,563.20	35%	\$ 1,644.72	23%	\$ 857.24	12%	\$ 69.69	1%	\$ 7,270.74	0.99%
Intercept	\$ 200.00	67%	\$ 100.00		\$ -		\$ -				\$ 300.00	0.04%
Medicare	\$ 30,208.20	83%	\$ 6,207.80	17%	\$ -	0%	\$ -	0%	\$ -	0%	\$ 36,416.00	4.98%
Medicaid	\$ 13,177.07	69%	\$ 2,124.23	11%	\$ 610.19	3%	\$ -	0%	\$ 3,238.17	17%	\$ 19,149.66	2.62%
Other/Commercial	\$ 40,664.06	56%	\$ 12,371.46	17%	\$ 3,499.95	5%	\$ 2,629.57	4%	\$ 14,047.45	19%	\$ 73,212.49	10.01%
Patient	\$ 33,625.73	6%	\$ 24,340.09	4%	\$ 28,682.42	5%	\$ 40,916.74	7%	\$ 467,517.03	79%	\$ 595,082.01	81.36%
Worker's Comp	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	0.00%
TOTAL	\$ 120,010.95		\$ 47,706.78		\$ 34,437.28		\$ 44,403.55		\$ 484,872.34		\$ 731,430.90	
	16%		7%		5%		6%		66%		100%	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS
As of December 31, 2016

	1902 Riverwatch	1905 Winter Festival	1909 Kittyhawk Park	1910 Community Service	1913 Police Fitness Equipment	1914 Oak Hill Cemeteries	1915 Fire Training Building	1917 Wellness Grant	1922 Walmart Risk/Homeless	1926 Healthy Androscoggin	1927 Insurance Reimbursement	1928 Vending	1929 Fire Prevention	1930 211 Fairview
Fund Balance 7/1/16	\$ 998,289.00	\$ 3,504.80	\$ 44,875.00	\$ 3,822.59	\$ 5,932.53	\$ 27,084.76	\$ 3,511.16	\$ 4,657.35	\$ 7,158.93	\$ (169.41)	\$ (42,276.05)	\$ 97.26	\$ 4,094.47	\$ (566,303.71)
Revenues FY17	\$ 31,637.51	\$ 2,550.00		\$ 249.70				\$ 2,204.00	\$ 1,998.94	\$ 8,164.96	\$ 21,049.35	\$ 648.00		
Expenditures FY17	\$ 105,681.60	\$ 400.00					\$ 5,000.00	\$ 2,153.69	\$ 973.23	\$ 3,360.00	\$ 8,360.24	\$ 683.73		
Fund Balance 12/31/16	\$ 924,244.91	\$ 5,654.80	\$ 44,875.00	\$ 4,072.29	\$ 5,932.53	\$ 27,084.76	\$ (1,488.84)	\$ 4,707.66	\$ 8,184.64	\$ 4,635.55	\$ (29,586.94)	\$ 61.53	\$ 4,094.47	\$ (566,303.71)

	1931 Donations	2003 Byrne JAG	2005 MDOT	2006 PEACE	2007 Seatbelt Grant	2008 Homeland Security	2010 State Drug Money	2013 OUI Grant	2014 Speed Grant	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2030 Parking	2032 HEAPP
Fund Balance 7/1/16	\$ 4,030.22	\$ 5,601.31	\$ (300,767.41)	\$ 5,113.91	\$ 3,838.00	\$ (79,902.47)	\$ 32,161.49	\$ 20,076.97	\$ 9,286.00	\$ (2,764.26)	\$ 4,390,795.83	\$ 29,363.56	\$ 7,326.18	\$ (4,994.50)
Revenues FY17	\$ -	\$ 2,120.64		\$ 3,130.91		\$ 102,245.77	\$ 5,018.50	\$ 9,250.00	\$ 8,205.00	\$ 4,436.00	\$ 462,340.82	\$ 2,932.20	\$ 81,407.66	
Expenditures FY17	\$ 66.40	\$ 1,427.74		\$ 908.59		\$ 71,977.05	\$ 12,876.69	\$ 13,776.00	\$ 6,156.00	\$ 850.00	\$ 321,646.24	\$ 500.00	\$ 94,722.08	
Fund Balance 12/31/16	\$ 3,963.82	\$ 6,294.21	\$ (300,767.41)	\$ 7,336.23	\$ 3,838.00	\$ (49,633.75)	\$ 24,303.30	\$ 15,550.97	\$ 11,335.00	\$ 821.74	\$ 4,531,490.41	\$ 31,795.76	\$ (5,988.24)	\$ (4,994.50)

