



**Legislative Committee Meeting 3-25-2019**  
**Meeting**  
March 25, 2019

**AGENDA**

- I. Call to Order**
- II. Approval of Meeting minutes**
  - a. Approval of March 18, 2019 Meeting Minutes
- III. Legislative Update**
  - a. Review of Portland Education Non-Funding LDs
  - b. Review of New LDs/Bill Tracker
  - c. Staff Update
- IV. Meeting Schedule**
  - a. Next Meeting: April 1, 2019 @ 8:00 AM
- V. Public Comment**
- VI. Adjournment**

**CITY OF PORTLAND  
LEGISLATIVE COMMITTEE  
March 18, 2019 MEETING MINUTES**

The March 18, 2019 Meeting was called to order by Chair Pious Ali at 8:07 a.m. in Room 209, Portland City Hall, Portland, Maine

**A. Attendance/Introductions:**

Councilor Pious Ali, Chair, Councilor Jill Duson, Mayor Ethan Strimling; Portland Board of Education Member Laurie Davis; Kate Knox, Bernstein Shur team; Alysia Melnick,, Bernstein Shur team; Chris Feeney, Bernstein Shur team; Xavier Botana, Superintendent of PPS; City Clerk Katherine Jones; Mike Murray(Staff);

**B. Approval of minutes:**

February 11, 2019 minutes – Mayor Strimling made a motion to amend and approve the 2-11-2019 minutes; Councilor Duson second; minutes approved 3-0.

February 25, 2019 minutes – Mayor Strimling made a motion to amend and approve the 2-25-2019 minutes; Councilor Duson second; minutes approved 3-0.

**C. Review of non-funding education bills by Committee and Portland Board of Education and PPS Staff;**

**D. Review of legislative bills bills/bill tracker:**

LD 718 - Support  
LD 970 - Remove  
LD 979 - Remove  
LD 986 – Remove  
LD 988 - Remove  
LD 1014 - Remove  
LD 1031 – Track  
LD 1041 – Request Staff Input  
LD 1042 - Track  
LD 1043 - Support  
LD 1063 – Request Staff Input  
LD 1064 - Remove  
LD 1066 - Remove  
LD 1068 – Remove  
LD 1077 – Request Staff Input  
LD 1078 – Outcome  
LD 1084 – Request Staff Input  
LD 1091 – Request Staff Input  
LD 1092 – Outcome  
LD 1093 – Place with similar LDs for further review/action  
LD 1107 - Outcome  
LD 1110 - Support

LD 1116 – Support/Provide Testimony  
LD 1119 – Remove  
LD 1121 – Request Staff Input  
LD 1122 – Support/Provide Testimony  
LD 1123 - Support  
LD 1128 – Remove  
LD 1129 – Support/Provide Testimony  
LD 1145 – Place with similar LDs for further review/action  
LD 1148 – Request Staff Input  
LD 1158 – Place with similar LDs for further review/action  
LD 1166 – Notify Metro/CBITD  
LD 1170 – Remove  
LD 1172 – Place with similar LD's for further review/action  
LD 1175 – Request Staff Input  
LD 1177 – Request Staff Input  
LD 1183 – Remove  
LD 1191 – Place with similar LD's for further review/action  
LD 1192 – Request Staff Input  
LD 1194 – Place with similar LDs for further review/action  
LD 1195 – Track  
LD 1201 – Track  
LD 1206 – Track/Request Staff Input  
LD 1222 – Request Staff Input  
LD 1234 – Place with similar LDs for further review/action  
LD 1247 – Support  
LD 1254 – Support  
LD 1266 – Send to Metro  
LD 1278 – Support

**D. Next Meeting Date**

March 25, 2019 @ 8:00 AM

**E. Adjournment**

Mayor Strimling made a motion to adjourn; second by Councilor Duson; vote 3-0 and the meeting adjourned at 10:15 AM.



### **Memorandum**

**TO:** Chair Ali and Members of the Legislative Committee  
**FROM:** Michael Murray, Assistant to the City Manager  
**CC:** Jon Jennings, City Manager  
**SUBJECT:** Staff Updates on LD's  
**DATE:** March 22, 2019

---

The following is a summary of staff comments on LD's that are under consideration by the Legislative Committee:

LD 353 – "Act to Classify Recovery Residences as One-family Dwellings for the Purposes of the Fire Code". The Committee has requested staff input on this LD; Fire Department opposes unless an amendment is made to "no more than 5 persons" to align with the Fire Code; staff is preparing written testimony; no hearing scheduled as of 3-22-2019;

LD 402 – "An Act to Restore Overtime Protections for Maine Workers". Committee has requested an impact analysis as to the effect City of Portland workforce; public hearing was held 3-11-2019; 3-20-2019 work session tabled;

