

CITY OF PORTLAND, MAINE
Standing Committee on Sustainability and Transportation
Councilor Spencer Thibodeau (D2), Chair
Councilor Belinda Ray (D1)
Councilor Jill Duson (D3)

Agenda
June 19, 2019
5:30 PM
Council Chambers

1. Review and approve minutes from May 15
 - a. Draft minutes from May 15
2. Sustainability Program Updates
 - a. Sustainability Updates for June
3. Presentation and Discussion
Public comment may be taken
 - a. Amendments to Chapter 30 of City Code, Vehicles for Hire, re: Golf Carts
 - b. Amendments to Chapter 12 of City Code, Garbage, Waste and Junk re: banning plastic straws and plastic bags
4. Other Business

CITY OF PORTLAND, MAINE

Standing Committee on Sustainability and Transportation

Councilor Spencer Thibodeau (D2), Chair

Councilor Belinda Ray (D1)

Councilor Jill Duson (At large)

Draft Minutes May 15, 2019

Members Present: Councilor Thibodeau, Councilor Ray, Councilor Duson

Staff Present: Troy Moon, Ashley Krulik

Meeting was called to order at 5:39 PM. Councilor Duson moves to approve the minutes from March 20, 2019. Councilor Ray, seconded. All those in favor of approving 3-0.

Sustainability Program Updates

Troy Moon reviewed the items on the Sustainability Program Update memo

Pesticide Ordinance:

- Councilor Ray: Has South Portland also received very few waiver requests? Mr. Moon - yes.
- Councilor Duson - need to develop a retail program to ensure they are educated on the ordinance

Legislative:

- Councilor Duson: Mr. Moon has been doing a great job staying on top all the legislative bills and providing testimony.

Ocean Ave Landfill:

- Councilor Thibodeau - how is the ongoing testing going? Mr. Moon - RFP for cap construction is with Purchasing. Provide a memo next meeting on the landfill testing.

Straw Ban Ordinance:

- Councilor Thibodeau met with Councilor Batson and we will be discussing during June's Committee meeting

Maine Rail Transit Coalition

Tony Donovan presented Making Rail Happen in Portland, Maine

Two bills currently being reviewed to support train travel:

- LD 571
- LD 1093

Asking Committee members to speak with lobbyists and support bills.

Asking City planning department to include trains in master plan

Asking GPCOG to support trains
Align Metro with rail to work together

Councilor Ray

- Trains are being discussed as part of the Transit Tomorrow group
 - Rail potential on Eastern and Western waterfronts
 - Need to get all parties involved in one room to discuss Western waterfront potential

Councilor Duson

- Excited by possibilities, hard to keep it moving forward

Councilor Thibodeau

- Aside from supporting the bills, is there anything else that the Council can do?
- Councilor Ray - NEPRA is doing another study and there is a regional planning effort currently going on to prioritize plans that will work for the entire region.
- Mr. Donovan - critical of NEPRA study coming to fruition
- Asked Mr. Donovan to please forward study once it is complete

Nell Donaldson, City of Portland Senior Planner

- Support many of the goals that Mr. Donovan presented
- Know that we need to serve the Eastern waterfront with transit and there are a lot of dimensions and options to consider
- Regional planning effort will offer guidance

SolaRISE Portland

Siri Pierce and Amy - Juniors at Portland High School - presented.

- Revision Energy has drafted preliminary plan for 6 schools - Casco Bay, Lyseth, Ocean Ave, King, Riverton, East End
- Cost is just under \$5 million, could use Power Purchase Agreement to benefit from federal incentives and install with no money down
- Tax incentive will decrease in 2020
- Asking school board and City to develop RFP for installation by September 2020
- LD 119 - create \$10 million fund to support municipal and school solar projects
- Have raised \$15,000 from 100 donors so far
- Portland could be a model for other schools across the country
- Asking Committee to partner with school board to fund engineering study and develop RFP

Councilor Ray -

- How much will initial engineering studies cost? Siri - \$10-12k - SolaRISE is willing to contribute toward cost.

- Timing is difficult as the FY20 budget is about to be approved.

Councilor Duson

- We need to figure out when and what we can do. Look to Troy for options. Would like to have all public buildings be as energy efficient as possible, including the new schools.

