

1. Agenda

Documents: [TRANSPORTATION AGENDA 04-16-2014 .PDF](#)

1.I. Meeting Minutes Letters Regarding Poly And Paper Bags

Documents: [MEETING MINUTES LETTERS REGARDING POLY AND PAPER BAGS.PDF](#)

2. IMT Update Memo

Documents: [IMT UPDATE MEMO.PDF](#)

2.I. State & High Schedule

Documents: [STATE AND HIGH SCHEDULE.PDF](#)

2.II. Memo TSE The State And High Street

Documents: [MEMO TSE THE STATE AND HIGH STREET.PDF](#)

3. Bag Fee Ordinance Plastic Only

Documents: [BAG FEE ORDINANCE PLASTIC ONLY.PDF](#), [BAG BAN ORDINANCE PLASTIC ONLY.PDF](#)

3.I. Foam Code - Simplified

Documents: [FOAM CODE SIMPLIFIED.PDF](#)

3.II. Sources

Documents: [SOURCES.PDF](#)

3.III. Business Listing

Documents: [BUSINESS LISTING 2.PDF](#), [BUSINESS LISTING.PDF](#)

3.IV. TSE Memo

Documents: [TSE MEMO.PDF](#)

3.V. Food Truck Vendor Memo

Documents: [FOOD TRUCK VENDOR MEMO.PDF](#)

3.VI. Revised RFP

Documents: [REVISED RFP.PDF](#)

3.VII. Vending Areas Food Trucks And Pushcarts

Documents: [VENDING AREAS FOOD TRUCKS 2.PDF](#), [VENDING AREAS PUSHCARTS 1.PDF](#)

3.VIII. Zoning Amendment For Food Trucks In Compass Park

Documents: [ZONING AMENDMENT FOR FOOD TRUCKS IN COMPASS PARK.PDF](#)

4. Letter To TSE-Framework On MOU With METRO On City Street

Documents: [LETTER TO TSE FRAMEWORK ON MOU WITH METRO ON CITY STREET.PDF](#)

CITY OF PORTLAND, MAINE
Transportation, Sustainability and Energy Committee

Transportation, Sustainability and Energy Committee

DATE: 4/16/2014
TIME: 5:30 PM
LOCATION: Council Chambers
City Hall

AGENDA

- 1 Approval of March 19, 2014 Meeting Minutes
- 2 Communication Item (No Public Comment will be taken)
 - A International Marine Terminal Expansion Update
 - B Street Closure - MOU with Metro
 - C State/High Street Two-way Schedule Information
- 3 Action Items (Public Comment will be taken on these items)
 - A Green Packaging Task Force - Polystyrene/Plastic Bags
 - B Endorsement of Ordinance Amendments for Food Truck Vendors

Councilor David A. Marshall, Chair
Councilor Jon Hinck, Vice Chair
Councilors Cheryl Leemand and Kevin Donoghue



Maine's Finest Chocolates

87 County Road
Westbrook, Maine 04092
(207) 772-1557 HavensCandies.com

March 19, 2014

**To the City of Portland Transportation, Sustainability and Energy Committee
Input on Bag Tax from Andy Charles, Owner of Haven's Candies**

Dear Councilors Marshall, Hinck, Donoghue and Leeman,

Please accept these comments as you consider the proposed plastic & paper bag tax for Portland. I offer this input as a business owner with a retail candy store located on Forest Avenue. My company (Haven's Candies) was founded 99 years ago in the City of Portland, and we have maintained a retail location in the city ever since. During the past several years business conditions have been very challenging, especially at my Portland location. To be honest, I am assessing whether or not it makes sense to continue operating a store in the city. Anything that harms or impairs business results there will certainly factor into that decision.

For the record, I am strongly opposed to implementation of a bag tax or bag fee. While I understand and appreciate the motives behind the proposed tax, it is the wrong idea at the wrong time. Here are some of the reasons for my position:

- The bag tax amounts to a cost increase for my customers during tough times, and will inevitably have a negative impact on sales. Some customers will choose to shop in another locale, or will forego a candy purchase entirely in favor of some other gift that does not come with a bag tax. My competition is not just other candy stores outside of Portland, it is all other gift alternatives.
- The bag tax would require me to reprogram my cash registers and create new procedures unique to my Portland location. I just spent over \$2000 implementing the increased 5.5% state sales tax; now I will need to again reprogram just at the Portland store if the bag tax goes through. Whatever the cost is, it will take several years to recover even with the \$0.04/bag retained by the retailer.
- In addition to the costs of reprogramming and training, the bag tax will force me to create a separate tracking system just for one of my 3 retail locations. We don't currently keep track of how many bags are sent to and used at each store; the inventory is replenished as needed. If the bag tax is enacted, I'll need to set up a system to count how many bags are given out and a tracking system for collecting and remitting 60% of bag tax revenues to the city. I'll also need to account for how the 40% retained bag tax revenues are used in order to prove they are spent appropriately. Otherwise I will be subject to the fines and penalties in the proposed ordinance. This adds up to a lot of cost and work for very minimal benefit.
- With a bag tax my retail salespersons will be forced to accurately guess how many bags are needed as they ring up customer purchases so they can add the number of bags to

the sale. This will be a logistical nightmare, especially during the peak candy seasons when every second counts and the lines get long. Customers will be furious.

- Encouraging customers to bring their own reusable bags may sound nice, but raises some real issues for a small premium candy retailer like Haven's. There will undoubtedly be an increase in shrink (the euphemism for theft) when customers shop and place items in their own bag. I have no way of knowing how sanitary the reusable bags are, but they are bound to be less clean/food safe than the new bags I provide now. Chocolate easily absorbs aromas; how do I respond when a customer who brought a stinky reusable bag into my store complains about the taste of my product after it sat in their bag? The liability will surely be mine.
- Customers who do not bring their own bags will inevitably demand that my staff cram as much product as possible into each bag, to minimize the number of 10 cent fees that go along with their purchase. This goes totally against our practice of carefully bagging items so they are not broken or damaged; many of my chocolates are fragile. And who do you think will bear the cost when a customer returns with chocolate Easter bunnies with broken ears caused by overstuffing the bag?
- The bag tax constitutes heavy-handed government intrusion into private commerce. The way to influence consumer behavior is through incentives, not penalties. And the punitive tone of the enforcement and penalty language in the proposed ordinance makes it clear the city does not trust businesses to be honest. I reject this suggestion and it makes me angry to see that kind of tone in an ordinance.

Like all of you, I care about the environment and want to do the right thing to make it better. But a bag tax isn't the right approach. According to the UN, the 2 largest contributors to greenhouse gases are raising livestock for human food consumption and transportation. So if you want to make a real impact on climate change, stop eating meat. I did. But I still prefer to transport my vegetables and whole grains home in a clean unused plastic bag, and I am responsible enough (even without government coercion) to recycle my bags responsibly.

Respectfully submitted,

Andy Charles
Owner – Haven's Candies

Maine Grocers & Food Producers Association

March 19, 2014

Councilor David A. Marshall, Chair
Transportation, Sustainability and Energy Committee
City of Portland
55 Portland Street
Portland, Maine 04101

Dear Councilor Marshall and Committee Members,

I am providing testimony in opposition to the proposed ordinance to ban the use and sale of foodservice polystyrene products at select retail outlets in the City of Portland.

By way of introduction, I am the Executive Director, Maine Grocers & Food Producers Association and served on the Green Packaging Working Group Task Force. The Maine Grocers & Food Producers Association is a statewide business trade association representing main street businesses; independently owned and operated grocery stores, supermarkets, wholesalers and distributors, food and beverage producers and processors and associated service companies. Our members have an excellent and proven track record when it comes to environmental stewardship and we support a cleaner City, just not a more expensive one.

The MGFPFA and their members often participate on working groups to tackle a wide range of issues and they were pleased to be selected to serve on the City's Green Packaging Working Group Task Force. I would be remiss if I did not remind you that the imbalanced composition of the Task Force was troubling and didn't serve the process well. Frankly, the majority of the members seemed predisposed to prepare an ordinance to ban the sale and use of foodservice polystyrene products in the City of Portland. Since that meeting and subsequent September 19 City Council meeting at which the original proposal was remanded back to this Committee, we are not aware that there has been any attempt by City officials or others to address the multiple questions raised by City Council members or by those testifying. I know we would all benefit from hearing how this "final" proposal was crafted.

Nowhere in the record is there evidence to support an outright ban. No examination of the concerns associated with these products, no economic assessment of the financial impacts on the businesses and the customers they serve, and no rationale for a piece meal ordinance. Why are food retailers hit so hard? Why are certain other food companies exempt? Why are packaging and mailing companies exempt? What are florists exempt? Why are builders and their service companies exempt?

Our members use polystyrene because it works. For more than 50 years, the U.S. Food and Drug Administration has approved the use of polystyrene for foodservice products. Polystyrene foodservice products offer a sanitary way to serve fresh food and to help prevent the spread of disease. In the grocery business, we use these containers to package meats, cheeses, vegetables, eggs and other products, and our members offer a full line of polystyrene foodservice items for sale for home use. Food safety concerns were raised at the Task Force meeting, but given little consideration.

Are there affordable alternatives? Polystyrene foodservice products generally are more economical –

wholesale costs can be two, three, and four, up to five times less than their paper-based or reusable counterparts and therefore help our members keep costs down to their customers. More than ever, in these tight economic times, keeping costs low should be on everybody's minds. Further, customers who wish to purchase polystyrene foodservice products for their own use would be forced to shop at stores in neighboring communities which would negatively impact overall retail sales at our Portland stores.

Why not consider recycling opportunities employed by other communities across the nation. Many efforts over the past two decades have shown exactly what works and what doesn't when it comes to polystyrene foodservice recycling, and today there are a number of innovation recycling programs across the country. As proposed the ordinance states that "there is no economically feasible means of recycling expanded polystyrene locally." I'm not sure if any actual "recycling is being done" in Maine, but rather companies like ecomaine collect, sort and transport materials that are sold to recycling facilities outside of Maine. From what we understand, there may be a viable market for collected polystyrene items in the region.

If the City of Portland wants to achieve anything meaningful in terms of polystyrene, shouldn't you at least give serious consideration to explore recycling options, rather than banning foodservice containers?

What evidence would you use to justify an outright products ban? How would you address the legitimate concerns of the businesses and how would you quantify the increased costs associated with shifting more expensive alternatives? After all, a product ban is really akin to a tax.

Enacting a product ban is not an end in itself. What would the likely effects of the ban cause? What would the ban do with respect to the undesired behavior? What products would take their place? Would banning polystyrene foodservice containers end roadside litter? Or would you see the alternative products being littered? The answers to these questions remain unanswered and could very well help shape the desired outcome.

I urge you to engage all businesses impacted by this proposal and all of the other businesses that use polystyrene products in a constructive discussion to address their interests and concerns for a cleaner City. Surely we can find a suitable solution that doesn't unfairly penalize Portland's customer service businesses.

Thank you for your consideration of my testimony.

Sincerely,



Shelley F. Doak, Executive Director

Maine Grocers & Food Producers Association

March 19, 2014

Councilor David A. Marshall, Chair
Transportation, Sustainability and Energy Committee
City of Portland
55 Portland Street
Portland, Maine 04101

Dear Councilor Marshall and Committee Members,

I am testifying in opposition to the proposed ordinance mandating Portland grocers and supermarket operators (and others) to collect bag fees from their customers and remit a portion of those fees back to the City of Portland. This proposal would be the most expansive and aggressive bag tax in the country.

By way of introduction, I am Shelley Doak, Executive Director, Maine Grocers & Food Producers Association and served on the Green Packaging Working Group Task Force. The Maine Grocers & Food Producers Association is a statewide business trade association representing main street businesses; independently owned and operated grocery stores, supermarkets, wholesalers and distributors, food and beverage producers and processors and associated service companies.

Portland businesses are pro-environment and anti-litter. They want a cleaner city too. Many Portland retailers place plastic bag collection bins at the front of their stores to encourage recycling – it's the law. Most large grocers and retailers already manage complex internal recycling programs; and they educate their customers about recycling placing signage/placards in their parking lots and entry ways. They accept a variety of plastic film that is being shipped out of state to be recycled. Our members are environmental leaders as demonstrated by their investments in their facilities and partnerships within the communities they serve.

The proposed ordinance to "reduce waste" by creating a "waste reduction fee" of \$.10 on certain paper and plastic bags imposed on Portland residents and visitors would lead you to assume that the City has exhausted all other opportunities to influence its residents to do the right thing with plastic and paper bags. It would also lead you to believe that the highest percentage of the City's waste is attributed to these bags. I ask you, what percentage of Portland's waste stream actually comes from these bags? And why just limit this waste reduction fee to these multi-purpose bags? What about the one use newspaper bag? It might surprise you to calculate the number of newspaper bags in circulation.

This policy would also impose additional costs to consumers. A \$.10 per bag tax may not sound like much now, but over the course of years of shopping it would add up significantly. This is a regressive tax impacting consumers already struggling to keep up with rising food, utilities and home heating prices; (The US Department of Agriculture estimates that grocery prices will be up 3.4% in 2014 and increase of 0.9% in 2013) taking money out of the pockets of Portland's consumers by increasing their grocery bills is bad policy. This would add to Portland's already (well publicized) skyrocketing Portland tax rates.

Of particular note, Portland citizens receiving SNAP and WIC assistance who are prohibited from using their benefits to purchase non-food items would be unfairly impacted. How would they be expected to come up with the cash to pay the tax on these bags let alone purchase a reusable bag?

Maine Grocers & Food Producers Association

We oppose the ordinance because it will increase costs to businesses. As proposed, 60% of the tax would be retained by the City to establish another regulatory layer to "police" the bag tax. Our members already comply with multiple licensing requirements including collecting and remitting state sales tax, ensuring that only age eligible adults purchase liquor and tobacco products; the list goes on and on; there is no need for the heavy handed mandates contained in this proposed ordinance.

Let's look at the facts. Plastic bags are not the environmental hazard some would suggest. According to the U.S. Environmental Protection Agency, plastic bags comprise less than one percent of the total U.S. waste stream. Proponents are adamant that plastic bags, given out by retailers, are the target of their litter and waste stream concerns. But I ask you to consider the plight of these bags. They are filled with grocery items, taken inside the home, unpacked and then tucked away to be used 101 different ways or taken back to the store recycling collection bin. How can you be certain that they are the primary source of the litter and waste stream problems? What percentage of plastic mucking up ecomaine's system really comes from these bags?

The City and its partner ecomaine admit that collecting certain bags (#2 and #4) for recycling is creating a headache, and they have said that it's been hard to find suitable markets to sell these plastics. But retailers have found the opposite to be true. They are collecting increasing volumes of bags and other plastic film thereby reducing Portland's waste stream. I can assure you that retailers wouldn't be expending the resources to collect, bundle and transport these plastics if there wasn't a viable market and a good return on their investment. So why can't the City of Portland adopt this same approach?

Before imposing another tax, we urge the City to exam current litter laws and enforcement records. How often are citations made for littering and for what? What is the fine structure? Is it high enough to deter littering?

Before imposing another tax, we think the time has come for the City of Portland to invest in closed recycling bins. How much litter is attributed to recyclable materials taking flight on a windy day?

Before imposing another tax, the City of Portland and ecomaine should intensify their consumer education to build awareness about plastics to ensure that ALL plastic bags are clean and separated, for example. Further, they should feel free to inform their customers that retailers are happy to take back their plastic bags and other plastic packaging.

Before imposing another tax, the City of Portland has the opportunity to take a leadership role by becoming the first community in the State to adopt a comprehensive and meaningful education campaign to:

- increase appropriate recycling of existing bags
- identify ways to reuse and properly dispose of bags
- reduce the number of bags distributed by all retail outlets and at city and private events
- increase the use of reusable bags

Portland should adopt the Got Your Bags? Maine campaign. The promotional and educational materials are available for immediate implementation. Maine was one of the first states to launch this statewide, voluntary program designed for both retailers and consumers to help educate them on the benefits of reducing bag numbers, recycling bags, increasing the use of reusable bags and providing information helpful to municipalities. The Got Your Bags? Maine campaign is always looking for meaningful opportunities to expand the program. Don't bypass this opportunity to do the right thing.

Maine Grocers & Food Producers Association

Don't impose another tax on City residents and visitors and don't increase the regulatory burden on the retail community; they are already doing the right thing. Beware too that potential retailers looking to develop in Portland will not look at this ordinance favorably. Do the right thing by figuring out a better recyclable collection system with a viable market. It can be done.

Sincerely,



Shelley F. Doak, Executive Director



Polystyrene Containers

Enhancing Prosperity for Maine's Restaurants

Chairman Marshall and distinguished City Council and committee members, my name is Greg Dugal and I am here representing the Maine Restaurant and Maine Innkeepers Association in opposition to the ordinance that would create a ban on polystyrene containers in the City of Portland. Our Associations and our Portland members do not support this ban as we see polystyrene containers to be no more of a risk to the environment than other types of hot and cold drink and food containers. We also believe that polystyrene keeps hot food and drinks hot for longer periods of time keeping our prepared product that much better for the consuming public. Polystyrene is much more effective at preventing food spoilage than other materials and it does not impart odors and that is a proven fact, as polystyrene is an FDA preferred food packaging material.

There is also a substantial cost associated with changing from polystyrene to other forms of containers. Small businesses especially restaurants operate with very tiny margins so any increase in the cost of doing business could be potentially fatal to these small businesses. I think you have heard from business owners here this evening that any negative cost is difficult to absorb in an unsteady economy.

Also studies around the country have shown that litter is not reduced by banning polystyrene containers, though that seems to be a cornerstone of this ordinance. People who contribute to litter at this point in time will continue to do so, regardless of what the container is made of. I would argue that polystyrene containers are much more reusable than their paper counterparts. As you have been made aware in the last go round on these issues, studies in cities that have undertaken these bans show that litter remains at the same levels. Also polystyrene is less than one percent of the solid waste stream in most landfills and became less of that stream after the ordinance changes, while paper products became more at a greater proportion. At my home, we wash and reuse polystyrene coffee cups from Dunkin Donuts and other businesses because they can withstand multiple uses and paper cups cannot. My wife uses these containers to bring her coffee to work.

I never attended the Green Packaging Working Task Force meetings on Polystyrene, though I was aware of the proceedings, but if the Task Force's approach on polystyrene was the same as disposable bags, the outcome seemed to be predetermined. There did not seem to be a true interest to discuss the good and bad of the product, just a determination to pass an ordinance regardless of the benefit or the risk to the City of Portland's small businesses.

Greg Dugal
President and CEO





Bag Fee

Enhancing Prosperity for Maine's Restaurants

Chairman Marshall and distinguished City Council and committee members, my name is Greg Dugal and I am here representing the Maine Restaurant and Maine Innkeepers Association in opposition to the ordinance that would create a 10 cent waste reduction fee on disposable bags in the City of Portland. Though our Associations and our Portland members do not support the fee in principal, we truly feel that this ordinance definitely is more unfair to the restaurant industry than others. There is a reason why almost all communities that were used as examples in the Green Working Task Force as bag fee cities chose not to include restaurants. Actually none included restaurants initially and only one that we looked at added restaurants to the mix after the fact, San Francisco. I made these concerns known at the Task Force level and feel that many members of that group understood the reasons for our concern.

I took the liberty of contacting as many of the subject cities as I could and they all cited that restaurants and their representatives made a strong case for issues relating to food quality, food safety and public safety. Though we have been somewhat conditioned to bring our reusable bags to the grocery store, this has not been the case for restaurants providing take out or drive throughs at quick service restaurants. I am not sure how one would get the bag to the employee behind the speaker. Concerns voiced from other cities were that if consumers chose not to pay for the bag that food quality would suffer due to the quick cool down the prepared food would experience. It also could be a matter of food safety as prepared foods could reach unsafe temperatures for consumption at a much faster rate. Public safety could also be jeopardized as employees and consumers may put themselves at risk by having to handle food that has just been brought up to proper cooking temperatures sometimes in excess of 400 degrees. Going through the drive through could become quite an interesting experience particularly if you are purchasing food for several people.

Having said all of that, both associations support the remainder of the retail community in opposition to this ordinance in general and suggest, as they have, that education is the key to success in reduction, reuse and recycling of bags provided in a retail setting. The Got Your Bags campaign has been a successful educational tool nationwide and the Got Your Bags Maine effort has proven to be an incredible resource for people to think outside of the box when it comes to the proper use of bags and interesting ideas that promote the reduction of waste.





The actual charge for the bag, which in our minds flies in the face of good customer service, pales in comparison to the potential quagmire that the reporting element of this ordinance may provide. How will retailers capture this tax on their point of sale systems or worse what if they don't have one? What is the reporting schedule, weekly, monthly, quarterly or yearly? How will the city in lean economic times enforce and staff this effort? In this ordinance you have exempted the retailers' portion of the fee as not subject to sales tax. I do not believe that the city has the jurisdiction to do this. In the restaurant and lodging world, any fee that a consumer has to pay at the point of sale like resort fees or housekeeping fees, IS subject to sales tax based on interpretations by the Maine Bureau of Revenue Services. Will the retailer be subject to sales and income taxes on the whole ten cents or just their portion of the fee? I deal with Revenue Services on a daily basis and their approach to this will be to audit and charge people for taxes not collected with no concern for what the city is trying to achieve or what the merchant was required to collect.

We respectfully ask that you abandon this proposed disposable bag ordinance in favor of a straight forward educational effort that can be championed by the City of Portland. Thank you for your time and your consideration.





For a thriving New England

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**TESTIMONY ON AMENDMENT TO PORTLAND CITY CODE
CHAPTER 12 GARBAGE, WASTES AND JUNK
ARTICLE IX. WASTE REDUCTION
SECTIONS 12-230 THROUGH 12-238**

**Ben Tettlebaum, Attorney
Conservation Law Foundation
Portland, ME 04101
btettlebaum@clf.org**

March 19, 2014

Chair Marshall and members of the Transportation, Sustainability and Energy Committee, my name is Ben Tettlebaum, and I am an attorney with the Conservation Law Foundation (CLF). Thank you for receiving this testimony in support of the amendment to Chapter 12, Sections 12-230 through 12-238 ("Bag Fee Ordinance").

We support the Bag Fee Ordinance for the reasons summarized in the Task Force Majority Report. In particular, CLF is concerned about the long-term, negative environmental impact of continued plastic bag use. Harmful environmental effects include, but are not limited to, the following:

- Plastic bags can take up to 1,000 years to degrade.
- As plastic bags break down, they form smaller pieces that contaminate our soil and waterways, ultimately entering the food system when animals accidentally ingest them.
- Plastic bags cause over 100,000 sea turtle and other marine animal deaths every year when animals mistake them for food.
- Plastic bags are among the 12 items of debris most often found in coastal cleanups.
- Nearly 90 percent of debris in our oceans is plastic.

We support including paper bags in the Ordinance. Our concerns with paper bags include the following:

- Manufacturing paper bags creates 70 percent more air pollution than manufacturing plastic bags.
- Manufacturing paper also creates up to 50 times more water pollutants than manufacturing plastic.
- Manufacturing paper bags consumes four times more energy than making plastic bags.
- Producing a paper bag requires three times more water than producing a plastic bag.
- The Environmental Protection Agency found that paper degrades at about the same rate as plastic in a landfill.

We appreciate the burden that grocers, restaurants, other food businesses, and ultimately all of us as consumers will bear. However, educational campaigns alone have not shown to have a comparable impact on reducing bag waste as bag fees or bag bans. The 40 percent retained portion of the bag fee will help offset the costs of implementing the Ordinance. Additionally, the April 1, 2015, compliance date should allow ample time for businesses to prepare for compliance. In sum, the benefits of this Ordinance will likely outweigh its costs.

Though we support the Bag Fee Ordinance, we have four concerns that we suggest this Committee consider. First, under section 12-231, page 3 of the draft Ordinance, the definition of "Store" includes markets that sell "household supplies" in a disjunctive list. As written, therefore, a market that sells household supplies, but not food, would qualify as a Store and be subject to the Ordinance. This is likely beyond the intended scope of the Ordinance at this time, as evidenced by the same subsection that states "[b]usinesses at which foodstuffs are an incidental part of the business" are exempt. We recommend addressing this potential internal inconsistency, perhaps by omitting "household supplies" from the disjunctive list. We leave this to the sound discretion of the Committee or as a directive to the Task Force to amend the Ordinance.

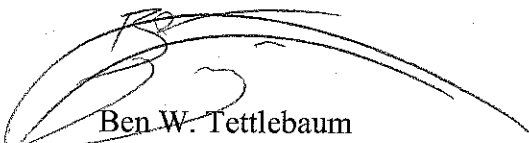
Second, under section 12-232, page 4, the "Waste Reduction Fee Requirements," subsection (d) states, "No Store or Restaurant shall exempt any part of the Waste Reduction Fee for any reason." However, section 12-235 clearly states an exemption for an emergency. Therefore, we recommend appending something like, "except for the reason under 12-235," to the end of subsection 12-232(d).

Third, though we support an ultimate goal of reducing the use of plastic bags in the city of Portland to the greatest extent possible and feasible, we find the inclusion of laundry and dry-cleaning businesses out of place in this Ordinance at this stage. The other businesses included in the Ordinance have food as more than an incidental portion of their sales. Regulating laundry and dry-cleaning facilities, while consistent with the broader goal of the Ordinance, is inconsistent with the other regulated entities. Thus, we encourage the Committee to consider whether these businesses should be omitted from regulation under this Ordinance.

Finally, we encourage the Committee to consider including a severability provision in the Ordinance.

Otherwise, we support the Bag Fee Ordinance and encourage coordination with the food business community to make the Ordinance as successful as possible.

Sincerely,



Ben W. Tittlebaum
Attorney/Rhodes Fellow, Farm and Food
Conservation Law Foundation



For a thriving New England

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TESTIMONY ON ARTICLE VIII. POLYSTYRENE

Ben Tettlebaum, Attorney
Conservation Law Foundation
Portland, ME 04101
btettlebaum@clf.org

March 19, 2014

Chair Marshall and members of the Transportation, Sustainability and Energy Committee, my name is Ben Tettlebaum, and I am an attorney with the Conservation Law Foundation (CLF). Thank you for receiving this testimony in support of Article VIII ("Foam Ban").

We support the Foam Ban for the reasons summarized in the Task Force Majority Report. In particular, CLF is concerned about the long-term, negative environmental impact of continued polystyrene manufacturing, use, and waste. Problems with polystyrene include, but are not limited to, the following:

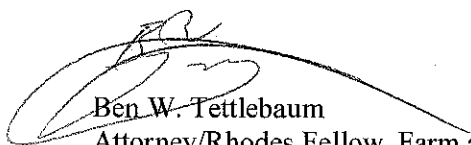
- The Environmental Protection Agency classifies styrene as a possible human carcinogen. Workers who manufacture or work with styrene may experience myriad adverse health effects, including irritation of the skin, eyes, and upper respiratory tract, and various gastrointestinal problems. Chronic exposure affects the central nervous system.
- Manufacturing polystyrene pollutes the air we breathe and creates substantial amounts of liquid and solid waste.
- Toxic chemicals leach out of polystyrene products into food contained within such packaging (especially when heated in a microwave).
- Polystyrene foam is often littered. It breaks down into pieces that choke animals and clog their digestive systems.

Though we support the Foam Ban, we have two suggestions for the Committee consider. First, under section 12-213, page 3, we recommend moving subsections (d) and (e)—the null-and-void subsections—to their own section separate from the "Exemptions" section. The null-and-void provisions are not exemptions. Moving them to their own section will avoid confusion.

