



Legislative Committee Meeting 4-29-2019
Meeting
April 29, 2019

AGENDA

- I. Call to Order**
- II. Approval of Meeting minutes**
 - a. Approval of April 22, 2019 meeting minutes
- III. Legislative Update**
 - a. Review of non-funding Portland Education LDs
 - b. Review of New LDs/Bill Tracker
 - c. Staff Updates/Testimony
- IV. Meeting Schedule**
- V. Public Comment**
- VI. Adjournment**

**CITY OF PORTLAND
LEGISLATIVE COMMITTEE
April 22, 2019 MEETING MINUTES**

The April 22, 2019 Meeting was called to order by Committee Chair Ali at 8:07 a.m. in Room 209, Portland City Hall, Portland, Maine

A. Attendance/Introductions:

Committee Chair and City Councilor Pious Ali; City Councilor Jill Duson; Mayor Ethan Strimling; State Sen. Heather Sanborn; Kate Knox, Bernstein Shur team; Chris Feeney, Bernstein Shur team; Xavier Botana, Superintendent of PPS; Board of Education member Laurie Davis; City Clerk Katherine Jones; Associate Corporation Counsel Anne Torregrossa; Mike Murray(Staff);

B. Approval of minutes:

April 8, 2019 minutes - motion by Mayor Strimling; second by Councilor Duson; 3-0 approved.

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

D. Review of legislative bills/bill tracker:

LD 1527 – remove
LD 1528 – remove
LD 1532 – staff review & testimony to support
LD 1536 – staff review
LD 1542 – remove
LD 1543 – staff review & testimony to support
LD 1575 – staff review
LD 1619 – support and testify

D. Next Meeting Date

April 29, 2019 @ 8:00 AM – Room 209 City Hall

E. Adjournment

Councilor Duson moved to adjourn; second by Mayor Strimling; vote 3-0 and the meeting adjourned at 9:24 AM.



Memorandum

TO: Chair Ali and Members of the Legislative Committee
FROM: Michael Murray, Assistant to the City Manager
CC: Jon Jennings, City Manager
SUBJECT: Staff Updates on LD's
DATE: April 26, 2019

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

LD 353 – “Act to Classify Recovery Residences as One-family Dwellings for the Purposes of the Fire Code”. The Committee has requested staff input on this LD; Fire Department opposes unless an amendment is made to “no more than 5 persons” to align with the Fire Code; staff is preparing written testimony; public hearing scheduled for 4-26-2019;

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

LD 1129 – “An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act”. Staff will prepare testimony in support; public hearing scheduled for 5-1-2019;

LD 1222 – “An Act Regarding Electric Bicycles”. Staff input has been requested; no public hearing scheduled as of 4-19-2019;

LD 1444 – “An Act To Make the Distance to Schools for Marijuana Establishments Consistent with the Liquor Laws”; no public hearing scheduled as of 4-19-2019; request staff review; staff indicates local ordinance has been reduced to 500 feet from the 1,000. The 300' change itself would not make that big of a difference, but the change in how the measurement takes place could be. Essentially, this will allow marijuana stores to locate right next to school property (playing fields, courtyards, etc), so long as the door to the school was at least 300' off the property line; no public hearing scheduled as of 4-26-2019;

LD 1511 - "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions"; request for staff input; Corp Counsel indicates that changes seem appropriate and do not change what is designated as confidential under the law; public hearing scheduled for 5-1-2019;



LD 1517 - "An Act To Facilitate the Deployment of Small Wireless Facilities in Maine"; request for staff input; staff indicates we take no position on this LD; public hearing scheduled for 4-24-2019;

LD 1532 – “An Act To Eliminate Single-use Plastic Carry-out Bags”; staff to provide testimony in support of LD;

LD 1536 – “An Act To Require Municipalities To Maintain Access on Public Rights-of-way”; staff input requested; public hearing scheduled for 4-24-2019;

