

**Legislative/Nominating
Committee Agenda**
November 29, 2022



MEMBERS
Councilor April Fournier, Chair
Mayor Kate Snyder
Councilor Pious Ali

REMOTE ACCESS INFORMATION:

This meeting will be conducted remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

To join the meeting, visit <https://portlandmaine-gov.zoom.us/j/87377216395>

I. Call to Order

II. Approval of Meeting Minutes

- a. Minutes from the November 1, 2022 Meeting

III. Delegation / Committee Topics of Discussion

- a. Update on status of challenges related to asylee access to shelter/health services (City staff)
- b. Review of proposed amendment to GA statute

IV. Other Business

- a. HR 6707, H.R.6707 - Advancing Equality for Wabanaki Nations Act (Councilor April Fournier, Chair)

V. Adjournment

**Legislative/Nominating
Committee Agenda Minutes**
November 1, 2022



MEMBERS
Councilor April Fournier, Chair
Mayor Kate Snyder
Councilor Pious Ali

REMOTE ACCESS INFORMATION:

This meeting will be conducted remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

To join the meeting, click <https://portlandmaine-gov.zoom.us/j/87377216395>

I. Call to Order

Chair Fournier called the meeting to order at 8:02 AM.

Councilor April Fournier (Chair), Mayor Kate Snyder, Danielle West (Interim City Manager), Kristen Down (Director of Health and Human Services), Dena Libner (Chief of Staff), Senator Ben Chipman, Representative Rachel Talbot Ross, Representative Barb Wood, Representative Sam Zager, Representative Ed Crockett, Representative Michael Brennan, Representative Benjamin Collings, Kate Knox (Bernstein Shur), Alysia Melnick (Bernstien Shur), and Chris Feeney (Bernstein Shur) were present. Councilor Pious Ali joined the meeting at TIME. Greg Payne (Governor's Office) joined the meeting at TIME

II. Approval of Meeting minutes

a. Draft Minutes from the October 25, 2022 Legislative/Nominating Committee Meeting

Mayor Kate Snyder made a motion to Approve the minutes of the October 25, 2022 meeting, seconded by Councilor Pious Ali, vote (3-0)

III. Legislative Discussion

a. Update on Emergency Shelter/Public Health Challenges (City Staff)

Kristen Dow provided an update on the status of efforts to address the issues reviewed in the prior meeting and her three asks laid out the prior week. Items of note:

- New 10-unit housing may be coming online in the coming months
- Need for ongoing investment in coordinated emergency services for asylum seekers

- Need to know where people are located and what their needs are beyond just City of Portland resources.

Danielle West echoed concerns about the ending of the ERA program and the anticipated impacts of ending it.

Mufalo Chitam added that there are an additional 15 pregnant people being sheltered outside of City resources in the Portland area, and highlighted the need for temporary and emergency shelter solutions.

b. Discussion: Advocacy Priorities re: Emergency Shelter/Public Health Challenges

The Committee and Delegation discussed recent efforts to locate funding and resources from Federal and State sources to assist individuals needing assistance. The Committee and staff also discussed the importance of temporary housing during the ongoing emergency needs of people experiencing homelessness.

Dena Libner asked that the Committee consider approving the drafting of testimony for the state Housing Committee. All committee members agreed to have staff draft testimony for final approval via email.

IV. November Meeting Schedule

This item was not discussed.

V. Adjournment

Mayor Kate Snyder made a motion to Adjourn the meeting, seconded by Councilor Pious Ali, vote (3-0)

City of Portland | Executive Department

Danielle West, *Interim City Manager*



To: Mayor and Members of the Portland City Council

From: Danielle West, Interim City Manager

Date: November 10, 2022

Re: Public Health and Shelter Challenges with Asylum Seekers

At the request of the Council's Legislative/Nominating Committee, this memo is being provided to update the City Council on the challenges and proposed solutions related to the needs of the asylum-seeking population in and around Portland.

As you know, as a result of the State's General Assistance (GA) eligibility criteria and the City of Portland's operation of the largest public shelter in Maine, an overwhelming number of asylum seekers have sought services and shelter in Portland over the last few years. Despite reaching shelter capacity and communicating this status publicly, the number of individuals relocating to Maine has remained steady.

These individuals are currently served by a number of organizations including, but not limited to, Maine Immigrants' Rights Coalition, Prosperity Maine, The Opportunity Alliance, the City of Portland, and Preble Street. We are sure there are many more organizations throughout southern Maine who are not identified here, but are assisting as well.