Second, we appreciate the potential difficulties of implementing both the Bag Fee Ordinance and the Foam Ban within a few months of each other. Therefore, we encourage the Committee to work with the food business community to determine if the implementation date for the Foam Ban is indeed workable.

Thank you for hearing our testimony.

Sincerely,

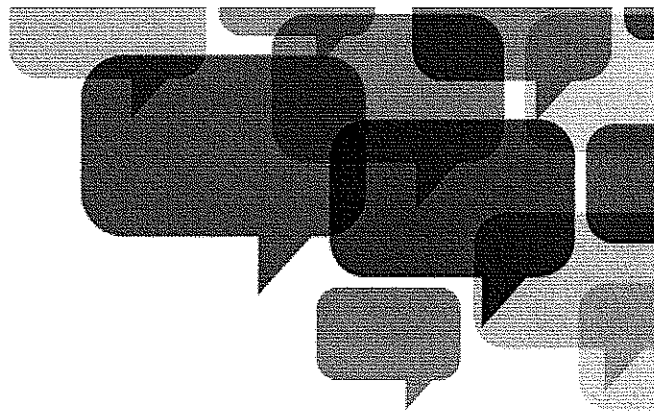


Ben W. Tettlebaum
Attorney/Rhodes Fellow, Farm and Food
Conservation Law Foundation



RETAIL
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March 19, 2014

David Marshall, Chair
Members of the Transportation, Sustainability and Energy Committee
City of Portland
City Hall
Portland, ME

RE: Testimony in OPPOSITION to the proposed Paper and Plastic Bag Tax Ordinance in Portland

Dear Chairman Marshall and members of the Transportation, Sustainability and Energy Committee:

My name is Curtis Picard and I am the Executive Director of the Retail Association of Maine. I am a resident of Topsham. We were incorporated in 1933. We have 400 members statewide representing retailers of all sizes and our members employ nearly 90,000 Mainers.

I am here to offer testimony in opposition to the proposed bag tax.

First, it is important to note that Maine has a law on the books that mandates that any retailer that distributes plastic check out bags, must provide a receptacle to recycle the bags. If you go to any large retailer, you will see a receptacle usually very close to the door where customers can bring back their unwanted plastic bags. These retailers combine the plastic with other plastic shrink wrap and other recyclables and back-channel them through their distribution system to be recycled, generally out of state. These retailers recycle tons and tons of plastic each year. What they don't do, however, is count individual bags that are returned. These retailers deal in tonnage and do an excellent job recycling.

We are strongly opposed to the proposed bag tax. The City is trying to address litter and we feel that the greatest cause of the bag litter is the open top recycling bins provided by the city. If the City were to simply replace the open bins with bins with lids, we feel that the bags that get blown around by a strong wind currently would be much less likely to get blown. The question we should be asking is why are Portland residents putting the bags in the recycle bins to begin with? The reason is they are trying to do the right thing and recycle them. However, when you look at the Ecomaine website, nowhere on the site does it encourage residents to return the bags to major retailers. It simply says on their Do's and Do Not's page that plastic bags labeled #2 and #4 are recyclable and it says that other plastic bags like frozen vegetable, bread bags, newspaper bags, potato or snack, sandwich or trash bags are not

recyclable. Ecomaine could do a better job educating residents on reusing and recycling existing bags and the avenues that exist to do so.

We feel that the proposal is one of the most onerous in the country and applies a \$.10 tax to both paper and plastic bags, regardless of the recycled content of the bag. This ordinance is wide-ranging and would apply to grocery stores, restaurants, pharmacies, dry cleaners, farmer's markets, food trucks, any retailer selling at least 2% of their gross sales in food and special events. One item of note is at the last task force meeting, the majority of the committee voted to include special events, events like Harvest on the Harbor, in the ordinance, but I did not see it listed in the draft. Perhaps this was an oversight, but my recollection was it was included by the majority.

We believe this ordinance is simply a way for the City of Portland to collect additional revenue. 60% of the tax will be remitted to the City. We continue to question whether the city has the legal authority to impose what is essentially a local option tax, but also question whether or not the additional tax is considered taxable by Maine Revenue Services. While the ordinance specifically states that the amount remitted to the city is not considered taxable, it says nothing about the amount retained to comply with the law. It needs to be clarified whether the tax is taxable or if the revenue would be considered income by the State.

A number of other cities that have passed bag taxes allow the businesses to keep 100% of the tax. San Francisco, San Jose, CA, Bellingham, WA and Los Angeles County are all cities that have an ordinance but allow the businesses to keep 100% the tax. Why does Portland need to keep the revenue? To produce and distribute reusable bags? The majority report notes how retailers and other organizations already distribute tens of thousands of bags. Why would Portland take this new revenue and spend it on that?

I won't speak for the restaurants that are impacted, but I question the rationale for including them. As with polystyrene, the issues are product integrity and food safety. By limiting the products that restaurants can use to properly service their customers, you are negatively impacting food safety and product integrity. Restaurants should not be included in the ordinance.

Dry cleaners have similar concerns with product integrity. All you have to do is pick up your clothes on a rainy or snowy day. As a customer, I expect my suits to be wrapped in plastic to keep them clean. However, many dry cleaners utilize a central cleaning location. Where you drop your suit is not necessarily where it gets cleaned. Often they are shipped to other locations. Hence the plastic covering is added at the central location so that they can be shipped back to the retail location. You can easily imagine an angry customer whose item got dirtied in the transit back after cleaning. It makes no sense to include this in the ordinance.

Proponents of bag taxes often point out Washington, DC as a city that recently passed a bag fee. However, a recent article in the Washington Post concludes that the bag tax has only served to generate revenue for Washington and has not changed consumer behavior. In fact, the revenue the city has

generated from the tax has actually increased year over year meaning more residents are using more bags, not less. It is simply a new source of revenue for the city.

From the Washington Post article: *Yet tax collections don't support the idea that bag use has dropped dramatically. In between the District's 2012 and 2013 fiscal years, bag tax revenue grew by about \$12,000 — a half-percentage point rise that represents well over 200,000 additional bags. Yesim Yilmaz, chief of revenue estimation for the District's Office of the Chief Financial Officer, said the revenue trend was a surprise.*

"When we forecasted the bag fee collections back in [2009], at the time the city adopted the fee, we had expected that these collections would decline over time," she said. "But they did not."

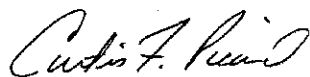
Additionally, it is important to recognize how existing paper and plastic bags are often reused before being recycled or disposed of. First, plastic bags are ideal waste basket liners. They are excellent to use for soiled diapers, particularly when traveling. They are used quite frequently in my house for pet waste, for wet or muddy shoes and for segregating sweaty athletic gear from the various sports my son does. The bags in our household are reused at least once and recycled at the end of their life.

Simply, we feel that this ordinance is overly aggressive and does not address the real problem. The real problems are open air recycle bins and a small minority of inconsiderate people who do not properly recycle or dispose of bags. A bag tax will not address either of those problems. The open bins will continue to blow bags and inconsiderate people will continue to litter.

The minority report clearly outlines many of our other concerns regarding the proposed ban. We would urge the committee to vote in opposition to the proposal.

I am happy to answer any questions you may have and I thank you for the opportunity to share our concerns.

Sincerely,

A handwritten signature in black ink, reading "Curtis F. Picard". The signature is written in a cursive, flowing style.

Curtis Picard, CAE
Executive Director



Plastics Food Service Packaging Group

March 19, 2013

Honorable City Council Member David Marshall
Chair, Transportation, Sustainability & Energy Committee
Portland City Council
389 Congress Street
Portland, Maine 04101

RE: Proposed Ordinance to Prohibit the Sale of Polystyrene Foam Food packaging (Sec 12.210 Findings/Purpose, Article VIII. Polystyrene) – Endorse/Forward to City Council – ACC Comments – OPPOSE

Dear Honorable City Council Member David Marshall, member of the Transportation, Sustainability & Energy Committee:

We are writing to again express our concerns about a proposed bill (**Amendment to Portland City Code Chapter 12 Garbage, Waste and Junk – Article V. Polystyrene**) to ban and prohibit the use of expanded polystyrene (foam) food service products in the City of Portland. . The members of our group, the Plastics Foodservice Packaging Group (PFPG) of the American Chemistry Council (ACC), represent the leading suppliers and manufacturers of plastics foodservice packaging products, including polystyrene food and beverage containers.

ACC supports litter education, prevention, waste minimization, and recycling as proven solutions to addressing litter, and supports programs that address these issues. The food safety benefits of polystyrene food service are undisputed. In the U.S. the Food & Drug Administration (FDA) has approved the use of polystyrene for foodservice – and health agencies at the state and federal level have confirmed the 50 year history of safe use of polystyrene foodservice.

What we support: We support the concept litter education and prevention, waste minimization and recycling, and supporting programs that address all litter and waste to help keep the City of Portland clean. Our industry has been a big supporter of these programs nationwide, and polystyrene foam foodservice is both an economical and overall sustainable choice for food establishments and consumers.

Why we oppose this ban:

Flawed premise that “biodegradable” [(Section 12.210 Findings/Purpose – (5))] or “compostable” alternatives [(Section 12.210 Findings/Purpose – (7))] are viable or “environmentally preferable substitutes” for polystyrene foam foodservice, given the ***Federal Trade Commission (FTC) has stepped up Enforcement Action - Claims that consumer products or packaging degrade or compost in landfills are almost universally impossible to substantiate and deceptive***

FTC has recently brought a number of enforcement actions that continue to make this point. This also has implications for the Portland, ME, where the Portland City Council Transportation, Sustainability & Energy Committee has re-introduced legislation that would ban the use of foam food service products by restaurants, food trucks and small vendors, grocery stores, coffee shops, schools, hospitals, nursing homes, institutional cafeterias or any other establishments that utilize foam food service products – on the misconception that “biodegradable” and “compostable” foodservice alternatives are available and more “sustainable” than PS foam foodservice. Portland, ME does not have an industrial composting facility or any infrastructure to collect any compostable foodservice substitutes or justify a claim that “compostable” foodservice products are in fact composted – and therefore would have any end of life benefit over PS foam foodservice products.

FTC has recently brought a number of enforcement actions that continue to make this point. For example, in a recent high-profile case against Farberware, FTC alleged:

“Approximately 92 percent of total municipal solid waste in the United States is disposed of either in landfills, incinerators, or recycling facilities. These disposal methods do not present conditions that would allow respondent’s FARBERWARE® EcoFresh Containers to completely break down and decompose into elements found in nature within a reasonably short period of time.” (emphasis added) In the Matter of Clear Choice Housewares, Inc., a Corporation, also d/b/a) Docket No. C-4420 FARBERWARE® EcoFresh, available at <http://www.ftc.gov/sites/default/files/documents/cases/140106clearchoicecmpt.pdf>.

The rules apply to paper products equally as to plastic products. FTC also recently brought an enforcement action against AJM Packaging Corporation, which makes paper products, including paper plates, cups, bowls, napkins, and bags. AJM began making new claims in violation of a consent order that a number of its paper products were “biodegradable,” “compostable” or both. FTC charged AJM with failing to substantiate that: its products will biodegrade within one year when disposed in a landfill; and its products will compost in a safe and timely manner in a home composting pile. <http://www.ftc.gov/news-events/press-releases/2013/10/ftc-cracks-down-misleading-unsubstantiated-environmental>.

How Modern Landfills Work, Waste Management, a top U.S. waste management company, explains how modern landfills work: “these same control features retard the natural decomposition processes in the landfill by making it a dry tomb. Under these conditions waste decomposes over a period of decades, slowly producing gas and settling until the waste is biologically stable.” <https://www.wm.com/sustainability/pdfs/bioreactorbrochure.pdf>. Waste Management is working on landfill design that will accelerate decomposition, but notes that this is “looking to the future.” *Id.*

FTC specifically found in October 2012 that there is a “paucity of large-scale compost facilities” in the U.S. *The Green Guides, Statement of Basis and Purpose*, p. 115, available at <http://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-issues-revised-green-guides/greenguidesstatement.pdf>. FTC noted in its revisions to the Green Guides that “Large-scale composting facilities that accept feedstock’s other than yard trimmings remain uncommon in the United States. See Food Composting Infrastructure, BioCycle, Dec. 2008, at 30 (noting that in 2008, only 92 commercial composters and 39 municipal composters provided food waste composting); EPA, Municipal Solid Waste in the United States: 2007 Facts and Figures at 148, available at <http://www.epa.gov/wastes/nonhaz/municipal/pubs/msw07-rpt.pdf> (“In 2007, there were 16 mixed waste composting facilities, two more than in 2006.”). *Id.* at 113, fn 370.

As part of its Green Guides review, FTC considered both ASTM D6400 and D6868 and “found that those protocols likely do not typify compost facility operations nationwide. Rather, they reflect “optimum [operating] conditions” and ignore “wide variation” in actual facility operations.” *Id.* at 114-115.

Input from the Minority Report in Opposition to Polystyrene (Foam Foodservice) Product Ban proposed by the Green Packaging Working Group Task Force – The members of the Green Packaging Working Group Task Force who represent local Maine businesses and have been working in good faith with the City on the process of examining ways to reduce litter, increase recycling, and minimize waste – are strongly opposed to the proposed ordinance to ban polystyrene foam products developed by the Green Packaging Working Group Task Force. The minority report outlines a series of legitimate concerns – ranging from financial impacts of the proposed ban, misperceptions that the ban will reduce litter, misinformation and lack of understanding of the actual environmental/energy benefits of polystyrene foam foodservice versus its substitute products, misinformation about the public health and sanitation benefits of polystyrene foam foodservice from agencies and key bodies, and concerns about the process used to weigh evidence regarding a proposed ban.

Selected Product Bans do not Reduce Litter - A ban on a specific product like polystyrene foam foodservice, which makes up a very small amount of the litter stream (according to a 2012 study, commonly used polystyrene foam foodservice products make up 1.5 percent of litter) will not reduce litter – since the substitute foodservice products would be littered as well. And trading one type of littered item for another simply changes the makeup of litter without reducing it. For example, when San Francisco placed restrictions on the use of certain plastic foodservice products, the city found that alternatives became more littered. Substituting one type of litter for another is not a smart strategy. What work are neighborhoods taking responsibility for trash and litter – like programs we've supported through KAB (Keep America Beautiful) affiliates and city competitions for neighborhood programs to keep litter and trash in its proper place.

Recovery and Recycling of PS: Polystyrene foodservice products are recovered and recycled in various ways in many communities, depending on the solid waste program.

- Portland residents should be able to have the opportunity to work with recyclers and groups like Eco Maine to explore recycling of polystyrene foam and other foodservice packaging before a ban on such a product is considered. There are markets for recycled polystyrene foam products – the recycled material can be made into a variety of new products, including picture frames, crown molding and nursery plant containers.
- PS Foodservice recycling more prevalent than paper foodservice recycling or composting, should Portland want to further explore curbside recycling -
<http://plasticfoodservicefacts.com/Pages/Access-to-Recycling-Expanded-Polystyrene-Food-Service-Items.pdf>

Many Americans believe that paper cups and plates are widely recycled and that similar plastic foam products cannot be recycled. A new study finds both beliefs to be mistaken. The study looked at access to recycling of foodservice products to compare recycling opportunities for paper versus polystyrene foam. The study of the fifty largest US and California cities found that far more communities provide access to recycling of polystyrene foam foodservice products than paper foodservice products. For example, half the population of California's fifty largest cities has direct or indirect access to foam foodservice recycling. In contrast, only two percent of this population has direct or indirect access to paper foodservice recycling, meaning paper foodservice recycling in California is almost nonexistent. Of the population of the fifty largest US cities, sixteen percent has direct or indirect access to foam foodservice, while six percent can recycle paper foodservice. In addition, the study shows that access to composting of paper foodservice products also is low: only seven percent of the population of the fifty

largest US cities. The study demonstrates that commonly held beliefs about the recyclability of foodservice products are not based on actual recycling activities.

ACCESS TO RECYCLING/COMPOSTING OF FOAM AND PAPER FOODSERVICE PRODUCTS

CA 50 Largest Cities Percent of Population

Foam Collected for Recycling	50%
Paper Collected for Recycling	2%
Paper Collected for Composting	13%

US 50 Largest Cities Percent of Population

Foam Collected for Recycling	16%
Paper Collected for Recycling	6%
Paper Collected for Composting	7%

Note: these population figures are solely for the fifty largest US cities and CA cities and cannot be extrapolated for the entire US or CA population.

Landfills, Biodegradation – All plastic foodservice products contribute approximately 1% of landfills' content by weight (paper contributes more than 30%). While popular culture has led many to believe that burying our nation's garbage in landfills is sort of like creating big compost heaps, modern landfills are specifically designed to minimize decomposition. The small amount of degradation that does occur in a landfill often generates methane, a much more potent greenhouse gas than CO₂.

Why PS Foam is used and Cost Implications of a Ban: Portland city residents and foodservice establishments use polystyrene foam foodservice products for a variety of reasons, including health, safety, packaging convenience, low cost, and demonstrated performance. Polystyrene foam foodservice products generally are more economical – wholesale costs can be two, three, and four; up to five times less than their paper-based or reusable counterparts (reusables require extra equipment, labor, water, electricity, detergent ...). There are costs to the City as well by going to more expensive alternatives, as well as implementing and enforcing a ban. An economic fiscal impact study is needed to determine the overall cost impact to businesses and the city of such a proposed ban.

Low Environmental Footprint compared to alternative foodservice products: Polystyrene foodservice packaging uses less energy and resources to manufacture than comparable paper-based products, leaving a lighter footprint. For example, a polystyrene foam cup requires about 50% less energy to produce – and creates significantly fewer greenhouse gas emissions – than a similar coated paper-based cup with its corrugated sleeve. A full life cycle assessment (LCA) peer reviewed study comparing polystyrene foam foodservice impacts with paper-based and corn-based alternatives can be found at: <http://plasticfoodservicefacts.com/Life-Cycle-Inventory-Foodservice-Products>

Polystyrene Foodservice Safety: For more than 50 years, the U.S. Food and Drug Administration have approved the use of polystyrene for foodservice products. Polystyrene foodservice products offer a sanitary way to serve fresh food and to help prevent the spread of disease at school, restaurants, hospitals ... even at home.

While some have raised questions about occupational exposures to styrene, the U.S. National Institutes of Environmental Health Sciences made clear that these don't apply to polystyrene, noting in June 2011: "Styrene should not be confused with polystyrene (Styrofoam). Although styrene, a liquid, is used to make polystyrene, which is a solid plastic, we do not believe that people are at risk from using polystyrene products."

The toxicologist who heads the National Toxicology Program was widely quoted in June 2011 news reports: "Let me put your mind at ease right away about Styrofoam" and noted that levels of styrene from polystyrene containers "are hundreds if not thousands of times lower than have occurred in the occupational setting ... In finished products, certainly styrene is not an issue." John Bucher, associate director of the National Toxicology Program, was quoted in Associated Press reports in August 2011: "The risks, in my estimation, from polystyrene are not very great," he said. "It's not worth being concerned about."

Sanitation – Studies at foodservice operations demonstrate that polystyrene foodservice packaging can be more sanitary than reusable china or glassware that are dependent on proper washing. A 2012 sanitation study in Sacramento, CA, found that reusables had higher microbial levels than single use items. A 2007 study in Wisconsin found that unprotected tables and trays had 7 to 23 times higher bacterial counts than those with single-use placemats and tray covers. And a 2002 study in Las Vegas found that 18 percent of reusable items tested had higher than acceptable bacterial counts. Reusable cups, dishes, plates, utensils, place mats, table coverings and other products require copious amounts of water and energy to clean, time and time again. Polystyrene foodservice packaging conserves these important resources and allows our schools and hospitals to save the water, energy, detergents – and money and labor – required to sanitize reusables. And when dishwashers are down or malfunctioning, foodservice operators actually are required to use sanitary, single-use foodservice under code requirements in order to protect health and safety.

Recommendation:

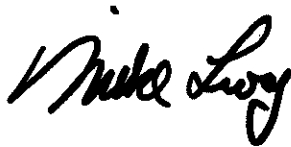
For these reasons, particularly the fact that PS foam foodservice is recycled (and should be consider as such), and the premise that "biodegradable" or "compostable" more expensive alternatives have any environmental benefit (given FTC's enforcement action on companies/or entities who make "green washing" claims on biodegradable or compostable substitutes for polystyrene foam foodservice when there is no infrastructure to provide for industrial composting of foodservice, we recommend the City of Portland conduct a fiscal impact study on the cost of this proposed ban to both local businesses and the City (as outlined in the Minority Report in Opposition to Polystyrene Product Ban Proposed by the Green Packaging Working Group Task Force) **before endorsing or forwarding this proposed ordinance to City Council** – and also have the Finance Committee review the results of this fiscal impact study. In addition, because of the sanitation and hygiene benefits polystyrene foam foodservice offers compared to alternatives, this proposal should be revised by other committees – such as Public Safety, Health & Human Resources, to determine the trade-offs from a public health and sanitation perspective.

We hope to be able to continue our work with Portland on constructive programs described above that can help tackle litter and waste disposal issues. Thank you for your consideration in this matter.

Sincerely,

Steve Rosario, Government Relations
American Chemistry Council
(tel: 770-421-2991; e-mail: steve_rosario@americanchemistry.com)

and

A handwritten signature in black ink that reads "Mike Levy". The signature is fluid and cursive, with the first name "Mike" and last name "Levy" clearly distinguishable.

Mike Levy, Director

Plastics Foodservice Packaging Group (PFPG)

(tel: 703-741-5647; e-mail: mike_levy@americanchemistry.com)

CC: Transportation, Sustainability & Energy Committee members

Honorable Kevin Donoghue, Vice Chair

Honorable John Anton

Honorable Cheryl Leeman

Honorable Mayor Michael F. Brennan



Natural Resources Council of Maine

3 Wade Street • Augusta, Maine 04330 • (207) 622-3101 • Fax: (207) 622-4343 • www.nrcm.org

Comments in Support of Instituting a Fee on Single-Use Disposable Bags

by Sarah Lakeman, NRCM Sustainable Maine Policy Advocate
March 19, 2014

My name is Sarah Lakeman, I am the Sustainable Maine Policy Advocate and Outreach Coordinator for the Natural Resources Council of Maine. I am speaking as a Portland resident and on behalf of NRCM's more than 16,000 members and supporters, of which more than 1,100 are residents of Portland. I appreciate the opportunity to present comments in support of a fee placed on single-use disposable bags in the City of Portland.

NRCM is confident that the City will reap significant financial and environmental benefits by adopting an ordinance that discourages the proliferation of single-use disposable bags in favor of reusable ones. The fee-based approach will work to change behavior in a way that drastically reduces the use of these unnecessary bags that end up clogging storm drains, jamming recycling equipment, getting entangled in trees, and floating around in Casco Bay.

There are more than 20 countries around the world and more than 150 communities across the country that have successfully eliminated tens of millions of disposable bags by adopting ordinances like the one before you today. Based on the same principle behind Portland's successful Pay-as-You-Throw program for solid waste, a fee on disposable bags discourages their use and changes consumer behavior, which is why these programs are succeeding in ways that voluntary educational campaigns simply do not.

In 2009, under legislative directive, NRCM collaborated with the Maine Merchants Association, Maine Grocers Association, and the Maine State Planning Office to form a 14-member working group to explore creating a voluntary program, as opposed to a statewide ban or fee on disposable bags, which resulted in the *Got Your Bags, Maine?* campaign.

This campaign is pointed to in the Minority Report as an alternative to the proposed ordinance. However, we believe that City Council members should understand that the *Got Your Bags* campaign has fallen far short of its goals, and we can't help but conclude that it has done little to reduce the use of disposable bags.

Although a number of stores in Maine are doing a good job promoting reusable bags, and some actually display the campaign logo, such as Hannaford and Shaws, there is no evidence that the campaign's goal of reducing plastic bag use by 33% by 2013 has been achieved or that the target number of 1,000 retailers are participating.

The overall level of effort by the Maine Grocers Association and Maine Retailers Association has largely dissipated as evidenced by the collapse of public education and outreach efforts. For example, the *Got Your Bags* website is no longer active, the Facebook page has only six new

posts in the past year, and the campaign's Twitter account shows zero tweets in the past two years.

With the passage of time, and learning from the successes of other cities, we can now see that this educational campaign-based alternative is unlikely to be anywhere near as successful as fee-based programs. Bans and fees on disposable bags are reducing the use of these bags by 60 to 90 percent. Doing that here in Portland would be a big deal, and we should do it.

Ten years from now, we believe most children will be surprised to learn that there was a time when disposable bags were handed out routinely at stores only to be thrown away minutes later when the bags were unloaded at home.

We applaud the work of the Green Packaging Task Force and believe that Portland should join the growing list of cities across the nation taking action to sharply reduce the use of single-use disposable bags. However, NRCM suggests that the committee evaluate the possibility of a 5 cent fee instead of 10 cents, as well as ways to reduce the administrative burden that could be created through the 60/40 split. In some communities, the store retains the full fee, although must report it as taxable income. We also urge the committee to exempt dry-cleaner garment bags since there is no readily available and affordable alternative. Such bags typically are not subject to the fee in other cities.

The Natural Resources Council of Maine strongly believes that this ordinance is a common sense step toward a more sustainable community. We urge Portland to be on the leading edge of this change, and not simply sit on the sidelines and watch it happen elsewhere. Thank you for the opportunity to comment, and I would be glad to answer any questions you may have.



Natural Resources Council of Maine

3 Wade Street • Augusta, Maine 04330 • (207) 622-3101 • Fax: (207) 622-4343 • www.nrcm.org

Comments in Support of a Ban on Single-Use Disposable Expanded Polystyrene Foam Containers used in Food and Restaurant Service

Sarah Lakeman, NRCM Sustainable Maine Policy Advocate
March 19th, 2014

My name is Sarah Lakeman. I am the Sustainable Maine Policy Advocate and Outreach Coordinator for the Natural Resources Council of Maine and a Portland resident. I appreciate the opportunity to present comments in support of a citywide ban on the use of Expanded Polystyrene (EPS) in single-use disposable products used in food service and restaurants.

As noted by the Majority Report, ordinances such as the one before you have been adopted in more than 100 cities across the country—including cities like San Francisco, Oakland, Seattle, and Portland, Oregon. If an ordinance like this can work a city with close to a million people, like San Jose, California, then it can work here in Portland, with a population closer to 70,000.

These other places with polystyrene bans have demonstrated that affordable, environmentally-preferable, and locally recyclable alternatives are readily available. But one need look no further than Freeport to reach this same conclusion, because Freeport was ahead of the pack in adopting an expanded polystyrene ban nearly 25 years ago.

We are encouraged that many restaurants, including here in Portland, have begun to voluntarily move away from polystyrene foam packaging. McDonalds Corporation, for example, recently announced that it would phase out foam cups at its 14,000 U.S. restaurants in favor of paper cups. McDonalds quit using expanded polystyrene clamshell containers back in 1990. Paper cups are available in many places such as Dunkin Donuts if customers request them.

We support the delayed implementation of the ordinance until July 2015 to allow food service establishments to use up their remaining EPS stock and purchase alternatives. We also would support the approach used in South San Francisco, where affected businesses are allowed to charge a small take-out fee to cover any additional costs for alternative containers.

If an expanded polystyrene foam container ban makes sense for more than 100 cities across the country, then we think it makes sense for Portland. We encourage you to recommend that the full Portland City Council consider this proposed ordinance for adoption.

