



Legislative Committee Meeting 4-8-2019
Meeting
April 8, 2019

AGENDA

I. Call to Order

II. Approval of Meeting minutes

- a. Approval of March 25, 2019 meeting minutes
- b. Approval of April 1, 2019 meeting minutes

III. Legislative Update

- a. Review of Portland Education non-funding LDs
- b. Review of LDs/Bill Tracker
- c. Staff Update

IV. Meeting Schedule

- a. April 22, 2019 @ 8:00 AM; Room 209, City Hall
- b. April 29, 2019 @ 8:00 AM; Room 209, City Hall

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 Dusen, 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 Dusen 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/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 Dusen moved to adjourn; second by Councilor Ali; vote 2-0 and the meeting adjourned at 9:37 AM.

**CITY OF PORTLAND
LEGISLATIVE COMMITTEE
April 1, 2019 MEETING MINUTES**

The April 1, 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; Portland Board of Education Member Laurie Davis; Kate Knox, Bernstein Shur team; Chris Feeney, Bernstein Shur team; Xavier Botana, Superintendent of PPS; Mike Murray(Staff);

B. Approval of minutes:

March 25, 2019 minutes – no action; will place on February 8, 2019 agenda;

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 1232 – forward to staff for comment/review;
LD 1237 – forward to staff for comment/review;
LD 1257 – forward to staff for comment/review;
LD 1321 – forward to staff for comment/review;
LD 1386 – monitor;
LD 1390 – remove;
LD 1403 – support – prepare testimony & talking points for public hearing/work sessions
LD 1404 – support –prepare letter of support;
LD 1412 – remove;
LD 1416 – monitor;
LD 1417 – monitor;
LD 1419 – forward to staff for comment/review;
LD 1428 – monitor;
LD1431 – forward to staff for comment/review;

Review of bill tracker and upcoming public hearings;

D. Next Meeting Date

April 8, 2019 @ 8:00 AM

E. Adjournment

Councilor Duson moved to adjourn; second by Councilor Ali; vote 2-0 and the meeting adjourned at 9:45 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: April 4, 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 4-22-2019;

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 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 4-10-2019;

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 4-4-2019;

LD 1222 – "An Act Regarding Electric Bicycles". Staff input has been requested; no public hearing scheduled as of 4-4-2019;

LD 1232 – "An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment"; Corp Counsel states that due to Supreme Court ruling last year this will have little effect on employees; public hearing scheduled for 4-3-2019;

LD 1237 – "An Act To Simplify Municipal Collective Bargaining by Removing the 120-Day Notice Required Prior to Certain Negotiations"; Corp Counsel & HR do not feel this will have an impact on the city; no public hearing scheduled as of 4-4-2019;



LD 1247 – “Resolve, To Change the Work Requirement Rules under the TANF Program”. Staff are supportive; public hearing scheduled 4-12-2019;

LD 1257 – “An Act To Prepare Maine for a Low-carbon Transportation Future”; forward to staff for input; no public hearing scheduled as of 4-4-2019;

LD 1321 – “An Act To Amend the Laws Governing the Funding Limitation on County Jails”; City staff oppose as this is a cost shift to municipalities from the state/county; public hearing scheduled for 4-8-2019;

LD 1403 – “An Act To Amend the General Assistance Laws Governing Eligibility and Reimbursement”; forwarded to staff to prepare testimony; public hearing scheduled for 4-12-2019;

LD 1404 – “Resolve, To Require the Department of Health and Human Services To Request a Waiver Relating to Support Services and To Provide Funds To Prevent Homelessness”; referred to staff to prepare a letter of support; public hearing scheduled for 4-12-2019;

LD 1419 – “An Act To Improve Commercial Production of Shellfish by Allowing Municipalities To Establish Active Municipal Shellfish Management Areas”; forwarded to staff for input; no public hearing scheduled as of 4-4-2019;

LD 1431 – “Resolve, To Support Municipal Recycling Programs”; forward to staff & Ecomaine for input”; no public hearing scheduled as of 4-4-2019;



CITY OF PORTLAND

LD 335, HP 260

"An Act To Require the State To Distribute 25 Percent of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities"

Testimony for LD 335

Senator Chipman, Representative Tipping, members of the Committee On Taxation, my name is _____, and I am the _____ for the City of Portland. I am here today to testify in support of LD 335.

