

**Legislative/Nominating
Committee Agenda**
March 7, 2023



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

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.

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International numbers available: <https://portlandmaine-gov.zoom.us/j/kc7eK26r2T>

I. Call to Order

II. Approval of Meeting minutes

- a. Minutes from the March 3, 2023 Legislative/Nominating Committee meeting

III. Legislative Update

- a. Review: New LDs
- b. Review: Legislative Tracker
- c. Discussion: LD 748 (An Act to Strengthen the Due Process Rights of Persons in Law Enforcement Custody)
- d. Discussion: LD 404 (Resolve, to Direct the Department of Transportation to Implement the Recommendations of the Mountain Division Rail Use Advisory Council)

IV. Other Business

- a. Confirming upcoming meeting schedule
- b. Discussion: Federal policy priorities for Hill Day (March 28, 2023)

V. Adjournment

**Legislative/Nominating
Committee Meeting Minutes**
March 3, 2023



MEMBERS

Mayor Kate Snyder, Chair
Councilor April Fournier
Councilor Pious Ali
Councilor Regina Phillips

I. Call to Order

Mayor Kate Snyder, Chair, called the meeting to order at 8:03am. In attendance were Chief Heath Gorham (PD), Associate Corporation Counsel TBD, Mayor Kate Snyder, Rep. Ed Crockett, Sen. Jill Duson, Councilor Regina Phillips, Rep. Matt Moonen, Rep. Michael Brennan, Councilor April Fournier, Speaker Rachel Talbot Ross, School Board Chair Sarah Lentz, Rep. Grayson Lookner, Interim City Manager Danielle West, Chief of Staff Dena Libner, Kate Knox (Bernstein Shur), Alysia Melnick (Bernstein Shur), and Chris Feeney (Bernstein Shur).

II. Approval of Meeting minutes

- a. Minutes from the Meeting of February 28, 2023

Approval of meeting minutes was postponed to the end of the meeting.

III. Legislative Update

- a. Discussion of existing or anticipated LDs

Meeting attendees discussed existing and upcoming LDs, including policy priorities shared by the Delegation and Committee.

IV. Other Business

- a. Discussion: Emergency Shelter / Transitional Housing Needs

- b. Minutes from the Meeting of February 28, 2023

Councilor Fournier made a motion to approve the minutes from February 28, 2023, seconded by Councilor Phillips, vote (4-0).

V. Adjournment

Councilor Phillips made a motion to adjourn the meeting at 9:08am. Motion was seconded by Chair Snyder, vote (4-0).

Memorandum

To: Portland, City of
From: Bernstein Shur
Date: March 1, 2023
Re: New Legislative Bills Report

Please indicate to us which bills you would like included on your tracking report.

LD 772 (SP331)

An Act to Establish a Process to Vest Rights for Land Use Permit Applicants

Staff are concerned that this would allow the submission of an application that has none of the required substance in order to vest under the current regulations. Some standards for what constitutes an application are necessary to avoid incomplete, casually-submitted applications submitted only for the purpose of vesting.

LD 787 (SP346)

An Act to Create the New Maine Resident Service Coordination Program in the Department of Economic and Community Development

LD 793 (SP352)

An Act to Support Municipal Services with Revenue Sharing

LD 853 (HP543)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Right to Housing

Staff advised that this could impact the City's ability to create and enforce regulations that may arguably infringe on that right. For example, arguments could be made that some fire or building codes, or zoning/land use ordinances, are unduly restrictive on a citizen's right to housing and are therefore unconstitutional, leaving it to courts to determine what violates the constitution.

LD 860 (SP357)

An Act to Identify the Railroad Lines from Portland to Bangor as a Major Corridor and to Fund a Feasibility Study

Staff are generally concerned re: the fragmented approach re: rail lines. For example, LD 860 and LD 880 should be integrated to pursue a unified approach to cities to the north by rail.

LD 880 (SP377)

Resolve, Directing the Department of Transportation to Initiate a Service Development Plan for Commuter and Passenger Train Service Between Portland and the Lewiston and Auburn Area

See staff feedback re: LD 860 (above). Also recommend 'commuter' and 'passenger' train service is better defined.