LD 1543 - “An Act To Amend the Maine Uniform Building and Energy Code”; staff input requested; staff indicates support for LD and will prepare testimony for 4-26-2019 public hearing;

LD 1575 – “An Act To Improve the Freedom of Access Laws of Maine”; staff input requested; public hearing scheduled for 5-1-2019;

LD 1619 – “An Act Regarding Licenses for the Sale of Liquor for On-premises Consumption”; committee supports; testimony drafted for 4-26-2019 public hearing;



**CITY OF PORTLAND
PIOUS ALI
CITY COUNCIL – AT LARGE**

April 23, 2019

The Honorable Janet Mills,
Governor, State of Maine
1 State House Station
Augusta, ME 04333

Dear Governor Mills,

On behalf of the City of Portland, we are writing to both thank you for helping with the statewide effort to establish a paid leave policy for Maine workers and to strongly request that you support striking language from the bill that preempts municipalities like Portland from passing stronger restrictions that best meet the needs of our constituents.

As you may be aware, for the past two years, the City of Portland has been wrestling with the creation of a paid sick leave policy for workers employed within city limits and our Health and Human Services Committee unanimously recommended a universal policy to the full Council two months ago. While there are some differences between our proposals, both agree with the basic premise that workers need to be afforded a defined amount of paid time to attend to their own health needs; employees who are ill should not be compelled to have to work out of fear of losing their job, and should not be in the workplace where they may be a carrier of a virus that will infect co-workers.

To that end, as mentioned above, we urge you to reconsider Section 10 of the amendment to LD 369, which reads:

10. Preemption. No municipality or other political subdivision may enact any ordinance or other rule purporting to have the force of law under its home rule or other authority regulating earned paid leave.

Maine has a long tradition of home rule authority, and it has generally been accepted at the state level. Attempts to limit or preempt local authority are not taken lightly by municipalities, nor should they be. At the state level, attempts to rescind home rule authority have not passed the committee level.

In a minority opinion, Rep. Mike Sylvester of Portland, co-chair of the Committee on Labor and Housing, has offered the amended version of LD 369 with Section 10 of the amendment removed. The City of Portland urges you to recommend this amended version of LD 369 to the full Legislature.

Thank you for your consideration.

Sincerely,



Pious Ali
Chair, City of Portland
Legislative Committee

Cc: President of the Senate Troy Jackson
Speaker of the House Sara Gideon ·
Senator Ben Chipman ·
Senator Heather Sanborn ·
Representative Michael Brennan ·
Representative Ben Collings ·
Representative Ed Crockett ·
Representative Dick Farnsworth ·
Representative Eric Jorgensen ·
Representative Matt Moonen ·
Representative Rachel Talbot Ross
Representative Mike Sylvester



CITY OF PORTLAND
Police Department
Vernon Malloch, Interim Chief

FROM:
Vernon Malloch, Interim Chief of Police
Portland Police Department

April 20, 2019

TO:
Committee on Judiciary
Augusta, Maine

Re: LD 1312 Extreme Risk Protection Orders

Senator Carpenter, Representative Bailey and members of the Judiciary Committee. I write to express my support for LD 1312 Extreme Risk Protection Orders. As the Interim Police Chief for the City of Portland and a police officer for over 30 years I am compelled to write and ask that you too support this proposal.

Extreme risk protection orders will address the need to remove firearms from those who pose an immediate and present danger to themselves or others. LD 1312 allows this while also providing protections for all parties. These include prior judicial review, a temporary time period, and an appeal process.

Extreme risk protection orders will only issue upon judicial review. The standard of proof required is probable cause, not merely a preponderance of the evidence. The petitioner must show clear and convincing evidence.

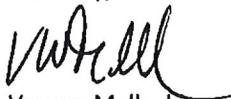
Orders would be temporary, just 14 days before a full hearing is held. If granted an extension, that period will be for one year. It is important to note this is not a permanent prohibition. The proposal also grants a person the opportunity to request dissolution of an extended order if circumstances change.

