Legislative Committee Meeting 5-20-2019 9:00 AM
Meeting
May 20, 2019

AGENDA

I. Call to Order

II. Approval of Meeting minutes

a. Approval of May 13, 2019 Meeting Minutes

III. Legislative Update

a. Review of Non-Funding Portland Education LDs

b. Review of New LDs/Bill Tracker

c. Staff Review

d. Testimony

IV. Meeting Schedule

V. Public Comment

VI. Adjournment

CITY OF PORTLAND
LEGISLATIVE COMMITTEE
May 13, 2019 MEETING MINUTES

The May 6, 2019 Meeting was called to order by Committee Chair Ali at 8:04 a.m. in Room 24, Portland City Hall, Portland, Maine

A. Attendance/Introductions:

Committee Chair and City Councilor Pious Ali; City Councilor Jill Duson; Kate Knox, Bernstein Shur team by phone; Chris Feeney, Bernstein Shur team; Alysia Melnick, Bernstein Shur team by phone; Superintendent of Schools Xavier Botana; Mike Murray(Staff);

B. Approval of minutes:

May 6, 2019 minutes - motion by Councilor Duson; second by Councilor Ali; 2-0 approved.

May 10, 2019 minutes – motion by Councilor Duson; second by Councilor Ali; 2-0 approved.

C. Review of legislative bills/bill tracker:

LD 1682 - Remove
LD 1685 – Support; request staff testimony;
LD 1691 – Remove
LD 1695 – Request input from City Clerk;
LD 1706 – Support; request staff testimony;
LD 1710 – Request staff input
LD 1713 – Request staff input;

D. Next Meeting Date

May 20, 2019 @ 8:00 AM – Room 209**,** City Hall

E. Adjournment

Councilor Duson moved to adjourn; seconded by Councilor Ali; vote 2-0 and the meeting adjourned at 8:40 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: May 17, 2019

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

LD 1371-"An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators"; staff input requested; Divided Report

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; 5-6-2019 work session tabled; Carryover Requested;

LD 1652 – "An Act To Make Technical Changes to the Taxation of Marijuana"; Staff input requested; staff indicates that the technical changes do not impact the city; Committee voted OTP-AM

LD 1662 – "An Act To Save Lives by Establishing the Low Barrier Opioid Treatment Response Program"; staff input requested; public hearing 5-2-2019; staff supports LD 1662 and can provide written support for work session; Carryover Requested;

LD 1675 – "An Act Regarding Building Codes"; staff input requested; staff is opposed to exempting any building constructed before January 1, 2007 or any modifications completed prior to January 1, 2007. Staff is also opposed to not allowing the municipality the ability to require architectural plans; Committee voted ONTP;

LD 1685 – "An Act To Facilitate Entry of Immigrants into the Workforce"; LC supports and requests testimony; testimony is attached;

LD 1695 – "An Act Regarding the Law Governing the Disclosure of Vital Records"; staff input requested; City Clerk and MTCC Assoc oppose legislation; MTCC Assoc testified in opposition;

LD 1706 – "An Act To Ensure Public Notification of Air Quality Violations"; LC supports; testimony is attached;

LD 1710 – "An Act To Enact the Automated Driving Safety Act"; staff input requested; staff opposes as LD is too restrictive; testimony is attached; Committee voted ONTP;

LD 1711 – "An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine"; LC supports; testimony is attached;

LD 1713 – "An Act To Return Funds to Maine Property Tax Payers"; staff input requested;

LD 1685

CITY OF PORTLAND
Economic Development
Gregory A. Mitchell, Director

MEMORANDUM

TO: **Committee on Innovation, Development, Economic Advancement and Business.**

FROM: **Julia Trujillo, Office of Economic Opportunity Director**

DATE: **May 13th, 2019**

SUBJECT: **LD 1685 OEO Written Testimony**

Representative Cloutier, Senator Libby and members of the Committee on Innovation, Development, Economic Advancement and Business.