LD 885 (HP551)

An Act to Help First-time Home Buyers in Maine

Concept Draft

LD 889 (SP381)

An Act to Better Support the Educational Attainment of Low and Moderate-income Communities by Providing Additional Funding to Certain School Administrative Units

LD 911 (HP567)

An Act to Amend the Laws Regarding Certain Law Enforcement Interactions and Tools for Determining Residency During Conflict Resolution

Concept Draft

LD 944 (HP591)

An Act to Allow Refugees, Asylees and Asylum Seekers to Qualify for In-state Tuition

LD 945 (HP592)

An Act to Allow Maine Families to Increase Their Savings by Removing Asset Limits for Eligibility for the Temporary Assistance for Needy Families Program

Little to no impact on City operations

LD 951 (HP598)

An Act to Amend the State Education Funding Formula to Create Equity Between Municipalities by Adding Median Income to the Formula

LD #	Category	Title	Sponsor	Cmte	Bill Information	COP Position	Public Hearing	Work Session	Status	LR #	Notes	Priority
235	Dredging	An Act to Promote Economic Development in the Fishing Industry by	Brennan	TRAN	Bill Text	Support				864		Y
236	Dredging	An Act to Authorize a General Fund Bond Issue to Support the Economic Development of the Fishing Industry and the Portland Harbor Dredging Project (Bond)	Brennan	AFA	Bill Text	Support				865		Y
812	Elections	An Act to Assist Clerks in Facilitating Elections and to Improve Access to In-person Absentee Voting for Working People by Increasing Time for Absentee Ballot Processing and In-person Voting	Skold	VLA	Bill Text		3/13/23 10:00 AM Rm 437 SH			2039	Leaning in direction of supporting components – requesting info from clerk	
81	GA	An Act to Address Recovery Residence Participation in the Municipal General Assistance Program	Meyer	HHS	Bill Text	Staff to review				160		
182	GA	An Act to Create a 9-month Time Limit on General Assistance Benefits for Able-bodied Adults Without Dependents	Brakey	HHS	Bill Text	Oppose and testify				1564	Staff concerned would great barriers to individuals that rely on GA	
183	GA	An Act to Incorporate Time Limits on the Temporary Assistance for Needy Families Program into Municipal	Brakey	HHS	Bill Text	Oppose and testify				1562	Staff concerned would great barriers to individuals that rely on GA	
268	GA	An Act to Establish a 45-day Municipal Residency Requirement for General Assistance Programs	Brakey	HHS	Bill Text	Oppose and testify				628	Staff believe this would restrict use and push people onto the streets.	
454	GA	An Act to Establish a 180-day State Residency Requirement for Municipal General Assistance	Brakey	HHS	Bill Text	Opposed				627		

LD #	Category	Title	Sponsor	Cmte	Bill Information	COP Position	Public Hearing	Work Session	Status	LR #	Notes	Priority
199	Healthcare	An Act to Improve the Health of Maine Residents by Removing Exclusions to the MaineCare Program	Talbot Ross	HHS	Bill Text	Support				509		
2	Housing	An Act to Address Maine's Housing Crisis	Talbot Ross	Housing	Bill Text	Monitor				345		
3	Housing	An Act to Establish the Winter Energy Relief Payment Program to Aid Residents with High Heating Costs and to Finalize the COVID Pandemic Relief Payment Program (Emergency)	Talbot Ross	AFA	Bill Text	Support/ Submitted testimony	12/21/22 1:00 PM Rm 228 SH	Work session held 12/21/22	1/4/23 Public Law Ch. 1	601		
45	Housing	An Act to Prevent Retaliatory Evictions	Carney	JUD	Bill Text	Monitor	2/9/23 1:00 PM Rm 438 SH			47		
107	Housing	An Act Regarding Municipal Efforts to Avert Evictions and Heating Shut-offs During Winter (Emergency)	Ankeles	Housing	Bill Text	Monitor				491		
226	Housing	An Act to Address Maine's Affordable Housing Crisis	Millet	Housing	Bill Text	Monitor				791		
250	Housing	An Act to Improve Housing by Increasing Housing Options	Pouliot	Housing	Bill Text	Monitor				1223		
314	Housing	An Act to Establish the Permanent Commission on the Status of Housing in Maine	Hickman	Housing	Bill Text	Monitor				2107		
330	Housing	An Act to Ensure Legal Representation for Residents Facing Eviction	Tipping	JUD	Bill Text	Monitor	2/16/23 1:00 PM Rm 438 SH			2017		
337	Housing	An Act to Amend the Regulations of Manufactured Housing to Increase Affordable Housing	Golek	Housing	Bill Text	Monitor				1984		