Councilor Thibodeau

- The school department would be who would enter the power purchasing agreement.
- Spoke with Superintendent, the next step is to have Facilities check the structural feasibility. Would roughly reduce electric costs by 60%.
- School department will lead this project.

Water Resources Integrated Plan

Nancy Gallinaro presented.

Councilor Ray

- Will the integrated plan adjust the timeline of projects? Ms. Gallinaro - projects currently in play are not being touched. Projects on the radar but not planned will be a part of the integrated plan.

Councilor Duson

- Would you be open to presenting at the next National League of Cities annual meeting? This is an example of a municipality creating a great tool that could be shared. People in other parts of the country are not as familiar with our system. Ms. Gallinaro - yes, I'd be happy to present.

Councilor Thibodeau

- How have construction costs impacted the work? Ms. Gallinaro - using it as an opportunity to prioritize smaller projects.
- Where in Phase III are we financially? Ms. Gallinaro - I do not know the exact amount and can follow up. 5 year permit was just renewed, in a 2 year period of negotiating the future, which will lead to a master plan for our CSOs.

Benchmarking Ordinance

Central Maine Power presented Access to Commercial Building Energy Data Usage

Eric Robie- Director Key Accounts

Breanna Pierce, Key Account Manager

Jayme Holland, Manager of Customer Service Quality

- Some accounts do not have complete interval data so we would need to prorate data

- Provided whole building data for Portland 2030 district to Efficiency Maine - 1,100 accounts
- Worked directly with tenants for South Portland to benchmark usage - challenging to track who has reported usage data when working with tenants of buildings - not scalable for Portland
- Can use one tenant account number within a building to get usage for all tenants in a single building
- Mr. Moon - PUC agreed that an aggregation of whole building data is OK, have not established an aggregation threshold. If threshold is too small, need to get tenants' permission.
- Councilor Thibodeau - need to easily offer tenants the ability to opt-in for usage data
 - Send email to opt-in until portal is updated
- There are 800 buildings, unknown number of accounts
- If tenants opt-in, CMP is not set-up to aggregate account data
- City will keep track of who reports
- Reports would need to be manually processed in call center and it would be raw data
- CMP would need a list of all accounts to be provided to them
- Mr. Robie- It's not on CMP to host a portal for residents to access to adhere to ordinance
- Ms. Holland - doing it electronically before Energy Manager is updated is not possible
- Mr. Moon - the challenge is when there are multiple tenants
- Councilor Thibodeau - is the challenge
- Councilor Ray - other municipalities are doing this, why can't we figure it out? Ms. Gallinaro - in the middle of a RFP process to enhance Energy Manager system - RFP has been issued. Would select a different vendor to host the data in their platform.
 - Have you talked with other utilities who have addressed these ordinances? Ms. Holland - yes.
 - With the current system, would someone at CMP need to manually manipulate data? Mr. Robie - yes.
 - What is the timeline for RFP? Ms. Holland - end of the year, would hopefully know vendor. By the end of next year, have it up and running.
- Councilor Thibodeau how do we phase the project?
 - Set an aggregation threshold with the PUC
 - Implementing single tenant buildings amendment - ~200 buildings
- Councilor Ray - What is a typical aggregation threshold? Mr. Moon - More than 4, with no one having more than 50%
- Mr. Robie- we would provide data to building owners in raw format - 15 minute interval data
- Ms. Pierce - we could pull billing period data with proration - customers can pull billing data from portal now
- Councilor Thibodeau - outside of the RFP - are there any other updates that will improve process? Ms. Holland presented slides.
- Councilor Thibodeau - we need to come up with a goal that makes sense for benchmarking the outstanding 600 buildings

- Ms. Holland - if there are 2 or 3 landlords who want to do it sooner and test out the process, CMP would work with them.

June 19 Meeting:

- Peaks Island golf carts
- Straw ban ordinance

Motion was made by Councilor Ray to adjourn the meeting at 8:04 pm. Motion was seconded by Councilor Duson. All in favor. 3-0.