I appreciate the opportunity to comment and would be happy to answer any questions that you may have.

Paul's Food Center
585 Congress Street
Portland, ME 04101

March 19, 2014

Councilor David A. Marshall, Chair
Transportation, Sustainability and Energy Committee
City of Portland
55 Portland Street
Portland, ME 04101

Dear Councilor Marshall and Committee Members,

I am writing to express my concerns for the proposal to put a tax on paper and plastic check out bags and to ban the use and sale of polystyrene products. I like protecting the environment and I like doing business in Portland, but I'm not in favor of these proposals because they will drive up the cost of doing business in Portland and make it more expensive for my customers.

My store on Congress Street is a neighborhood store. My customers make frequent visits picking up grocery items. Most of them walk so they don't like to carry too many bags at one time. So I'm concerned about the additional cost of taxing my customers.

Also the alternative products available to replace polystyrene packaged goods not only are much more expensive and less sanitary, they do not protect the product as well as polystyrene.

Finally the ordinance will certainly discourage the larger supermarkets from locating or expanding in Portland. It is well known that Demoulas having great success in Biddeford is looking at the greater Portland market. Given similar locations in South Portland, Westbrook or Falmouth, this ordinance would certainly cause them to not choose Portland.

On balance the limited benefit gained from this ordinance is greatly outweighed by the business that the large supermarkets will lose to nearby markets and we will still end up with their polystyrene waste.

I know that there was a task force working on these issues and that they raised these concerns. Is there any chance that this group can continue to work together to find better options rather than banning products and imposing more taxes? It just doesn't seem right to me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul", written in dark ink.

Paul Trusiani

Hannigan's Island Market
76 Island Avenue
Peaks Island, ME 04108

March 19, 2014

Councilor David A. Marshall, Chair
City of Portland
Transportation, Sustainability and Energy Committee
15 Portland Street
Portland, Maine 04101

Dear Councilor Marshall and Committee Members,

My wife and I own a full service grocery store on Peaks Island. We're fortunate to have a loyal clientele who frequent our store all year long and we're always happy to welcome summer tourists who come in droves to bike around the island, picnicking along the way, and enjoy sightseeing in general.

I have to say that doing business in Portland isn't easy as the high tax rates cut into my already slim margins. The proposed ordinance to ban polystyrene products is concerning to me since our customers do purchase plastic ware and many of our products arrive in the store already prepackaged. It's not clear to me if these prepackaged products will be banned? If so, I'll have to buy more expensive alternatives which will add to the cost of doing business in Portland. From what I gather the ordinance is really about addressing litter. It seems short sighted to me that this proposal only addresses certain types of polystyrene, which is used by restaurants and grocers. From my understanding there are any number of other businesses that use polystyrene made products; I wonder why they are being left out? Surely they are part of the waste stream.

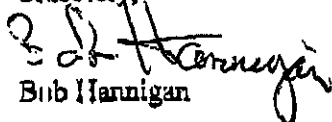
I'm also troubled that the City would impose a bag fee on bags we use to pack up our customers groceries. This will increase the cost for my customers, require me to change my registers, and complicate the check out process for my customers and my employees. I wonder how the tourists that come to my store will feel when I tell them we now have to charge for a bag. Since they are coming for day, I doubt they'll bring their own shopping bags!

I'm also frankly insulted by the tone of the ordinance that would direct City employees to act as "bag police" to make sure we're charging the bag fee and then require me to submit \$.06 back to the City. I'm been the unpaid tax collector for the State of Maine for as long as I can remember and as a responsible business person, I comply with the law without a lot of extra administrative demands.

We want a clean island and a clean city, but I wonder why with so much opposition from the businesses doing business with Portland residents and the hundreds of tourists, would you even consider these types of ordinances without looking at alternative solutions. It just doesn't make sense to me.

I'm opposed to these ordinances; we can do better than this.

Sincerely,


Bob Hannigan

To Whom It May Concern:

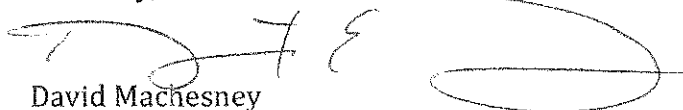
I am writing in regard to the proposed 10-cent fee for disposable bags in Portland. I would like to register my strong opposition the inclusion of plastic dry cleaning bags in the proposed ordinance.

As owner and operator of Pratt-Abbott, Maine's largest dry cleaning company, I am always trying to minimize the environmental impact of my business. We have invested in high-tech equipment to minimize chemical waste and ensure proper water treatment. We have made every effort to reduce the amount of packaging we use and to incorporate recycled materials into our packaging. We established a free delivery program to cut down on commuter emissions to and from our stores. We have promoted "wet cleaning" as a greener alternative to traditional dry cleaning. We also make donations to CarbonFund.org to offset our environmental footprint. Our policy is to adhere to the highest standards for environmental preservation, above and beyond our legal obligations. We do this because we want to—because Pratt-Abbott is a family business that cares about the health of our community and our 150 Maine employees.

If we could stop using plastic packaging altogether, we would. But there's no way to eliminate the use of plastic entirely. I also serve as president of The Drycleaning and Laundry Institute (DLI), an international trade organization for dry cleaners, so I'm familiar with industry practices around the world. Currently, there is no real alternative for plastic dry cleaning bags (properly called "sheaths.") The bags are necessary to maintain a quality product while in storage or transit to the customer, and due to the volume of production, among other issues, reusable dry cleaning bags are not a viable option.

The implementation, tracking and recording of this ordinance would be cumbersome, labor intensive and wasteful of other resources. Because of these logistical challenges, as well as the fact that dry cleaning bags account for a very small percentage of plastic bag waste (less than 1% according to the Portland Water District), other cities with plastic bag fees have exempted dry cleaning bags from the legislation. Portland should do the same.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David Machesney', followed by a large, stylized circular flourish.

David Machesney
Owner
Pratt-Abbott Cleaners



March 19, 2013

Portland City Council Transportation, Sustainability & Energy Committee
City of Portland
55 Portland Street
Portland, Maine 04101

RE: Proposed Ordinance to Tax Paper & Plastic Bags & Proposed Ordinance to Ban Polystyrene

Dear Chairman Marshall and Committee members,

The New England Convenience Store Association's (NECSA) Maine Chapter membership consists of independent, family owned convenience stores, independently owned franchise stores as well as chain-operated convenience stores. According to the National Association of Convenience Stores [NACS] latest industry report, as of December 2011, there are approximately 1,000 convenience stores operating in Maine and the convenience/fuel retailing industry employs over 12,000 people here in the state. There are many convenience stores in Portland that would be negatively impacted by the proposed ban on polystyrene products and the bag fee program and on their behalf we respectfully ask that you not move forward with these initiatives.

The polystyrene ban and bag tax are bad for small businesses and consumers. Our members are in the business of providing the food and beverage products our customers want in the size and packaging configurations they prefer. Polystyrene is an excellent insulator and has both the rigidity and consistency that make it a safe choice for hot beverages for our customers-especially those who are driving. In addition, many of our shoppers walk or take public transit. Paper bags simply don't work in the rain or on a bus. To require that this preferred type of cup may no longer be offered or to charge our customers a new tax for bags puts additional costs onto small businesses and consumers without any guarantee of environmental benefit.

Polystyrene is recyclable. The argument that we have heard put forward in the past by some that polystyrene is not recyclable is inconsistent with the facts. Polystyrene can, in fact, be completely recycled, both the foam and non-foam polystyrene products, if collected as part of an integrated solid waste management strategy. We know that many in the manufacturing and retail industry have worked with cities and towns throughout the U.S. and Canada to successfully create these types of programs.

Costs to Businesses & Consumers – We all want to keep our cities clean, but can't support efforts that add to the cost of doing business. Portland's convenience stores operate with very low profit margins and will be unfairly burdened with more costly and onerous regulations. Further, these proposals will increase costs to our customers that would add up over time. It won't take much for them to find less expensive retail options outside the City of Portland. Does this really make sense?

If the problem is litter, we would respectfully suggest that better recycling, not a polystyrene ban or bag tax be the solution. There would seem to be no logical reason to believe that those who would carelessly toss their trash and create a mess on our streets would somehow cease this practice based upon the material used in packaging. We would respectfully suggest that enhancement of anti-littering laws along with a collaborative effort to create better recycling options for citizens and businesses alike is a much better approach.

Sincerely,

Steve

Stephen Ryan, Executive Director



March 19, 2014

VIA ELECTRONIC MAIL:

City Council of Portland, Maine
Transportation, Sustainability, and Energy Committee
c/o Hon. David A. Marshall, Chairman (damarshall@portlandmaine.gov)

**Re: TSE Committee re-draft of proposed City Code §§ 12-210 *et seq.*,
banning polystyrene foam containers in Portland**

Chairman Marshall and through you to the Committee,

On behalf of Cumberland Farms Inc., thank you for the opportunity to submit this public comment on the Committee's re-draft of proposed City Code amendments banning polystyrene plastic containers in Portland.

Previous written testimony of Cumberland Farms to the City Council (dated 09/12/2013) is enclosed for your reference. You may also recall oral testimony from local resident and store manager Lionel Levesque (delivered 09/16/2013), where he was quoted by the Portland Press Herald as calling for discussion of a ban only as "a last resort," and imploring the City Council instead to "focus on increasing recycling" here in the city.

I write only briefly to explain that, because the re-drafted amendments do not adequately address the concerns raised in those testimonies, Cumberland Farms maintains its strong opposition to the proposed ban. Respectfully, we believe the Committee should revisit its work to ensure: (1) that all legislative findings are grounded in unbiased science, facts, and data; (2) that the entirety of the cost-benefit equation is accounted for; (3) that alternative waste control methods are fairly considered; and (4) that the full life-cycle impact of various container options is adequately assessed.

CUMBERLAND FARMS INC.

801 WASHINGTON STREET, PORTLAND, ME 04103
512 WOODFORD STREET, PORTLAND, ME 04103
1136 FOREST AVENUE, PORTLAND, ME 04103
49 PINE STREET, PORTLAND, ME 04102

WWW.CUMBERLANDFARMS.COM

As always, we maintain our commitment to good corporate citizenship. Here, despite the arguably laudable intentions of this proposal, we remain hopeful the Committee will recognize its serious flaws and reject it in favor of more effective and efficient means.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. Durand", with a stylized flourish at the end.

Matthew T. Durand, Esq.
Government Affairs Associate
Office of the General Counsel

Cumberland Farms Inc.
100 Crossing Boulevard
Framingham, MA 01702

mdurand@cumberlandfarms.com
508-270-7267 phone
781-459-2574 fax

Encl. (1)



September 12, 2013

VIA ELECTRONIC MAIL TO:

The Mayor and City Council of Portland
c/o Mr. Troy Moon, thm@portlandmaine.gov

Re: Proposed Ban on Polystyrene Food Service Ware – In Opposition

Dear Mr. Mayor and Members of the City Council,

I write on behalf of Cumberland Farms Inc. to express serious concern with the proposed ban on polystyrene foam in Portland. As discussed in more detail below, we believe that such an outright ban is an extreme measure that would create negative environmental, economic, and customer service impacts. These undesirable outcomes are avoidable, which is why we urge you to reject the ban and to instead work in a collaborative manner with local stakeholders in addressing the proposal's underlying goals.

Cumberland Farms was founded by Vasilios and Aphrodite Haseotes in 1939, with little more than a cow and a dream. Today, we have convenience store locations across New England, including four stores in Portland with several dozen local employees. Although we have grown since our humble beginnings, we are still family owned, still family operated, and still dedicated to making every day easier for members of the communities we serve.

Part of that commitment means giving our customers the choices they want for the products they buy. For example, we offer two container options for our hot beverages: reusable mugs or single-use cups. To reduce waste, we encourage our customers to enjoy their drinks in reusable mugs when they can. However, to ensure convenience, we also provide single-use cups as a quick and free alternative in an on-the-go world. The single-use cups are made of polystyrene foam.

We sell more than 40 million cups of hot coffee annually – enough to fill eight Olympic swimming pools. In our Portland locations alone, more than 1,000 hot beverages are sold each day. With that volume, it should come as no surprise that Cumberland Farms has put considerable thought and research into how our customers enjoy each beverage. The decision to offer polystyrene foam was reached after careful examination of the facts, which often run counter to popular misconceptions.

CUMBERLAND FARMS INC.

801 Washington Street, Portland, ME 04103
512 Woodford Street, Portland, ME 04103
1136 Forest Avenue, Portland, ME 04103
49 Pine Street, Portland, ME 04102

www.cumberlandfarms.com

Compared with the alternative of disposable paper cups, foam provides a superior customer experience with a low environmental impact. Paper cups require more raw materials to manufacture, so they deplete more natural resources. They are heavier, so it takes more energy to deliver them to stores. They are more expensive, so they drive up costs for businesses and customers alike. They are worse at insulating, so they leave customers with hot hands and a lukewarm drink – unless a double cup or cardboard sleeve is used, further multiplying the amount of wasted material. In our view, all of these factors make foam the clear winner versus paper.

Contrary to common belief, foam may also beat paper when it comes to recycling. Too often, paper cups are not recycled because of the waxy plastic coating that helps them hold liquid. In contrast, it is entirely possible to recycle polystyrene foam, as other cities are doing across the country. We believe this is the correct approach, and we remain ready and willing to work with our supplier and with the city in that regard. Unfortunately, proponents of the ordinance have thus far not afforded appropriate consideration to anything less than the draconian solution of an outright ban.

Furthermore, when crafting that ban, several important provisions were written in a materially vague and ambiguous fashion. For example, it is unclear when and how often fines may be imposed: Does a “violation” take place on a daily basis? Weekly? Per sale? It is equally unclear when a recycling program would be considered sufficiently “city-wide,” how such a program would be judged to be appropriately “effective,” or what additional standards the city might impose before the program is acceptable to be “approved.” These and other ambiguities create serious difficulties both for those ordered to comply with the ordinance, and for those charged with its enforcement.

Fortunately, a collaborative and inclusive solution to increase recycling, reduce litter, and maintain a business-friendly climate in Portland is well within reach. This proposed ban has brought together a diverse group of stakeholders intent on working together to find practical solutions. Yet actually adopting this ordinance would hinder any such effort without truly addressing the underlying issues – and would create new problems for local businesses and their customers. In light of the above, we remain hopeful that you will reject the ban on polystyrene and instead consider the other, better options that are available.

Respectfully submitted,

CUMBERLAND FARMS INC.

By:



Matthew T. Durand
Government Affairs Associate
The Cumberland Gulf Group of Companies
100 Crossing Boulevard
Framingham, MA 01702
mdurand@cumberlandgulf.com
1 (508) 270-7267

**Memorandum**

Office of the Waterfront Coordinator

To: Councilor David Marshal, Chair and Members of the Transportation, Sustainability, and Energy Committee

From: Bill Needelman, Waterfront Coordinator

Date: April 10, 2014

Re: Communication on International Marine Terminal upgrades to the West Commercial Street/Beach Street intersection

Introduction

On the TS&E 2014 workplan, the Committee is scheduled at the April meeting to receive an update on a PACTS funded West Commercial Street multi-modal corridor study. For the 2014/15 UPWP, PACTS funded the City's request titled: *West Commercial Street Design Study: Accommodating multiple modes at the boundary between maritime industry and mixed use development*. While that study has yet to start, staff is providing an update on related work associated with planned expansions to the International Marine Terminal (IMT.)

Background

Subsequent to applying for the West Commercial Street study funds, the Maine Port Authority and the Maine Department of Transportation (MDOT) initiated an expansion of the existing containerized freight facility at the IMT. The expansion requires the acquisition of land, relocating and improving active rail sidings, construction of improved container storage yard space, and circulation



LAYDOWN EXPANSION AND CONNECTING CORRIDOR PROJECT
Portland International Marine Terminal

infrastructure supporting intermodal freight handling and transfer. As the State's plans for the IMT evolved, it became apparent that there were significant areas of geographic and functional overlap between the West Commercial Street study and the IMT plans. It became equally apparent that the 389 Congress Street/www.portlandmaine.gov/tel.207-874-8689/tty.207-874-8936/fax. 207-874-8669

IMT was moving at a much faster pace than could be accommodated by a participatory planning process as was envisioned for West Commercial Street. While it would have been ideal to have finished the West Commercial Street plan prior to contemplating roadway changes for IMT, waiting for the study would have been an undue hardship on the IMT project and would have compromised opportunities made available by the arrival of Eimskip's direct container freight service to Iceland and northern Europe.

West Commercial Street/Beach Street Intersection

In the interest of allowing the IMT project to move forward and simultaneously keeping faith with the multimodal expectations for West Commercial Street, City and State staff members have worked with the IMT design team to incorporate intermodal improvements for West Commercial Street into the project scope. The IMT project plans on creating an improved vehicle entry to the expanded freight yard directly across from the Beach Street intersection with West Commercial Street. The Beach Street intersection serves as an entry ramp to the Casco Bay Bridge. The intersection is frequently congested for westbound left hand turns entering the bridge, and is notorious for its eastbound blind curve near the Nova Seafood building.

The project team met multiple times with City staff from DPS, Planning, and Waterfront, as well as PACTS, to discuss changes to the intersection. The team also has coordinated with area business owners at Nova Seafood, Graybar, and Maine Rubber as neighbors abutting the intersection. Outreach has also extended to the West End and Western Prom Neighborhood Associations (two meetings,) as well as an advertised public meeting at City Hall.

The intersection plan attached represents the current thinking for the intersection and the design continues to evolve. The IMT team has applied for their site plan review with the Planning Board and a final plan will result from the review process, continued interaction with neighboring businesses, and work with MDOT and City Staff. As a component of a site plan application, the Planning Board will have final local review authority over the intersection design.

Next Steps

The project is scheduled for a Planning Board workshop on April 22 and will hold their required neighborhood meeting on April 28. A final Planning Board hearing has not been scheduled, but may occur in May.

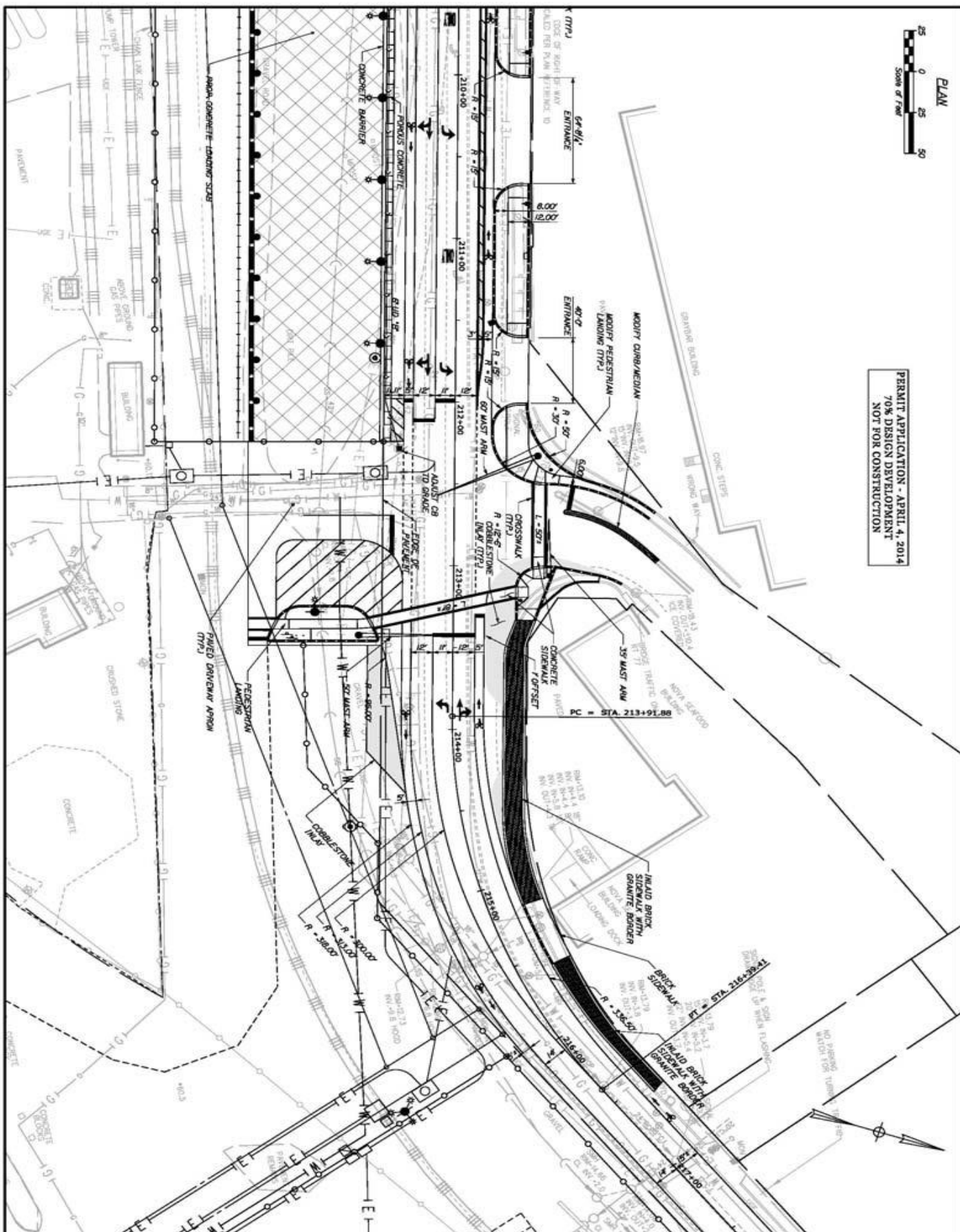
PACTS and City staff will be meeting soon after the TSE April meeting to re-scope the West Commercial Street intermodal study to reflect and build from the work of the IMT project. A draft of the revised West Commercial Street study scope will be provided to the TS&E Committee prior to finalizing.

Attachments

West Commercial Street/Beach Street intersection plan

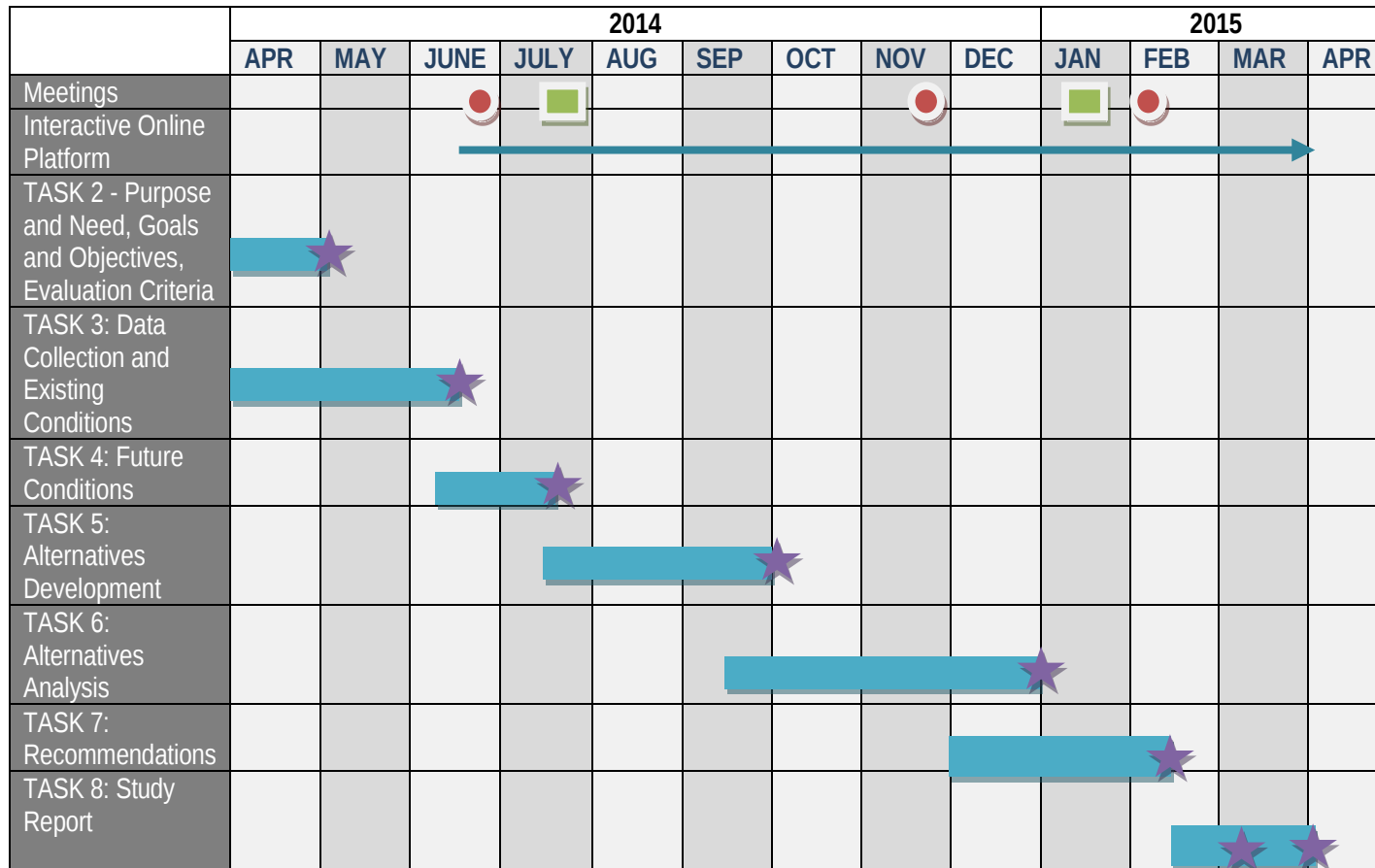


PERMIT APPLICATION - APRIL 4, 2014
70% DESIGN DEVELOPMENT
NOT FOR CONSTRUCTION



0 OF -	SHEET NUMBER	PORTLAND INTERNATIONAL MARINE TERMINAL EXISTING LAYDOWN AND CONNECTING CORRIDOR CONNECTION PORTLAND CUMBERLAND COUNTY COMMERCIAL STREET PLAN	PROJ. MANAGER	A. KITTREDD	BY	DATE	STATE OF MAINE DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 022809.20 WIN 022809.20	
			DESIGN-DETAILS	SWH	SWH	6/14		
			CHECKED-REVIEWED					SIGNATURE
			DESIGN-DETAILS					P.E. NUMBER
			DESIGN-DETAILS					DATE

State and High Streets Two-Way Conversion Study
 Project Schedule
 April 3, 2014



-  PAC MEETING
-  PUBLIC MEETING
-  MEMO/REPORT DELIVERABLE



Michael J. Bobinsky
Director of Public Services

To: Members of the Transportation, Energy and Sustainability Committee
From: Michael J. Bobinsky, Director of Public Services
Date: April 14, 2014
Subject: Communication on the State and High Street Two-way Conversion Study-PAC and Project Schedule

Below is the recommended listing of PAC members for the State and High two way conversion study; I have reviewed the listing with Councilor Marshall and staff has forward the listing onto the Mayor for his final appointments. In addition, I am enclosing a copy of the project schedule for your information.