LD #	Category	Title	Sponsor	Cmte	Bill Information	COP Position	Public Hearing	Work Session	Status	LR #	Notes	Priority
388	Housing	An Act to Require the State and Municipalities to Reimburse Landlords for Unpaid Rent During Eviction Moratoriums	Blier	Housing	Bill Text	Monitor				876	Given minimal detail re: eligibility and other parameters, this bill is too broad to determine the financial impact or to prevent abuse of such a program	
462	Housing	An Act to Assist Persons Experiencing Homelessness in Areas of High Rent by Seeking a Waiver from the Federal Government	Madigan	Housing	Bill Text	Monitor				956		
492	Housing	An Act to Repurpose Vacant Shopping Mall and Retail Space to Mixed-use Housing and Retail	Campbell	Housing	Bill Text	Monitor				2040		
599	Housing	An Act to Provide Support Services for a Transitional Housing Program for Homeless Persons	Brennan	HHS	Bill Text					1507	Bernstein to get more information from sponsor	
25	Other	An Act to Provide Indigenous Peoples Free Access to State Parks	Hickman	ACF	Bill Text	Monitor	1/25/23 9:00 AM Rm 214 COB	2/1/23 11:00 AM Rm 214 COB	Voted 2/1/23 OTP-AM Not rpt out	82		
34	Other	An Act to Require a Person to Show Photographic Identification for the Purpose of Voting	Pouliot	VLA	Bill Text	Monitor	2/6/23 10:00 AM Rm 437 SH	3/3/23 9:30 AM Rm 437 SH		214	Staff will assess/Councilor Fournier requested tracking	
52	Other	An Act to Allow Certain School Employees to Carry Firearms on School Property	Foster	EDU	Bill Text	Monitor				7	Staff will assess/Councilor Fournier requested tracking	
96	Other	An Act to Ensure Release of Relevant Background Investigation Material to Current Employers of Law Enforcement and Corrections Officers	Cyrway	CJPS	Bill Text	More info needed from staff	1/30/23 10:00 AM Rm 436 SH	2/8/23 10:00 AM Rm 436 SH	Voted 2/8/23 OTP-AM Not rpt out	115		

LD #	Category	Title	Sponsor	Cmte	Bill Information	COP Position	Public Hearing	Work Session	Status	LR #	Notes	Priority
109	Other	An Act to Improve Safety for Individuals Living in Recovery Residences	Landry	CJPS	Bill Text	Monitor/ Staff to review	1/30/23 10:00 AM Rm 436 SH	2/8/23 10:00 AM Rm 436 SH	Tabled 2/8/23	348	Staff will assess/Councilor Fournier requested tracking	
116	Other	An Act to Establish a Minimum Wage for All Health Care Workers Including All Support Staff	Baldacci	LH	Bill Text	Monitor	2/14/23 1:00 PM Rm 202 COB			597	Staff will assess/Councilor Fournier requested tracking	
127	Other	An Act to Eliminate Television Recycling Fees for Charitable Entities	Stewart	ENR	Bill Text		1/30/23 10:00 AM Rm 216 COB	2/8/23 10:00 AM Rm 216 COB	DEAD	386	Tracking requested by April	
276	Other	An Act to Assist Municipalities in Preventing Damage from Storm Water	Ankeles	ENR	Bill Text	Monitor	2/15/23 11:00 AM Rm 216 COB	3/8/23 11:00 AM Rm 216 COB	Tabled 3/1/23	492	Staff indicated it could be helpful.	
288	Other	An Act Concerning Housing and Support Services for At-risk Youth and Youth Who Have Committed Juvenile Crimes	Lookner	CJPS	Bill Text	Monitor				1142		
422	Other	An Act to Eliminate the Requirement That Municipalities Provide Public Notice in Newspapers	Newman	SLG	Bill Text	Monitor	3/2/23 1:00 PM Rm 214 COB	3/9/23 1:30 PM Rm 214 COB		1511		
145	Public safety	An Act to Increase the Penalties for Operation of a Motor Vehicle While Using a Handheld Electronic Device or Mobile Telephone	Zeigler	TRAN	Bill Text	Testify	2/28/23 1:00 PM Rm 126 SH	3/1/23 1:00 PM Rm 126 SH		138	2/15/23 Support concept, but concerns with penalty 2/8/23 Staff strongly support	
847	Public safety	An Act to Support Law Enforcement in Interactions with Individuals with Histories of Trauma	Gramlich	CJPS	Bill Text	Support				2341	PD to testify, already happens in Portland	
354	Public works	An Act to Amend the Laws Regarding the Use of Engineers on Public Works Projects over \$100,000	Farrin	SLG	Bill Text	Monitor	2/14/23 1:00 PM Rm 214 COB	3/9/23 1:30 PM Rm 214 COB		1484		
407	Public works	An Act to Support Recreational Trails	Chipman	TRAN	Bill Text	Monitor				2161		