	2033 Safe School/ Health (COPS)	2037 Bulletproof Vests	2038 Community Action Team	2040 Great Falls TV	2041 Blanche Stevens	2042 High Visibility	2044 Federal Drug Money	2045 Forest Management	2046 Joint Land Use Study	2048 TD Tree Days Grant	2050 Project Lifesaver	2051 Project Canopy	2052 Nature Conservancy	2053 St Louis Bells
Fund Balance 7/1/16	\$ (11,598.45)	\$ 11,591.10	\$ 7,206.21	\$ 49,695.26	\$ 51,105.26	\$ 3,528.71	\$ 28,246.58	\$ 4,661.52	\$ 0.57	\$ -	\$ 100.00	\$ -	\$ 975.05	\$ 2,357.75
Revenues FY17	\$ 6,893.21						\$ 6,683.66			\$ 12,500.00	\$ 50.00	\$ 12,970.00		
Expenditures FY17	\$ 48,042.62	\$ 4,926.39		\$ 4,375.38	\$ 786.45		\$ 17,318.39			\$ 12,500.00				
Fund Balance 12/31/16	\$ (52,747.86)	\$ 6,664.71	\$ 7,206.21	\$ 45,319.88	\$ 50,318.81	\$ 3,528.71	\$ 17,611.85	\$ 4,661.52	\$ 0.57	\$ -	\$ 150.00	\$ 12,970.00	\$ 975.05	\$ 2,357.75

	2054 EMS Transport Capital Reserve	2055 Work4ME- PAL	2056 Lake Auburn Neighborhood	2057 ASPCA Grant	2058 Barker Mills Greenway	2059 Distracted Driving	2201 EDI Grant	2500 Parks & Recreation	2501 Recreation Donation
Fund Balance 7/1/16	\$ 230,363.06	\$ (10,824.92)	\$ 125.00	\$ 800.00	\$ (36,787.03)	\$ (720.00)	\$ (1,336,528.99)	\$ 285,658.91	\$ 1,757.00
Revenues FY17					\$ 34,189.60	\$ 14,151.00		\$ 96,279.04	
Expenditures FY17		\$ 12,787.50				\$ 13,554.00	\$ 875.00	\$ 214,303.83	
Fund Balance 12/31/16	\$ 230,363.06	\$ (23,612.42)	\$ 125.00	\$ 800.00	\$ (2,597.43)	\$ (123.00)	\$ (1,337,403.99)	\$ 167,634.12	\$ 1,757.00

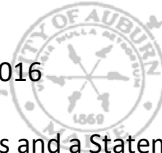
	2600 Tambrands TIF 4	2600 J Enterprises TIF 5	2600 Tambrands II TIF 6	2600 J & A Properties TIF 7	2600 Formed Fiber TIF 8	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Safe Handling TIF 11	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Bedard Pharm TIF 17	2600 Slapshot LLC TIF 18	2600 Hartt Transport TIF 19	Total Special Revenues
Fund Balance 7/1/16	\$ (127,347.23)	\$ 14,500.44	\$ (471,229.88)	\$ 2,558.27	\$ 134,174.73	\$ 538,642.58	\$ 700,419.73	\$ 50,183.21	\$ (373,286.94)	\$ 112,923.51	\$ (90,278.95)	\$ 360.91	\$ 388.80	\$ (111,372.97)	\$ (5.40)	\$ 4,275,786.91
Revenues FY17							\$ 46,880.91									\$ 980,187.38
Expenditures FY17							\$ 850,339.49		\$ 136,810.59	\$ 79,912.46	\$ 534,503.92	\$ 14,645.06		\$ 84,567.93	\$ 14,972.71	\$ 2,696,741.00
Fund Balance 12/31/16	\$ (127,347.23)	\$ 14,500.44	\$ (471,229.88)	\$ 2,558.27	\$ 134,174.73	\$ 538,642.58	\$ (103,038.85)	\$ 50,183.21	\$ (510,097.53)	\$ 33,011.05	\$ (624,782.87)	\$ (14,284.15)	\$ 388.80	\$ (195,940.90)	\$ (14,978.11)	\$ 2,559,233.29

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Denis D'Auteuil, Acting City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for December 31, 2016



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of December 31, 2016.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, November 30, 2016.

Current Assets:

As of the end of December 2016 the total current assets of Norway Savings Bank Arena were (\$380,430). These consisted of cash and cash equivalents of \$91,213, accounts receivable of \$158,739, and an interfund payable of \$630,382.

Noncurrent Assets:

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of December 31, 2016 was \$186,561.

Liabilities:

Norway Arena had no accounts payable as of December 31, 2016.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through December 2016 are \$567,631. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through December 2016 were \$623,359. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

As of December 2016 Norway Arena has an operating loss of \$55,728 compared to the November 2016 operating loss of \$73,169 a decrease in the operating loss for the fiscal year of \$17,441.