Sustainability Updates

June 2019

Climate Action Planning

We formally kicked off the public engagement portion of the One Climate Future planning process on Monday, June 10 at the Gulf of Maine Research Institute. A panel of speakers including Mayor Strimling and Mayor Morgan (South Portland), Drew Swenson (business owner), Leigh Tillman (parent), Monique Coombs (Maine Coast Fisherman's Association), Sue Henderson (South Portland Councilor), Aimee Ishimwe (Portland student), and Siri Pierce (Portland student). Approximately 100 people attended and we had good coverage in the local media. The Portland Media Center recorded the event and we created a link to view it on the Sustainability Office web page and the One Climate Future webpage.

Energy Benchmarking

We have posted the energy benchmarking report for City buildings on the Sustainability Office web page.

The first reading for the amendment to the Benchmarking Ordinance that sets a reporting date for buildings with a single primary occupant occurred on June 17 and should be up for a vote in July.

Pesticide Ordinance

We are getting an increasing number of complaints from residents about applications of pesticides in their neighborhoods. Our response so far has been to send letters to the property owner where the alleged application occurred to provide information about the ordinance.

The informational brochures about the ordinance and best practices for land care are now available.

Legislative

The Sustainability Office provide written and verbal testimony for a number of bills this session that relate to sustainability and climate. These were identified by the Legislative Committee and assigned to work on. They also relate to the legislative priorities presented to the Legislative Committee by staff as priority topics.

LD 1299 -- "An Act To Incentivize Municipalities, State Agencies, Colleges and Universities To Use Electric Vehicles"

This bill would have provided funding for public agencies to purchase electric vehicles.

Placed in Legislative Files (DEAD)

LD 1431 -- “Resolve, To Support Municipal Recycling Programs”

This “product stewardship” bill requires the DEP to draft legislation for submission to the next session of the legislature that would require industry to compensate municipalities for the cost of collecting, recycling, or disposing of packaging.

Signed by the Governor

LD 1706 -- “An Act To Ensure Public Notification of Air Quality Violations”

The bill states that the when the DEP issues a notice of an air quality violation or receives an air quality-related notice of violation from the United States Environmental Protection Agency, it shall provide notice of that violation to each municipality in which the violation occurred.

Signed by the Governor

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”

This bill establishes a \$0.15 fee on pesticides to fund tick research at the University of Maine. The City opposed this bill because, as originally submitted, it contained language that would have preempted local authority to regulate pesticides. Before the first public hearing the bill sponsor submitted an amendment to remove this language.

Passed House and Senate

LD 16 -- “An Act To Authorize a General Fund Bond Issue To Invest in Infrastructure To Address Sea Level Rise”

This bill would have created a \$50 million bond issue for municipalities with climate action plans to spend to implement adaptation and resilience strategies.

Died in committee

Energy Code Bills

The City provided testimony in favor of several complementary bills designed to upgrade the Maine Uniform Building Code to improve energy performance.

- **LD 921** -- "An Act To Allow Municipalities To Adopt Stricter Building and Energy Code Standards Than the Maine Uniform Building and Energy Code"

Placed in Legislative Files (DEAD)

- **LD 855** -- "An Act To Strengthen the Maine Uniform Building and Energy Code"

In committee

- **LD 1509** -- "An Act To Amend the Laws Governing the Maine Uniform Building and Energy Code To Ensure It Is Consistent with Current Standards and Applies to Small Municipalities"

This bill builds capacity for the Department of Public Safety to provide training and support to municipal building officials by adding personnel funded by a \$3 charge on building permits.

In committee

- **LD 1543** -- "An Act To Amend the Maine Uniform Building and Energy Code"

This bill amends provisions regarding the Maine Uniform Building and Energy Code by requiring the Technical Building Codes and Standards Board to adopt and maintain an appendix to the Maine Uniform Building and Energy Code that contains energy conservation and efficiency requirements that exceed the requirements in the code, to make the appendix available for voluntary adoption by municipalities.

Passed in Senate and House

LD 1532 -- "An Act To Eliminate Single-use Plastic Carry-out Bags"

The bill bans the distribution of plastic bags at retail establishments and provides that stores must charge a \$0.05 fee if they distribute a paper bag or a thick, reusable plastic bag. The retail will be allowed to keep the fee. It takes effect in April, 2019, and preempts all local regulations on plastic bags.