LD #	Category	Title	Sponsor	Cmte	Bill Information	COP Position	Public Hearing	Work Session	Status	LR #	Notes	Priority
37	Revenue	An Act to Amend the Laws Governing Property Tax Stabilization for Senior Citizens to Eliminate the Requirement for an Annual Application	Pouliot	TAX	Bill Text	Monitor/ Staff support	3/16/23 1:00 PM Rm 127 SH			211		
88	Revenue	An Act to Provide Qualifying Municipalities a Percentage of Adult Use Cannabis Sales and Excise Tax Revenues	Paulhus	TAX	Bill Text	Testify	3/9/23 2:00 PM Rm 127 SH			488	Strong support from staff	
89	Revenue	An Act to Clarify Eligibility for Property Tax Stabilization for Individuals 65 Years of Age or Older	Moriarty	TAX	Bill Text	Need Clarification	3/16/23 1:00 PM Rm 127 SH			218		
130	Revenue	An Act to Eliminate Senior Citizen Property Tax Stabilization and Expand the Homestead Property Tax Exemption	Bennett	TAX	Bill Text	Monitor	3/16/23 1:00 PM Rm 127 SH			29		
166	Revenue	An Act to Provide Revenue for Property Tax Relief and Capital Infrastructure Projects	Williams	SLG	Bill Text	Support	1/31/23 1:00 PM Rm 214 COB	2/9/23 1:00 PM Rm 214 COB	MAJ: OTP MIN: ONTP Reported out 2/21/23	302	Senator Duson testifying	
286	Revenue	An Act to Authorize the Use of Tax Increment Financing Funds for Constructing or Renovating Municipal Offices and Other Municipal Buildings	Carlow	TAX	Bill Text	Monitor	2/14/23 1:00 PM Rm 127 SH	3/2/23 1:00 PM Rm 127 SH	Tabled 3/2/23	1192		
112	Schools	An Act to Increase the State's Share of Retired Teacher Health Insurance (Emergency)	Dodge	LH	Bill Text		2/9/23 1:00 PM Rm 202 COB	3/9/23 2:00 PM Rm 202 COB		207	Tracking requested by April	
293	Schools	An Act to Revise the School Funding Formula	Ducharme	EDU	Bill Text	Monitor				2059		
338	Schools	An Act to Allow Education Funding to Follow the Student	Campbell	EDU	Bill Text	Monitor				228		

LD #	Category	Title	Sponsor	Cmte	Bill Information	COP Position	Public Hearing	Work Session	Status	LR #	Notes	Priority
518	Schools	An Act to Allow Armed Security in Schools	Andrews	EDU	Bill Text	Monitor				2211		
406	Transportatin	An Act to Expand Passenger Rail Service	Chipman	TRAN	Bill Text	Monitor				2041		
408	Transportatin	An Act to Expand Bus Service	Chipman	TRAN	Bill Text	Monitor				2196		
409	Transportatin	An Act to Improve Pedestrian Safety	Chipman	TRAN	Bill Text	Monitor				2303		
336	Tribes	An Act Regarding State Recognition of Native American Tribes	Poirier	JUD	Bill Text	Monitor	3/15/23 9:00 AM Rm 438 SH			749		



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 748

S.P. 306

In Senate, February 16, 2023

An Act to Strengthen the Due Process Rights of Persons in Law Enforcement Custody

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.
Cosponsored by Representative BOYER of Poland and
Senator: CARNEY of Cumberland, Representatives: ANDREWS of Paris, COLLINGS of
Portland, FAULKINGHAM of Winter Harbor, HASENFUS of Readfield, MOONEN of
Portland, RIELLY of Westbrook, Speaker TALBOT ROSS of Portland.