The absence of a coordinated effort to provide shelter and deliver social and health services has, most recently, resulted in a number of pregnant asylum-seeking women who do not have safe, reliable shelter after delivery and/or the health services needed for both the mother and child.

We estimate that there are approximately 30 pregnant asylum-seeking women being served by several of the organizations named above. As of the date of this memo, 8 of those individuals are currently sheltered at Oxford Street Shelter and the remainder are sheltered in hotels outside of Portland. However, these numbers change often, and only include those whose pregnancies staff and our partners have been made aware of.

Staff have been in discussions with the Governor's Office of Policy Innovation and the Future on these issues for some time. That Office has indicated that funding has been allocated to help develop up to 175 permanent housing units (pending other funding commitments and municipal approval), and to provide rental assistance to some of the tenants, many of whom are expected to be asylum seekers. Unfortunately, this response does not address the need for additional emergency shelter capacity, transitional housing, additional permanent housing, or to create a long-term solution for the pregnant asylum-seeking women we are serving today, as well as the many we anticipate we will be asked to serve in the future.

The City (through its Legislative/Nominating Committee and staff) has proposed and continues to propose that a large, publicly-owned facility be repurposed to provide the emergency shelter and/or transitional housing so desperately needed. While we have identified a few potential facilities that could be repurposed to provide this shelter, a consistent issue we have faced is the absence of an entity or entities willing to take on the responsibility for the operation of such a facility.

The above-described issues have been exacerbated by the recent end to the federally-funded Emergency Rental Assistance (ERA) program. This program currently provides rental assistance to 870+ households in Portland (and about 8,600 households throughout the State). In some cases, it is also being used by community partners to provide shelter to asylum seekers. The end of this program is likely to have painful consequences for individuals in Portland and throughout the State, many of whom are likely to turn to GA for assistance. GA is an imperfect solution in many ways – it provides less financial assistance, has stricter eligibility requirements, and adds to the financial and administrative burden being shouldered by local municipalities.

In early November, staff understood that the Treasury had provided the State with a solution that would allow the ERA program to continue temporarily. As of November 10, however, we have not received an update on the status of that potential solution.

All of these public health needs are ultimately part of a much bigger question: how does the City of Portland, other municipalities, and community partners sustain and keep up with a growing demand for shelter and social services by asylum-seeking individuals? City staff continue to advocate for the following solutions to address this question:

1. The continuation of ERA funding, which will help to provide reliable, safe shelter for pregnant asylees before and after they give birth;
2. Direction from the State to allow municipalities to exceed GA guidelines after 30 days to keep people in housing; and
3. Coordinated care (intake and service delivery) for all asylum-seeking families in Maine. City staff advocate that this care should include an Emergency Operations Center (EOC) for medical care, food, transportation, case management and legal services.

Staff has also recommended that the Legislative/Nominating Committee continue its work with the Portland Delegation next session to address the administrative challenges of GA in the following ways:

1. Clarify the eligibility criteria for GA to manage the fiscal and administrative impact on municipalities;
2. Significantly increase the GA reimbursement rate provided under state law; and/or
3. Have the State or another entity with a broader reaching focus than municipalities assume responsibility for and coordinate the delivery of GA and other services to asylum seekers.

An Act To Increase Reimbursement Under the General Assistance Program

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §4311, sub-§1, as amended by PL 2015, c. 267, Pt. SSSS, §1, is further amended to read:

1. Departmental reimbursement. ~~When a municipality incurs net general assistance costs in any fiscal year prior to July 1, 2015 in excess of .0003 of that municipality's most recent state valuation relative to the state fiscal year for which reimbursement is being issued, as determined by the State Tax Assessor in the statement filed as provided in Title 36, section 381, the Department of Health and Human Services shall reimburse the municipality for 90% of the amount in excess of these expenditures when the department finds that the municipality has been in compliance with all requirements of this chapter. If a municipality elects to determine need without consideration of funds distributed from any municipally-controlled trust fund that must otherwise be considered for purposes of this chapter, the department shall reimburse the municipality for 66 2/3% of the amount in excess of such expenditures when the department finds that the municipality has otherwise been in compliance with all requirements of this chapter.~~

The department shall reimburse each municipality and each Indian tribe 70% of the direct costs incurred by that municipality or tribe on or after July 1, 2015 and before July 1, 2023, and on or after July 1, 2023, reimburse each municipality and each Indian tribe 90% of the direct costs incurred by that municipality or tribe for the general assistance program granted by that municipality or tribe. If a municipality elects to determine need without consideration of funds distributed from any municipally-controlled trust fund that must otherwise be considered for purposes of this chapter, the department shall reimburse the municipality for 66 2/3% of the amount in excess of such expenditures when the department finds that the municipality has otherwise been in compliance with all requirements of this chapter. For the purposes of this subsection, "Indian tribe" has the same meaning as in section 411, subsection 8-A.