Passed in House and Senate

LD 1711 -- “An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine”

This bill promotes solar development for municipalities by creating a “distributed generation tariff” that will allow customers who pay demand charges to receive financial credit for power generated with facilities up to 5 MW in size. The tariff will provide 100% credit for power generated and 75% of T&D costs. Based on the City’s current costs this would equal about \$0.11 / kWh generated. This amount of revenue would allow the City to build solar projects without paying a premium. Under this tariff structure the City would be able to retain the RECS for any project built thereby making progress toward renewable energy goals.

The bill removes the arbitrary limit of 10 subscribers that may participate in a net metered project and raises the size of a net metered project from 660 kW to 5 MW.

The bill creates a series of auctions for the development of 250 MW of solar. These would occur in blocks of 50 MWs with the price awarded declining 3% for each group after the initial auction sets the benchmark rate. Community members would be able to participate in these projects. Participants in the auctions would not retain the RECs.

Voted Ought to Pass in Energy, Utilities, and Technology Committee.

Outreach Events

Troy was a panelist at the GPCOG Annual Meeting on May 29 discussing the regional impacts of climate change and what Portland has been doing to prepare.

On May 30, Troy was a panelist at the event “From Paris to Pittsburgh to New England” hosted by the New England Institute for Technology in East Warwick, RI and broadcast live on the web by the Renewable Now Network (<https://www.renewablenownetwork.com/>). Panelists included officials from other cities, a representative from the Naval War College, a representative from the EPA, representatives from several environmental non-profit agencies, and US Representative Jame Langevin.

We continue regular social media posts. Follow us on Facebook and Instagram at @sustainableportlandme

We invite people to participate in One Climate Future by visiting the webpage at www.oneclimatefuture.org



Memorandum

TO: Chair Thibodeau; Sustainability & Transportation Committee
FROM: Jon P. Jennings, City Manager
CC: Vernon Malloch, Interim Chief of Police
Jessica Hanscombe, Licensing and Registration Coordinator
Anne Torregrossa, Associate Corporation Counsel
Mike Murray, Assistant to the City Manager

SUBJECT: Proposed Rental Golf Cart Regulations

DATE: June 10, 2019

OBJECTIVE:

To make recommendations that regulate golf cart rentals on Portland Islands

BACKGROUND:

The City of Portland regulates a variety of businesses for a variety of reasons. Regulations may be enacted for public safety purposes, for density purposes, and to strike a balance between business and residential purposes.

Over the past several summers, residents of Peaks Island have become increasingly concerned about the number of golf carts available for short term rental to visitors of the island. With ferries arriving approximately every hour, visitors have found that they have just enough time to arrive at Peaks, take a quick loop or two around the island, return the cart and depart on the next ferry.

In 2018, the Peaks Island Council undertook an island wide survey of residents and seasonal property owners to solicit feedback on golf cart usage on Peaks Island. The PIC summary results and the full PIC survey results are the basis for recommended changes to Chapter 30, and are included in the back up material.

RECOMMENDATIONS:

- 1. Sec. 30-110 (b)(1) allows the City Manager to set a limit or cap on the number of golf cart rental operators that may operate in the city at one time. This allows the City Manager flexibility to adjust the number of operators due to economic conditions, infrastructure limitations, and neighborhood quality of life concerns. This also allows the City Manager to adjust the number of rental companies by geographic area; i.e. there are five island**