LD 1312 strikes a fair balance between the rights of all parties and the need to protect individuals and communities at times that are extreme. It places the decision in the hands of our judges, men and women who are knowledgeable professionals, experienced at weighing evidence and ruling on the facts.

Other states have passed similar legislation and found that its use has been limited and responsible. In order to avoid tragedy we must keep firearms out of the hands of people in crisis. This bill provides the mechanism necessary for that to happen and recognizes that crisis is not a permanent state and does not require a permanent prohibition.

Thank you for considering this valuable legislation and allowing me to provide my insight and professional opinion.

Sincerely,



Vernon Malloch

Interim Chief of Police

cc: Legislative Committee, City of Portland
Jon Jennings, City Manager, City of Portland



CITY OF PORTLAND
Police Department
Vernon Malloch, Interim Chief

FROM: Vernon Malloch, Interim Chief of Police
Portland Police Department

TO: Committee on State and Local Government

DATE: April 19, 2019

RE: LD 1470 An Act to Allow the Prohibition of Weapons at Public Proceedings and Voting Places

Senator Claxton, Representative Martin and other members of the Committee on State and Local Government, I write to express my support for LD 1470 An Act to Allow the Prohibition of Weapons at Public Proceedings and Voting Places. As the Interim Chief of the Portland Police Department and a police officer for over 30 years I am compelled to write and ask that you too support this proposal.

LD 1470 gives each municipality the option of prohibiting firearms at public meetings and voting places. An important consideration is that the proposal does not automatically prohibit firearms in municipal buildings. Each municipality will have the ability to determine how to best provide for the safety of its community during public meetings. Many sensitive topics are debated and business conducted at local levels that can raise people's emotions and tempers. The ability for the free expression of ideas and opinions without the potential intimidation of firearms being present is important for many.

The State House and Maine Courthouses prohibit firearms. Allowing municipalities to decide whether to restrict them in certain buildings would extend this same protection to members of the community and locally elected officials.

I would offer three amendments to the current proposal. First, I suggest the bill should allow municipalities to prohibit firearms from buildings rather than just during public meetings. Limiting the restriction only to public meetings weakens the protection and creates a scenario that is confusing and difficult to enforce. Secondly, I suggest municipalities be required to conspicuously post any prohibition against firearms at each entrance of a building. Lastly, I ask that all law enforcement officers, on or off duty, be exempted. Officers should be in uniform or have the firearm concealed.

The safety of residents of Portland during public participation in local government and that of my fellow city workers is very important to me. This bill allows for both. Thank you for considering this valuable legislation and allowing me to provide my insight and opinion.

Sincerely,

Vernon M. Malloch
Interim Chief of Police

cc: Legislative Committee, City of Portland
Jon Jennings, City Manager, City of Portland



City of Portland, Maine

To: Senator Jim Dill, Senate Chair, Rep. Craig Hickman, House Chair, and members of the Committee

From: Troy Moon, Sustainability Coordinator

Date: April 23, 2019

Regarding: City of Portland, Maine testimony to the State of Maine 129th Legislature's JOINT STANDING COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY in opposition to L.D. 1518, *"An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory and To Increase Statewide Enforcement of Pesticide Use"*

Senator Dill, Representative Hickman, and members of the Committee:

Thank you for the opportunity to testify on behalf of the City of Portland in opposition to LD 1518. *"An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory and To Increase Statewide Enforcement of Pesticide Use"*

In January 2019, the City of Portland enacted a local ordinance that prohibits the use of synthetic pesticides for most applications on landscapes. This includes public property such as parks, playgrounds and open spaces as well as private property including lawns, gardens, and hardscapes. Our City Council passed this ordinance after a two-year process of study and public hearings. In 2016, the Council created the Pesticide and Fertilizer Working Group that was comprised of landscape professionals, an entomologist, a retailer, licensed pesticide applicators, and members of the environmental community. After a nine-month process, this group made recommendations to the City Council's Sustainability and Transportation Committee, which held two public hearings as well as a panel discussion that included landscape professionals with differing views on the role of pesticides in a landscape management plan. This committee recommended a draft ordinance to the full City Council who adopted it with some amendments after a further public hearing.