SUMMARY: This bill increases from 70% to 90% the amount of state reimbursement for the costs General assistance cost incurred by a municipality or Indian tribe on or after July 1, 2023.

117TH CONGRESS
2D SESSION

H. R. 6707

To amend the Maine Indian Claims Settlement Act of 1980 to advance equality for Wabanaki nations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2022

Mr. GOLDEN (for himself and Ms. PINGREE) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To amend the Maine Indian Claims Settlement Act of 1980 to advance equality for Wabanaki nations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Advancing Equality
5 for Wabanaki Nations Act”.

6 **SEC. 2. APPLICATION OF CERTAIN LAWS.**

7 (a) APPLICATION OF STATE LAWS.—The Maine In-
8 dian Claims Settlement Act of 1980 (Public Law 96–420)
9 is amended—

10 (1) in section 3—

1 (A) in subsection (m), by striking “and” at
 2 the end;

3 (B) in subsection (n), by striking the pe-
 4 riod and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(o) ‘Mi’kmaq Nation’ means the sole successor to
 7 the Micmac Nation as constituted in aboriginal times in
 8 what is now the State of Maine, and all its predecessors
 9 and successors in interest, and which is represented, as
 10 of the date of enactment of this subsection, as to lands
 11 within the United States, by the Mi’kmaq Council.”; and

12 (2) in section 6—

13 (A) in subsection (a), by striking “provided
 14 in section 8(e) and section 5(d)(4)” and insert-
 15 ing “otherwise provided in this Act”; and

16 (B) in subsection (h)—

17 (i) by striking “Except as otherwise
 18 provided in this Act, the” and inserting
 19 “The”;

20 (ii) in the first sentence, by inserting
 21 “or enacted for the benefit of” before “In-
 22 dians, Indian nations”;

23 (iii) by inserting “that is in effect as
 24 of the date of the enactment of the Ad-

1 vancing Equality for Wabanaki Nations
 2 Act, (2)” after “United States (1)”;

3 (iv) by striking “also (2)” and insert-
 4 ing “also (3)”;

5 (v) by inserting “, unless Federal law
 6 or the State laws of Maine provide for the
 7 application of such Federal law or regula-
 8 tion” after “State” and before the period
 9 at the end.

10 (b) IMPLEMENTATION OF THE INDIAN CHILD WEL-
 11 FARE ACT.—Section 8 of the Maine Indian Claims Settle-
 12 ment Act of 1980 (Public Law 96–420) is amended—

13 (1) in subsection (a)—

14 (A) by striking “or” after “Passama-
 15 quoddy Tribe” and inserting a comma;

16 (B) by inserting “, the Houlton Band of
 17 Maliseet Indians, or the Mi’kmaq Nation” after
 18 “Penobscot Nation”; and

19 (C) in the second sentence, by striking “re-
 20 spective tribe or nation” each place it appears
 21 and inserting “respective tribe, nation, or
 22 band”;

23 (2) in subsection (b)—

24 (A) by striking “or” after “Passama-
 25 quoddy Tribe” and inserting a comma; and

1 (B) by inserting “, the Houlton Band of
 2 Maliseet Indians, or the Mi’kmaq Nation” after
 3 “Penobscot Nation”;

4 (3) by striking subsection (e);

5 (4) by redesignating subsection (f) as sub-
 6 section (e); and

7 (5) in subsection (e), as so redesignated—

8 (A) by striking “or” after “Passama-
 9 quoddy Tribe” and inserting a comma;

10 (B) by inserting “, the Houlton Band of
 11 Maliseet Indians, or the Mi’kmaq Nation” after
 12 “Penobscot Nation”; and

13 (C) by striking “or nation” and inserting
 14 “, nation, or band”.

15 (c) CONSTRUCTION.—Section 16 of the Maine Indian
 16 Claims Settlement Act of 1980 (Public Law 96–420) is
 17 amended—

18 (1) by striking “(a)” at the beginning; and

19 (2) by striking subsection (b).

20 (d) AROOSTOOK BAND OF MICMACS SETTLEMENT
 21 ACT.—The Aroostook Band of Micmacs Settlement Act
 22 (Public Law 102–171) is amended by striking section 8.

○