



**Legislative Committee Meeting 04-01-2019**  
**Meeting**  
April 1, 2019

**AGENDA**

- I. Call to Order**
- II. Approval of Meeting minutes**
  - a. Approval of March 25, 2019 meeting minutes
- III. Legislative Update**
  - a. Review of Portland Education Non-Funding LDs
  - b. Review of New LDs/Bill Tracker
  - c. Staff Update
  - d. Review of 2019 Legislative Committee Work Plan
- IV. Meeting Schedule**
- V. Public Comment**
- VI. Adjournment**

**CITY OF PORTLAND  
LEGISLATIVE COMMITTEE  
March 25, 2019 MEETING MINUTES**

The March 25, 2019 Meeting was called to order by Chair Pious Ali at 8:06 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; Portland Board of Education Member Emily Figdor; Kate Knox, Bernstein Shur team(phone); 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:**

March 18, 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 1299 – Monitor  
LD 1317 – Support; obtain staff talking points  
LD 1318 – Support; ask for staff review  
LD 1320 – Outcome  
LD 1326 – Place with similar LDs for further review  
LD 1333 – Place with similar LDs for further review  
LD 1372 – Remove  
LD 1383 – Remove

General Discussion about Local Option Sales Tax legislation/testimony; Committee Advises not to tax a position on amendments at this time; focus on moving concept of LOST forward before focusing on amendments;

Review of bill tracker and upcoming public hearings;

**D. Next Meeting Date**

April 1, 2019 @ 8:00 AM

**E. Adjournment**

Councilor Duson moved to adjourn; second by Councilor Ali; vote 2-0 and the meeting adjourned at 9:37 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 28, 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; Planning Director will testify;

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

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 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 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 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 on behalf of the entire Portland City Council in support of the creation of a local option sales tax.

Without the state revenue sharing program fully funded at the mandated 5%, a significant burden has been created 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. Based on estimates, if a local option sales tax were enacted, Portland will raise an estimated \$16.8 million per year. Applied to property tax relief, this equates to a mil rate of \$20.35 versus \$22.13 - a reduction of \$2.13 or 9.5%. An average homeowner (assuming a \$240k home value) would see a property tax savings of \$511. While this reduction will benefit all property owners, lower wage property owners will see the highest percentage benefit from such a reduction.

While sales taxes are generally considered a regressive form of taxation, exemptions to sales tax, such as groceries and prescription drugs, help mitigate the effects of sales tax on the lowest wage earners, and a local option sales tax follow these exemptions. The local option sales tax will capture revenue from visitors to Maine, particularly in the towns and cities where vacationers rent lodging, enjoy Maine dining, and spend their disposable income.

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, Presque Isle will raise \$2.6 million, Gorham will raise \$1.1 million, Bangor will raise \$13.7 million, Auburn will raise \$7.6 million, Kennebunk will raise \$1.6 million, Augusta will raise \$8.3 million, and Lewiston will raise \$3.7 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, Maine

To: Sen. Cathy Breen, Senate Chair, Rep. Drew Gattine, House Chair, and members of the Committee

From: Troy, Moon, Sustainability Coordinator, City of Portland

Date: March 25, 2019

Regarding: City of Portland, Maine testimony to the State of Maine 129th Legislature's JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS in support of L.D. 16, *"An Act To Authorize a General Fund Bond Issue To Invest in Infrastructure To Address Sea Level Rise"*

Senator Breen, Representative Gattine, and members of the Committee:

Thank you for the opportunity to testify on behalf of the City of Portland in support of L.D. 16. *"An Act To Authorize a General Fund Bond Issue To Invest in Infrastructure To Address Sea Level Rise."*

As far back as 2007, the *Sustainable Portland Report* stated that, *"Climate change may be the greatest challenge to our City since the rebuilding after the Great Fire of 1866 and it will require of us an honest, committed, and sustained commitment to change."*

Unfortunately, recognition of the problem is not sufficient. As the City discovered during the 2017 *Bayside Adapts* process, the first steps in considering changes to infrastructure in the face of sea level rise require detailed engineering analyses coupled with reflection on community values. *Bayside Adapts* also showed the value of fostering imagination and hope through an innovative design challenge that was open to our entire community.

The above efforts, and others, have helped Portland understand the scope of our challenge and have pointed us toward a path to resiliency. However, these efforts are not enough – *not nearly enough*. L.D. 16 is a significant step in the right direction. These funds, if appropriated by this committee and approved by the voters of Maine, will allow communities to take tangible steps toward a resilient future in the face of rising seas. Portland's experience with these efforts additionally shows the necessity of planning, community visioning, and preliminary engineering as necessary steps in the process of sea level rise adaptation. We respectfully suggested that such processes will be eligible uses for appropriated funds.