- communities where golf carts are in operation; however golf cart rental operators are located on only one island at this time. A cap may be set on one island, without impacting the possibility of golf cart rental companies operating on other islands. This recommendation replaces Proposed Measure # 2 of the Peaks Island Council transmittal letter of December 12, 2018. Staff feels the cap limitation is more appropriate than an outright moratorium.
2. Sec. 30-110(b)(2) allows the City Manager to set a cap on the number of rental golf carts that may operate in the city at one time. The reasoning above is repeated here; a cap may be met on one island and not on another island. This also partially addresses Proposed Measure # 4 of the Peaks Island Council transmittal letter of December 12, 2018. Staff does not recommend the section of Proposed measure #4 that limits 1/3 of the rental golf carts to be limited to weekly rental only. The City does not regulate rental cars, bicycles, or short term rentals to a time limit; that is a business decision that each operator needs to make.
 3. Sec. 30-110(c)(1) will require rental golf carts to move away from fossil fuels as a fuel source and utilize battery/electricity as a fuel source by May 1, 2021. This recommendation addresses Proposed Measure # 7 of the Peaks Island Council transmittal letter of December 12, 2018.
 4. Sec. 30-110(d) will require that all rental golf cart operators register (license) each rental golf cart annually with the City. This recommendation addresses Proposed Measure # 1 of the Peaks Island Council's transmittal letter of December 12, 2018.
 5. Sec. 30-110(d)(1) requires a fee for each rental golf cart operated in the City. The two tiered fee structure creates an incentive, rather for golf cart operators to move towards electric powered rental golf carts until Sec 30-110(c)(1) takes effect May 1, 2021. This interim recommendation addresses Proposed Measure # 7 of the Peaks Island Council transmittal letter of December 12, 2018, until May 1, 2021 when Sec 30-110(c)(1) takes effect.
 6. Sec. 30-110(d)(2) will require a visual inspection of registered rental golf carts by the Office of Licensing and Registration or its designee for compliance with 30-113(d), and shall affix a Rental Golf Cart decal to each rental golf cart. This recommendation addresses Proposed Measure # 6 of the Peaks Island Council transmittal letter of December 12, 2018.
 7. Sec. 30-110(e) sets criteria for golf cart operators to be in compliance with this ordinance. This section addresses Proposed Measures # 5, #6, #8 of the Peaks Island Council transmittal letter of December 12, 2018.



Staff reviewed, but is not able to make recommendations on Proposed Measures # 3, #9, #10, #11 of the Peaks Island Council transmittal letter of December 12, 2018 because:

- a. Proposed measure # 3 would require a minimum rental period of 4 hours; again the City does not regulate time limits on rental vehicles.
- b. Proposed Measure # 9 speaks to providing adequate numbers of police personnel; the Chief of Police is responsible for the deployment of personnel based on current staffing levels.
- c. Proposed Measure # 10 requires rental home/cottage owners that supply a golf cart with the rental to sign a standard rental agreement; this Proposed Measure is not enforceable.
- d. Proposed Measure # 11 would require privately owned golf carts that are new registrations after a date certain to be electrically powered; re-registrations by the current owner as of a date certain of existing gas powered golf carts would be grandfathered. Staff does not recommend taking action on Proposed Measure # 11 at this time because:
 1. **The subject at hand is rental golf cart regulations and this item should be addressed separately;**
 2. **There are other island communities that may wish to weigh in on such a proposal, and at this time, are not aware that any such ordinance is under consideration.**

For your review are the following attachments:

1. **Proposed changes to Chapter 30 in red-line form;**
2. **PIC Summary Community Concerns Transmittal Letter ;**
3. **Full PIC survey results;**

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 30 VEHICLES FOR HIRE
RE: RENTAL OF GOLF CARTS**

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

1. *That a new Article IV., Section 30-110 of the Portland City Code is hereby added to read as follows:*

ARTICLE VI. RENTAL VEHICLES

Sec. 30-110. Rental of Golf Carts for Operation on City Streets.

(a) Definitions. The following words shall have the following definitions for purposes of this SectionArticle.

(1) A rental golf cart means any golf cart rented or offered for rent to be operated on City streets. "Rental golf cart" shall not include any golf cart rented or offered for rent to be operated solely on a golf course or other public or private property.

(2) A golf cart rental operator means any entity or individual who rents or offers to rent a rental golf cart to the public.

(b) Limitations on number of rental golf cart operators and rental golf carts.

(1) The City Manager may set a cap on the number of golf cart rental operators that may operate in the city at one time. If such a limit is met, the city shall determine operators through a competitive bidding process.

(2) The City Manager may set a cap on the number of rental golf carts that may operate in the city at one time. The Sustainability and Transportation Committee will review an annual report and recommendation made by the City

Comment [NE1]: Not sure why this is repeated? Maybe not needed here for a second time.

Manager regarding the number of rental golf carts available for public use.

(c) Rental golf carts to be powered by non-fossil fuel sources.

(1) All golf carts offered for rental purposes by golf cart rental operators shall ~~must~~ be powered by battery/electricity by May 1, 2021.

(d) Annual Registration Required. Every golf cart rental operator ~~must~~ shall register each rental golf cart annually with the city.