LD 415 – "An Act to Enhance the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program". Committee has requested staff input; public hearing schedule 4-1-2019;

LD 550 – "An Act to Amend the Definition of 'Subdivision' in the Laws Governing Planning and Land Use Regulation for Subdivisions and a Provision Excepting the Division of a New or Existing Structure from Those Laws Beginning July 1, 2018." Staff indicates that the definition of "Site Plan Review: could be amended, but can live with the LD as is; public hearing scheduled as of 4-5-2019;

LD 1041 – "An Act Regarding Collective Bargaining for Public Employees under the Municipal Public Employees Labor Relations Laws". Referred to staff for input; Public Hearing 3-25-2019;

LD 1063 – "An Act to Support the Role of Municipalities in Expanding Broadband Infrastructure". Referred to City Manager for input/update; Public hearing scheduled for 3-27-2019; Economic Development Director to testify;

LD 1077 – "An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of the Federal Immigration Verification System". HR currently does not use eVerify, but is supportive of



using it. HR Director has experience using it in previous positions; public hearing scheduled for 3-27-2019;

LD 1084 – “An Act Regarding the Operation of Pedal –powered Tour Vehicles.” City Manager would oppose this; removes local control; public hearing held 3-21-2019;

LD 1091 – “An Act Regarding Personal Liability of Government Employees”. Forwarded to staff for input; no public hearing scheduled as of 3-22-2019;

LD 1116 – “An Act To Strengthen the Lead Poisoning Control Act”. Sent to staff to develop testimony; public hearing on 3-26-2019;

LD 1121 – “An Act To Acknowledge Potable Water as a Necessity”. GA has indicated a potential issue because bottled water has a deposit on the container, and as such is not allowed; no public hearing scheduled as of 3-22-2019;

LD 1122 – “An Act to Expand Tax Increment Financing”. PD to provide testimony on March 28 public hearing;

LD 1129 – “An Act TO Clarify Certain Provisions of the Maine Medical Use of Marijuana Act”. Staff will prepare testimony in support; no public hearing scheduled as of 3-22-2019;

LD 1148 – “An Act Regarding the Costs Incurred by Municipalities in the Administration of Aquaculture Leases”. Staff indicates that Portland does not have aquaculture leases; public hearing was held 3-12-2019;

LD 1166 – “An Act To Require Public Transit To Be Accessible to Blind or Visually Impaired Riders”. Forwarded to Casco Bay Lines and Metro as requested; no public hearing scheduled as of 3-22-2019;

LD 1175 – “An Act To Ensure the Timely and Proper Completion of Residential Foreclosures”. For mortgage foreclosure only; does not apply to City of Portland; no public hearing scheduled as of 3-22-2019;

LD 1177 – “An Act to Improve Public Sector Labor Relations”. Corp. Counsel and HR oppose because the creation of binding arbitration on wages and benefits can force a municipality, through an arbitrator, into a contract it cannot afford public hearing scheduled for 3-25-2019;

LD 1192 – “An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way”. Staff input has been requested; public hearing scheduled for 3-27-2019; Economic Development Director will testify;

LD 1206 – “An Act to Improve Aboveground Utilities’ Responsiveness to Public Interests”. Staff is supportive of this bill; it will allow municipalities to better manage utility activities in the city; public hearing scheduled for 3-27-2019; Public Works Director will testify;



LD 1222 – “An Act Regarding Electric Bicycles”. Staff input has been requested; no public hearing scheduled as of 3-22-2019;

LD 1247 – “Resolve, To Change the Work Requirement Rules under the TANF Program”. Staff are supportive, and feel that; no public hearing scheduled as of 3-22-2019;

LD 1266 – An Act to Create Transportation Corridor Districts for the Purpose of Funding Transportation and Transit Services”. Staff input has been requested; no public hearing scheduled as of 3-22-2019;



**CITY OF PORTLAND  
ETHAN K. STRIMLING  
MAYOR**

**TESTIMONY IN SUPPORT OF A LOCAL OPTION SALES TAX**

Senator Chipman, Representative Tipping, members of the Committee on Taxation, my name is Ethan Strimling and I am the Mayor of Portland, Maine. I stand before you today in support of the creation of a local option sales tax.

The inability of state government to fund revenue sharing at the mandated 5% has created a burden on municipalities, and more importantly, on property tax payers across the state. The creation of a local option sales tax program is a remedy that allows local governments to fund its critical programs, while providing much needed property tax relief. While there are several similar bills for the Committee to consider, a bill that creates a local option sales tax on goods and services used commonly by higher income earners, such as prepared meals and lodging, will have the most direct effect on persons with higher disposable incomes, and a much lesser effect on those in lower income brackets.