My name is Julia Trujillo Luengo. Since May 2017, I run the City of Portland's Office of Economic Opportunity within the Economic Development Department. OEO's mission is to convene and leverage public and private partners to assure optimal communication and collaboration so that immigrants, people of color and other underserved populations have access to jobs and related support services as well as economic opportunities.

OEO leads and is part of many collective efforts at the regional, local and state level to mitigate barriers to meaningful employment opportunities for Maine's foreign trained population. In order to bring greater systematic coordination to the many efforts under way, OEO recently published its Strategic Action Plan for Inclusion. The Plan is a measurable roadmap/blueprint to guide Portland's collective efforts in this area.

I am testifying today on behalf of the City of Portland in support of LD 1685, *An Act To Facilitate Entry of Immigrants into the Workforce*. OEO's Strategic Plan for Inclusion recognizes the challenge LD 1685 is trying to address as a key area for potential improvement. Within the Economic Inclusion Outcome Area, Strategy One does include as one of its key actions *to support the evaluation of foreign credentials and associated costs*

related to licensing and certification of foreign trained individuals for those ineligible for existing supports in this area.

While this bill is of key importance, please allow areas of potential improvement/recommendations:

-Consider replacing the term foreign trained individual instead of immigrant as this represents a cohort within the larger immigrant umbrella.

- Expand definition of immigrant (1C). While it is very helpful to be able to access these supports even before someone has obtained work authorization, this support could be equally, if not more impactful, for foreign trained individuals who have been chronically underemployed for years. I encourage the committee to consider including many other foreign trained populations who are not eligible for existing supports due to other state and/or federally funded eligibility requirements
- Diversify/amplify the eligible applicants (4A) to include, not only the interested party or immigrant and an adult education program of a school administrative unit, but also other state or federally funded workforce development agencies with strict eligibility requirements and unable to support all foreign trained individuals.
- Include additional language to clarify if this bill also supports foreign trained individuals who do not hold an advanced degree to include but not limited to: the trades, cosmetology or many other professional trades.

Thank you for the opportunity to comment and offer my recommendations.

LD 1706

City of Portland, Maine

To: Senator Brownie Carson, Senate Chair, Representative Ralph Tucker, House Chair, and members of the Committee

From: Troy Moon, Sustainability Coordinator

Date: May 13, 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 to L.D. 1706, *"An Act To Ensure Public Notification of Air Quality Violations."*

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 1706, *"An Act Ensure Notification of Air Quality Violations."*

On March 25, 2019, the United States Department of Justice filed a complaint against Global Partner, LP, Global Companies, LLC, and Chelsea Sandwich, LLC in the United States District Court for violations of the Clean Air Act regarding emissions of volatile organic compounds (VOCs) in exceedance of their permits. While we applaud this action to hold the owners and operators of petroleum storage facilities located in the City of South Portland accountable for their violations, we were very surprised that neither the Environmental Protection Agency nor the Maine Department of Environmental Protection had alerted municipal officials in South Portland about their concerns with this facility. Municipal governments have the responsibility to protect the health, safety, and welfare of their residents. Local officials need information about potential hazards so they can make informed decisions about how to respond to them.

Air emissions disperse and may cross municipal boundaries. Given this, the City of Portland recommends that the Committee amend the LD 1706 to require that the Maine Department of Environmental Protection also notify abutting communities of emissions violations. For example, some homes in Portland are as close to the Global Partners storage facility as homes in South Portland. It makes sense, therefore, that officials in both cities receive notification of any violations.

We would like to thank Senator Millett from bringing this bill forward and recommend the Committee support it.