- Parkside Neighborhood Association – Emma Holder or Designee
- West End Neighborhood Association – Rosanne Graef or Designee
- Bayside Neighborhood Association – Steve Hershon or Designee
- Friend's of Deering Oak's – Anne Pringle or Designee
- Friend's of Congress Square Park – Frank Turek or Designee
- Mercy Hospital – Michael Connolly, Director of Facilities or Designee
- Eastland Hotel – Bruce Wennerstrom, General Manager or Designee
- Portland Museum of Art – Kristen Levesque or Designee
- 100 State Street - Anne Thaxter or Designee
- Greater Portland Landmarks - Hilary Bassett or Designee
- State Theatre – Reached out to Lauren Wayne or Designee
- GPCOG / PACTS – Carl Eppich, Senior Transportation Planner or Designee
- MaineDOT – Commissioner Dave Bernhart or Designee
- Councilor Marshall, Co-Chair
- Councilor Donoghue, Co- Chair

Community Advisors

- Portland Bicycle and Pedestrian Advisory Committee – Reached out to Jennifer Cluster
- AAA – Reached out to AAA for contact name
- Greater Portland Convention & Visitors Bureau – Reached out to Lynn Tillotson
- Portland Downtown District – Reached out to Steve Hewins
- Portland Chamber of Commerce – Reached out to Chris Hall
- METRO / Greater Portland Transit District – Gregory Jordan/Glenn Fenton

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AMENDMENT TO PORTLAND CITY CODE
CHAPTER 12 GARBAGE, WASTES AND JUNK
ARTICLE IX. WASTE REDUCTION
SECTIONS 12-230 THROUGH 12-23~~8~~9

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

*That Chapter 12, Article IX, Sections 12-230 thru 12-23~~8~~9 of the
Portland City Code is hereby enacted as follows:*

12-230. Findings; purposes.

The city council hereby finds as follows:

(1) The City Council has a duty to protect the natural environment and the health of its citizens and visitors; and

(2) The use of ~~disposable bags~~plastic carryout bags has severe environmental impacts on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife, atmospheric acidification, water consumption and solid waste generation; and

(3) Despite recycling and voluntary solutions to control pollution from ~~disposable bags~~plastic carryout bags, very few ~~disposable bags~~plastic carryout bags are recycled; and

(4) Numerous studies have documented the prevalence of ~~disposable bags~~plastic carryout bags littering the environment, blocking storm drains, and endangering wildlife; and

(5) The City of Portland's taxpayers must bear costs associated with the effects of ~~disposable bags~~plastic carryout bags on the solid waste stream, drainage, litter, and wildlife; and

(6) The City, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the waste management hierarchy (reduce, reuse, recycle, compost, waste-to-energy landfill) and supports efforts to achieve State recycle goals; and

(7) From an environmental and economic perspective, the best alternative to ~~disposable bags~~plastic carryout bags is to shift to reusable bags for shopping; and

DRAFT

(8) Whereas the City Council of the City of Portland aims to conserve resources, reduce greenhouse gas emissions, waste, and litter and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the City's residents and visitors; and

(9) Evidence indicates that the vast majority of ~~disposable bags~~plastic carryout bags are used for the bagging and carryout of products purchased from Stores and Restaurants, as those business are defined in this Ordinance; and

(10) Studies document and participating municipalities report that placing a mandatory fee on ~~disposable bags~~plastic carryout bags will dramatically reduce the use of those types of bags; and

(11) The City Council of the City of Portland believes that residents and visitors should use reusable bags and that a fee on the distribution of ~~disposable bags~~plastic carryout bags by stores and restaurants is appropriate to fund the City's efforts to educate residents, business, and visitors about the impact of trash on the regional environmental health and to fund the use of reusable carryout bags, City cleanup events and infrastructure and programs that reduce waste; and

(12) It is in the best interests of the health, safety and welfare of citizens and visitors of Portland to reduce the cost to the City of solid waste disposal, and to protect our environment and our natural resources by mandating a fee for ~~disposable bags~~plastic carryout bags and incentivizing the use of reusable bags at Stores and Restaurants, as defined in this Ordinance.

12-231. Definitions.

As used in this Ordinance the following terms have the following meanings:

~~Disposable Bag~~Plastic carryout bag. The term ~~Disposable Bag~~plastic carryout bag means any bag made predominantly from plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes dry-cleaner bags, compostable and biodegradable bags but does not include reusable bags, produce bags, product bags or bags provided by pharmacists to contain prescription drugs. a bag that is not a Reusable Bag. Disposable Bag does not mean:

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~~(a) Any bag without handles used exclusively to carry bulk items such as candy, small hardware items, nuts, grains, produce, meats, or other food items to the point of sale inside a store or to prevent such bulk items from coming into direct contact with other purchased items~~

~~(b) Bags used by consumers inside stores to:~~

~~(1) contain or wrap flowers, potted plants, or other items where dampness may be a problem; or~~

~~(2) contain unwrapped prepared foods or baker goods;~~

~~(c) Bags provided by pharmacists to contain prescription drugs;~~

~~(d) Newspaper bags, door hanger bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;~~

Produce bag or Product bag. The terms *produce bag* or *product bag* mean any bag without handles used exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items.

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Restaurant. The term *restaurant* means a restaurant, take-out food establishment, food truck, food cart, or any other business, that receives ninety percent (90%) or more of its revenue from the sale of prepared food to be eaten on or off its premises.

Store. The term *Store* means any of the following retail establishments located within the City of Portland:

- (a) a full-line, self-service market located in a permanent building, operating year-round, and which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable items.
- (b) a drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods.

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- (c) a vendor doing business at a farmer's market authorized under Chapter 21 of the Portland City Code.
- (d) a laundry or dry-cleaning business.

"Store" does not mean:

Businesses at which foodstuffs are an incidental part of the business. Food sales will be considered to be "incidental" if such sales comprise no more than 2 percent of the business's gross sales in the City as measured by the dollar value of food sales as a percentage of the dollar value of total sales at any single location.

Reusable Bag means a bag that is:

- (a) Designed and manufactured to withstand repeated uses over a period of time;
- (b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;
- (c) That is at least 2.25 mil thick if made from plastic;
- (d) Has a minimum lifetime of 75 uses; and
- (e) Has the capability of carrying a minimum of 18 pounds.

Waste Reduction Fee. The term Waste Reduction Fee means a City fee imposed and required to be paid by each consumer making a purchase from a Store or Restaurant for each ~~Disposable Bag~~plastic carryout bag used during the purchase.

12-232. Waste Reduction Fee Requirements

(a) Stores and Restaurants shall collect from customers, and customers shall pay, at the time of purchase, a Waste Reduction fee of \$0.10 for each ~~Disposable Bag~~plastic carryout bag provided to the customer.

(b) Stores and Restaurants shall record the number of ~~Disposable Bags~~plastic carryout bags provided and the total amount of Waste Reduction Fee charged on the customer transaction receipt.

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(c) Stores and Restaurants shall not refund to the customer any part of the Waste Reduction Fee, nor shall a Store or Restaurant advertise or state to customers that any part of the Waste Reduction Fee will be refunded to the customer.

(d) No Store or Restaurant shall exempt any part of the Waste Reduction Fee for any reason.

12-233. **Retention, Remittance, and Transfer of the Waste Reduction Fee.**

- (a) A Store or Restaurant may retain forty percent (40%) of each Waste Reduction Fee collected, which is the "Retained Percent."
- (b) The Retained Percent may only be used by the Store or Restaurant to:
 - (1) Provide educational information about the Waste Reduction Fee to customers;
 - (2) Train staff in the implementation and administration of the fee;
 - (3) Improve or alter infrastructure to allow for the implementation, collection, administration of the fee;
 - (4) Collect, account for and remit the fee to the city;
 - (5) Develop and display informational signage to inform consumers about the fee, encourage the use of reusable bags or promote recycling of ~~disposable bags~~plastic carryout bags; and
 - (6) Improve infrastructure to increase recycling of ~~disposable bags~~plastic carryout bags.

~~(c) The Retained Percent shall not be classified as revenue for the purposes of calculating sales tax.~~

~~(c)~~ (d) The amount of the Waste Reduction Fee collected by a Store or Restaurant in excess of the Retained Percent shall be paid to the City and shall be used only as set forth in subsection (f) ~~(g)~~.

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| to mitigate the effects of ~~Disposable Bags~~Plastic carryout bags in Portland.

| (~~de~~) A Store or Restaurant shall pay and the City shall collect all Waste Reduction Fees over and above the Retained Percent. The City shall provide the necessary forms for Stores and Restaurants to file with the City, to demonstrate compliance with the provisions of this ordinance.

(1) If payment of any amount due to the City is not received on or before the applicable due date, penalty and interest charges shall be added to the amount due as described in section 12-236, "Audits and Violations."

| (~~ef~~) The Waste Reduction Fee shall be administered by the City Manager. The City Manager is authorized to adopt interpretive rules to implement this chapter, prescribe forms and provide methods of payment and collection, due dates, and otherwise implement requirements of this chapter.

| (~~fg~~) Funds from the Waste Reduction Fee shall be used by the City only for the expenditures that are intended to mitigate the effects of ~~Disposable Bags~~Plastic carryout bags and other packaging materials, including without limitation the following:

(1) Administrative costs associated with developing and implementing the Waste Reduction Fee.

(2) Activities of the City to:

(A) Provide reusable carryout bags to residents and visitors;

| (B) Educate residents, businesses, and visitors about the impact of ~~Disposable Bags~~plastic carryout bags and other litter on the City's environmental health, the importance of reducing the number of single-use carryout bags entering the waste stream, and the expenses associated with mitigating the affects of single-use bags and other litter on the City's drainage system, transportation system, wildlife and environment;

(C) Fund programs and infrastructure that allow the Portland community to reduce waste associated with

DRAFT

~~Disposable Bags~~plastic carryout bags and other packaging materials;

(D) Purchase and install equipment designed to minimize bag pollution, including, recycling containers, and waste receptacles associated with ~~Disposable Bags~~plastic carryout bags;

(E) Fund community cleanup events and other activities that reduce trash associated with ~~Disposable Bags~~plastic carryout bags and other litter;

(F) Mitigate the effects of ~~Disposable Bags~~plastic carryout bags on the City's drainage system, transportation system, wildlife and environment;

(G) Maintain a public website that educates residents on the progress of waste reduction efforts including those associated with ~~Disposable Bags~~plastic carryout bags; and

(H) Fund the administration of the Waste Reduction Fee program.

(~~hg~~) No Waste Reduction Fees collected in accordance with this ordinance shall be used for general government purposes.

(~~hi~~) Waste Reduction Fees collected in accordance with this chapter shall be continually available for the uses and purposes set forth in subsection (~~gf~~) of this section without regard to fiscal year limitation. No Waste Reduction Fee funds shall be used for any purpose not authorized in this chapter.

12-234. Required Signage for Restaurants and Stores.

Every Store and Restaurant subject to the collection of the Waste Reduction Fee shall display a sign in a location outside or inside of the business, viewable by customers, alerting customers to the City of Portland's Waste Reduction Fee.

12-235. Exemptions.

A Restaurant or Store shall be exempt from the provisions of this Article, in a situation deemed by the City Manager to be an emergency for the immediate preservation of the public health or safety.

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12-236. Audits and Violations.

(a) Each Store and Restaurant subject to the provisions of this chapter shall maintain accurate and complete records of the Waste Reduction Fees collected, the number of ~~Disposable~~ plastic carryout bags provided to customers, the form and recipients of any notice required pursuant to this chapter, and any underlying records, including any books, accounts, invoices, or other records necessary to verify the accuracy and completeness of such records. It shall be the duty of each Store and Restaurant to keep and preserve all such documents and records, including any electronic information, for a period of three years from the end of the calendar year of such records.

(b) If requested, each Store and Restaurant shall make its records available for audit by the City Manager during regular business hours for the City to verify compliance with the provisions of this chapter. All such information shall be treated as confidential commercial documents.

(c) If any person fails, neglects, or refuses to collect the Waste Reduction Fee, or underpays the Waste Reduction Fee, the City Manager or his/her designee shall make an estimate of the fees due, based on available information, and shall add thereto penalties, interest, and any additions to the fees. The Manager or his/her designee shall serve upon the delinquent Store or Restaurant personally, by electronic mail or by first class mail directed to the last address of the Store or Restaurant on file with the city, written notice of such estimated fees, penalties, and interest, constituting a Notice of Final Determination, Assessment, and Demand for Payment, (also referred to as "Notice of Final Determination") due and payable within 20 calendar days after the date of the notice. The Store or Restaurant may request a hearing on the assessment as provided in section 12-237, "Hearings."

(d) If payment of any amount of the Waste Reduction Fee to the City is not received on or before the applicable due date (as set by the City Manager), penalty and interest charges shall be added to the amount due in the amount of:

(1) A penalty of ten percent of total due;

(2) Interest charge of one percent of total penalty per month.

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12-237. **Hearings.**

(a) A Store or Restaurant may request a hearing on any proposed fee imposed under this title after receiving a Notice of Final Determination, by filing a written request for hearing within 30 calendar days of the date of mailing of the Notice of Final Determination. The request for hearing shall set forth the reasons for and amount of changes in the Notice of Final Determination that the Store or Restaurant seeks and such other information as the manager may prescribe.

(b) The City Manager or his/her designee shall conduct the hearing within 10 days after the filing of the request and may affirm, reverse or modify the decision. Any decision made by the City Manager or his/her designee shall be supported by written findings of fact and conclusions of law.

(c) Appeal to the superior court. Any person aggrieved by a decision of the City Manager or his/her designee may appeal therefrom to the superior court in accordance with the provisions of Maine Rule of Civil Procedure 80B.

12-238. **Effective Date**

The provisions of this ordinance shall become effective on April 1, 2015.

12-239. **Severability.**

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

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AMENDMENT TO PORTLAND CITY CODE
CHAPTER 12 GARBAGE, WASTES AND JUNK
ARTICLE IX. WASTE REDUCTION
SECTIONS 12-230 THROUGH 12-2368

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

*That Chapter 12, Article IX, Sections 12-230 thru 12-2368 of the
Portland City Code is hereby enacted as follows:*

12-230. Findings; purposes.

The city council hereby finds as follows:

(1) The City Council has a duty to protect the natural environment and the health of its citizens and visitors; and

(2) The use of ~~disposable bags~~plastic carryout bags has severe environmental impacts on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife, atmospheric acidification, water consumption and solid waste generation; and

(3) Despite recycling and voluntary solutions to control pollution from ~~disposable bags~~plastic carryout bags, very few ~~disposable bags~~plastic carryout bags are recycled; and

(4) Numerous studies have documented the prevalence of ~~disposable bags~~plastic carryout bags littering the environment, blocking storm drains, and endangering wildlife; and

(5) The City of Portland's taxpayers must bear costs associated with the effects of ~~disposable bags~~plastic carryout bags on the solid waste stream, drainage, litter, and wildlife; and

(6) The City, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the waste management hierarchy (reduce, reuse, recycle, compost, waste-to-energy landfill) and supports efforts to achieve State recycle goals; and

(7) From an environmental and economic perspective, the best alternative to ~~disposable bags~~plastic carryout bags is to shift to reusable bags for shopping; and

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(8) Whereas the City Council of the City of Portland aims to conserve resources, reduce greenhouse gas emissions, waste, and litter and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the City's residents and visitors; and

(9) Evidence indicates that the vast majority of ~~disposable bags~~plastic carryout bags are used for the bagging and carryout of products purchased from Stores and Restaurants, as those business are defined in this Ordinance; and

(10) Studies document and participating municipalities report that ~~placing a mandatory fee on~~prohibiting the distribution of disposable bagsplastic carryout bags will dramatically reduce the use of those types of bags; and

(11) The City Council of the City of Portland believes that residents and visitors should use reusable bags and that ~~a fee on~~prohibiting the distribution of ~~disposable bags~~plastic carryout bags by stores and restaurants is appropriate ~~to fund the City's efforts to educate residents, business, and visitors about the impact of trash on the regional environmental health and to fund the use of reusable carryout bags, City cleanup events and infrastructure and programs that reduce waste~~; and

(12) It is in the best interests of the health, safety and welfare of citizens and visitors of Portland to reduce the cost to the City of solid waste disposal, and to protect our environment and our natural resources by ~~mandating a fee~~prohibiting the distribution of for disposable bagsplastic carryout bags and incentivizing the use of reusable bags at Stores and Restaurants, as defined in this Ordinance.

12-231. Definitions.

As used in this Ordinance the following terms have the following meanings:

~~Disposable Bag~~Plastic carryout bag. The term ~~Disposable Bag~~plastic carryout bag means any bag made predominantly from plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes dry-cleaner bags, compostable and biodegradable bags but does not include reusable bags, produce bags, product bags or bags provided by pharmacists to contain prescription drugs. a bag that is not a Reusable Bag. Disposable Bag does not mean:

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~~(a) Any bag without handles used exclusively to carry bulk items such as candy, small hardware items, nuts, grains, produce, meats, or other food items to the point of sale inside a store or to prevent such bulk items from coming into direct contact with other purchased items~~

~~(b) Bags used by consumers inside stores to:~~

~~(1) contain or wrap flowers, potted plants, or other items where dampness may be a problem; or~~

~~(2) contain unwrapped prepared foods or baker goods;~~

~~(c) Bags provided by pharmacists to contain prescription drugs;~~

~~(d) Newspaper bags, door hanger bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;~~

Produce bag or Product bag. The terms *produce bag* or *product bag* mean any bag without handles used exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items.

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Restaurant. The term *restaurant* means a restaurant, take-out food establishment, food truck, food cart, or any other business, that receives ninety percent (90%) or more of its revenue from the sale of prepared food to be eaten on or off its premises.

Store. The term *Store* means any of the following retail establishments located within the City of Portland:

- (a) a full-line, self-service market located in a permanent building, operating year-round, and which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable items.
- (b) a drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods.

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- (c) a vendor doing business at a farmer's market authorized under Chapter 21 of the Portland City Code.
- (d) a laundry or dry-cleaning business.

"Store" does not mean:

Businesses at which foodstuffs are an incidental part of the business. Food sales will be considered to be "incidental" if such sales comprise no more than 2 percent of the business's gross sales in the City as measured by the dollar value of food sales as a percentage of the dollar value of total sales at any single location.

Reusable Bag means a bag that is:

- (a) Designed and manufactured to withstand repeated uses over a period of time;
- (b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;
- (c) That is at least 2.25 mil thick if made from plastic;
- (d) Has a minimum lifetime of 75 uses; and
- (e) Has the capability of carrying a minimum of 18 pounds.

~~Waste Reduction Fee. The term Waste Reduction Fee means a City fee imposed and required to be paid by each consumer making a purchase from a Store or Restaurant for each Disposable Bag used during the purchase.~~

12-232. ~~Waste Reduction Fee Requirements~~ Prohibition

- (a) ~~No Stores and or Restaurant doing business in the City of Portland shall provide plastic carryout bags to customers shall collect from customers, and customers shall pay, at the time of purchase, a Waste Reduction fee of \$0.10 for each Disposable Bag provided to the customer.~~

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~~(b) Stores and Restaurants shall record the number of Disposable Bags provided and the total amount of Waste Reduction Fee charged on the customer transaction receipt.~~

~~(c) Stores and Restaurants shall not refund to the customer any part of the Waste Reduction Fee, nor shall a Store or Restaurant advertise or state to customers that any part of the Waste Reduction Fee will be refunded to the customer.~~

~~(d) No Store or Restaurant shall exempt any part of the Waste Reduction Fee for any reason.~~

~~12-233. Retention, Remittance, and Transfer of the Waste Reduction Fee.~~

~~(a) A Store or Restaurant may retain forty percent (40%) of each Waste Reduction Fee collected, which is the "Retained Percent."~~

~~(b) The Retained Percent may only be used by the Store or Restaurant to:~~

~~(1) Provide educational information about the Waste Reduction Fee to customers;~~

~~(2) Train staff in the implementation and administration of the fee;~~

~~(3) Improve or alter infrastructure to allow for the implementation, collection, administration of the fee;~~

~~(4) Collect, account for and remit the fee to the city;~~

~~(5) Develop and display informational signage to inform consumers about the fee, encourage the use of reusable bags or promote recycling of disposable bags; and~~

~~(6) Improve infrastructure to increase recycling of disposable bags.~~

~~(c) The Retained Percent shall not be classified as revenue for the purposes of calculating sales tax.~~

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~~(d) The amount of the Waste Reduction Fee collected by a Store or Restaurant in excess of the Retained Percent shall be paid to the City and shall be used only as set forth in subsection (g) to mitigate the effects of Disposable Bags in Portland.~~

~~(e) A Store or Restaurant shall pay and the City shall collect all Waste Reduction Fees over and above the Retained Percent. The City shall provide the necessary forms for Stores and Restaurants to file with the City, to demonstrate compliance with the provisions of this ordinance.~~

~~(1) If payment of any amount due to the City is not received on or before the applicable due date, penalty and interest charges shall be added to the amount due as described in section 12-236, "Audits and Violations."~~

~~(f) The Waste Reduction Fee shall be administered by the City Manager. The City Manager is authorized to adopt interpretive rules to implement this chapter, prescribe forms and provide methods of payment and collection, due dates, and otherwise implement requirements of this chapter.~~

~~(g) Funds from the Waste Reduction Fee shall be used by the City only for the expenditures that are intended to mitigate the effects of Disposable Bags and other packaging materials, including without limitation the following:~~

~~(1) Administrative costs associated with developing and implementing the Waste Reduction Fee.~~

~~(2) Activities of the City to:~~

~~(A) Provide reusable carryout bags to residents and visitors;~~

~~(B) Educate residents, businesses, and visitors about the impact of Disposable Bags and other litter on the City's environmental health, the importance of reducing the number of single-use carryout bags entering the waste stream, and the expenses associated with mitigating the affects of single-use bags and other litter on the City's drainage system, transportation system, wildlife and environment;~~

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~~(C) Fund programs and infrastructure that allow the Portland community to reduce waste associated with Disposable Bags and other packaging materials;~~

~~(D) Purchase and install equipment designed to minimize bag pollution, including, recycling containers, and waste receptacles associated with Disposable Bags;~~

~~(E) Fund community cleanup events and other activities that reduce trash associated with Disposable Bags and other litter;~~

~~(F) Mitigate the effects of Disposable Bags on the City's drainage system, transportation system, wildlife and environment;~~

~~(G) Maintain a public website that educates residents on the progress of waste reduction efforts including those associated with Disposable Bags; and~~

~~(H) Fund the administration of the Waste Reduction Fee program.~~

~~(h) No Waste Reduction Fees collected in accordance with this ordinance shall be used for general government purposes.~~

~~(i) Waste Reduction Fees collected in accordance with this chapter shall be continually available for the uses and purposes set forth in subsection (g) of this section without regard to fiscal year limitation. No Waste Reduction Fee funds shall be used for any purpose not authorized in this chapter.~~

~~12-234. Required Signage for Restaurants and Stores.~~

~~Every Store and Restaurant subject to the collection of the Waste Reduction Fee shall display a sign in a location outside or inside of the business, viewable by customers, alerting customers to the City of Portland's Waste Reduction Fee.~~

~~12-23~~35. Exemptions.

A Restaurant or Store shall be exempt from the provisions of this Article, in a situation deemed by the City Manager to be an emergency for the immediate preservation of the public health or safety.

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12-2346. Violations and enforcement.

The Director of Public Services and the Director of Health and Human Services or designees shall have the primary responsibility for enforcement of this Article. If the Director of Public Services or the Director of Health and Human Services or designees determines that a violation of this Article has occurred, he/she shall issue a written warning notice to the food vendor that a violation has occurred. Subsequent violations of the Article shall be subject to the penalties set forth below.

Violations of this Article shall be punishable by fines as follows:

- (a) A fine not exceeding \$250 for the first violation in a one-year period;
- (b) A fine not exceeding \$500 for the second and each subsequent violation in a one-year period.

Audits and Violations.

~~(a) Each Store and Restaurant subject to the provisions of this chapter shall maintain accurate and complete records of the Waste Reduction Fees collected, the number of Disposable Bags provided to customers, the form and recipients of any notice required pursuant to this chapter, and any underlying records, including any books, accounts, invoices, or other records necessary to verify the accuracy and completeness of such records. It shall be the duty of each Store and Restaurant to keep and preserve all such documents and records, including any electronic information, for a period of three years from the end of the calendar year of such records.~~

~~(b) If requested, each Store and Restaurant shall make its records available for audit by the City Manager during regular business hours for the City to verify compliance with the provisions of this chapter. All such information shall be treated as confidential commercial documents.~~

~~(c) If any person fails, neglects, or refuses to collect the Waste Reduction Fee, or underpays the Waste Reduction Fee, the City Manager or his/her designee shall make an estimate of the fees due, based on available information, and shall add thereto penalties, interest, and any additions to the fees. The Manager or his/her designee shall serve upon the delinquent Store or~~

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~~Restaurant personally, by electronic mail or by first class mail directed to the last address of the Store or Restaurant on file with the city, written notice of such estimated fees, penalties, and interest, constituting a Notice of Final Determination, Assessment, and Demand for Payment, (also referred to as "Notice of Final Determination") due and payable within 20 calendar days after the date of the notice. The Store or Restaurant may request a hearing on the assessment as provided in section 12-237, "Hearings."~~

~~(d) If payment of any amount of the Waste Reduction Fee to the City is not received on or before the applicable due date (as set by the City Manager), penalty and interest charges shall be added to the amount due in the amount of:~~

~~(1) A penalty of ten percent of total due;~~

~~(2) Interest charge of one percent of total penalty per month.~~

~~12-237. Hearings.~~

~~(a) A Store or Restaurant may request a hearing on any proposed fee imposed under this title after receiving a Notice of Final Determination, by filing a written request for hearing within 30 calendar days of the date of mailing of the Notice of Final Determination. The request for hearing shall set forth the reasons for and amount of changes in the Notice of Final Determination that the Store or Restaurant seeks and such other information as the manager may prescribe.~~

~~(b) The City Manager or his/her designee shall conduct the hearing within 10 days after the filing of the request and may affirm, reverse or modify the decision. Any decision made by the City Manager or his/her designee shall be supported by written findings of fact and conclusions of law.~~

~~(c) Appeal to the superior court. Any person aggrieved by a decision of the City Manager or his/her designee may appeal therefrom to the superior court in accordance with the provisions of Maine Rule of Civil Procedure 80B.~~

~~12-23~~58. Effective Date

The provisions of this ordinance shall become effective on April 1, 2015.

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12-236. Severability.

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

Sec. 12-206. Reserved.
Sec. 12-207. Reserved.
Sec. 12-207. Reserved.
Sec. 12-208. Reserved.
Sec. 12-209. Reserved.

ARTICLE VIII. POLYSTYRENE

Sec. 12-210. Findings; purposes.

The city council hereby finds as follows:

- (1) Polystyrene foam is a petroleum-based, lightweight plastic material sometimes used as food service ware by retail food vendors operating in the City of Portland.
- (2) The City of Portland desires to protect the natural environment.
- (3) There is no economically feasible means of recycling polystyrene foam locally.
- (4) Disposable food ~~service ware~~containers made from polystyrene foam constitutes a portion of the litter in Portland's streets, parks and public places that increases city maintenance costs.
- (5) Polystyrene foam is a common pollutant that fragments into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife thus harming or killing them.
- (6) The State of Maine has banned the service of food and beverages in polystyrene foam containers at facilities or functions of the State or its political subdivisions (38 M.R.S. §§ 1651-1654).
- (7) The City's goal is to replace polystyrene foam food ~~service ware~~containers with reusable, recyclable or compostable alternatives.
- (8) Such alternatives are readily available.

Sec. 12-211. Definitions.