More than 65% of the City of Portland voted in favor of the referendum to legalize adult use marijuana. The City is committed to honoring our citizens', and the state's, wishes and allowing an adult use marijuana market in our City. However, we are also committed to ensuring that the adult use marijuana market is implemented in a responsible manner and does not negatively impact our community, our children, our visitors, or our safety. To do that requires revenue.

As a City, we are prepared for the costs associated with licensing and regulating the adult use market. We are prepared to dedicate staff resources to licensing and inspecting the businesses that decide to open in our City, and we are prepared to dedicate resources to enforcing our rules against those businesses when necessary. Those costs will be recouped through our licensing and registration fees.

However, we are also preparing for a host of other costs that are not created by the businesses themselves and that will not be recouped from licensing fees. Other jurisdictions that have legalized adult use marijuana have seen tangential impacts on their communities from the legalized marijuana market, and it will take resources to mitigate those impacts on our City, and on the surrounding communities. By way of example:

- Quebec saw the number of cannabis poisonings triple in the months after legalization, and Colorado saw a significant increase in marijuana-related hospitalizations among visitors to the state. It takes revenue to educate consumers – particularly first-time consumers – about the safe use of marijuana.
- Anchorage, Alaska saw school suspensions for marijuana increase nearly 150% after legalization, and Colorado saw hospitalizations of adolescents with marijuana jump significantly. It takes revenue to prevent diversion to minors, and it takes revenue to educate our students about the effects of marijuana.
- Colorado saw a significant increase in its homeless population in the years after legalization, which some have anecdotally linked to the recreational market. It takes revenue to ensure that our homeless populations have a safety net.

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CITY OF PORTLAND
Planning & Urban Development

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"

To the members of the Committee on Environment and Natural Resources:

My name is Nell Donaldson and I am a Senior Planner in the City of Portland's Department of Planning & Urban Development. I am here today to express the city's support for LD 550. In May of 2017, the Legislature amended state subdivision law with the goal of streamlining the development review process for multi-family housing. The intent behind the 2017 amendments was to eliminate redundancy in local land use regulation by exempting development involving the division of new or existing structures into three or more dwelling units from subdivision review in cases when a municipal site plan ordinance applies.

Portland provides a ready case study. The city's site plan ordinance, which was written to address the development of individual sites in an urban context and regulates transportation, environmental, infrastructure, and design impacts, is well-suited to the review of multi-family development involving the division of existing or new structures. All multi-family residential projects, however, must go through a second review under the city's subdivision ordinance, which, as is customary in subdivision practice nationwide, was written to apply to the division of lots. This second layer of review, while adding considerable process, brings limited value.

While the 2017 law, as amended, is effective in exempting some projects from municipal subdivision review, its reference to the Site Location of Development law precludes it from fulfilling the original objective. Site law applies only to buildings or subdivisions of significant size. In Portland, for example, the Maine Medical Center campus, Thompson's Point, Mercy Hospital, and Ocean Gateway are subject to site law, but the large majority of multi-family housing projects are not. LD 550 proposes to rectify this oversight by clarifying that all divisions of new or existing structures into three or more units, whether subject to site law or not, can be excepted from municipal subdivision review if regulated under a municipal site plan ordinance.

Further, I would like to express the city's support for the Moonen amendment as proposed, which clarifies the meaning of "municipal site plan review." This term is not defined elsewhere in state statute; adding this definition here simply provides greater clarity to the law.

In closing, we appreciate the committee's work on this legislation, and while we recognize that the City of Portland's review process may differ from others across the state, in our case, there is no need for multi-family projects to undergo both subdivision and site plan review, regardless of the applicability of the state's site law. We urge the committee to support LD 550 as amended.

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