LD 1710

CITY OF PORTLAND
Executive Department
Lena Geraghty, Director of Innovation and Performance Management

---

TO: Senator Bill Diamond, Senate Chair, Representative Andrew McLean, House Chair, and members of the Committee

FROM: Lena Geraghty, Director of Innovation and Performance Management

DATE: May 14, 2019

Regarding: City of Portland, Maine, testimony to the State of Maine 129th Legislature's Committee on Transportation in opposition to LD 1710, *"An Act To Enact the Automated Driving Safety Act."*

Senator Bill Diamond, Senate Chair, Representative Andrew McLean, House Chair, and members of the Committee:

Thank you for the opportunity to share testimony in opposition to LD 1710, *"An Act To Enact the Automated Driving Safety Act"* as currently written. The City of Portland has been active in preparing for a future with automated vehicles. We recognize the importance of careful conversation and consideration that comes along with any adoption of new technology. We agree that now is the preferred time to discuss standards for automated vehicle registration, licensure, and liability of the operators and providers of automated vehicles, before a larger number of automated vehicles and automated driving systems are operating in our State.

However, we do have some concerns about a few of the clauses in LD 1710. Although called *"An Act To Enact the Automated Driving Safety Act,"* LD 1710 does little to establish safety standards and focuses mainly on assigning liability for any incident involving an automated vehicle or automated driving system. The broad definition of automated driving system is problematic and doesn't take into account the nuanced nature of automated vehicles. For example, the agricultural industry is already using some automated and connected technology with automated tractors likely to be an increasing topic of conversation. It's not clear how automated farming equipment would fit in with LD 1710 and how it would be regulated. LD 1710 fails to account for other nuances, such as any differences in public and private road use.

LD 1710 sets an unnecessarily high bar for providers of automated vehicles and automated driving systems to operate in Maine. Requiring $25,000,000 in provider insurance coverage actively discourages companies from investing in automated vehicle projects and deploying automated driving system technology. It's important to hold providers accountable, but § 2705.2 doesn't give providers the same ability to investigate incidents, as § 2705. 1 gives the operators, when it deems any incident results in negligence per se by the provider.

There are many benefits of automated vehicles to our community and others (e.g., increased access to mobility for key populations, reduced accidents and traffic congestion, lower fuel consumption, etc.). As written LD 1710 does not enable the State of Maine to take advantage of these opportunities and serves to discourage exploration of the full range of benefits that automated vehicles could have.

LD 1711

City of Portland, Maine

To: Senator Mark Lawrence, Senate Chair, Representative Seth Berry, House Chair, and members of the Committee

From: Troy Moon, Sustainability Coordinator

Date: May 15, 2019

Regarding: City of Portland, Maine testimony to the State of Maine 129th Legislature's JOINT STANDING COMMITTEE ON ENERGY UTILITIES AND TECHNOLOGY in support of to L.D. 1711, *"An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine."*

Senator Lawrence, Representative Berry, and members of the Committee:

Thank you for the opportunity to testify on behalf of the City of Portland in support of LD 1711, *"An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine."*

During the past decade, the State of Maine has fallen behind all of its New England neighbors when it comes to the installation solar capacity. Existing policies around distributed generation do not make installation cost effective and, despite bipartisan support for good legislation, the State has not been able to make much needed reforms in this area. For cities like Portland that have committed to aggressively reduce greenhouse emissions and to transition to 100% clean energy existing solar policy presents a barrier to achieving our goals.

LD 1711 builds on the work of legislators, solar industry professionals, municipalities, utilities, environmental groups, and citizens have done over the past few years. The key elements in the bill - increasing the number of participants in net-metered projects and setting rates for larger projects through an auction – are well vetted. In fact, the majority of legislators have voted for bills that included them. We urge passage of this bill so Maine residents, municipalities, and businesses can begin projects before the existing Federal incentives decline and eventually sunset.

While the auction process described in the bill for commercial and institutional procurement will facilitate the development of new solar projects, many municipalities will find it cumbersome and challenging. It may also inhibit a municipality that prefers to own a solar asset as opposed to buying a share of a larger project. We suggest that the bill include a distributed generation tariff for projects up to 2 megawatts at a rate that approximates the value of a net metered project. This would create a simple process that would allow a municipality to know up front whether a prospective project would pencil out financially and would provide certainty that the revenue stream would be solid and not expose the town to unanticipated costs. We believe such a tariff is the best way to help municipalities to implement solar projects.