As used in this Article the following terms have the following meanings:

"Food Packager" means any person located within the City of Portland who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products;

"Prepared food" means food or beverages which are served at the food vendor's location having been previously prepared elsewhere or are prepared at the vendor's location by cooking, chopping, slicing, mixing, brewing, freezing or squeezing. "Prepared food" does not mean raw uncooked meat or eggs. Prepared food may be eaten either on or off premises.

"Polystyrene foam" means and includes blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam®, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. For the purposes of this chapter, the term "polystyrene" shall not include clear polystyrene known as "oriented polystyrene."

"Retail Vendor" means any person, restaurant, store, shop, sales outlet or other establishment, including without limitation, a grocery store, convenience store or a delicatessen located within the City of Portland which ~~sells-offers~~ prepared food for retail sale.

Sec. 12-212. Prohibitions.

(a) ~~On or after July 1, 2015, nNo~~ retail vendor in the City of Portland shall serve or sell prepared food and no food packager shall package meat, eggs, bakery products or other food in polystyrene foam containers.

(b) ~~On or after July 1, 2015, nNo~~ retail vendor in the City of Portland who sells tangible personal property at retail shall sell polystyrene foam food or beverage containers.

~~(c) On or after July 1, 2015, all~~The City shall not use polystyrene foam food or beverage containers at any City facility~~ies or, City-sponsored events, and City permitted events are prohibited from using disposable food service ware made from polystyrene foam.~~

~~(d) All No~~ City departments or facility and agencies shall not purchase or acquire disposable food service ware made from polystyrene foam for use at it~~polystyrene foam food or beverage containersy facilities.~~

~~(ed) On or after July 1, 2015, City franchises, All contractors parties who contract with the City and vendors doing business with the City shall be prohibited from using food service ware made from polystyrene foam food and beverage containers polystyrene foam in Ceity facilities or on Ceity-funded projects within the City.~~

Sec. 12-213. Exemptions.

(a) The sale and packaging of raw seafood is exempt from the provisions of this Article.

(b) ~~Food-Retail~~ vendors and food packagers that are currently existing or are established in the city by the effective date of the ordinance will be exempted from the provision of this Article prohibiting the use of polystyrene foam for a period of time to be determined by the Public Services Manager or his/her designee on a case-by-case basis for undue hardship. Undue hardship includes, but is not limited to, situations unique to the food vendor not generally applicable to other persons in similar circumstances.

(c) ~~Food-Retail~~ vendors, food packagers, city departments, city facilities and contractors shall be exempt from the provisions of this Article, in a situation deemed by the City Manager to be an emergency for the immediate preservation of the public peace, health or safety.

~~(d) This Article shall be null and void if and as long as there is developed and maintained an effective city-wide recycling program approved by the city's Director of Public Services for polystyrene foam food and beverage containers.~~

~~(e) The provisions of this Article shall be null and void on the day that statewide legislation or federal legislation goes into effect, incorporating either the same or substantially~~

~~similar provisions as are contained in this chapter, or in the event that a pertinent Maine or federal administrative agency issues and promulgates regulations, preempting such action.~~

Sec. 12-214. Violations and enforcement.

The Director of Public Services and the Director of Health and Human Services or designees shall have the primary responsibility for enforcement of this Article. If the Director of Public Services or the Director of Health and Human Services or designees determines that a violation of this Article has occurred, he/she shall issue a written warning notice to the food vendor that a violation has occurred. Subsequent violations of the Article shall be subject to the penalties set forth below.

Violations of this Article shall be punishable by fines as follows:

- (a) A fine not exceeding \$250 for the first violation in a one-year period;
- (b) A fine not exceeding \$500 for the second and each subsequent violation in a one-year period.

Sec. 12-215. Effective Date

(a) This Article shall become effective on July 1, 2015.

(b) This Article shall be null and void if and as long as there is developed and maintained an effective city-wide recycling program approved by the city's Director of Public Services for polystyrene foam food and beverage containers.

(c) The provisions of this Article shall be null and void on the day that statewide legislation or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this chapter, or in the event that a pertinent Maine or federal administrative agency issues and promulgates regulations, preempting such action.

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Sec. 12-216. Severability.

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

Clarification of sources and further discussion of data presented:

- 1.) According a litter survey conducted by Keep America Beautiful, packaging materials comprise 46% of litter. This includes packaging from fast food, snacks and tobacco.

http://www.kab.org/site/DocServer/LitterFactSheet_LITTER.pdf?docID=5184

- 2.) A survey of stormwater outfalls done by the California Coastal Commission in 2006 indicated that the composition of trash found in a catch basin cleanout (a direct measurement approach) from the Los Angeles River in June 2004 was:

Plastic film and bags — 43%

Metal — 19%

Paper — 17%

Expanded polystyrene foam — 17%

Metal — 3%

Cloth — 1%

Wood — 1%

http://www.plasticdebris.org/CA_Action_Plan_2006.pdf

Our experience in Portland bears this out, as demonstrated by this photo of the Rockland Street outfall. Plastic bags and other packaging materials are clearly evident in the grates.



- 3.) A United Nations report on plastic marine debris indicates that land based sources are significant contributors to plastic marine debris. Sources include storm water discharges, combined sewer overflows and litter.

http://www.unep.org/regionalseas/marinelitter/publications/docs/plastic_ocean_report.pdf

- 4.) Numerous sources outline the impact of plastic on the marine environment:

According to the Sea Education Association in Woods Hole, MA --

Plastic has emerged as a major contaminant in the ocean, yet the most basic questions about its sources, abundance, distribution, and fate in the open ocean remain largely unanswered.

Marine debris poses significant threats to marine life, such as:

- *injury or death to large marine mammals due to entanglement by large debris*
- *ingestion of smaller plastic debris by seabirds, turtles, and even zooplankton*
- *transport of marine organisms to regions where they may be invasive*
- *plastic materials attracting some chemical pollutants from the ocean, while releasing other harmful compounds into the water*

<http://www.sea.edu/academics/research>

The National Oceanographic and Atmospheric Administration manages a Marine Debris Program that studies the impact of marine debris, including plastic packaging, on the marine environment. According to this office:

Plastic has the potential to harm fish and other wildlife in two main ways.

Direct Impacts - *Studies have shown that fish and other marine life eat plastic. Plastics could cause irritation or damage to the digestive system. If plastics are kept in the gut instead of passing through, the animal could feel full (of plastic not food) and this could lead to malnutrition or starvation.*

Indirect Impacts - *Plastic debris accumulates pollutants such as PCBs (polychlorinated biphenyls) up to 100,000 to 1,000,000 times the levels found in seawater. PCBs, which were mainly used as coolant fluids, were banned in the U.S. in 1979 and internationally in 2001. It is still unclear whether these pollutants can seep from plastic debris into the organisms that happen to eat the debris and very difficult to determine the exact source of these pollutants as they can come from sources other than plastic debris. More research is needed to help better understand these areas.*

<http://marinedebris.noaa.gov/learn-basics/types-and-sources>

- 5.) Polystyrene foam recycling – Polystyrene foam can be recycled. Unfortunately, its light weight and the fact that it quickly fragments into very small pieces makes it extremely difficult to handle in

typical municipal recycling programs. In a letter to Troy Moon regarding the feasibility of recycling PS foam, Kevin Roche of ecomaine points out that:

- Shipping baled polystyrene foam material is very inefficient due to the weight and density. Baling and/or densification of the polystyrene foam could be a challenge and an added cost. You wouldn't want to ship this material very far to market.
- Unlike most of the other plastic, foam easily breaks apart and becomes difficult to manage when in tiny pieces. In comparison, most plastic containers stay intact even when squashed by a loader wheel.
- Sorting of small pieces of foam would be challenging in the MRF. In particular, foam peanuts and broken pieces of foam would go everywhere.
- Collection of polystyrene foam from the source is inefficient without significant compaction or densification.

However, there are communities in the US that currently offer recycling programs for PS Foam. A map presented by HomeForFoam.Com indicates approximately 80 recycling facilities and transfer stations in the US and Canada that accept foam. (<http://www.homeforfoam.com/foam-101/foam-recycling-centers>) This site also indicates that there are approximately 60 communities in California that offer curbside collection of PS Foam. There are few, if any, curbside collection programs outside of California. Most programs that offer PS foam recycling rely on resident drop off.

- 6.) Price of plastic bags versus paper bags – Staff reviewed pricing of these products at packaging suppliers online and noted the availability of plastic t-shirt style bags for \$0.02 - \$0.03 each. Paper grocery bags were more expensive with prices ranging from \$0.07 - \$0.09 each. We assume that bulk purchasers could get better prices.
- 7.) Businesses in Portland subject to the ordinances – Please see attached reports of food service license holders. As currently drafted, the significant majority of businesses that would be subject to the PS foam ordinance and the bag ordinance are required to have a food service license. This includes grocery stores, convenience stores, pharmacies, and restaurants.

Business License Listing

FOOD SERVICE ESTABLISHMENT WITH PREP Licenses

Business Name and Address	License Type	Opened	Expires	Status
1) 5TH MAINE REGIMENT MUSEUM P.O. BOX 41 PEAKS ISLAND, ME 04108	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1954	01/31/2015	AC
2) AFRICAN INTERNATIONAL GROCERY P.O. BOX 1252 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	08/02/2013	01/31/2015	AC
3) AFRICAN SUPER MARKET 1037 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/02/2010	01/31/2014	1N
4) AHAM GROCERY, LLC 630 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	06/11/2010	01/31/2015	AC
5) ALADDIN MARKET P.O. BOX 6752 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	10/22/2013	01/31/2015	AC
6) ALLEN AVENUE UNIVERS. CHURCH 524 ALLEN AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
7) AMATO'S - INDIA ST 312 ST. JOHN ST. 2ND FLOOR PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	03/25/2002	01/31/2015	AC
8) AMATO'S - ST. JOHN ST 312 ST. JOHN STREET, 2ND FL PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	03/25/2002	01/31/2015	AC
9) AMATO'S ENTERPRISES 312 ST JOHN STREET 2ND FLOOR PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
10) AMISTAD, INC. P.O. BOX 992 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	03/12/1995	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
11) ANANIA'S VARIETY - CONGRESS ST 1227 CONGRESS ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1973	01/31/2015	AC
12) ANANIA'S VARIETY - WASHINGTON 1227 CONGRESS ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1997	01/31/2015	AC
13) ANGELONE NORTH 788 WASHINGTON AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/01/1970	01/31/2015	AC
14) ARABICA COFFEE CO. INC. 10 ORCHARD RD CAPE ELIZABETH, ME 04107	FOOD SERVICE ESTABLISHMENT WITH PREP	08/01/1995	01/31/2015	AC
15) AROMA JOE'S COFFEE 63 BROADWAY DOVER, NH 03820	FOOD SERVICE ESTABLISHMENT WITH PREP	03/12/2010	01/31/2015	AC
16) ATRIUM AT CEDARS 640 OCEAN AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	08/11/1991	01/31/2015	AC
17) AUNT DEE'S ICE CREAM 377 ST. JOHN ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	02/01/1998	01/31/2014	1N
18) AURORA PROVISIONS 64 PINE STREET PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	08/06/2001	01/31/2015	AC
19) BABYLON 2 BAYSIDE TERRACE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	11/07/2013	01/31/2015	AC
20) BACK COVE BBQ & PIZZERIA 89 OCEAN AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	11/15/2012	01/31/2015	AC
21) BACK COVE SCHOOL 535 OCEAN AVE UNIT 3 PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
22) BAM BAM BAKERY 267 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	09/06/2011	01/31/2015	AC
23) BANADIR MARKET 1190 FOREST AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/01/2010	01/31/2015	AC
24) BARD COFFEE 185 MIDDLE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	03/28/2014	01/31/2015	AC
25) BAYOU KITCHEN, THE 99 ATLANTIC STREET #2 PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	05/26/2006	01/31/2015	AC
26) BAYSIDE VARIETY 754 CONGRESS ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	03/30/2012	01/31/2014	1N
27) BEAL'S ICE CREAM 247 BOWERY BEACH RD CAPE ELIZABETH, ME 04107	FOOD SERVICE ESTABLISHMENT WITH PREP	06/11/2007	01/31/2015	AC
28) BEAL'S OLD FASHIONED ICE CREAM P.O. BOX 7079 SCARBOROUGH, ME 04070	FOOD SERVICE ESTABLISHMENT WITH PREP	08/04/2010	01/31/2015	AC
29) BENNY'S LANDING 16 LAWN AVE. OLD ORCHARD BEACH, ME 04064	FOOD SERVICE ESTABLISHMENT WITH PREP	07/14/2005	01/31/2015	AC
30) BIER CELLAR 1220 WASHINGTON AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	05/17/2012	01/31/2015	AC
31) BIG APPLE - #1026 P.O. BOX 200 SOUTH PARIS, ME 04281	** FOOD SERVICE ESTABLISHMENT WITH PREP	05/10/1997	01/31/2015	AC
32) BIG APPLE - #1089 P.O. BOX 200 SOUTH PARIS, ME 04281	** FOOD SERVICE ESTABLISHMENT WITH PREP	05/28/1996	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
33) BIG SKY BREAD COMPANY 28 MONUMENT SQ PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	09/29/2006	01/31/2015	AC
34) BIG SKY BREAD COMPANY-DEERING 536 DEERING AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	06/01/1994	01/31/2015	AC
35) BIMBO BAKERIES USA, INC. 100 HOLIDAY INN DR. CAMBRIDGE, ON, CN N3C 0A1	FOOD SERVICE ESTABLISHMENT WITH PREP	02/20/2014	01/31/2015	AC
36) BIRCHWOODS AT CANCO ASTD LIVII 9310 NE VANCOUVER MALL DR SUITE 200 VANCOUVER, WA 98662	FOOD SERVICE ESTABLISHMENT WITH PREP	08/01/2005	01/31/2015	AC
37) BJ'S WHOLESALE CLUB 25 RESEARCH DRIVE ATTN: LICENSING DEPT WESTBOROUGH, MA 01581	** FOOD SERVICE ESTABLISHMENT WITH PREP	09/07/1991	01/31/2015	AC
38) BLACK CAT COFFEE 463 STEVENS AVENUE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	08/02/2013	01/31/2015	AC
39) BLACK TIE CATERING 156 STATE ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	05/24/2007	01/31/2015	AC
40) BLACK TIE MARKET & BISTRO 275 MAIN ST. YARMOUTH, ME 04096	FOOD SERVICE ESTABLISHMENT WITH PREP	05/25/2007	01/31/2015	AC
41) BLANCHARD HOUSE GROUP HOME 154 CLARK ST CLARK STREET GROUP HOME PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	03/01/1990	01/31/2015	AC
42) BLUE ROOSTER FOOD CO. 5 DANA ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	03/26/2013	01/31/2015	AC
43) BOGUSHA'S POLISH RESTAURANT 825 STEVENS AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	04/14/2008	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
44) BOTTO'S BAKERY 550 WASHINGTON AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1982	01/31/2015	AC
45) BOYS & GIRLS CLUB OF SOUTHERN PO BOX 7830 PORTLAND, ME 04112	FOOD SERVICE ESTABLISHMENT WITH PREP	01/11/2005	01/31/2015	AC
46) BREALU CAFE 428 FOREST AVENUE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/30/2008	01/31/2015	AC
47) BRIGHTON MEDICAL CENTER CAFÉ 335 BRIGHTON AVE. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
48) BROWNE TRADING MARKET 262 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/01/2000	01/31/2015	AC
49) BUBBLE MAINEIA 15 TEMPLE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/11/2010	01/31/2015	AC
50) BURGER KING - JETPORT 1001 WESTBROOK ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	09/30/2011	01/31/2015	AC
51) BURGER KING - RIVERSIDE ST 822 LEXINGTON STREET ATTN ALICIA MOSTO WALTHAM, MA 02452	FOOD SERVICE ESTABLISHMENT WITH PREP	11/09/2009	01/31/2015	AC
52) BURGER KING #5678 MASTORAN CORPORATION 822 LEXINGTON STREET, 2ND FLR WALTHAM, MA 02452	FOOD SERVICE ESTABLISHMENT WITH PREP	01/19/2006	01/31/2015	AC
53) CABOT FARMERS' ANNEX 163 COMMERCIAL STREET PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/14/2012	01/31/2015	AC
54) CAKES EXTRAORDINAIRE 1054 BRIGHTON AVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	03/16/2005	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
55) CAPTAIN SAM ICE CREAM 136 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	05/11/2012	01/31/2015	AC
56) CARMINES LLC 1 RICKER PARK, APT. D-3 PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	03/18/2014	01/31/2015	AC
57) CASCO BAY VENDING 2400 CONGRESS ST PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2014	1N
58) CASCO VARIETY 94-96 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/30/1990	01/31/2015	AC
59) CEDARS NURSING CARE CENTER 630 OCEAN PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	08/11/1991	01/31/2015	AC
60) CHEVERUS HIGH SCHOOL 267 OCEAN AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
61) CIGARET SHOPPER PO BOX 847 BREWER, ME 04412	FOOD SERVICE ESTABLISHMENT WITH PREP	05/25/2011	01/31/2015	AC
62) CIRCLE K #7017 P.O. BOX 347 COLUMBUS, IN 47202	** FOOD SERVICE ESTABLISHMENT WITH PREP	07/08/2008	01/31/2015	AC
63) CIRCLE K #7064 P.O. BOX 347 COLUMBUS, IN 47202	** FOOD SERVICE ESTABLISHMENT WITH PREP	07/08/2008	01/31/2015	AC
64) CITY BEVERAGE P.O. BOX 4894 PORTLAND, ME 04112	FOOD SERVICE ESTABLISHMENT WITH PREP	06/30/2004	01/31/2015	AC
65) CITY DELI P.O.BOX 15085 PORTLAND, ME 04112	FOOD SERVICE ESTABLISHMENT WITH PREP	06/01/1985	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
66) CLIPPER MART - CONGRESS ST 1199 CONGRESS ST PORTLAND, ME 04102	** FOOD SERVICE ESTABLISHMENT WITH PREP	09/20/2010	01/31/2015	AC
67) CLIPPER MART - RIVERSIDE 55 RIVERSIDE ST PORTLAND, ME 04103	** FOOD SERVICE ESTABLISHMENT WITH PREP	09/20/2010	01/31/2015	AC
68) CLOCK TOWER CAFE BARRON CENTER 1145 BRIGHTON AVENUE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	06/30/1990	01/31/2015	AC
69) COASTAL MAINE POPCORN 43 EXCHANGE STREET PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/12/2010	01/31/2015	AC
70) COFFEE BY DESIGN - CONGRESS 1 DIAMOND ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	07/01/1994	01/31/2015	AC
71) COFFEE BY DESIGN - DIAMOND 1 DIAMOND ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/30/2014	01/31/2015	AC
72) COFFEE BY DESIGN - INDIA 1 DIAMOND ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	05/01/1998	01/31/2015	AC
73) COFFEE BY DESIGN - WASHINGTON 1 DIAMOND ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1995	01/31/2015	AC
74) CONGRESS ST. VARIETY 935 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	02/08/2013	01/31/2015	AC
75) CORNERSTONE MASONIC CORP. 22 POLAND ST. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	04/04/1947	01/31/2015	AC
76) CREATIVE TRAILS 369 FOREST AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	03/08/2006	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
77) CREMA COFFEE COMPANY 9 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	04/10/2012	01/31/2015	AC
78) CROOKED MILE 8 MILK ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	05/27/2003	01/31/2015	AC
79) CROOKED MILE 428 BRIGHTON AVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	01/24/2013	01/31/2015	AC
80) CUMBERLAND COUNTY JAIL 50 COUNTY WAY PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	07/28/1994	01/31/2015	AC
81) CUMBERLAND FARMS #5570/#1805 100 CROSSING BLVD FRAMINGHAM, MA 01702	** FOOD SERVICE ESTABLISHMENT WITH PREP	09/14/1984	01/31/2015	AC
82) CUMBERLAND FARMS #5575/#1809 100 CROSSING BLVD FRAMINGHAM, MA 01702	** FOOD SERVICE ESTABLISHMENT WITH PREP	09/14/1984	01/31/2015	AC
83) CUMBERLAND FARMS #5604/#1839 100 CROSSING BLVD FRAMINGHAM, MA 01702	** FOOD SERVICE ESTABLISHMENT WITH PREP	09/14/1984	01/31/2015	AC
84) CUMBERLAND FARMS #5613/#1848 100 CROSSING BLVD FRAMINGHAM, MA 01702	** FOOD SERVICE ESTABLISHMENT WITH PREP	07/27/2007	01/31/2015	AC
85) CURLY CONES OF MAINE 94 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
86) DAILY GREENS - A SALAD COMPANY P.O. BOX 796 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	11/07/2013	01/31/2014	AC
87) D'ANGELO SANDWICH SHOP 42 GRAY ROAD CUMBERLAND CTR, ME 04021	FOOD SERVICE ESTABLISHMENT WITH PREP	09/01/1984	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
88) DEAN'S SWEETS 82 MIDDLE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
89) DEERING HIGH SCHOOL 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
90) DEERING PAVILION 880 FOREST AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1973	01/31/2015	AC
91) DENNY'S RESTAURANT 1220 BRIGHTON AVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1995	01/31/2015	AC
92) DENNY'S RESTAURANT #6355 1091-1101 CONGRESS STREET PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
93) DIAMOND COVE GENERAL STORE 255 DIAMOND AVE GREAT DIAMOND ISLAND, ME 04109	FOOD SERVICE ESTABLISHMENT WITH PREP	05/23/2012	01/31/2015	AC
94) DISCOUNT HALAL MARKET, LLC 44 WASHINGTON AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	03/27/2006	01/31/2015	AC
95) DOBRA TEA 151 MIDDLE ST, STE. 100 PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
96) DOMINO'S PIZZA 100 CONIFER HILL DR. #402 DANVERS, MA 01923	FOOD SERVICE ESTABLISHMENT WITH PREP	09/09/2010	01/31/2015	AC
97) DOWN FRONT 3 THE LEDGES HALLOWELL, ME 04347	FOOD SERVICE ESTABLISHMENT WITH PREP	11/15/2012	01/31/2015	AC
98) DOWN-HOME COOKIN' 28 PREBLE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	12/14/2006	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
99) DUNKIN DONUTS - CITY CENTER 65 GRAY ROAD #4 FALMOUTH, ME 04105	FOOD SERVICE ESTABLISHMENT WITH PREP	10/12/2005	01/31/2015	AC
100) DUNKIN DONUTS - CONGRESS 554 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	03/20/2003	01/31/2015	AC
101) DUNKIN DONUTS - DEERING 280 MERRIMACK ST. METHUEN, MA 01844	FOOD SERVICE ESTABLISHMENT WITH PREP	09/28/2001	01/31/2015	AC
102) DUNKIN DONUTS - ST. JOHN 327 ST. JOHN ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	03/01/1991	01/31/2015	AC
103) DUNKIN DONUTS - WARREN 65 GRAY RD. #4 FALMOUTH, ME 04105	FOOD SERVICE ESTABLISHMENT WITH PREP	06/27/2006	01/31/2015	AC
104) DUNKIN DONUTS - WASHINGTON ATTN: ED WOLAK 65 GRAY RD, BOX 4 FALMOUTH, ME 04105	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
105) DYERS VARIETY 45 PORTLAND ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
106) EAST END COMMUNITY SCHOOL PORTLAND SCHOOL DEPT 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	10/12/2005	01/31/2015	AC
107) EAST END CUPCAKES 426 FORE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
108) EDDIE'S VARIETY 377 AUBURN ST. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	11/15/1993	01/31/2015	AC
109) EGG AND I RESTAURANT, THE 201 US RTE 1 #146 SCARBOROUGH, ME 04074	FOOD SERVICE ESTABLISHMENT WITH PREP	03/22/2013	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
110) EXPRESS MART 754 CONGRESS ST PORTLAND, ME 04101	** FOOD SERVICE ESTABLISHMENT WITH PREP	10/31/2008	01/31/2015	AC
111) FALLBROOK RESIDENTIAL CARE FAC 60 MERRYMEETING DR. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	06/17/1993	01/31/2015	AC
112) FATHER HAYES CENTER ST. JOSEPH CHURCH 673 STEVENS AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1969	01/31/2015	AC
113) FIRST PARISH UNITARIAN UNIVERS 425 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1969	01/31/2015	AC
114) FISHERMENS GRILL 849 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	04/02/2013	01/31/2015	AC
115) FISHERMEN'S NET 849 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	12/07/2011	01/31/2015	AC
116) FIT TO EAT 164 MIDDLE ST #5 PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/11/2012	01/31/2015	AC
117) FITNESS FACTORY, THE 55 WARREN AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	08/15/2013	01/31/2015	AC
118) FIVE GUYS BURGERS & FRIES 100 CUMMINGS CENTER, STE 311J BEVERLY, MA 01915	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
119) FLORES RESTAURANT 150 PLYMOUTH ST. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
120) FOLEY'S CAKES, INC. 1 MONUMENT WAY PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/09/2011	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
121) FOODWORKS 47 INDIA ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
122) FOREST AVE MOBIL PO BOX 540 YARMOUTH, ME 04096	** FOOD SERVICE ESTABLISHMENT WITH PREP	08/01/2007	01/31/2015	AC
123) FORTUNE GARDEN 1435 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	09/16/2002	01/31/2015	AC
124) FOUR-STAR CHINA TASTE 1223 WASHINGTON AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	12/01/2011	01/31/2015	AC
125) FREE RANGE FISH & LOBSTER CO. BASE: 450 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	07/31/2007	01/31/2015	AC
126) FRESH APPROACH II 155 BRACKETT ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	02/01/1996	01/31/2015	AC
127) FULL BELLY DELI 1070 BRIGHTON AVE. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	03/07/1987	01/31/2015	AC
128) GELATO FIASCO 425 FORE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	12/21/2011	01/31/2015	AC
129) GENJI SUSHI 1500 JFK BLVD STE 725 PHILADELPHIA, PA 19102	FOOD SERVICE ESTABLISHMENT WITH PREP	03/02/2007	01/31/2015	AC
130) GO BERRY 399 FORE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	10/11/2011	01/31/2015	AC
131) GORGEOUS GELATO 434 FORE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	12/17/2010	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
132) GRANNY'S BURRITOS 28 MONUMENT SQ PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/24/2013	01/31/2015	AC
133) GREAT AMERICAN BAGEL - JETPORT 1001 WESTBROOK ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	08/13/2007	01/31/2015	AC
134) GREENLIGHT STUDIO 49 DARTMOUTH ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/14/2010	01/31/2015	AC
135) HAGGARTY'S 849 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/03/2014	01/31/2015	AC
136) HALL ELEMENTARY SCHOOL 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
137) HAMPTON INN PORTLAND 50 COCONUT ROW, STE 200 PALM BEACH, FL 33480	FOOD SERVICE ESTABLISHMENT WITH PREP	01/28/2013	01/31/2015	AC
138) HANNAFORD FOOD & DRUG #8351 ATTN: JANE GOULET PO BOX 1000 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	05/04/2005	01/31/2015	AC
139) HANNAFORD SUPERMARKET #8354 ATTN: JANE GOULET PO BOX 1000 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	05/04/2005	01/31/2015	AC
140) HANNIGAN'S ISLAND MARKET 76 ISLAND AVE. PEAKS ISLAND, ME 04108	FOOD SERVICE ESTABLISHMENT WITH PREP	10/01/1993	01/31/2015	AC
141) HAPPY WHEELS 331 WARREN AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	05/04/2005	01/31/2015	AC
142) HAVEN'S CANDIES 448 FOREST AVE SUITE #1 PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	09/27/2006	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
143) HILLTOP COFFEE SHOP 100 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/24/2014	01/31/2015	AC
144) HOLY DONUT, THE (EXCHANGE ST.) 194 PARK AVE. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	10/30/2013	01/31/2015	AC
145) HOLY DONUT, THE (PARK AVE.) 194 PARK AVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	02/24/2012	01/31/2015	AC
146) HOLY TRINITY GREEK ORTHODOX C 133 PLEASANT ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
147) HOMEGROWN HERB & TEA 49 MAYLAND ST PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	10/30/2006	01/31/2015	AC
148) HONEY EXCHANGE 494 STEVENS AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	08/16/2011	01/31/2015	AC
149) INDIA BAZAAR 1706 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/05/2014	01/31/2015	AC
150) INN AT PARK SPRING 135 SPRING ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	10/11/2013	01/31/2015	AC
151) INN AT ST. JOHN 939 CONGRESS ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1995	01/31/2015	AC
152) INN ON CARLETON 46 CARLETON ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	02/28/2010	01/31/2015	AC
153) IZZY'S CHEESECAKE 135 WALTON STREET PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	08/11/2004	01/31/2014	1N