(1) The annual registration fee shall be:

a. \$75.00 for each electric powered rental golf cart;

b. \$150.00 for each non-electric powered rental golf cart;

(2) ~~(Upon registration, the City shall inspect all rental golf carts for compliance with this sectionArticle 7, and shall issue a Rental Golf Cart decal which that must be prominently displayed on each rental golf cart.)~~

(e) Rental Golf Cart Criteria. Every golf cart rental operator must ensure that each rental golf cart ~~must meet all of the following criteria:~~

(1) Have and properly display a current Island Use Registration, pursuant to Chapter 28 of this Code;

(2) ~~Must have~~Have and properly display a current Rental Golf Cart decal; _____

(3) ~~Must display~~Display the name of the golf cart rental operator and its telephone number in letters no smaller than one and one-half (1 ½) inches; and

(4) ~~May not~~Be stored on private property when not in active use and not be stored ~~be stored in the City right-of-way,~~ and may only be stored on private property when not in active use.

(f) Golf cart rental operators shall ensure that all individuals operating a rental golf cart comply with the requirements of Sec. 28-185, including having a valid driver's license.

Comment [AT2]: Is this going to happen annually? Should we just make them subject to inspection?



Peaks Island Council

Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island

February 2019

Acknowledgements

Members of the Peaks Island community for their willingness to participate in a public dialogue of matters of considerable concern, albeit representing many differences of opinion, in a constructive and positive manner.

Members of the Peaks Island Council Transportation Committee for their hard work, patience, objectivity, and commitment to our community's quality of life.

The many respondents to the Peaks Island Council's survey and the participants of the council's public forums for taking the time to inform the study process.

The representatives of the two companies currently renting golf carts here on Peaks for their willingness to share their views and for their responsiveness to community concerns.

The Peaks Island registered voters who took the initiative to petition as way of conveying their views on the matters under review.

Peaks Island Council February 2019

Steve Anderson
Patrick Flynn
Stuart Jackson
Andrea Kelly-Rosenberg

Devon Kraft
Lisa Peñalver, Vice Chair
Randy Schaeffer, Chair



Peaks Island Council

Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island

February 2019

Executive Summary

Chapter 9, Article IV, Section 51 of the Portland City Code states the purpose of the Peaks Island Council to be: “...to provide the residents of Peaks Island with a different method of gathering input from its residents as to issues of concern to them and to provide input to the members of the Portland city council...”.

Furthermore, Section 54 (b) provides that “That the city council shall on its regular agenda schedule timely discussion and opportunity for adoption of recommendations made by the Peaks Island Council...”

In fulfillment of its mission, the Peaks Island Council recently completed a year-long process of documenting and addressing community concerns regarding the use of golf carts on the city streets of Peaks Island. The purpose of this report is to describe the process undertaken to document community concerns and to convey our community’s input to the Portland City Council for further action.

The process, begun in January 2018, included six steps:

1. Survey of Peaks Island residents (permanent and seasonal) to assess public opinion regarding golf cart use (April 11, 2018 thru May 2, 2018);

2. Public forums to solicit community input regarding ways in which to address community concerns (August 1, 5, and 7, 2018);
3. Public meeting with representatives of companies currently renting golf carts on Peaks Island (October 4, 2018);
4. Use of public input to identify measures to address community concerns (August 29, September 12, and October 10, 2018);
5. Selection of measures for addressing community concerns to be recommended to the Portland City Council for further action (October 24, November 14, and November 28, 2018); and
6. Collaboration with the Portland City Council to bring about enactment of measures that address community concerns (On-going).

Eleven recommendations were approved by the Peaks Island Council at its meetings of November 14 and November 28 to be forwarded to the Portland City Council for further action. Those recommendations include:

1. Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets.
2. Create a 24-month moratorium on the creation of any new businesses (excluding golf cart rental businesses) involved in the commercial rental of any motorized means of human conveyance on Peaks Island.
3. Require the minimum rental period of commercially owned golf carts be 4 hours.
4. Permanently cap the combined number of rental golf carts on Peaks Island from all businesses to the current level of 44, of which a minimum of 1/3 (14) carts be limited to weekly only rental.

5. Prohibit the storage/parking of un-rented commercially owned and operated golf carts on any city street.
6. Require that all commercially rented golf carts have the rental company name, telephone number, and unique identification number visible from 100' away on all four sides.
7. Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020.
8. Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced.
9. Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety.
10. Renters of any house or cottage that includes a golf cart with the rental are required to sign a standard rental agreement outlining golf cart safety and operational requirements.
11. After December 31, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner.