As of December 31, 2016 Norway Arena has a decrease in net assets of \$55,728.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY17 is \$16,964 less than in FY16 and expenditures in FY17 are \$38,190 more than last year in December.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
December 31, 2016
Business-type Activities - Enterprise Fund

	December 31, 2016	November 30, 2016	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 91,213	\$ 91,217	\$ (4)
Interfund receivables	\$ (630,382)	\$ (608,522)	\$ (21,860)
Prepaid Rent	\$ -	\$ -	\$ -
Accounts receivable	158,739	119,434	\$ 39,305
Total current assets	(380,430)	(397,871)	17,441
Noncurrent assets:			
Capital assets:			
Buildings	35,905	35,905	-
Equipment	285,813	285,813	-
Land improvements	-	-	-
Less accumulated depreciation	(135,157)	(135,157)	-
Total noncurrent assets	186,561	186,561	-
Total assets	(193,869)	(211,310)	17,441
LIABILITIES			
Accounts payable	\$ -	\$ -	-
Net pension liability	77,298	77,298	-
Total liabilities	77,298	77,298	-
NET ASSETS			
Invested in capital assets	\$ 186,561	\$ 186,561	-
Unrestricted	\$ (457,728)	\$ (475,169)	\$ 17,441
Total net assets	\$ (271,167)	\$ (288,608)	\$ 17,441

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
December 31, 2016

	Norway Savings Arena
Operating revenues:	
Charges for services	\$ 567,631
Operating expenses:	
Personnel	183,282
Supplies	26,584
Utilities	121,482
Repairs and maintenance	5,126
Rent	253,242
Depreciation	-
Capital expenses	20,368
Other expenses	13,275
Total operating expenses	623,359
Operating gain (loss)	(55,728)
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	(55,728)
Transfers out	-
Change in net assets	(55,728)
Total net assets, July 1	(215,439)
Total net assets, December 31, 2016	\$ (271,167)

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through December 31, 2016 compared to December 31, 2015

REVENUE SOURCE	FY 2017 BUDGET	ACTUAL REVENUES THRU DEC 2016	% OF BUDGET	FY 2016 BUDGET	ACTUAL REVENUES THRU DEC 2015	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concussions	\$ 18,000	\$ 370	2.06%	\$ 30,000	\$ 4,475	14.92%	\$ (4,105)
Sponsorships	\$ 230,000	\$ 161,835	70.36%	\$ 230,000	\$ 129,848	56.46%	\$ 31,987
Pro Shop	\$ 8,500	\$ 2,816	33.13%	\$ 8,500	\$ 3,675	43.24%	\$ (859)
Programs	\$ 31,000		0.00%	\$ 280,000	\$ 173,055	61.81%	\$ (173,055)
Rental Income	\$ 672,250	\$ 354,075	52.67%	\$ 398,500	\$ 251,816	63.19%	\$ 102,259
Camps/Clinics	\$ 50,000	\$ 38,895	77.79%				\$ 38,895
Tournaments	\$ 50,000	\$ 9,640	19.28%	\$ 50,000	\$ 21,726	43.45%	\$ (12,086)
TOTAL CHARGE FOR SERVICES	\$ 1,059,750	\$ 567,631	53.56%	\$ 997,000	\$ 584,595	58.64%	\$ (16,964)
INTEREST ON INVESTMENTS	\$ -	\$ -		\$ -	\$ -		
GRAND TOTAL REVENUES	\$ 1,059,750	\$ 567,631	53.56%	\$ 997,000	\$ 584,595	58.64%	\$ (16,964)

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through December 31, 2016 compared to December 31, 2015

DESCRIPTION	ACTUAL			ACTUAL			VARIANCE
	FY 2016 BUDGET	EXPENDITURES THRU DEC 2016	% OF BUDGET	FY 2015 BUDGET	EXPENDITURES THRU DEC 2015	% OF BUDGET	
Salaries & Benefits	\$ 311,000	\$ 183,282	58.93%	\$ 311,000	\$ 172,825	55.57%	\$ 10,457
Purchased Services	\$ 87,306	\$ 18,401	21.08%	\$ 96,150	\$ 26,036	27.08%	\$ (7,635)
Supplies	\$ 37,150	\$ 26,584	71.56%	\$ 17,500	\$ 25,493	145.67%	\$ 1,091
Utilities	\$ 199,800	\$ 121,482	60.80%	\$ 200,200	\$ 106,973	53.43%	\$ 14,509
Capital Outlay	\$ 57,000	\$ 20,368	35.73%	\$ 57,000	\$ 1,600	2.81%	\$ 18,768
Rent	\$ 507,000	\$ 253,242	49.95%	\$ 507,000	\$ 252,242	49.75%	\$ 1,000
	\$ 1,199,256	\$ 623,359	51.98%	\$ 1,188,850	\$ 585,169	49.22%	\$ 38,190
GRAND TOTAL EXPENDITURES	\$ 1,199,256	\$ 623,359	51.98%	\$ 1,188,850	\$ 585,169	49.22%	\$ 38,190

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Denis D'Auteuil, Acting City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for December, 2016



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of December 31, 2016.