Portland is not alone. All coastal towns and cities face the prospect of rethinking, redesigning, and rebuilding character defining features of their shorelines, waterfronts, and infrastructure. LD 16 will promote better thinking, safer communities, and preservation of Maine's coastal economy.

Portland, Maine



Yes. Life's good here.

**Health & Human Services Department**

Dawn Stiles, Director

**Public Health Division**

Kolawole Bankole, MD, MS, MBA, Director

To Whom it May Concern:

I am writing to express support on behalf of the City of Portland's Public Health Division for LD 46, An Act To Establish a Substance Use Disorder Clinic at the Cumberland County Jail.

The Public Health Division has been partnering with the Cumberland County Jail to provide overdose prevention education and HIV and Hepatitis C testing for over a decade. Throughout this partnership, front line public health staff have seen the effects of the opioid crisis as overdose rates have continued to climb, and Hepatitis C infections among people who inject drugs have increased. In 2018, staff from the Public Health Division provided overdose prevention education for over 200 inmates, and tested 105 inmates for HIV and 84 for Hepatitis C. We recognize the majority of inmates at CCJ meet diagnostic criteria for a substance use disorder, which often has directly impacted the circumstances that lead to their arrest.

People being released from the corrections system are incredibly vulnerable to opioid overdose due to changes in their tolerance. In addition, it is difficult for inmates to communicate with outside service providers to establish treatment upon release, and even for those who do, they may encounter long waitlists, siloed systems of care, and few programs for folks without health insurance. Initiating evidence based medication assisted treatment in the corrections setting will grant inmates the opportunity to stabilize, reducing risks of overdose and relapse and rates of recidivism.

Passing legislation to establish a substance use disorder clinic for inmates puts Maine on the cutting edge of a solution that prioritizes public health, and recognizes that we can't arrest our way out of this problem. The Public Health Division is committed to addressing opioid use disorder in our community through a multidisciplinary approach and we support legislation to provide funding for treatment in the corrections setting.



**CITY OF PORTLAND**  
**Finance Department**

Distinguished members of the Joint Standing Committee on Transportation:

I am Anne Bilodeau, Deputy Finance Director for the City of Portland and am submitting this written testimony in support of LD 917.

The municipal agent fee for motor vehicles and inland fisheries and wildlife management was set up many years ago to help municipalities offset the costs of acting as an agent for the State. The motor vehicle agent fee was established in the late 1970's and the IFW agent fee followed in the late 1980's when the partnership between the State and local municipalities was established to ease the burden on the State.

This partnership allows a municipality to become an agent for the State and perform the complete registration process for vehicles. This service is a great convenience for our local taxpayers but comes at a significant cost to the municipality. We have invested many hours in State training for our employees, invested significant amounts in computer software and hardware to meet State requirements and must reconcile weekly and monthly with the State. The agent fee was created to help offset some of these costs. Over the years, we have seen the number of registrations increase steadily and the transactions are complex to process.

Yet, the fee structure has not changed in over 20 years. The current fees of \$3 for a vehicle re-registration and \$4 for a new vehicle registration have been in place since the early 1990s. This has not kept pace with the cost of living, the minimum wage increases and inflation. The costs to administer this program have steadily increased and the State registration fees have increased during the past 20 years but these fees for the local municipalities have not. The local municipalities are providing a benefit for the State and are not being fairly compensated for it.

Thank you for your consideration and I urge you to vote in favor of this bill when the time comes.



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

March 27, 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



LD 1192

LD 1063

**CITY OF PORTLAND**  
**Economic Development**  
**Gregory A. Mitchell, Director**

March 25, 2019

Senator Lawrence and Representative Barry, Co-chairs  
Energy, Utilities, and Technology Committee  
100 State House Station  
Augusta, ME 04333

**Testimony in support of:**

- **LD 1192 An Act to Establish Access to Utility Poles Located in Municipal Rights-of-Way; and,**
- **LD 1063 An Act to Support the Role of Municipalities in Expanding Broadband Infrastructure**

Dear Senator Lawrence, Representative Barry, and members of the Energy, Utilities, and Technology Committee:

The City of Portland supports LDs 1192 and 1063 to create options to allow municipalities to invest and maintain municipal broadband infrastructure to support the growth of local and regional economies in Maine.

As you know, the Portland region economy is the State of Maine's economic engine, and it is an important revenue source to the State of Maine. Portland has benefited recently from private investment associated with WEX and Covetrus's global headquarters recently located on Portland's waterfront, in addition to numerous other technology intensive companies wanting to be located in Maine for the state's exceptional life style.