Business Name and Address	License Type	Opened	Expires	Status
154) JAKE'S QUIK STOP 205 BRIGHTON AVE PORTLAND, ME 04102	** FOOD SERVICE ESTABLISHMENT WITH PREP	09/08/2011	01/31/2015	AC
155) JAZEERA MARKET 652 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/29/2013	01/31/2015	AC
156) JAZEERA MARKET 625 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/25/2014	01/31/2015	AC
157) JET VIDEO 199 PLEASANT AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/30/2013	01/31/2015	AC
158) JEWISH COMMUNITY ALLIANCE 57 ASHMONT ST PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/2000	01/31/2015	AC
159) JOE'S SMOKE SHOP PO BOX 5055 PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	12/08/2003	01/31/2015	AC
160) JOKER'S FAMILY FUN & GAME 512 WARREN AVENUE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1998	01/31/2015	AC
161) K. HORTON SPECIALTY FOODS 28 MONUMENT SQUARE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	09/14/2006	01/31/2015	AC
162) KAMASOUPTRA 28 MONUMENT SQ PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	07/27/2009	01/31/2015	AC
163) KATIE MADE BAKERY 55 MOUNTFORT ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/28/2013	01/31/2015	AC
164) KEELEY'S BANQUET CENTER 55 STROUDWATER ST. WESTBROOK, ME 04092	FOOD SERVICE ESTABLISHMENT WITH PREP	08/16/2013	01/31/2014	1N

Business Name and Address	License Type	Opened	Expires	Status
165) KENTUCKY FRIED CHICKEN PO BOX 500 NEW GLOUCESTER, ME 04260	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1993	01/31/2015	AC
166) KIM'S SANDWICH & CAFE 261 ST JOHN ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	06/14/2007	01/31/2015	AC
167) KING MIDDLE SCHOOL 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
168) LA COCINA DOMINICANA 507 OCEAN ST. SOUTH PORTLAND, ME 04106	FOOD SERVICE ESTABLISHMENT WITH PREP	06/07/2012	01/31/2015	AC
169) LA FAMILIA 906 BRIGHTON AVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	07/20/2007	01/31/2015	AC
170) LA QUINTA INN & SUITES #2049 TAX DEPT/909 HIDDEN RIDGE 600 IRVING, TX 75038	FOOD SERVICE ESTABLISHMENT WITH PREP	02/07/2007	01/31/2015	AC
171) LANG'S EXPRESS 325 ST. JOHN STREET PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	10/01/1994	01/31/2015	AC
172) LEONARDO'S PIZZA P.O. BOX 776 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	07/10/2007	01/31/2015	AC
173) LIBANS MARKET P.O. BOX 3215 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	03/22/2012	01/31/2015	AC
174) LIB'S DAIRY TREATS 90 CONTINENTAL DR PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
175) LINCOLN MIDDLE SCHOOL 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	10/01/1994	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
176) LION'S DEN 111 RIVERS EDGE DRIVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/2004	01/31/2015	AC
177) LITTLE CAESARS PIZZA 34 BARNFIELD LN GORHAM, ME 04038	FOOD SERVICE ESTABLISHMENT WITH PREP	12/22/2011	01/31/2015	AC
178) LITTLE CAESAR'S PIZZA 34 BARNFIELD LANE #1526 GORHAM, ME 04038	FOOD SERVICE ESTABLISHMENT WITH PREP	05/27/2008	01/31/2015	AC
179) LITTLE LAD'S BAKERY 307 MAIN STREET CORINTH, ME 04427	FOOD SERVICE ESTABLISHMENT WITH PREP	11/01/2003	01/31/2015	AC
180) LL BEAN - NORTHPORT BUS PARK 1333 WASHINGTON AVENUE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/16/2006	01/31/2015	AC
181) LOBBY CAFE 318 BEECH RIDGE RD SCARBOROUGH, ME 04074	FOOD SERVICE ESTABLISHMENT WITH PREP	06/09/2005	01/31/2015	AC
182) LOCAL PRESS, THE 101 BEACON ST. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	12/21/2012	01/31/2015	AC
183) LONGFELLOW ELEMENTARY SCHOC 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	11/01/2003	01/31/2015	AC
184) LOST COIN CAFE LIVING HOPE CHURCH PO BOX 8155 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
185) LYMAN MOORE SCHOOL 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	11/01/2003	01/31/2015	AC
186) LYSETH ELEMENTARY SCHOOL 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	11/01/2003	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
187) MADINA MARKET 845 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	05/14/2013	01/31/2015	AC
188) MAELILY & RYLEIGH'S 949 FOREST AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
189) MAINE COLLEGE OF ART 522 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
190) MAINE MARKET 6905 ROCKLEDGE DR., MS 7-1 BETHESDA, MD 20817	FOOD SERVICE ESTABLISHMENT WITH PREP	08/13/2012	01/31/2015	AC
191) MAINE MED CENTER COFFEE KIOSK 22 BRAMHALL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
192) MAINE MED CENTER COFFEE SHOP-I 22 BRAMHALL STREET PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
193) MAINE MED CENTER FOOD SERVICE 22 BRAMHALL ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
194) MAINE NARROW GAUGE RAILROAD 58 FORE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	08/24/2006	01/31/2015	AC
195) MAINE SQUEEZE 5 1/2 MOULTON PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	08/01/2011	01/31/2015	AC
196) MAINE SQUEEZE 5 1/2 MOULTON ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	05/04/2012	01/31/2015	AC
197) MAINEHEALTH 110 FREE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	10/11/2011	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
198) MAINLY WRAPS 360 US RTE. 1 SCARBOROUGH, ME 04074	FOOD SERVICE ESTABLISHMENT WITH PREP	12/02/2013	01/31/2015	AC
199) MAINE'S PANTRY 111 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/21/2006	01/31/2015	AC
200) MARCY'S DINER 47 OAK ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	12/21/2011	01/31/2015	AC
201) MARKET HOUSE COFFEE 53 WEST STREET #4 PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	01/22/2014	01/31/2015	AC
202) MARKET STREET EATS 16 WOODCREST RD. CAPE ELIZABETH, ME 04107	FOOD SERVICE ESTABLISHMENT WITH PREP	08/19/2013	01/31/2015	AC
203) MCDONALD'S - FOREST 1208 FOREST AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	12/05/2011	01/31/2015	AC
204) MCDONALD'S - ST JOHN ST P.O. BOX 10048 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	09/01/1964	01/31/2015	AC
205) MELLEN STREET MARKET 79 MELLEN ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1988	01/31/2015	AC
206) MERCURY INN 273 STATE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	11/21/2013	01/31/2015	AC
207) MERCY HOSPITAL FOOD SERVICE 144 STATE ST ATTN: BRUCE TURNER PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1943	01/31/2015	AC
208) MERCY HOSPITAL ON THE RIVER 175 FORE RIVER PKWY PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	09/01/2008	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
209) MICUCCI 45 INDIA ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	07/20/2007	01/31/2015	AC
210) MIDDLE STREET CAFE 100 MIDDLE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/02/2010	01/31/2015	AC
211) MIDNIGHT COFFEE 249 ST JOHN ST, 2ND FLOOR PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	01/07/2014	01/31/2015	AC
212) MILESTONE FOUNDATION 65 INDIA ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	04/01/1998	01/31/2015	AC
213) MISTER BAGEL 539 CONGRESS STREET PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	10/01/2003	01/31/2015	AC
214) MISTER BAGEL ON FOREST AVE 599 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	04/17/1977	01/31/2015	AC
215) MOBIL ON THE RUN 404 WYMAN ST., STE #425 WALTHAM, MA 02451	** FOOD SERVICE ESTABLISHMENT WITH PREP	02/28/2012	01/31/2015	AC
216) MOM'S CAFE ONE CANAL PLAZA PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/08/2008	01/31/2015	AC
217) MORAN'S MARKET 1576 FOREST AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
218) MORRILL MANSION BED&BREAKFAST 249 VAUGHAN STREET PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	05/12/2002	01/31/2015	AC
219) MOUNT DESERT ISLAND ICE CREAM 16 BOWLES AVE. BAR HARBOR, ME 04609	FOOD SERVICE ESTABLISHMENT WITH PREP	05/27/2010	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
220) NEW HAKNUMAN MEANCHEY 803A FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	10/27/2003	01/31/2015	AC
221) NEXDINE LLC 100 PLEASANT ST. DRACUT, MA 01826	FOOD SERVICE ESTABLISHMENT WITH PREP	03/22/2013	01/31/2015	AC
222) NICKELODEON CINEMAS - FSE 350 LINCOLN ST. #1105 HINGHAM, MA 02043	FOOD SERVICE ESTABLISHMENT WITH PREP	11/01/1998	01/31/2015	AC
223) NOOR GROCERY STORE 683 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	12/21/2010	01/31/2015	AC
224) NORTH DEERING CONG. CHURCH 1364 WASHINGTON AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1954	01/31/2015	AC
225) NORTHGATE MOBIL PO BOX 540 YARMOUTH, ME 04096	** FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1976	01/31/2015	AC
226) O'BRIEN STREET GROUP HOME 106 GILMAN STREET PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	02/03/1993	01/31/2015	AC
227) OCEAN AVENUE ELEMENTARY 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
228) OHNO CAFE 87 BRACKETT ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	03/06/2009	01/31/2015	AC
229) OLD PORT CANDY CO. 422 FORE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/2002	01/31/2015	AC
230) OLD PORT SANDWICH SHOP 89 MARKET ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	03/02/2012	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
231) OMI'S 244 PLEASANT AVE., APT. #1 PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	08/30/2013	01/31/2015	AC
232) OPPORTUNITY ALLIANCE-DEERING I 50 MONUMENT SQ. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/23/2013	01/31/2015	AC
233) OPPORTUNITY ALLIANCE-EAST END 50 MONUMENT SQUARE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/23/2013	01/31/2015	AC
234) OPPORTUNITY ALLIANCE-KENNEDY 50 MONUMENT SQ PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/23/2013	01/31/2015	AC
235) OPPORTUNITY ALLIANCE-KIDS KATI 50 MONUMENT SQUARE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/23/2013	01/31/2015	AC
236) OPPORTUNITY ALLIANCE-PARKSIDE 50 MONUMENT SQ PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/23/2013	01/31/2015	AC
237) OPPORTUNITY ALLIANCE-SAGAMOR 50 MONUMENT SQUARE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/23/2013	01/31/2015	AC
238) ORANGE LEAF 10 GURNET RD. BRUNSWICK, ME 04011	FOOD SERVICE ESTABLISHMENT WITH PREP	03/13/2014	01/31/2015	AC
239) OSHER INN 620 OCEAN AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	11/09/2009	01/31/2015	AC
240) OTHERS INC. 15 MONUMENT SQ PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	08/01/2005	01/31/2015	AC
241) OTTO DELIVERY 108 CUMBERLAND AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
242) P.J. MERRILL SEAFOOD 681 FOREST AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
243) PAPA JOHN'S PIZZA PO BOX 308 BOWDOINHAM, ME 04008	FOOD SERVICE ESTABLISHMENT WITH PREP	02/14/2002	01/31/2015	AC
244) PARK DANFORTH HOME FOR THE AC 777 STEVENS AVENUE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/01/1985	01/31/2015	AC
245) PARK STREET GROUP HOME 106 GILMAN STREET PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	05/01/2001	01/31/2015	AC
246) PATHS CULINARY ARTS PROGRAM 196 ALLEN AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	08/08/2012	01/31/2015	AC
247) PATHS FAST FOOD PROGRAM 196 ALLEN AVE, 3RD FL PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	08/08/2012	01/31/2015	AC
248) PAT'S MEAT MART 484 STEVENS AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1996	01/31/2014	1N
249) PAUL'S FOOD CENTERS 585 CONGRESS ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	09/01/1975	01/31/2015	AC
250) PEACE FOOD MARKET 21 CHESTNUT ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	05/28/2010	01/31/2015	AC
251) PEAKS CAFE 50 ISLAND AVE PEAKS ISLAND, ME 04108	FOOD SERVICE ESTABLISHMENT WITH PREP	09/16/1990	01/31/2015	AC
252) PEAKS ISLAND LIONS CLUB P.O. BOX 102 ATTN: TREASURER PEAKS ISLAND, ME 04108	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1954	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
253) PEAKS ISLAND SCHOOL 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
254) PEARLS SEASIDE MARKET & CAFE 11 WHARF RD CLIFF ISLAND, ME 04019	FOOD SERVICE ESTABLISHMENT WITH PREP	02/11/2009	01/31/2015	AC
255) PERCY INN 15 PINE ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	07/20/2007	01/31/2015	AC
256) PERX-U-UP 84 MARGINAL WAY PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	11/14/2008	01/31/2015	AC
257) PHAROS HOUSE 5 GRANT ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1972	01/31/2015	AC
258) PIZZA HUT C/O PAUL R. BROWN, ESQ 23 WATER STREET, P.O. BOX 919 BANGOR, ME 04402	FOOD SERVICE ESTABLISHMENT WITH PREP	02/12/2003	01/31/2015	AC
259) PIZZA JOINT 448 FOREST AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/28/1977	01/31/2015	AC
260) PIZZA TIME 46 VERANDA ST. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	11/24/1994	01/31/2014	1N
261) POMEGRANATE INN 49 NEAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1988	01/31/2015	AC
262) PORT BEAN 111 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2014	1N
263) PORTLAND CENTER-ASST'D LIVING 68 DEVONSHIRE ST PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
264) PORTLAND HALAAL MARKET P.O. BOX 1335 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	02/15/2005	01/31/2015	AC
265) PORTLAND HIGH SCHOOL 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	11/04/2009	01/31/2015	AC
266) PORTLAND HOUSE OF PIZZA 1359 WASHINGTON AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1988	01/31/2015	AC
267) PORTLAND ICE ARENA 239 PARK AVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	11/06/2008	01/31/2015	AC
268) PORTLAND POTTERY, INC. 118 WASHINGTON AVE. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/07/2012	01/31/2015	AC
269) PORTLAND SCHOOLS COMMISSARY 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	07/30/2013	01/31/2015	AC
270) PORTLAND SQUARE CAFE ONE PORTLAND SQUARE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1998	01/31/2015	AC
271) PORTLAND TRAVELODGE 1210 BRIGHTON AVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	07/29/2002	01/31/2015	AC
272) PORTLAND XTRA MART C/O DRAKE PETROLEUM CO., INC. 221 QUINEBAUG RD NORTH GROSVENORDALE, CT 06255	FOOD SERVICE ESTABLISHMENT WITH PREP	10/01/1950	01/31/2015	AC
273) PREBLE STREET - CUMBERLAND PO BOX 1459 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	06/05/2003	01/31/2015	AC
274) PREBLE STREET - OXFORD P.O. BOX 1459 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	06/05/2003	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
275) PREBLE STREET FLORENCE HOUSE 190 VALLEY ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	07/22/2010	01/31/2015	AC
276) PRESUMPCOT SCHOOL 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/2008	01/31/2015	AC
277) PUNKY'S P.O. BOX 11028 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	02/16/2005	01/31/2015	AC
278) QUALITY SHOP 473 STEVENS AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	02/16/2005	01/31/2015	AC
279) RED SEA, THE 14 ELEANOR ST. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/27/2014	06/28/2014	1N
280) REICHE ELEMENTARY SCHOOL 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/2008	01/31/2015	AC
281) RIGHT TIME CAFE 477 CONGRESS STREET PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	11/02/2005	01/31/2015	AC
282) RIVERTON ELEMENTARY SCHOOL 92 WALDRON WAY PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/2008	01/31/2015	AC
283) RIVERTON GAS & CONVENIENT STORE 1585 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	09/01/2012	01/31/2015	AC
284) ROOT CELLAR 94 WASHINGTON AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	07/01/2001	01/31/2015	AC
285) ROSEMONT MARKET & BAKERY 559 BRIGHTON AVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	01/13/2005	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
286) ROSEMONT MARKET & BAKERY 580 BRIGHTON AVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	08/01/2008	01/31/2015	AC
287) ROSEMONT MARKET & BAKERY 580 BRIGHTON AVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	08/01/2008	01/31/2015	AC
288) ROSEMONT MARKET & BAKERY 5 COMMERCIAL ST., UNIT 1 PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	02/23/2012	01/31/2015	AC
289) SAENG THAI HOUSE II 921 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	04/01/2008	01/31/2015	AC
290) SAFARI GROCERY 30 WASHINGTON AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	04/26/2013	01/31/2015	AC
291) SALADS ETC. 1 CITY CENTER PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
292) SALVATION ARMY - CUMBERLAND PO BOX 3575 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1962	01/31/2015	AC
293) SAVE-A-LOT 268 ST JOHN ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	04/07/2000	01/31/2015	AC
294) SCHULTE & HERR 349 CUMBERLAND AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	08/19/2011	01/31/2015	AC
295) SCRUBADUB AUTO WASH 172 WORCESTER ROAD NATICK, MA 01760	FOOD SERVICE ESTABLISHMENT WITH PREP	08/01/2007	01/31/2015	AC
296) SEASIDE HEALTHCARE 850 BAXTER BLVD PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	05/01/2001	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
297) SERENITY HOUSE 30 MELLEEN ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1966	01/31/2015	AC
298) SEREY PHEAP MARKET 229 ST JOHN ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	11/18/2013	01/31/2015	AC
299) SEVEN-ELEVEN #32531B P.O. BOX 219088 DALLAS, TX 75221	** FOOD SERVICE ESTABLISHMENT WITH PREP	08/24/1999	01/31/2015	AC
300) SEVEN-ELEVEN #32532A P.O. BOX 219088 DALLAS, TX 75221	** FOOD SERVICE ESTABLISHMENT WITH PREP	08/24/1999	01/31/2015	AC
301) SEVEN-ELEVEN #32537B P.O. BOX 219088 DALLAS, TX 75221	** FOOD SERVICE ESTABLISHMENT WITH PREP	08/24/1999	01/31/2015	AC
302) SEVEN-ELEVEN #32541B P.O. BOX 219088 DALLAS, TX 75221	** FOOD SERVICE ESTABLISHMENT WITH PREP	07/31/2007	01/31/2015	AC
303) SEVENTY-FIVE STATE STREET 75 STATE ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1974	01/31/2015	AC
304) SHAW'S SUPERMARKETS #7541/467 ATTN: LICENSE DEPT #70428 PO BOX 20 BOISE, ID 83726	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1977	01/31/2015	AC
305) SHAW'S SUPERMARKETS #7543/469 ATTN: LICENSE DEPT #70428 P.O. BOX 20 BOISE, ID 83726	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1973	01/31/2015	AC
306) SIAM ORCHID II 9 COAST LN PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	08/22/2007	01/31/2014	1N
307) SINDIBAD MARKET LLC 710 FOREST AVE, STE. 3 PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	04/26/2013	01/31/2014	1N

Business Name and Address	License Type	Opened	Expires	Status
308) SMOOTHIE & JUICE BAR THE BAY CLUB ONE CITY CENTER PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	02/01/2007	01/31/2015	AC
309) SOAKOLOGY FOOT SANCTUARY & T C/O RAIN MANAGEMENT LLC 30 CITY CENTER PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	11/16/2004	01/31/2015	AC
310) SPARTAN GRILL & COFFEE 22 MONUMENT SQ PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	02/01/2005	01/31/2015	AC
311) SPECKLED AX P.O. BOX 3222 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	05/11/2012	01/31/2015	AC
312) ST. JOSEPH'S MANOR 1133 WASHINGTON AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
313) ST. PETER'S EPISCOPAL CHURCH 10 ALTON ST PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/2015	01/31/2015	AC
314) ST. VINCENT DE PAUL SOUP KITCH 307 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	11/04/2003	01/31/2015	AC
315) STANDARD BAKING COMPANY 75 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	04/24/1995	01/31/2015	AC
316) STARBUCKS - JETPORT 1001 WESTBROOK ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	09/30/2011	01/31/2015	AC
317) STARBUCKS COFFEE #11917 PO BOX 34442 TAX 2 SEATTLE, WA 98124	FOOD SERVICE ESTABLISHMENT WITH PREP	06/04/2007	01/31/2015	AC
318) STARBUCKS COFFEE #19384 P.O. BOX 34442-TAX2 SEATTLE, WA 98124	FOOD SERVICE ESTABLISHMENT WITH PREP	04/26/2013	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
319) STARBUCKS COFFEE #2830 PO BOX 34442, S-TAX2 SEATTLE, WA 98124	FOOD SERVICE ESTABLISHMENT WITH PREP	05/08/1996	01/31/2015	AC
320) STARBUCKS COFFEE #7408 PO BOX 34442, S-TAX2 SEATTLE, WA 98124	FOOD SERVICE ESTABLISHMENT WITH PREP	05/11/1998	01/31/2015	AC
321) STARBUCKS COFFEE #7433 PO BOX 34442, S-TAX2 SEATTLE, WA 98124	FOOD SERVICE ESTABLISHMENT WITH PREP	03/31/1998	01/31/2015	AC
322) STAVROS PIZZERIA AND DELI 425 FOREST AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	09/25/2006	01/31/2015	AC
323) STEVE AND RENEE'S DINER 500 WASHINGTON AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	06/01/1985	01/31/2015	AC
324) STEVENS AVE CONG CHURCH 790 STEVENS AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
325) STONEWALL KITCHEN 182 MIDDLE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	05/01/1998	01/31/2015	AC
326) SUBWAY - ALLEN AVE 6 ALLEN AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	11/01/2003	01/31/2015	AC
327) SUBWAY - BRIGHTON AVENUE 17 BURNHAM WOODS CIRCLE SCARBOROUGH, ME 04074	FOOD SERVICE ESTABLISHMENT WITH PREP	01/04/2007	01/31/2015	AC
328) SUBWAY - CONGRESS ST 498 CONGRESS STREET PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/01/1999	01/31/2015	AC
329) SUBWAY - FOREST AVENUE 352 WARREN AVE, UNIT 7 C/O LOREN J. GOODRIDGE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1993	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
330) SUBWAY - PEARL 352 WARREN AVE. STE 7 PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/27/2014	01/31/2015	AC
331) SUBWAY - ST JOHN 352 WARREN AVENUE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	02/06/2006	01/31/2015	AC
332) SUN ORIENTAL MARKET 626 CONGRESS ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1993	01/31/2015	AC
333) SUPREME PITA 408 FOREST AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2014	1N
334) SUSAN'S FISH & CHIPS 1135 FOREST AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1989	01/31/2015	AC
335) TANDEM COFFEE ROASTERS 122 ANDERSON ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
336) TAWAKAL STORE P.O. BOX 5352 PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	11/06/2013	01/31/2015	AC
337) TEMPLE BETH EL 400 DEERING AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	10/19/2010	01/31/2015	AC
338) TENUR BREAD 845 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/18/2014	01/31/2015	AC
339) THREE D'S VARIETY STORE INC. 885 BRIGHTON AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	02/02/2012	01/31/2015	AC
340) TIC TAC O 1 CITY CTR PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	08/07/2013	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
341) TONY'S DONUT SHOP 9 BOLTON ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	10/01/1990	01/31/2015	AC
342) TRADER JOE'S #519 PO BOX 5049 ATTN: TAX DEPT MONROVIA, CA 91017	FOOD SERVICE ESTABLISHMENT WITH PREP	10/19/2010	01/31/2015	AC
343) TRINITY EPISCOPAL CHURCH 580 FOREST AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1962	01/31/2015	AC
344) TU CASA RESTAURANT 70 WASHINGTON AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	02/01/2000	01/31/2015	AC
345) TWO FAT CATS BAKERY 47 INDIA ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	03/12/2012	01/31/2015	AC
346) UNION BAGEL COMPANY LLC 147 CUMBERLAND AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	04/25/2013	01/31/2015	AC
347) UNUM INSURANCE CO/THE BEACON 2211 CONGRESS ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	09/09/2013	01/31/2015	AC
348) UNUM INSURANCE CO/THE CLIPPER 2211 CONGRESS ST. C/O UNUM PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
349) USM LAW SCHOOL SNACK BAR 37 COLLEGE AVE. ARAMARK SVCS GORHAM, ME 04038	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
350) USM PORTLAND CAMPUS 37 COLLEGE AVE/ARAMARK, USM GORHAM, ME 04038	FOOD SERVICE ESTABLISHMENT WITH PREP	01/01/1998	01/31/2015	AC
351) VAUGHAN STREET VARIETY 149 PINE ST. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2014	1N

Business Name and Address	License Type	Opened	Expires	Status
352) VENA'S FIZZ HOUSE 28 COLONIAL RD. PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	07/09/2013	01/31/2015	AC
353) VERANDA ASIAN MARKET 695 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	12/07/2012	01/31/2015	AC
354) VESPUCCI'S LLC 101 EDGEWORTH AVE. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	12/20/2013	01/31/2015	AC
355) VIENTIANE MARKET 157 NOYES ST. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
356) VIETNAM BAKERY 267 ST JOHN ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP	03/11/2014	01/31/2015	AC
357) VIVIAN'S DRIVE-IN 59 CALEB ST. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
358) WAYNFLETE SCHOOL CAFE 360 SPRING STREET PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
359) WAYSIDE FOOD PROGRAMS P.O. BOX 1278 PORTLAND, ME 04104	FOOD SERVICE ESTABLISHMENT WITH PREP	03/07/2014	01/31/2015	AC
360) WENDY'S OLD FASHION HAMBURGE 4 BRIMSTONE HILL RD, STE 7 EPSOM, NH 03234	FOOD SERVICE ESTABLISHMENT WITH PREP	11/08/2012	01/31/2015	AC
361) WEST END DELI 545 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	02/24/2014	01/31/2015	AC
362) WEST END INN 146 PINE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	11/02/2011	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
363) WESTBROOK COLLEGE CAFETERIA C/O SODEXO PO BOX 352 BUFFALO, NY 14240	FOOD SERVICE ESTABLISHMENT WITH PREP		01/31/2015	AC
364) WHOLE FOODS MARKET PO BOX 684786 AUSTIN, TX 78768	FOOD SERVICE ESTABLISHMENT WITH PREP	12/19/2006	01/31/2015	AC
365) WILD BURRITO 581 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	06/03/2011	01/31/2015	AC
366) WILLISTON-IMMANUEL UNITED CHU 156 HIGH ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	01/22/2013	01/31/2015	AC
367) WOODFORDS CLUB 179 WOODFORD ST. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	09/09/2013	01/31/2015	AC
368) WOODFORDS CONGREGATIONAL 202 WOODFORD ST. PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT WITH PREP	03/02/2010	01/31/2015	AC
369) WOODS AT CANCO PO BOX 1700 LAKE OSWEGO, OR 97035	FOOD SERVICE ESTABLISHMENT WITH PREP	11/22/2013	01/31/2015	AC
370) WORKS BAKERY CAFE 120 MAIN ST KEENE, NH 03431	FOOD SERVICE ESTABLISHMENT WITH PREP	01/27/1992	01/31/2015	AC
371) YORDPROM COFFEE CO 722 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT WITH PREP	03/03/2010	01/31/2015	AC