A copy of the Peaks Island Council's transmittal memo to the members of the Portland City Council dated December 12, 2018 is included in Attachment A.



Peaks Island Council

Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island

February 2019

Context

Chapter 9, Article IV, Section 51 of the Portland City Code states the purpose of the Peaks Island Council to be: "...to provide the residents of Peaks Island with a different method of gathering input from its residents as to issues of concern to them and to provide input to the members of the Portland city council..."

Furthermore, Section 54 (b) provides that "That the city council shall on its regular agenda schedule timely discussion and opportunity for adoption of recommendations made by the Peaks Island Council..."

In fulfillment of its mission, the Peaks Island Council recently completed a year-long process of documenting and addressing community concerns regarding the use of golf carts on the city streets of Peaks Island.

The enactment of State Statute in 2001 gave municipal governing bodies of islands with no state supported streets and roads, the power to allow the use of golf carts on municipal streets and roads. The statute required that carts be registered and established nominal registration fees for such carts. The statute did not distinguish between golf carts that are privately-owned and operated from those that are commercially-owned and operated, e.g. those owned by companies that make short term rentals to tourists, seasonal visitors, and others.

Portland City Ordinance Chapter 28, Section 28-185, amended in 2017, permits the use of golf carts on the streets of Portland's islands. The ordinance requires that drivers possess a valid driver's license and that the carts meet specified safety requirements. Like the State Statute, the City Ordinance does not distinguish between carts that are privately-owned and operated from those that are part of commercial rental fleets.

The City of Portland does not require a business license for companies that offer short-term rental of golf carts. As a result, the city has little or no means by which to regulate the operation of such enterprises which have the capacity to significantly impact the health, safety, environment, and quality of life of island communities.

Community concerns regarding the impact of the use of golf carts has grown substantially over the past ten years. Islanders see the increase of cart usage being directly linked to Portland's growing tourism – a major driver of the city's economy. Peaks Island is a major asset that the City highlights in its marketing efforts. Increased tourism places strains on the island's infrastructure and quality of life.

In 2014, the Peaks Island Council conducted an online community identified golf carts and enforcement as matters needing to be addressed by the Portland City Council and the Peaks Island Council. In the Fall of 2017, numerous emails were sent by island residents expressing their concerns. These focused on such matters as congestion, safety, noise, carbon emissions, rowdy and unsafe operation, parking, congestion and unsafe conditions as ferries load and unload, and enforcement of city golf cart and state traffic regulations.

At the Peaks Island Council meeting of January 24, 2018, the PIC voted to initiate a community survey to further document the community's concerns regarding golf cart usage.

Step 1: Survey to Assess Public Opinion Regard Golf Cart Use on Peaks Island

The task of carrying out the survey was assigned to the Transportation Committee of the Peaks Island Council. Two public meetings (February 20 and March 14) were held by the Transportation Committee, for the purpose of getting

community input in the design of the survey. Technical assistance in survey design and analysis was received from volunteers on the island with professional statistical and survey expertise. The survey instrument is included in Attachment B.

The survey was conducted between April 11 and May 2, 2018. Questionnaires using SurveyMonkey, were widely distributed electronically via the island's two listservs – Carol's List and NextDoor. Hard copies of the questionnaire were available at the Peaks Library.

There were 609 responses. Five responses were deleted as they were assessed to be duplicates resulting in 604 responses included in the published results.

Of the 604 respondents:

- 56% (337) reported they were year-round residents;
- 35% (210) reported they were seasonal residents;
- 1% (3) identified themselves as both year-round and seasonal residents; and
- 1% (6) indicated they did not live on Peaks

Of the 604 respondents:

- 71% (429) indicated they own a home on Peaks;
- 6% (36) said they rent a home on Peaks;
- 7% (40) reported they own a business on Peaks;
- 27% (164) said that they own a golf cart; and
- 11% (69) reported they have rented a golf cart.