INGERSOLL TURF FACILITY

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of December 31, 2016.

Current Assets:

As of the end of December 2016 the total current assets of Ingersoll Turf Facility were (\$2,154). This consisted of an interfund receivable of \$2,154 an increase from November of \$4,548.

Noncurrent Assets:

Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of December 31, 2016 was \$195,659.

Liabilities:

Ingersoll had no accounts payable as of December 31, 2016.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through December 2016 are \$57,867. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through December 2016 were \$55,273. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of December 2016 Ingersoll has an operating gain of \$2,594 compared to a net loss in November of \$1,954.

As of December 31, 2016 Ingersoll has an increase in net assets of \$2,594.

The budget to actual reports for revenue and expenditures, show that the revenue for FY17 compared to FY 16. Ingersoll Arena opened last year in the middle of October.

Statement of Net Assets
Ingersoll Turf Facility
December 31, 2016
Business-type Activities - Enterprise Fund

	December 31 2016	November 30 2016	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents		\$ -	\$ -
Interfund receivables/payables	\$ 2,154	\$ (2,394)	4,548
Accounts receivable	-	-	-
	Total current assets	2,154	(2,394)
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	86,625	86,625	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(581,829)	(581,829)	-
	Total noncurrent assets	195,659	195,659
	Total assets	197,813	193,265
LIABILITIES			
Accounts payable	\$ -	\$ -	\$ -
	Total liabilities	-	-
NET ASSETS			
Invested in capital assets	\$ 195,659	\$ 195,659	\$ -
Unrestricted	\$ 2,154	\$ (2,394)	\$ 4,548
	Total net assets	\$ 197,813	\$ 193,265
		\$ 4,548	\$ 4,548

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
December 31, 2016

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	\$ 57,867
Operating expenses:	
Personnel	42,637
Supplies	2,754
Utilities	5,280
Repairs and maintenance	2,704
Rent	-
Depreciation	-
Capital expenses	-
Other expenses	1,898
Total operating expenses	55,273
Operating gain (loss)	2,594
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	2,594
Transfers out	-
Change in net assets	2,594
Total net assets, July 1	195,219
Total net assets, December 31, 2016	\$ 197,813

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through December 31, 2016

REVENUE SOURCE	ACTUAL			ACTUAL		
	FY 2017 BUDGET	REVENUES THRU DEC 2016	% OF BUDGET	FY 2017 BUDGET	REVENUES THRU DEC 2015	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship	\$ 15,000	\$ 7,000	46.67%	\$ 15,000	\$ 4,400	29.33%
Batting Cages	\$ 9,940	\$ 3,555	35.76%	\$ -	\$ 1,900	
Programs	\$ 90,000	\$ 25,352	28.17%	\$ 8,640	\$ 18,093	209.41%
Rental Income	\$ 100,000	\$ 21,960	21.96%	\$ 191,300	\$ 21,816	11.40%
TOTAL CHARGE FOR SERVICES	\$ 214,940	\$ 57,867	26.92%	\$ 214,940	\$ 46,209	21.50%
INTEREST ON INVESTMENTS	\$ -			\$ -		
GRAND TOTAL REVENUES	\$ 214,940	\$ 57,867	26.92%	\$ 214,940	\$ 46,209	21.50%

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through December 31, 2016

DESCRIPTION	ACTUAL			ACTUAL		
	FY 2017 BUDGET	EXPENDITURES THRU DEC 2016	% OF BUDGET	FY 2016 BUDGET	EXPENDITURES THRU DEC 2015	% OF BUDGET
Salaries & Benefits	\$ 101,899	\$ 42,637	41.84%	\$ 101,899	\$ 18,010	17.67%
Purchased Services	\$ 20,750	\$ 4,603	22.18%	\$ 20,750	\$ 1,409	6.79%
Programs	\$ 5,000	\$ 2,387	47.74%	\$ 5,000	\$ 1,259	25.18%
Supplies	\$ 6,750	\$ 366	5.42%	\$ 6,750	\$ 135	2.00%
Utilities	\$ 41,320	\$ 5,280	12.78%	\$ 41,320	\$ 3,364	8.14%
Insurance Premiums	\$ 2,383	\$ -	0.00%	\$ 2,383	\$ -	0.00%
Capital Outlay	\$ -	\$ -		\$ -		
	\$ 178,102	\$ 55,273	31.03%	\$ 178,102	\$ 24,177	13.57%
GRAND TOTAL EXPENDITURES	\$ 178,102	\$ 55,273	31.03%	\$ 178,102	\$ 24,177	13.57%