In an effort to support continued growth of the Portland economy as the State's Innovation Hub, the City of Portland has been exploring approaches to improve premise broadband infrastructure upgrades through public and private partnerships. Continued investment in broadband infrastructure to establish an "information super highway platform" upon which private retail communication services can be delivered is critically important to retain and attract tomorrow's technology companies and workforce talent.

Passage of LD 1192 and 1063 will enable municipalities, through improved broadband investment, to positively influence the direction and growth of their local and regional economies.

Sincerely,

Gregory A. Mitchell  
Economic Development Director  
389 Congress Street • Portland, Maine 04101 • 207-874-8683  
info@portlandmaine.gov • www.portlandmaine.gov



**CITY OF PORTLAND**  
**Planning & Urban Development Department**  
**Housing and Community Development Division**

Testimony in Support of:

LD 1116: An Act to Strengthen the Lead Poisoning Control Act

Submitted by:

Theresa Galvin

City of Portland, Lead Safe Housing Program Manager

Dear Senator Gratwick and Representative Hymanson and members of the Committee,

I'm here to represent the City of Portland's Housing and Community Development Division and to voice support for LD1116.

The Housing and Community Development Division manages and administers community development and housing programs with funds provided by the U.S. Department of Housing and Urban Development. In addition to the Community Development Block Grant program and the HOME Program, the Division currently manages a HUD Lead Hazard Control Grant. Under a three-year grant that began in 2016, we committed to remediating lead paint hazards in 88 units across Cumberland County. To date, 64 units have been remediated; 54 of those units were referred to our program by the CDC because of a lead abatement order. Since the new blood lead reference level of 5 µg/dL went into effect in the fall of 2016, instances of lead poisoning in children in Maine have risen and in 2017 alone, over 300 children were newly identified as lead poisoned.

While administering the Lead Hazard Control Grant, our staff's experience is that property owners are largely unaware of the risks to human health from lead poisoning. They are unfamiliar with how lead dust is created and spread throughout a building. They do not understand the mode of transmission, and falsely assume that a child needs to go so far as to eat paint chips in order to become poisoned, when we know that the most common cause of poisoning is through lead dust.

The Housing and Community Development Division works in conjunction with the City's Public Health Division to provide outreach and education about the danger of lead poisoning to families with young children. This includes facilitating testing of children in area Head Start programs. We are concerned by the data in the 2018 DHHS Update on Childhood Lead Poisoning Prevention in Maine that shows Cumberland County's blood lead screening rates at only 51.2% for 1-year-olds and 31.4% for 2-year-olds.

With passage of this bill:

- The City of Portland will have increased resources to draw upon to address the low blood lead screening rates that exist in Cumberland County. With mandatory testing at one and two years of age, elevated blood lead levels can be detected throughout all socio-economic populations. The Lead Safe Housing program can continue to serve as a resource to those families with regard to needed lead inspections and financial assistance with lead abatement costs.
- Increased state staffing capacity will result in better coordination between federal, state, municipal, NGO and business partners in:
  - Education and awareness of lead hazards and abatement options
  - Implementation of lead abatement programs for disadvantaged populations
  - Identification of geographic and demographic needs, and gaps in programmatic coverage.
- The level of education and awareness of lead paint hazards will increase within Maine households. The combination of mandatory blood testing, increased paint tax and state capacity, and increased lead inspections will elevate the issue amongst the general public so that in time, lead hazards will be on par with asbestos and radon as environmental health hazards prevalent in Maine. The threats posed by asbestos and radon are well known to most residents within the real estate industry, and that's where the conversation around lead needs to be. This bill will make major inroads, to help get it there.

Passage of this bill, when combined with the efforts at the federal and local level to address lead poisoning, will help to ensure that all Maine children have the opportunity for a healthy childhood.

Thank you for your consideration.



**CITY OF PORTLAND**  
**Department of Health & Human Services**  
**Sara Fleurant, Director**  
**Oxford Street Shelter**

March 27, 2019

Re: Support of LD 1201, "An Act to Create a Low-barrier, Permanent Housing Rental Subsidy for Individuals in the State Experiencing Long Term Homelessness."

Senator Bellows, Representative Sylvester, and members of the Labor and Housing Committee, my name is Sara Fleurant and I serve as the Director for the City of Portland's Oxford Street Shelter. We are the largest homeless shelter in the State of Maine and this past year alone served 1785 unduplicated clients.

The City of Portland is an active participant in a multi-agency community collaborative to end long term homelessness called the Long Term Stayers Initiative. The Long-Term Stayers Initiative was born out of necessity in March 2015 when the City of Portland's Oxford Street Shelter exceeded maximum capacity. This resulted in the city opening multiple overflow shelters, including having individuals sleep in chairs, to insure that anyone who needed emergency shelter was able to access a safe place to stay. Oxford Street had traditionally attempted a rapid re-housing model, targeting services to those most recently entered into homelessness. This model resulted in focusing resources for those who would be able to resolve their own housing emergency and creating a shelter filled by individuals who had been homeless for years, even decades, while the overall number climbed. At its highest, Oxford Street was averaging over 260 individuals per night.