Portland has a population of 67,000 people. During the workday, the estimate of people in the city rises to 97,000. Tourism brings approximately 5.4 million people to Portland each year, an average of an additional 15,000 people every day. All of these additional people use city services in one way or another, and it currently is up to the City of Portland taxpayer to maintain these services and city infrastructure. The ability for Portland to have a local option sales tax will help shift some of that burden away from the property tax payer.

If state government allowed municipalities the option of creating a local option sales tax, a 1% local option sales tax will benefit local governments statewide. It is estimated that Portland will raise approximately \$16.8 million per year, Bangor will raise \$13.7 million, South Portland will raise \$10.6 million, Augusta will raise \$8.3 million, and Auburn will raise \$7.6 million.

Currently, Maine is one of only twelve states nationwide that do not allow for a local option sales tax. Further, the Maine statewide general sales tax of 5.5% is the fifth lowest sales tax rate in the United States. The capacity is available to allow a 1% local option sales tax.

I, and the other municipal leaders gathered here today urge you pass a local option sales tax program.

Thank you for your consideration to this matter.



**CITY OF PORTLAND  
ETHAN K. STRIMLING  
MAYOR**

**LD 1001, HP0743**

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021**

**Testimony for LD 1001**

Senator Breen, Senator Chipman, Representative Gattine, Representative Tipping, members of the Joint Standing Committee on Appropriations and Financial Affairs and the Committee on Taxation, my name is Ethan Strimling and I am the Mayor of Portland, Maine. Thank you for the opportunity today to testify on LD 1001.

While cities and towns are encouraged by Governor Mills' efforts to raise revenue sharing to 2.5% in FY 20, and to 3% in FY 21, these efforts fall far short of current state law, which mandates that 5% of sales and income taxes revenues be shared with communities. According to the Revenue Forecasting Commission, in FY 20, 5% of sales and income tax revenues will equal \$174 million dollars, while the FY 20 budget calls for an allocation of \$87 million dollars (2.5%) – a shortfall of \$87 million dollars. In FY 21, a 5% allocation is estimated to be \$190 million dollars, yet the 3 % proposed budget allocation calls for \$115 million – a shortfall of \$75 million. Municipalities of all sizes are forced to raise the local property tax on residents to cover this two year \$162 million dollar shortfall.

In Portland, the tax rate would be approximately 80 cents lower if revenue sharing had been fully funded as statutorily required. For the average Portland homeowner, that equates to almost \$1000 in additional property taxes over the past five years due to the State's non-compliance with statute. Between FY 14 – FY 19, Portland has lost a total of approximately \$33 million dollars of revenue sharing.

Municipal leaders from across the state including myself urge you to return revenue sharing back to the 5% level. If that is not possible in FY 20, then we urge you commit to a time frame that raises revenue sharing to 3% in FY 20, 4% in FY 21, and 5% in FY 22. This measure would at least give municipalities a roadmap to follow in their budgeting processes until the 5% revenue sharing level has been attained.

If the State does not fully fund revenue sharing, it must allow the 491 municipalities and unorganized townships additional methods of keeping local property taxes under control. Otherwise, Maine communities risk the loss of residents and businesses. One such method is the local option sales tax which will be discussed with the Taxation Committee in the near future.

Thank you for your consideration to this matter.



**CITY OF PORTLAND**  
**Department of Police**  
**Vernon W. Malloch, Interim Chief**

March 20, 2019

Senator Ben Chipman and Representative Ryan Tipping  
Co-Chairs of the Joint Standing Committee on Taxation  
100 State House Station  
Augusta, ME 04333

**Subject: City of Portland L.D. 1122 Testimony**

Dear Senator Chipman, Representative Tipping and Members of the Committee on Taxation:

The City of Portland supports the proposed MRSA 5225 State of Maine Tax Increment Financing (TIF) Law amendments to allow expanded use of TIF revenue to invest in Public Safety facilities.

Existing State Law allows the use of TIF revenue to invest in Fire stations. It makes sense to expand the use of TIF revenue to allow investment in Public Safety facilities as well, because many communities are combining Police Departments and Fire Departments to a single location. This proposed amendment is consistent with the purpose of State TIF Law to enable communities to utilize TIF district revenue to invest in public infrastructure needs to support local economic growth.

The City of Portland is considering investing in a new Public Safety facility for Police and Fire administrations to create efficiencies and improved local emergency services. Allowing all communities in Maine to utilize TIF revenue to invest in Public Safety facilities, including Police and Fire department administrations, supports local creative financing options to cover the costs of local Public Safety facilities.

Sincerely,

Vernon W. Malloch  
Interim Chief of Police