I describe this lengthy process to indicate that the City did not adopt its restrictions on pesticides lightly. The work done by those who participated in the development of the ordinance as well as the testimony provided by members of the public convinced our elected officials that a local ordinance is required to ensure that our local waterways, wildlife, pets, and citizens are not exposed to potentially harmful synthetic pesticides. In a largely urban community such as Portland, homes and businesses exist in close proximity. Our City Councilors heard a great deal of testimony from residents describing how pesticides applied to a nearby lawn or landscape affected their properties through water run-off and overspray. They heard testimony from

organizations such as the Friends of Casco Bay about how their water sampling program has detected pesticides in the coastal waters around Portland that threaten marine life and the health of the bay. As a regulated MS4 community under the Clean Water Act, the EPA and the Maine DEP require the City of Portland to prevent contaminants, such as pesticides, from entering local waterways. After extensive deliberations, the Council determined that landscape management techniques that emphasize building soil health to grow lawns and gardens is best for Portland and that the use of pesticides should be permitted as a last resort and only after review by an oversight committee.

LD 1518 contains several provisions that the City of Portland would support. The increasing numbers of people infected with tick-borne diseases clearly necessitates further study and research. Providing additional capacity for the University of Maine Cooperative Extension to study pests and to provide information to the public is laudable. The City also supports providing the Maine Board of Pesticides Control with greater capacity to enforce existing regulations.

The City of Portland opposes the provision of the bill that limits a municipality's ability to create local ordinances that govern the use of pesticides within their municipal boundaries. Towns and cities around the state have enacted restrictions on the use of pesticides that reflect the unique situation in their community. Some communities restrict applications for forestry or agriculture; others restrict usage in sensitive watersheds, and others have restricted applications because of potential impacts on neighbors. The Maine Board of Pesticides Control has extensive knowledge of and experience with pesticides. They should continue to provide general oversight and regulation of pesticide applicators. They do not have knowledge of circumstances in municipalities that may lead them to restrict the use of pesticides in specific ways.

In the long tradition of home rule in the State of Maine, the City of Portland opposes language that would pre-empt a municipality's ability to restrict the use of pesticides within its municipal boundaries.



City of Portland, Maine

To: Sen. Brownie Carson, Senate Chair, Rep. Ralph Tucker, House Chair, and members of the Committee

From: Troy Moon, Sustainability Coordinator

Date: April 24, 2019

Regarding: City of Portland, Maine testimony to the State of Maine 129th Legislature's JOINT STANDING COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES in support of LD 1532, *"An Act To Eliminate Single-Use Plastic Bags"*

Senator Carson, Representative Tucker, and members of the Committee:

Thank you for the opportunity to testify on behalf of the City of Portland in support of LD 1532 *"An Act To Eliminate Single-Use Plastic Bags."*

On April 15, 2015 the City of Portland implemented a \$0.05 fee on all single use bags – paper and plastic. We were the first municipality in Maine to institute such a fee and we have been pleased that so many other towns and cities across the state have adopted similar ordinances in order to address the senseless waste of resources associated with single use bags.

After shopping, consumers usually toss out their shopping bags as soon as they remove their purchased items. Too often these unwanted bags end up as litter -- improperly discarded by thoughtless individuals or blown from trash or recycling bins on a windy day. In either case, bag litter is unsightly, and negatively impacts our environment. It requires municipal employees or concerned volunteers to expend financial and human resources to clean them up. When plastic bags reach municipal recycling facilities they often wrap around equipment or hide trash, liquids or other materials that contaminate other recyclables. Using any bags -- plastic or paper -- to carry goods one time and then disposing of them represents an unnecessary waste of resources, especially when re-usable alternatives are readily available to most consumers.