Total Listed: 371

Business License Listing

FOOD SERVICE ESTABLISHMENT / NO PREP Licenses

Business Name and Address	License Type	Opened	Expires	Status
1) 100 STATE STREET CO-OP 100 STATE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	09/29/2006	01/31/2015	AC
2) AFRICAN GROCERY STORE 290 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	02/24/2011	01/31/2014	1N
3) ALPACA SHED 23 TEMPLE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	06/27/2012	01/31/2014	1N
4) ART MART, THE 517 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	10/30/2013	01/31/2015	AC
5) BIG LOTS #4534 300 PHILLIPI ROAD, ATTN:TAX DP COLUMBUS, OH 43228	FOOD SERVICE ESTABLISHMENT / NO PREP	05/10/1997	01/31/2015	AC
6) BODY ARCHITECT 34 ROMASCO LN PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	06/27/2012	01/31/2015	AC
7) CAMPUS BOOKSTORE 334 FOREST AVE SUITE D PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	01/30/2012	01/31/2015	AC
8) CIGARET SHOPPER PO BOX 847 BREWER, ME 04412	FOOD SERVICE ESTABLISHMENT / NO PREP	02/08/2008	01/31/2015	AC
9) CITY CENTER NEWS 1 CITY CENTER PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	02/12/2003	01/31/2015	AC
10) CORNER GENERAL STORE 115 MIDDLE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	02/03/2014	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
11) CS BOUTIQUE 424 FORE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	04/05/2010	01/31/2015	AC
12) CVS/PHARMACY #329 111 AUBURN ST PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT / NO PREP	06/12/1978	01/31/2015	AC
13) CVS/PHARMACY #374 1 CVS DRIVE MAIL DROP 1160 WOONSOCKET, RI 02895	FOOD SERVICE ESTABLISHMENT / NO PREP	02/11/1985	01/31/2015	AC
14) CVS/PHARMACY #454 1 CVS DRIVE WOONSOCKET, RI 02895	FOOD SERVICE ESTABLISHMENT / NO PREP	01/28/1980	01/31/2015	AC
15) CVS/PHARMACY #608 1 CVS DRIVE MAIL DROP 1160 WOONSOCKET, RI 02895	FOOD SERVICE ESTABLISHMENT / NO PREP	09/19/1981	01/31/2015	AC
16) CVS/PHARMACY #804 1 CVS DRIVE MAIL DROP 23062A WOONSOCKET, RI 02895	FOOD SERVICE ESTABLISHMENT / NO PREP	03/21/1985	01/31/2015	AC
17) DIMILLO'S MARINA 1 LONG WHARF PORTLAND, ME 04101	** FOOD SERVICE ESTABLISHMENT / NO PREP	08/02/2007	01/31/2015	AC
18) DOLLAR TREE #4795 500 VOLVO PARKWAY CHESAPEAKE, VA 23320	FOOD SERVICE ESTABLISHMENT / NO PREP	12/07/2011	01/31/2015	AC
19) DOLLAR TREE STORE #2937 500 VOLVO PARKWAY CHESAPEAKE, VA 23320	FOOD SERVICE ESTABLISHMENT / NO PREP	01/31/2005	01/31/2015	AC
20) DOWNEAST BEVERAGE CO. 79 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	05/09/2006	01/31/2015	AC
21) EBENEZER AFRICAN GROCERY STOF 654 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP		01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
22) FAMILY DOLLAR STORE #5764 P.O. BOX 1017 ATTN: TAX DEPARTMENT CHARLOTTE, NC 28201	FOOD SERVICE ESTABLISHMENT / NO PREP	05/29/2003	01/31/2015	AC
23) FED EX OFFICE #1745 2711 CENTERVILLE RD. WILMINGTON, DE 19808	FOOD SERVICE ESTABLISHMENT / NO PREP	03/29/2012	01/31/2015	AC
24) FEDEX OFFICE #0168 2711 CENTERVILLE RD. WILMINGTON, DE 19808	FOOD SERVICE ESTABLISHMENT / NO PREP	03/29/2012	01/31/2015	AC
25) FRANKLIN TOWERS - PAUL'S FOODS 211 CUMBERLAND AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	11/29/2011	01/31/2015	AC
26) FRIENDLY DISCOUNT BEVERAGE 1037 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT / NO PREP	01/22/2014	01/31/2015	AC
27) HARBOR FISH MARKET 9 CUSTOM HOUSE WHARF PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	03/19/2008	01/31/2015	AC
28) HARMON'S BARTON'S FLORIST 117 BROWN ST. WESTBROOK, ME 04092	FOOD SERVICE ESTABLISHMENT / NO PREP	08/16/2002	01/31/2014	1N
29) HONG KONG MARKET 945-947 CONGRESS ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT / NO PREP	05/03/2006	01/31/2015	AC
30) KUPCAKES, INC. 95 OCEAN ST. SOUTH PORTLAND, ME 04106	FOOD SERVICE ESTABLISHMENT / NO PREP	02/04/2014	01/31/2015	AC
31) LA BODEGA LATINA PORTLAND, LLC 865 CONGRESS ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT / NO PREP	09/18/2012	01/31/2015	AC
32) LEPAGE BAKERIES PO BOX 1900 AUBURN, ME 04211	FOOD SERVICE ESTABLISHMENT / NO PREP	11/15/2000	01/31/2014	1N

Business Name and Address	License Type	Opened	Expires	Status
33) LEROUX KITCHEN 161 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	09/01/2001	01/31/2015	AC
34) MAINE BALLROOM DANCE 614 CONGRESS ST. PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	05/01/2003	01/31/2014	1N
35) MAINE BEER & BEVERAGE P.O. BOX 17771 PORTLAND, ME 04112	FOOD SERVICE ESTABLISHMENT / NO PREP	09/14/2006	01/31/2015	AC
36) MAINE BREWING SUPPLY 542 FOREST AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	10/27/2007	01/31/2015	AC
37) MAINE LOBSTER DIRECT 48 UNION WHARF BOX 1 PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	10/01/1995	01/31/2015	AC
38) MAINE MED CENTER BOUTIQUE 22 BRAMHALL ST PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT / NO PREP	11/17/2010	01/31/2015	AC
39) MAINE SMOKE SHOP #102 804 WASHINGTON AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT / NO PREP	09/01/2000	01/31/2015	AC
40) MAINE YACHT CENTER 100 KENSINGTON ST PORTLAND, ME 04103	** FOOD SERVICE ESTABLISHMENT / NO PREP	04/27/2006	01/31/2015	AC
41) MIDNIGHT BOUTIQUE LINGERIE II, 275 COMMERCIAL ST, UNIT 271 PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	06/28/2013	01/31/2015	AC
42) MINOTT'S FLOWERS 117 BROWN ST. WESTBROOK, ME 04092	FOOD SERVICE ESTABLISHMENT / NO PREP	04/17/2012	01/31/2014	1N
43) MITTAPHEAP INTERNATIONAL MAR 61 WASHINGTON AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	04/26/2005	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
44) MORE & CO. 112 HIGH ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	05/31/2013	01/31/2015	AC
45) OLD PORT CARD WORKS 3 MOULTON ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP		01/31/2015	AC
46) OLD PORT WINE MERCHANTS 223 COMMERCIAL ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	04/07/2009	01/31/2015	AC
47) PLANET FITNESS P.O. BOX 4609 PORTSMOUTH, NH 03802	FOOD SERVICE ESTABLISHMENT / NO PREP	01/23/2013	01/31/2015	AC
48) PORTLAND MUSEUM OF ART - MUSE 7 CONGRESS SQ PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	01/10/2012	01/31/2015	AC
49) R.S.V.P. 887 FOREST AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT / NO PREP	05/18/1981	01/31/2015	AC
50) RED ROCKET PORTLAND 1569 FOREST AVE PORTLAND, ME 04103	** FOOD SERVICE ESTABLISHMENT / NO PREP	12/30/2013	01/31/2015	AC
51) RENY'S 540 CONGRESS ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP		01/31/2015	AC
52) RITE AID #3277 PO BOX 3165, LICENSE DEPT HARRISBURG, PA 17105	FOOD SERVICE ESTABLISHMENT / NO PREP	05/27/1992	01/31/2015	AC
53) RITE AID #3298 PO BOX 3165, LICENSE DEPT HARRISBURG, PA 17105	FOOD SERVICE ESTABLISHMENT / NO PREP	05/27/1992	01/31/2015	AC
54) RITE AID #4122 PO BOX 3165, LICENSE DEPT HARRISBURG, PA 17105	FOOD SERVICE ESTABLISHMENT / NO PREP	09/09/1994	01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
55) RITE AID #4133 P.O. BOX 3165, LICENSE DEPT HARRISBURG, PA 17105	FOOD SERVICE ESTABLISHMENT / NO PREP	09/09/1994	01/31/2015	AC
56) SAGAMORE FOOD PANTRY 1011 BRIGHTON AVE PORTLAND, ME 04102	FOOD SERVICE ESTABLISHMENT / NO PREP	09/29/2006	01/31/2015	AC
57) SAWYER & COMPANY FLORIST 117 BROWN ST. WESTBROOK, ME 04092	FOOD SERVICE ESTABLISHMENT / NO PREP	03/01/2000	01/31/2014	1N
58) SHIELL MARKET 221 CUMBERLAND AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	01/31/2014	07/31/2014	AC
59) SIMPLY SCANDINAVIAN 19 TEMPLE ST PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	05/18/2012	01/31/2015	AC
60) SIMPLY SCANDINAVIAN FOODS 469 STEVENS AVE PORTLAND, ME 04103	FOOD SERVICE ESTABLISHMENT / NO PREP	04/17/2012	01/31/2015	AC
61) SUPPLEMENT CENTER 525 FOREST AVE PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	01/15/2014	01/31/2015	AC
62) TAKE A PEAK 52 ISLAND AVE PEAKS ISLAND, ME 04108	FOOD SERVICE ESTABLISHMENT / NO PREP		01/31/2015	AC
63) VESSEL SERVICES 1 PORTLAND FISH PIER PORTLAND, ME 04101	** FOOD SERVICE ESTABLISHMENT / NO PREP	08/02/2007	01/31/2015	AC
64) VIDEO EXPO T.OWEN CAPITAL VIDEO CORP 44 BEDSON ROAD CRANSTON, RI 02910	FOOD SERVICE ESTABLISHMENT / NO PREP	01/01/1990	01/31/2015	AC
65) VIDEOPORT P.O. BOX 7430 PORTLAND, ME 04112	FOOD SERVICE ESTABLISHMENT / NO PREP		01/31/2015	AC

Business Name and Address	License Type	Opened	Expires	Status
66) WALGREENS #11886 P.O. BOX 901 DEERFIELD, IL 60015	FOOD SERVICE ESTABLISHMENT / NO PREP	03/31/2011	01/31/2015	AC
67) WALGREENS #12325 P.O. BOX 901 DEERFIELD, IL 60015	FOOD SERVICE ESTABLISHMENT / NO PREP	02/25/2010	01/31/2015	AC
68) WALGREENS #12326 P.O. BOX 901 DEERFIELD, IL 60015	FOOD SERVICE ESTABLISHMENT / NO PREP	02/25/2010	01/31/2015	AC
69) WORLD GYM 265 MARGINAL WAY PORTLAND, ME 04101	FOOD SERVICE ESTABLISHMENT / NO PREP	05/02/2008	01/31/2015	AC

Total Listed: 69

To: Member of the Transportation, Energy and Sustainability Committee

From: Troy Moon, Environmental Programs and Open Space Manager

Date: 4/11/2014

Subject: Additional Data Requested

Committee members requested additional information about several topics. Please note additional data and information presented below. Staff will be prepared to address further questions.

- 1.) According a litter survey conducted by Keep America Beautiful, packaging materials comprise 46% of litter. This includes packaging from fast food, snacks and tobacco.
http://www.kab.org/site/DocServer/LitterFactSheet_LITTER.pdf?docID=5184
- 2.) A survey of stormwater outfalls done by the California Coastal Commission in 2006 indicated that the composition of trash found in a catch basin cleanout (a direct measurement approach) from the Los Angeles River in June 2004 was:

Plastic film and bags — 43%

Metal — 19%

Paper — 17%

Expanded polystyrene foam — 17%

Metal — 3%

Cloth — 1%

Wood — 1%

http://www.plasticdebris.org/CA_Action_Plan_2006.pdf

Our experience in Portland bears this out, as demonstrated by this photo of the Rockland Street outfall. Plastic bags and other packaging materials are clearly evident in the grates.



- 3.) A United Nations report on plastic marine debris indicates that land based sources are significant contributors to plastic marine debris. Sources include storm water discharges, combined sewer overflows and litter.

http://www.unep.org/regionalseas/marinelitter/publications/docs/plastic_ocean_report.pdf

- 4.) Numerous sources outline the impact of plastic on the marine environment:
According to the Sea Education Association in Woods Hole, MA --

Plastic has emerged as a major contaminant in the ocean, yet the most basic questions about its sources, abundance, distribution, and fate in the open ocean remain largely unanswered.

Marine debris poses significant threats to marine life, such as:

- *injury or death to large marine mammals due to entanglement by large debris*
- *ingestion of smaller plastic debris by seabirds, turtles, and even zooplankton*
- *transport of marine organisms to regions where they may be invasive*
- *plastic materials attracting some chemical pollutants from the ocean, while releasing other harmful compounds into the water*

<http://www.sea.edu/academics/research>

The National Oceanographic and Atmospheric Administration manages a Marine Debris Program that studies the impact of marine debris, including plastic packaging, on the marine environment. According to this office:

Plastic has the potential to harm fish and other wildlife in two main ways.

Direct Impacts - *Studies have shown that fish and other marine life eat plastic. Plastics could cause irritation or damage to the digestive system. If plastics are kept in the gut instead of passing through, the animal could feel full (of plastic not food) and this could lead to malnutrition or starvation.*

Indirect Impacts - *Plastic debris accumulates pollutants such as PCBs (polychlorinated biphenyls) up to 100,000 to 1,000,000 times the levels found in seawater. PCBs, which were mainly used as coolant fluids, were banned in the U.S. in 1979 and internationally in 2001. It is still unclear whether these pollutants can seep from plastic debris into the organisms that happen to eat the debris and very difficult to determine the exact source of these pollutants as they can come from sources other than plastic debris. More research is needed to help better understand these areas.*

<http://marinedebris.noaa.gov/learn-basics/types-and-sources>

- 5.) Polystyrene foam recycling – Polystyrene foam can be recycled. Unfortunately, its light weight and the fact that it quickly fragments into very small pieces makes it extremely

difficult to handle in typical municipal recycling programs. In a letter to Troy Moon regarding the feasibility of recycling PS foam, Kevin Roche of ecomaine points out that:

- Shipping baled polystyrene foam material is very inefficient due to the weight and density. Baling and/or densification of the polystyrene foam could be a challenge and an added cost. You wouldn't want to ship this material very far to market.
- Unlike most of the other plastic, foam easily breaks apart and becomes difficult to manage when in tiny pieces. In comparison, most plastic containers stay intact even when squashed by a loader wheel.
- Sorting of small pieces of foam would be challenging in the MRF. In particular, foam peanuts and broken pieces of foam would go everywhere.
- Collection of polystyrene foam from the source is inefficient without significant compaction or densification.

However, there are communities in the US that currently offer recycling programs for PS Foam. A map presented by HomeForFoam.Com indicates approximately 80 recycling facilities and transfer stations in the US and Canada that accept foam. (<http://www.homeforfoam.com/foam-101/foam-recycling-centers>) This site also indicates that there are approximately 60 communities in California that offer curbside collection of PS Foam. There are few, if any, curbside collection programs outside of California. Most programs that offer PS foam recycling rely on resident drop off.

- 6.) Price of plastic bags versus paper bags – Staff reviewed pricing of these products at packaging suppliers online and noted the availability of plastic t-shirt style bags for \$0.02 - \$0.03 each. Paper grocery bags were more expensive with prices ranging from \$0.07 - \$0.09 each. We assume that bulk purchasers could get better prices.

MEMORANDUM

TO: Public Safety, Health and Human Services Committee

FROM: Jennifer L. Thompson, Associate Corporation Counsel

DATE: March 18, 2014

RE: Food Truck Ordinance and Rules

In September of last year, in response to concerns raised by the food truck community about the efficacy of the City's new food truck ordinance, this Committee considered several modest amendments to the City's food truck ordinance and to the administrative rules governing food trucks. Specifically, this Committee recommended, and the full Council ultimately adopted, amendments that: eliminated a prohibition on food trucks clustering together; allowed food trucks to park in metered spots for four hours rather than the usual two; allowed trucks operating in non-metered spaces to measure 26 feet long rather than 24 feet; and created a more efficient and less-expensive permitting system for trucks operating on private property.

When it considered these recommendations, this Committee also recognized that there might be room for additional improvement in terms of encouraging the growth of the food truck industry in Portland while also continuing to protect and encourage bricks and mortar businesses operating in the City. Therefore, the Committee encouraged the food truck community to compile a list of requests and/or recommendations for further changes to the City's policies and practices and to submit those recommendations to this Committee for its consideration.

The Food Truck community has responded. Attachment A to this Memo is an email from Sarah and Karl Sutton of Bite Into Maine. The Suttons' email contains a list of proposed changes that have been discussed and agreed to by a group of approximately 7 food truck operators. The proposals include:

1. Opening Compass Park to food trucks through an RFP (or other similar) process.
2. Opening all City parks to food trucks through an RFP (or similar) process.
3. Allowing food trucks in Monument Square "in some capacity, perhaps starting with one or two days a week (similar to the farmer's market)."
4. Adding designated metered spots for food trucks only – specifically in metered spots next to Monument Square.
5. Allow permitted food trucks to park in metered spots "anywhere in the City after 6:00 p.m. when the meters expire.

This memo will consider each of these proposals in turn and offer preliminary thoughts and guidance from City staff on feasibility, utility, etc.

1. Opening Compass Park and Other City Parks to Food Trucks Through an RFP (or similar) Process.

A. Existing Practice

When the food truck ordinance was originally enacted, the food truck task force recommended, among other things, that food trucks be allowed in the parking areas of City Parks. (See Attachment B) After a discussion with City staff as well as with the Parks Commission, my understanding is that a list of parks that are most suitable for food trucks and that do not pose potential problems to other City interests was vetted by various City departments and by the City's Parks Commission. That list included:

Back Cove Park
Deering Oaks Parking Lot
East End Beach
Kiwanis Pool
Lincoln Park
Western Promenade

Bidding on the exclusive right to operate in these six parks has been done through a Request for Proposals (RFP) process. (Attachment C). Under the existing process, the RFP is typically issued in late February or early March.¹ The existing RFP includes the following conditions:

"The awarded Proposer(s) shall have the exclusive right to sell food products and non-alcoholic beverages if the applicant's menu is comprised of 50% or more fresh fruit or vegetables options. If an awarded applicant's menu is not comprised of 50% or more fresh fruit or vegetable options, there may also exist one additional vendor selling only fresh produce in that park."

Additionally, the RFP process includes liability insurance requirements and a limitation on the ability to operate in parks during festivals. As currently drafted, the RFP is similar to a request for concession services.

After two years, City staff report that very few food truck operators have participated in the RFP process either due to a lack of awareness of its existence or a feeling that the process is too cumbersome or restrictive.

B. Possible Changes

A review of existing City ordinances reveals that the use of the RFP process is mandated by the zoning provisions of the Code as they relate to the Recreational and Open Space (ROS) Zone. Chapter 14 of the Code makes the operation of food trucks a permitted use in City parks but requires that any trucks operating in ROS parks are properly licensed and go through the competitive bid process. (See Code § 14-14-154(p)).

The RFP process is certainly one way to ensure transparency and fairness with respect to the ability to operate in City parks. However, given that the current process does not appear to maximize the availability of City parks to food trucks, there has been some discussion of developing a permitting system. In fact, some sections of the Code seem to contemplate the issuance of a permit for operating food trucks in City parks. (Attachment D). In the long run, such a system might better enable the City to

¹ The RFP for 2014 is on hold pending a recommendation from this Committee.

grant permission to more than one truck to operate in a particular park (“clustering”) and encourage rotation of different trucks in the parks. Additionally, although there may be compelling reasons to limit which parks are available to food trucks, it may be possible to revisit the existing list and consider expanding or otherwise altering it.

Attached is a memo by Caitlin Cameron of the Planning Department who has worked with various members of City staff to develop an expanded list of food truck-eligible parks and to explore the details of a potential permitting system. (Attachment E) Under this proposal, the existing list of food truck-eligible parks would remain in place but Kiwanis Pool, Compass Park and Congress Square Plaza would be added. Additionally, some of the parks included on this list appear able to accommodate more than one food truck at a time. I refer the Committee to Ms. Cameron’s memo for the details of the proposal.² I do note, however, that this list has yet to be finally vetted by the Food Trucks Task Force or the City’s Parks Commission.

The Parks Commission has been consulted about the proposal to expand the list of food truck-eligible parks and the possibility of a permitting system. The recommendation from the Chair at the Commissions’ March 6 meeting was that to the extent a permitting process is adopted, it should be applied to the existing list on a trial basis and, if the permitting process works, the City can look to further expand the list thereafter.

With respect to options for this Committee, it would appear there are several:

- (1) continue with the RFP process either as it exists or amend it to remove some of the restrictions (limits on the kinds of foods that can be served and the exclusivity of use, for example) that may be prohibitive for food truck operators;
- (2) continue to use the RFP process (as it exists or as amended) and expand the list of eligible parks;
- (3) recommend that staff develop a permitting process for food trucks to operate in the existing list of food truck-eligible City Parks and propose an ordinance change that creates that permit and fee structure and changes the requirement that food trucks go through the RFP process³;
- (4) recommend that staff to continue to work with various City departments, the food truck task force, and the Parks Commission to expand the current list of eligible parks, to develop a permitting process for food trucks to operate in those parks, and propose an ordinance amendment that changes the requirement that food trucks go through the RFP process.

It is understood that time is of the essence for the City’s food truck operators. Given that “food truck season” is fast approaching, it may be that the best approach for 2014 is to continue with the existing RFP process but ease some of the existing restrictions and weighting requirements. Then, over

² Ms. Cameron’s memo also: specifically identifies which locations in the parks are appropriate for food trucks, given their size; and creates an additional permitting scheme for push carts, which are smaller than food trucks.

³ The competitive bid process is outlined in Sections 2-301 through 2-312 of the Code, attached hereto as Attachment F.

the course of the spring and summer, develop an expanded list of eligible parks and further explore the possibility of instituting a permitting system that would continue to protect the City's interests (by, for example, continuing to require proof of insurance and revocability) while also improving accessibility for food truck operators.

2. Proposals Regarding Monument Square

The food truck community has requested both the ability to operate in Monument Square and that the City dedicate certain metered parking spaces adjacent to Monument Square to food truck operators only. At this time, Staff does not recommend pursuing either of these proposals because they are in direct conflict with the recommendations of the Food Truck Task Force.

When that group did its work back in 2011, great care was taken to develop a food truck ordinance that would allow food trucks to be successful without also posing an undue burden on or threat to bricks and mortar restaurants. The existing prohibition on food trucks locating within 65 feet of fixed base food establishments on the peninsula as well as the prohibition on food trucks operating on City streets other than those listed in the administrative rules are intended to reflect the recommendations of the Task Force that food trucks not operate in such a manner as to directly threaten traditional restaurants – either through competition for customers or because food trucks are occupying coveted downtown parking spaces. Based on the Task Force's prior recommendation and discussions with City staff in various departments (including John Peverada, Parking Manager), Staff does not recommend pursuing changes to the Code or to the administrative rules in order to allow food trucks in or around Monument Square.

3. Dedicated Parking Spots

Although Monument square is not, in staff's opinion, appropriate for food trucks, there do appear to be other City streets that are able to accommodate a substantial food truck presence. John Peverada has indicated that Congress Street, adjacent to Lincoln Park can sustain 4 metered parking spaces dedicated to food trucks from the hours of 10:00 a.m. to 2:00 p.m. Monday through Friday. In order to dedicate these spots, signs would be installed prohibiting parking by vehicles other than food trucks and food truck operators would be required to pay the metered rates for the hours during which they are parked. No ordinance change appears to be needed to accomplish this dedication, given that food trucks are already permitted to "plug the meter" once in order to be able to park for a 4-hour period. A change to the Administrative rules, however, will be necessary. Staff recommends that this Committee recommend this dedication of parking spots and the rule change.

4. Allowing food trucks to park in metered spots "anywhere in the City after 6:00 p.m. when the meters expire."

Currently, food trucks are permitted to park in metered spots after 6:00 at no cost, provided that they are parked in areas where food trucks are otherwise permitted. However, because the existing limitations on the areas where food trucks can operate are the result of the food truck task force's recommendations, staff does not recommend expanding that list. Of course, this Committee certainly can revisit the existing limitations if it is so inclined – either by reconstituting the Task Force or on its own initiative.

CITY OF PORTLAND, MAINE

**REQUEST FOR PROPOSALS
FOR CONCESSION OPERATIONS AT VARIOUS PARK LOCATIONS**

DEPARTMENT OF PUBLIC SERVICES

The purpose of this Request is to solicit proposals from which the City of Portland, Maine can select qualified vendors to provide CONCESSION SERVICES at the following parks: Food trucks: Back Cove Trail, Congress Square Plaza,¹ Deering Oaks Park Parking Lot, Western Promenade, and Kiwanis Pool Parking Lot; Push carts: East End Beach Lincoln Park, Kiwanis Pool Parking Lot; and Western Promenade (See approximate locations indicated on Attachment 1.) Each of these locations will be awarded separately. These park areas are City-owned and provide for varied recreational activities. The locations indicated on the maps appearing at Attachment 1 are approximate and the exact location for carts and trucks is to be determined by site visits with city representatives upon awarding of any contract. It is the intent of the City to have vendors offer to the public a variety of food products at reasonable cost. The City makes no guarantee as to the number of patrons who will utilize these services.

Sealed Proposals will be received at City Hall, 389 Congress Street, Purchasing Office, Room 103, Portland, Maine 04101, until **3:00 p.m., Thursday, May 19, 2014*** at which time they will be publicly opened. Proposals that are late; submitted without the required surety; submitted without original signature(s), and/or submitted via fax shall not be accepted. Any other comments, information, etc., about their organization, which a bidder wishes to provide, should be attached on a separate sheet of paper and enclosed in the same envelope containing the City provided form. NOTE: All potential proposers are reminded that information contained in submitted material will be a public record.

Copies of the above documents will be available at the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, ME 04101. Each prospective bidder will be required to obtain from the City each copy of the proposal form and each set of plans; e-mail jrl@portlandmaine.gov, phone (207) 874-8654, or fax (207) 874-8652.

Proposals from vendors not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a vendor receive this Request from a source other than the City, please contact 207-874-8654 to ensure that your firm is listed as a vendor for this RFP.