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

Sec. 1. 5 MRSA §4682, sub-§1-A, as enacted by PL 2001, c. 50, §2 and reallocated by RR 2001, c. 1, §11, is amended by enacting at the end a new first blocked paragraph to read:

A person who is placed under arrest, in custody, under interrogation or temporarily detained by a law enforcement officer and who is not warned by the law enforcement officer of the person's privilege against self-incrimination and the person's right to the assistance of legal counsel may institute and prosecute in the person's name and on the person's behalf a civil action for legal or equitable relief against the law enforcement officer for failure to provide such warnings.

Sec. 2. 5 MRSA §4682, sub-§2, as enacted by PL 2001, c. 50, §2, is amended to read:

2. Place of action. The action under subsection 4 ~~1-A~~ must be instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business.

SUMMARY

This bill amends the Maine Civil Rights Act to provide that a person who is placed under arrest, in custody, under interrogation or temporarily detained by a law enforcement officer and who is not warned by the law enforcement officer of the person's privilege against self-incrimination and the person's right to the assistance of legal counsel may institute and prosecute in the person's name and on the person's behalf a civil action for legal or equitable relief against the law enforcement officer for failure to provide such warnings.



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 404

S.P. 185

In Senate, February 2, 2023

**Resolve, to Direct the Department of Transportation to Implement
the Recommendations of the Mountain Division Rail Use Advisory
Council**

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

Preamble. Whereas, the State Railroad Preservation and Assistance Act requires the Department of Transportation to seek legislative approval for any conversion of a state-owned rail corridor in which the department controls the right-of-way to a nonrail recreational or nonrecreational transportation use; and

Whereas, Resolve 2021, chapter 52 directed the department to establish a rail corridor use advisory council to review the Mountain Division Line for potential nonrail use; and

Whereas, the Mountain Division Rail Use Advisory Council convened and met for 7 months during 2021 and 2022; and

Whereas, the 12-member Mountain Division Rail Use Advisory Council voted 11-1 to recommend the interim conversion of 31 miles of existing railroad track to a 10-foot-wide paved bicycle and pedestrian trail; and

Whereas, the State Railroad Preservation and Assistance Act further requires that once the Commissioner of Transportation receives a report from a rail corridor use advisory council that includes a recommendation of track removal or other change for interim nonrail use and the commissioner concurs with the recommendation, the commissioner shall seek legislative approval of the recommendation by submitting legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to track removal or other change for nonrail use; and

Whereas, any track removal or other change for nonrail use is considered interim in nature and rail corridors are to be preserved for future rail use as provided under the State Railroad Preservation and Assistance Act; now, therefore, be it

Sec. 1. Trail construction on Mountain Division Line. Resolved: That, based on the recommendation of the Mountain Division Rail Use Advisory Council and pursuant to the Maine Revised Statutes, Title 23, section 7107, the Department of Transportation shall, subject to available funding resources, permitting and municipal agreements, remove 31 miles of state-owned inactive existing railroad track in the Town of Standish and the Town of Fryeburg and replace the track with an interim 10-foot-wide bicycle and pedestrian trail, surfaced with either pavement or stone dust on the existing rail bed.

SUMMARY

This resolve directs the Department of Transportation, subject to available funding resources, permitting and municipal agreements, to remove 31 miles of state-owned inactive existing railroad track in the Town of Standish and the Town of Fryeburg and replace the track with an interim 10-foot-wide bicycle and pedestrian trail, surfaced with either pavement or stone dust on the existing rail bed.

3/1/23

To the Maine Department of Transportation:

This letter is written in support of LD404, which will expand the Mountain Division Trail that will connect Portland with Maine communities along the Mountain Division corridor. City residents and municipal leaders in Portland have been very supportive of building, maintaining, and expanding trail networks to serve as vital transportation networks and recreational and exercise resources.

We are supportive of LD404 and how it will connect Mountain Division corridor communities through a multi-use trail. With proper planning, in the future this trail could connect to Portland's extensive multi-use trail network, and across Casco Bay Bridge to the Eastern Trail which will eventually connect communities down the East Coast all the way to Florida.

Trails have proven to be exceptionally popular in Portland, and are used regularly by commuters, tourists, walkers, bikers, XC skiers and those without vehicles. As we face the challenges of meeting Climate action goals, as well as the very real parking and congestion challenges that we face day to day, multi-use trails will be a big part of the solution.

Portland looks forward to exploring and supporting this effort to connect Maine communities through the Mountain Division trail.

Sincerely,

Portland, Maine 04103