There have been previous attempts to encourage Maine residents to voluntarily reduce the number of disposable bags they use. In 1991, the State enacted legislation requiring retailers who use plastic bags to provide a container to collect them for recycling. (38 M.R.S. §1605) In 2007, then State Representative Ted Koffman introduced a bill to place a fee on single use bags. While this legislation failed, it foretold legislative action in 2009 that convened a working group charged with finding ways to reduce waste from bags. This group included members of the business community, environmental groups, and the now defunct Maine State Planning Office. Their work culminated in the "Got Your Bags?" campaign that provided merchants with a tool kit designed to help them promote re-usable bags at checkout. Despite these efforts, however, most shoppers continue to receive disposable bags at the check-out counter.

If you were to go shopping in Portland today, you would notice many people with their own reusable bags. You would also see many people taking single use shopping bags – usually plastic ones. Our bag fee has reduced the use of such bags but not eliminated it. Moving to a statewide ban on plastic bags makes sense.

It also makes sense to institute a fee on paper bags. Shoppers need an option if they forget their reusable bags or make an unplanned trip to the store. While paper bags are easily recycled, their production and distribution consumes natural resources and causes environmental impacts that degrade both air and water. A fee will provide a financial incentive to minimize the number of bags they use and help them to remember their reusable bags next time.

We would like to thank Representative Stover and the co-sponsors for introducing LD 1532. If it is enacted it will reduce the amount of plastic waste entering our environment and make Maine more sustainable.



**CITY OF PORTLAND
KIMBERLY COOK
CITY COUNCIL, DISTRICT 5**

LD 1619

An Act Regarding Licenses for the Sale of Liquor for On-premises Consumption

April 26, 2019

Senator Luchini, Representative Schneck, members of the Committee on Veterans and Legal Affairs, my name is Kim Cook, and I am a Portland City Councilor. I am testifying before you on behalf of the Portland City Council in support of LD 1619.

LD 1619 will help to address an issue that Portland has been experiencing, as evidenced by the recent difficulty the City had in approving a liquor license for a local brewing company.

In 2016, the City very carefully expanded the allowable uses in the low impact industrial zone (ILb) to encourage the burgeoning food and beverage manufacturing industry that was beginning to take root in the industrial portion of the East Bayside neighborhood.

The introduction of companies like Coffee By Design, Tandem Coffee Roasters, Bunker Brewing Company, Maine Craft Distillery, Austin Street Brewing, and Rising Tide to the area was a boon to the neighborhood, spurring housing and business development, bringing positive foot traffic to the area, and increasing both the neighborhood's vitality and public safety. However, it quickly became apparent that without the ability to sell their products on site, these businesses could not continue their growth and remain successful in the neighborhood.

For that reason, in the City Council added a "makers' markets" clause to the zoning for the low impact industrial zone, allowing manufacturers and artists to sell their wares on site. Included in this zoning change was a provision to allow ancillary tasting rooms for food and beverage manufacturers. The City Council was careful in creating this zoning because it did not want to allow drinking establishments without a link to a product being manufactured in the ILb to open there. It sought to create a zone that allowed makers and manufacturers to thrive--not a second Old Port or entertainment district.

Today, in order to sell alcohol, these establishments need multiple licenses: one from the municipality and one from the state, and this is where the problem lies. Unfortunately, there is a conflict between the municipal license we grant to breweries, wineries, and distilleries in this zone and the state liquor license that is granted to them as drinking establishments. There are conflicts with regard to the type of alcohol that can be served as well as the amount of food service that is required, and these conflicts are making it very difficult for our small businesses to remain in compliance with the state and the municipality simultaneously.

LD 1619 will solve this problem by allowing municipalities to condition state liquor licenses- something municipalities have heretofore been prohibited from doing. With the passage of LD 1619, businesses like Rising Tide, which have been good neighbors in East Bayside for nearly ten years now, as well as newer establishments, like Austin Street Brewing, will be able to comply with both municipal and state law without conflict.

The City of Portland supports the passage of LD 1619.

Thank you for your consideration.