¹ The ability to operate in Congress Square Plaza is contingent on passage of an amendment to Chapter 14 of the City's Code to rezone certain spaces, including Congress Square Plaza, ROS. City staff expects that amendment to be taken up by the City Council in April or May 2014. Proposers wishing to locate in Congress Square should be aware that the ability to do so is contingent on approval of the zoning change by the Council and the date of the award for Congress Square will not be made until and unless the Council votes to adopt the proposed change.

All inquiries dealing with this solicitation shall be made in writing, and be mailed or faxed to the Purchasing Office at 207-874-8652 (email: JRL@portlandmaine.gov) being received no later than five working days prior to the scheduled opening. A written response, if provided, will be in the form of an Addendum to the RFP and will be sent to all document holders registered in the Purchasing Office. Addenda must be duly acknowledged with any submission. Corrections or changes to this document will be made only by written addendum; any oral explanation or interpretation shall not be binding. Proposers are cautioned not to contact City employees or Committee members concerning this procurement during the competitive procurement process or the evaluation process.

Proposals shall be submitted in sealed envelopes plainly marked on the outside with this Request's number and title. Six (6) complete copies/sets of the PROPOSAL AND ALL REQUESTED MATERIAL shall be submitted. The original copy, so marked, shall be signed with the firm's name, its corporate seal (if applicable) and bear the handwritten signature of an officer or an authorized employee having the authority to bind the company to a contract by his/her signature. Proposals must include a surety deposit in the amount of \$100.00. This deposit can be in one of the following forms: cash, a money order, a bank's treasurer's check, or a bank's cashier's check. Checks shall be made payable to the CITY OF PORTLAND, MAINE and they will be deposited in the City's account. Deposits will be returned to all unsuccessful proposers with the deposit(s) of the selected vendor(s) being retained and applied to the amount offered to the City for the concession site. If the successful proposer fails to sign and return the contract, with the required insurance certificates, within ten (10) working days after receiving notification by the Corporation Counsel's office that it is ready for signature, their deposit shall be forfeited and retained by the City as an agreed amount of liquidated damages.

Except as noted below, the awarded Proposer(s) for each park shall have the exclusive right to sell food products and non-alcoholic beverages in that park.

IMPORTANT NOTICE: Any authorization to operate food carts or food trucks in City Parks pursuant to an award made under this Request for Proposals **SHALL NOT APPLY** during the **FOURTH of JULY**, any other special event sponsored by the City at the Deering Oaks site, or during any City Council Declared Festivals, where the vendor would need prior permission from the Festival organizer in order to vend at the park that day. The City reserves the right to exclude other dates and areas as may be required. Vendors may operate on days they elect, making note that the City especially desires their presence between May 1 through October 1, although there are no requirements for daily sales. In relation to events happening in the park areas, the vendor and event organizer should work in conjunction with one another to ensure there are no conflicts with set-up, service, events, etc.

The sale of items shall be made only at designated sites within the park, with each site receiving prior City approval, taking into consideration proximity to traffic, play areas, private homes, etc. Signs and where and how they are displayed must receive prior City approval. Only "mobile type" carts or vehicles may be used, as neither temporary nor permanent structures may be erected. The unit must be self-contained, i.e. no use of electricity on-site. The vendor must comply with park rules to include no vehicles or units parked illegally, on the grass, or any other area within the park not designated for parking.

The initial contract award period will be from its execution until December 31, 2014, with the City retaining the option to extend any contract for two (2) additional one (1) year periods. The successful awardee(s) will immediately enter into a three (3) month probationary period beginning on or about June ??, 2014. During this probation the awardee's performance will be closely scrutinized by City staff. If the awardee's performance fails to consistently meet the standards specified within this Request, or as may be established by Portland City Council, his/her contract will be immediately cancelled for cause. If his/her performance is acceptable, then he/she will be so notified and the contract will extend through the stated date.

The awarded Proposer(s) agrees to obtain all licenses, provide all equipment, observe and comply with all applicable Federal, State and or City rules and regulations, including those adopted by the City with respect to selling of foods (specifically reference the following sections of Portland City Code 18-25 and 25-27). The awardee(s) will be responsible for the disposal of all trash they or their customers generate away from the park site.

The awarded Proposer(s) will be required: to display menu boards on concession units and to provide prompt, efficient and courteous service. The public's right of use and enjoyment of the park shall not be infringed upon by any activity of the awarded Proposer(s). Their activities shall be conducted so as to render the best possible service to the public in a dignified manner and no pressure, coercion, persuasion or other forms of intimidation shall be used in an attempt to influence the public to use their services or buy their products. Operation must be conducted so as not to interfere, through excessive noise or odor, with the public's enjoyment of the park. Concession hours, during which services may be provided, shall receive prior approval by the City.

Any contract awarded may be cancelled, without cause, by the City giving thirty (30) days prior notice in writing to the awarded Proposer. The City may also cancel any contract immediately for cause due to non-payment of proposed fees or due to failure by a vendor's non-performance. Non-performance will include, but is not limited to, the failure of the awarded Proposer to regularly provide the services identified herein without specific reason as to its cause and/or without the approval of the Department's Director, or designee.

Payment due the City under any contract awarded, shall be paid either in full for the entire year on contract signing or in equal monthly payments to the CITY of PORTLAND, MAINE, delivered in care of Principal Finance Officer, Department of Public Services, on or before the tenth (10th) day of each month for the previous month for which the payment is applicable. The first year's contract will be pro-rated.

The successful proposer(s) shall agree to save the City harmless from all losses, costs or damages caused by his/her acts or those of his/her agents, and before signing the contract, will produce evidence satisfactory to the Corporation Counsel of the City of Portland that he/she has secured AUTOMOBILE and PUBLIC LIABILITY insurance coverage in the amount of not less than \$400,000 combined single limit for bodily or personal injury, death and property damage, protecting the contracted firm and naming the City as an additional insured from such claims, and proof of Workers Compensation Insurance, if applicable. The City disclaims any and all responsibility for injury to the contractors, their agents or others at any time. The awarded

proposer shall be an independent contractor and shall not represent themselves as employees or agents of the City.

SUBMISSION INFORMATION

Proposers shall include the following information and submittals:

- a) Letter of Transmittal – this letter will summarize in a brief and concise manner, the proposer understands of the Scope of Work and make a positive commitment to timely performance of work. The letter must name all of the persons authorized to make representations for the proposer, including the titles and addressed and telephone numbers of such persons.
- b) Identify the type of business entity involved (e.g. sole proprietorship, partnership, corporation, etc.)
- c) Qualifications and experience of the firm/individuals(s) who will provide the services. Provide a summary of the offeror's experience in concession operations, including firm's history, references (attaching letters if available), etc.
- d) Provide a proposed plan that explains and/or illustrates the type of concession services you intend to provide, the methods and equipment to be used, innovative ideas/approaches. The plan may be accompanied by pictures, layouts and other appropriate information that will convey to the City exactly what you are proposing. Include proposed menu with pricing.
- e) Provide a summary of litigation filed by or against the proposer in the past five (5) years which is related to the services that proposer provides in the regular course of business.
- f) State your price proposal. The City allows each Offeror to submit their own proposal regarding the amount he/she is willing to pay for concession rights. Each Offeror is given the opportunity to specify a fixed yearly amount for this location.

SELECTION PROCESS/EVALUATION CATEGORIES

It is the intent of the City to select those proposers who demonstrate the ability to provide the highest quality service to the public and who will provide the highest revenue to the City. In evaluating the proposals, the city will consider the following factors, none of which, standing alone, will become conclusive:

ITEM	CRITERIA	WEIGHT
1.	PRICE PROPOSAL - amount and type.	25%
2.	QUALIFICATIONS – variety, volume and quality of equipment owned; past experience of individuals and/or firms previous contracting experience with the City	25%

	and/or other government entities; responsiveness of proposal regarding format.	
3.	PLAN OF OPERATION – operational plan, understanding of City’s needs, technical soundness of proposal, appropriate hours of operation.	50%

Interviews may be conducted with any proposer to clarify submitted material. The City further reserves the right to negotiate with the selected vendor(s) as to the terms of the contract, including but not limited to price, plan of operation, etc. All negotiations are intended to lead to a binding contract(s) with all contracts requiring City Council approval.

EQUAL EMPLOYMENT OPPORTUNITIES

Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37.

RESERVATION OF RIGHTS

The City of Portland reserves the right to waive any informalities in Proposals, to accept any Proposal or portions thereof and to reject any and all Proposals should it be deemed for the best interest of the City to do so. The City reserves the right to substantiate proposer’s qualifications, capability to perform, availability, past performance record and to verify that proposers are current in their obligations to the City.

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Bidders who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City’s Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful bidder.

It is the custom of the City of Portland, Maine to pay its bills 30 days following equipment delivery and acceptance, and following the receipt of correct invoices for all items covered by the purchase order. In submitting bids under these specifications, bidders should take into account all discounts; both trade and time allowed in accordance with this payment policy and quote a net price. The City is exempt from the State's sales and use tax as well as all Federal excise taxes.

April 18, 2014

Matthew F. Fitzgerald
Purchasing Manager

*****THIS FORM MUST BE SIGNED AND RETURNED WITH YOUR PROPOSAL*****

Request for Proposals to Provide Concession Operations in Various City Parks

The **UNDERSIGNED** hereby declares that he, she or they are the only person(s), firm or corporation interested in this proposal as principal; that it is made without any connection with any other person(s), firm or corporation submitting a bid for the same.

The **UNDERSIGNED** hereby declares that they have read and understand all conditions as outlined herein, and that the proposal is made in accordance with same.

The **UNDERSIGNED** hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal, or in any profits which may be derived therefrom has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of an indirect interest would be a City employee who is related to any officers, employees, principals or shareholders of your firm or you. If in doubt of status or interest, please disclose to the extent known.)

The **UNDERSIGNED** acknowledges the receipt of Addenda numbered _____

COMPANY NAME:

AUTHORIZED SIGNATURE _____

DATE: _____

PRINT NAME AND TITLE:

ADDRESS:

DAYTIME PHONE NUMBER: _____ **FAX NUMBER:**

TYPE OF ORGANIZATION: Individual ____ Partnership ____ Other ____ Corp. ____

STATE OF INCORPORATION, if applicable: _____

FEDERAL TAX IDENTIFICATION/SOCIAL SECURITY NUMBER:

NOTE: Proposals must bear the handwritten signature of a duly authorized member or employee of the organization submitting a proposal.

SEE FOLLOWING PAGE FOR SUBMISSION OF PRICE PROPOSALS

*****THIS FORM MUST BE RETURNED WITH YOUR PROPOSAL*****

The above signed agrees to pay the City of Portland, Maine for the exclusive privilege, as described herein, for a period of one year, to provide CONCESSION SERVICES in the following City Parks:

PUSHCART:

East End Beach: _____ PER SEASON² (1
Space)

Lincoln Park: _____ PER SEASON (2-3
spaces)

Western Prom: _____ PER SEASON (1
Space)

Kiwanis Pool: _____ PER SEASON (1
Space)

FOOD TRUCKS:

Deering Oaks Parking Lot: _____ PER SEASON (2
Spaces)

Congress Sq. Plaza: _____ PER SEASON (1-2
Spaces)³

² “Season” denotes the period beginning on the date of the award through December 31, 2014 and any subsequent renewal.

³ The ability to operate in Congress Square Plaza is contingent on passage of an amendment to Chapter 14 of the City’s Code to rezone certain spaces, including Congress Square Plaza, ROS. City staff expects that amendment to be taken up by the City Council in May or June 2014. Proposers wishing to locate in Congress Square should be aware that the ability to do so is contingent on approval of the zoning change by the Council and the date of the award for Congress Square will not be made until and unless the Council votes to adopt the proposed change.

Back Cove Park: _____ PER SEASON (1
Space)

Western Promenade: _____ PER SEASON (1-2
Spaces)

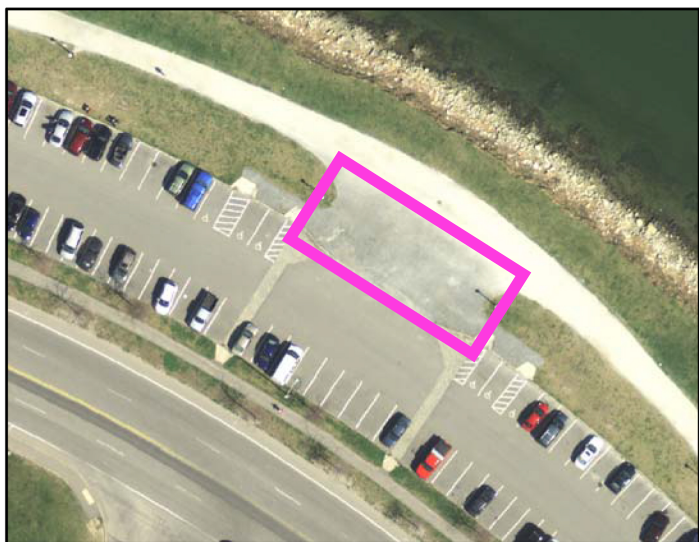
Kiwanis Pool Parking Lot: _____ PER SEASON (1
Space)

Please provide a price for each location you are interested in. A map of each location is provided on the following page.

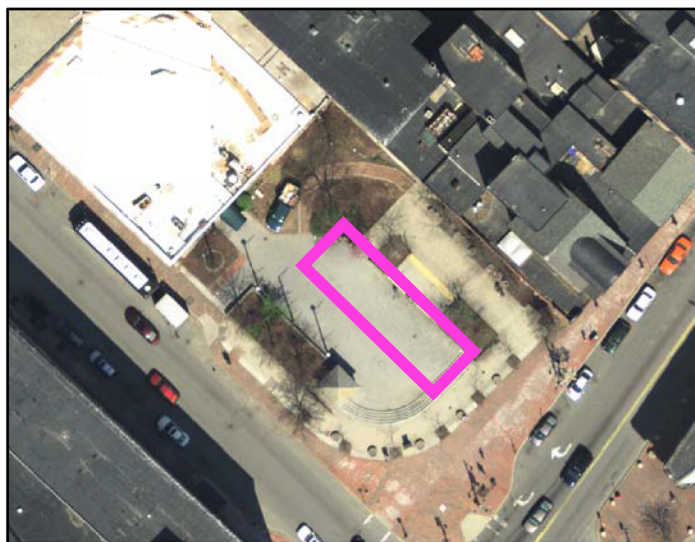
NOTE: It is not necessary to bid on all locations.

ATTACHMENT #1

Mobile Food Service Vendor Areas in Parks - Food Trucks (10' x 24')



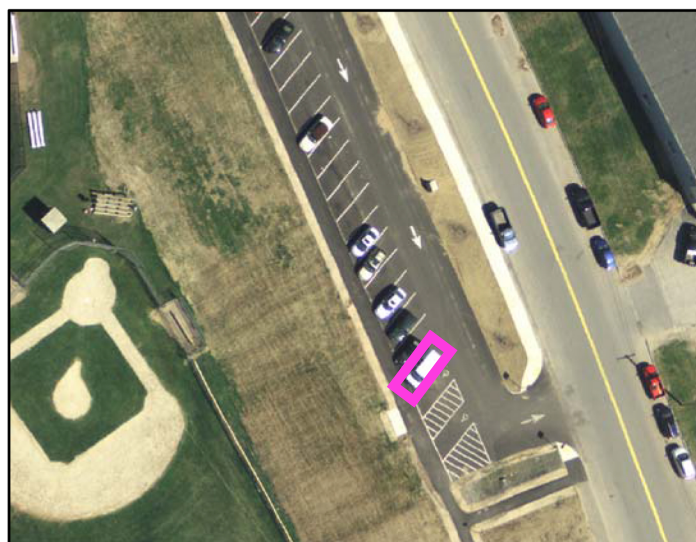
Back Cove Park (1 space)



Congress Square Plaza (1-2 spaces)



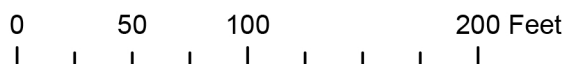
Deering Oaks Parking Lot (2 spaces)



Kiwanis Pool Parking Lot (1 space)



Western Promenade (1-2 spaces)



Mobile Food Service Vendor Areas in Parks - Pushcarts (8.5' x 7')



East End Beach (1 space)



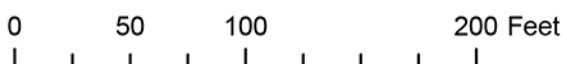
Kiwanis Pool (1 space)



Lincoln Park (2-3 spaces)



Western Promenade (1 space)



DIVISION 17.5. EASTERN WATERFRONT PORT ZONE*

***Editor's Note-** Order No. 297-05/06 adopted on September 18, 2006, implemented a new Eastern Waterfront Port Zone for the Maine State Pier and Portland Ocean Terminal. The proposed changes for the Portland Ocean Terminal and the Maine State Pier would allow for a wider range of uses for the piers and properties of the Portland Ocean Terminal.

Sec. 14-300. Purpose.

The Eastern Waterfront Port Zone is created to nurture deepwater dependent activity within the context of the established waterfront. The transport of goods and passengers by water is an important component of both the local and regional economies and this transport and other forms of marine industry are dependent upon land and piers with direct access to Portland Harbor. Given the existing pier infrastructure, proximity to deep water, and urban context, Portland's Eastern Waterfront is uniquely situated to support a wide range of water-dependent industry and commerce through a variety of marine activities.

The support and expansion of Portland's marine industry requires piers, uplands, and circulation consistent with the transportation purpose and use of marine facilities. The growth of Portland's marine passenger industry also requires supporting services and activities to provide a safe, convenient, and enjoyable travel experience for users of marine passenger facilities. Non-marine uses that complement the marine passenger industry, are compatible with existing and future water-dependent uses, and provide opportunities for residents and visitors alike to enjoy the Eastern Waterfront throughout the year, are encouraged.

The primary use of the deep-water resources must be for the berthing and support of large vessels. Non-marine uses that complement and support the deepwater infrastructure and do not conflict or compete for limited space with existing or anticipated deepwater-dependent uses are encouraged. Existing and future pier infrastructure and upland support areas should be designed and maintained to support a variety of marine uses and be responsive to future technologies and trends in the marine industry.

Given the need to nurture and support deepwater-dependent uses and the need for non-deepwater dependent uses to complement the marine passenger industry and to support the maintenance and

repair of pier infrastructure, the Eastern Waterfront Port Zone recognizes the following hierarchy of uses:

- (a) The first priority of this zone is to protect and nurture existing and potential deepwater dependent uses (those uses requiring a minimum of 15 feet of water depth);
- (b) The second priority is to allow shallow water-dependent and other permitted marine uses, so long as they do not interfere with deepwater dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure; and
- (c) Other uses specified herein are allowed only if they do not interfere with and are not incompatible with higher priority uses.

(Ord. No. 297-05/06, 9-18-06)

Sec. 14-300.1. No adverse impact on marine uses.

No use shall be permitted, approved or established in this zone if it will have an impermissible adverse impact on future marine development opportunities. A proposed non-water dependent component of a development will have an impermissible adverse impact if it will result in any one (1) or more of the following:

- (a) The proposed use will displace an existing water-dependent use;
- (b) The proposed use will reduce existing commercial vessel berthing space;
- (c) The proposed use, structure or activities, including but not limited to access, circulation, parking, dumpsters, exterior storage or loading facilities, and other structures, will unreasonably interfere with the activities and operation of existing water-dependent uses or significantly impede access to vessel berthing or other access to the water by water-dependent uses; or
- (d) The siting of a proposed use will substantially reduce or inhibit existing public access to marine or tidal waters.

(Ord. No. 297-05/06, 9-18-06)

Sec.14-301. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-300.1. (no adverse impact on marine uses), the following uses are permitted in the Eastern Waterfront Port Zone:

(a) *Marine passenger:*

1. Intermodal marine passenger facilities;
2. Cruise ship home port and port of call berthing and support;
3. International and domestic ferries.

(b) *Marine commercial:*

1. Transient and long-term commercial berthing;
2. Marine-related warehousing;
3. Marine related construction, manufacturing, fabrication, salvage and repair;
4. Storage and repair of fishing equipment;
5. Ship and other marine vessel construction, building, servicing, and repair;
6. Boat and marine equipment storage;
7. Marine fuel storage and dispensing provided that on-site fuel storage structures shall be used solely for the purpose of fueling vessels and shall be limited, cumulatively, to 20,000 gallons of storage capacity within the zone;
8. Public, non-profit, or commercial marine transportation and excursion services, including captained charter services, sport fishing and water taxis;
9. Ship and off-shore support services, including but not limited to tug boats, pilot boats, and

chandleries;

10. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.

(c) *Commercial:*

1. Professional, business, government, and general office located in upper floors of structures existing as of September 18, 2006.
2. Street vendors licensed pursuant to Chapter 19 as a result of a competitive bid process conducted pursuant to Chapter 2 of the City Code.

***Editor's Note**—On-site parking for non-marine commercial uses are permitted as conditional uses subject to the provisions of section 14-301.1. (conditional uses, parking) below.

2. Temporary events, except festivals as otherwise governed under section 14-301I3 below.

Buildings, piers and lands within the EWPZ may be used for temporary public and private events including but not limited to exhibitions, conferences, meetings, and trade shows under the following conditions:

- a. Temporary events occupying more than 10,000 square feet of building or outdoor space shall not exceed a combined total of sixty (60) days between May 1st to October 31st;
- b. No temporary event may continue for more than 14 days of continuous operation;
- c. Any temporary event that anticipates more than 5,000 people in attendance on any single day must provide and be subject to a parking management plan. The parking management plan must be submitted for the review and approval of the public works authority at least 60 days prior to the first day of the event.

3. Festivals subject to City license.

(d) *Public:*

1. Fire, police and emergency services;
2. Governmental agency emergency operations/crisis centers; 3. Research, military and visiting attraction vessel berthing;
4. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.

(e) *Other:*

1. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 297-05/06, 9-18-06; Ord. No. 33-11/12, 1-18-12)

Sec. 14-301.1. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the Eastern Waterfront Port Zone, provided that, notwithstanding section 14-471(c), section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority, and provided further that in addition to the provision of section 14-474(c)(2) such uses will not impede or preclude existing or potential water-dependent development within the zone, will allow for adequate right-of-way access to the water, are compatible with marine uses, and meet all additional standards set forth below:

1. Conditional use standard:

- a. *Marine compatibility:* The proposed use shall be compatible with existing and potential marine uses in the vicinity, as required by section 14-304(n) and (o) (compatibility of non-marine uses with marine uses and functional utility of piers and access to the water's edge); and

b. *Parking and traffic circulation:*

- i. Parking and traffic circulation plan: All

applications for conditional use in the EWPZ shall submit a parking and circulation plan for review and approval by the planning board. The parking and circulation plan shall show the location of all existing and proposed structures, travel ways and parking under the common ownership and/or control of the subject pier or property. The plan shall demonstrate that the parking and circulation of the conditional use does not interfere with the functional marine utility of the property and otherwise meets the standards and conditions of the EWPZ.

2. Conditional uses:

a. *Marine:*

- i. Marine products, wholesaling and retailing;
- ii. Ice-making services;
- iii. Marine freight facilities providing service for, and/or intermodal transfer of, container and breakbulk freight;
- iv. Marine educational facilities;
- v. Seafood retailing, wholesaling, packaging and shipping;
- vi. Seafood processing for human consumption, subject to the performance standards of the IL zone set forth in section 14-236 in addition to the performance standards of section 14-304;
- vii. Commercial marinas serving commercial and recreation boats, provided that such facilities are located in areas that do not conflict with the navigation and handling of deepwater dependent vessels accessing existing or potential deepwater berthing;
- viii. Fish byproducts processing, provided that:
 - a. Any fish byproducts processing facility

has a valid rendering facility license under chapter 12 of the Portland city code; and

- b. Any fish byproducts facility shall employ current and appropriate odor control technology to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the IM zone (section 14-252); and
- c. The processing other material wastes or byproducts shall not be deemed a lawful accessory use Permitted herein.

b. *Commercial:*

- a. Structured parking available to the general public;
- b. Professional, business, government and general offices uses in upper floors of structures constructed after September 18, 2006;
- c. Passenger support services supporting a marine passenger use listed under 14-301(a) (marine passenger). The total ground floor area occupied by any combination of the following uses (regardless of ownership) shall not exceed 35% of the gross floor area of the principle associated marine passenger use and no more than 35,000 square feet cumulative within the EWPZ:
 - i. Retail;
 - ii. Restaurants/food service other than street vendors;
 - iii. Retail service;
 - iv. Passenger information services.

c. *Industrial:* The following industrial uses are

permitted provided that such uses shall conform to the IM zone performance standards set forth in section 14-252 in addition to the performance standards of 14-304. Where redundant or contradictory performance standards exist, the more restrictive standard applies.

- i. Non-marine related warehousing in structures existing as of September 18, 2006;
- ii. Facilities for combined marine and general construction;
- iii. Low impact industrial uses as permitted in the IL zone in structures existing as of September 18, 2006, excluding all auto repair service facilities.

d. *Public:*

- i. *Utility substations:* Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps and telecommunication switching stations, are permitted under the following conditions:
 - a. The facility is located more than 100 feet from the water's edge;
 - b. The facility occupies no more than 50 square feet of structure above ground;
 - c. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise useable and made available for marine related uses, including but not limited to parking, travel ways, and/or storage; and
 - d. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.
- ii. Maritime museums, limited to 5,000 square

feet of ground floor footprint.





Michael J. Bobinsky
Director of Public Services

To: Members of the Transportation, Energy and Sustainability Committee
From: Michael J. Bobinsky, Director of Public Services
Date: April 14, 2014
Subject: Framework for Street Closure MOU with METRO-Greater Portland Transit District

This memorandum serves an information item describing the framework for the development of a Memorandum of Understanding (MOU) between the City of Portland and METRO Bus Service. I met with Greg Jordan, General Manager and Glen Fenton Chief Transportation Officer of METRO on Wednesday, April 16th to discuss a draft outline and obtain feedback regarding MOU content. The MOU will serve as an administrative guide for the inclusion of METRO and other transit providers when the Department of Public Services is involved with the planning or directing the planning to close a street for a variety of reasons.

Key features of the framework will include:

- Discussion on the street closure decision-making process and which departments and agencies currently are participating in those decisions to close a street.
- Provide a framework for eliminating any impacts to METRO and other transit providers in street closure planning; mitigating those impacts if exist and or manage the impacts in such a manner to provide least disruption on service levels.
- Discussion of the role of METRO and other transit providers in street closure decision making process. Such roles may include METRO serving as a single point of contact for other public transit providers that access Portland streets and may be impacted from street closure activities.
- Use of existing procedures for Street closures using the Departments Street Occupancy Permits, which include the submission of a traffic control plan to the Department of Public Services Transportation Systems Engineer for approval. Plan to include adding an evaluation of specific route detours and temporary bus stop relocations (in consultation with transit providers) needed as part of a detour plan.
- Determine best methods of accounting for special needs of transit riders impacted from a temporary street closure and route detour plan, such as handicap accessibility issues, and signage.



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- Development of a collaborative public information process to alert METRO transit users of temporary route detours and bus stop relocations.
- Discussion of the process for the development of collaborative agreements with METRO and other transit providers related to obtaining signoffs and endorsements of traffic detour plans, preparations for route changes and public notifications in place; etc. in non-emergency situations.
- Provide/listing of emergency contact information of City and METRO transit officials.

A briefing on our working draft of a proposed Memorandum of Understanding between the City and METRO Greater Portland Transit District will be presented at the April 16 TSE Committee meeting.