The goal of the Long Term Stayers Initiative has been to identify and house individuals who have been homeless for more than 180 bed nights; the purpose being to house those who have been homeless the longest. By focusing intensive housing resources on those who utilize shelter night after night beds are freed for individuals in a more short term emergency. From April 2015 through February 2019, a group of 15 organizations making up our Long Term Stayers Initiative collaboratively targeted 434 people on By-Name Lists. Collectively the initiative has housed 226 individuals experiencing long term homelessness, with individuals who had more than 550 years of homelessness, and more than 150,000 total bed nights.

The development of a low-barrier, permanent rental subsidy will increase the ability of housing staff to aid individuals in seeking permanent affordable housing. This subsidy created specifically for the population whom we know to often be the highest utilizers of resources would provide a tool to shorten the sometimes long periods of homelessness individuals face by providing them with a means to housing. Oxford Street is a low-barrier shelter and serves individuals with mental health diagnosis, substance use disorder, and often co-occurring diagnosis. However, individuals will not always identify with a diagnosis needed for other long-term subsidies. The flexibility of this proposed bill to provide a subsidy based on time in homelessness alone allows housing staff to work with those individuals who may not up until now had an appropriate resource.

While I applaud the proposed subsidy in its entirety, the particular aspect that includes supportive, follow up services are especially important. Throughout the Long Term Stayer Initiative in Portland we have had dedicated housing staff working to assist people in finding and securing housing, additionally housing retention staff working to provide the direct and targeted follow up needed. So many of the individuals we see at the shelter who have experienced long term homelessness require support beyond their initial transition into housing. These things can include but are not limited to: navigating landlord relations and payment of rent, getting connected to local food resources, help connecting to local, affordable healthcare providers to transition from costly emergency services, and assisting individuals in learning daily living skills. These housing retention roles have been crucial in our 93.78% success rate.

I would be happy to answer any further questions about our current process at the Oxford Street Shelter.

Thank you to Maine Housing Authority for offering to administer this subsidy. We as always appreciate Maine Housing's partnership and support in efforts to prevent, reduce and ultimately end homelessness in Maine.

Thank you for the opportunity to speak and provide my testimony on this important matter today.



**CITY OF PORTLAND**  
**Department of Public Works**  
**Christopher C. Branch, P.E., Director**

**LD 1206, HP 870**

**An Act To Improve Aboveground Utilities' Responsiveness to Public Interests**

Testimony for LD 1206

Senator Lawrence, Representative Berry, members of the Committee On Energy Utilities and Technology, my name is Dan Mirabile, and I am the Deputy Director of Public Works for the City of Portland. I am here today to testify in support of LD 1206.

The City of Portland has an ongoing problem with the removal of utility poles throughout the City. Once the above ground utilities have relocated wires from an old pole to a new one it can take over a year for the pole to be removed. It is not uncommon for the City to have over a 100 of these replaced poles. Many of these poles have deteriorated to the point where they are unsafe and need to be removed immediately. This LD gives the municipality the authority to notify the utility company to remove the pole and issue a fine of up to \$1,000 for failure to do so.

In addition once the pole is removed it is the responsibility of the utility company to fill the hole created by removal of the old pole and compact the fill in accordance with City standards similar to all excavations within the right of way. It is common for these holes to be left for weeks with no warning signs, cones or barrels before they are filled generally with no compaction, which leads to settling causing a dangerous condition. This leaves the municipality to mark these dangerous areas until they are repaired by the utility company and in a number of cases the municipality fixes the settling with its own crews at its cost. This LD gives the municipalities the ability to enforce having these holes filled properly and in a timely fashion.

Thank you for your consideration of this matter.



## **CITY OF PORTLAND, MAINE**

### **Legislative and Nominating Committee Meeting**

#### **2019 WORK PLAN**

##### **APRIL:**

1. Immigrant Voting Rights for local elections
2. Rank Choice Voting for all local elections
3. Local Clean Elections initiative

##### **MAY:**

1. Proposal from City Clerk regarding Portland polling places
2. Maintain membership in Mayor's Coalition

##### **JUNE:**

1. Develop Federal Legislative Agenda
2. Review of Boards and Committees – length of terms and term limits

##### **JULY/AUGUST:**

1. Local Lobbyist Disclosure/Registration
2. Review/modify Annual District Meetings

##### **FALL:**

1. Evaluate/modify nominations outreach process for open board/committee positions