A report of the survey results was made to the public at a meeting of the Peaks Island Council on May 23, 2018. The meeting was attended by approximately 50 people. The report made at this meeting is included in Attachment C. In addition, survey results were posted to the Peaks Island website. Please see here:

<http://peaksisland.info/peaks-island-council/golf-cart-survey-results/>

Summary of results:

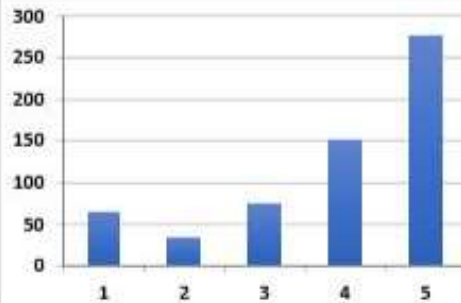
The questionnaire included a total of 17 questions. Twelve of the questions used a five-point Likert Scale in which “0” indicated “no concern” while “5” indicated “high concern” regarding the matter under consideration. The questions asked respondents to indicate their level of concern regarding:

- | | |
|--|---|
| 1. Use of golf carts in general | 7. Guided group golf cart tours |
| 2. Year-round golf cart use | 8. Golf cart rentals for special events |
| 3. Seasonal golf cart use | 9. Number of golf carts |
| 4. Weekly or longer-term golf cart use | 10. Safety of golf cart operation |
| 5. Daily golf cart rentals | 11. Environmental impact of golf carts |
| 6. Hourly golf cart rentals | 12. Noise from golf carts |

The responses to these 12 questions are summarized and presented in the following three pages.

Question #1: Use of Golf Carts

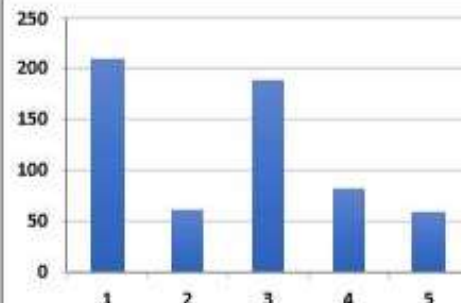
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that the **use of golf carts** on Peaks Island is a matter of concern that needs to be addressed?



No Concern			High Concern		
1	2	3	4	5	
11%	6%	12%	25%	46%	
64	34	74	150	277	599

Question 2: Year Round Use

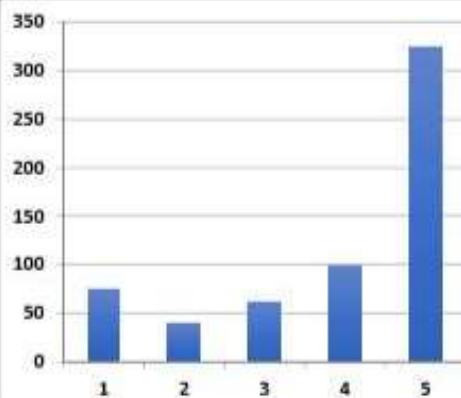
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **year-round golf cart use** is a concern to you?



No Concern			High Concern		
1	2	3	4	5	
35%	10%	31%	14%	10%	
210	60	188	81	58	597

Question 3: Seasonal Use

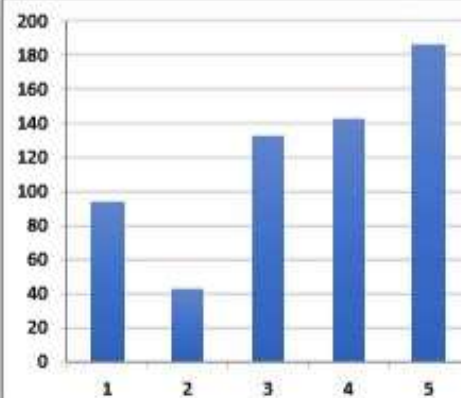
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **seasonal golf cart use** is a concern to you?



No Concern			High Concern		
1	2	3	4	5	
12%	7%	10%	17%	54%	
74	40	62	99	325	600

Question 4: Weekly Use

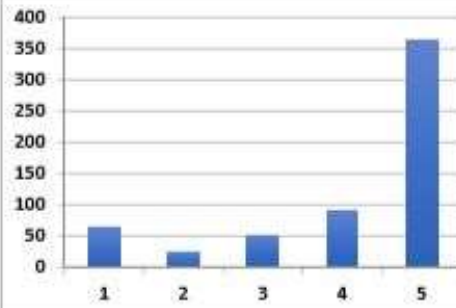
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **weekly or longer-term golf cart use** is a concern to you?



No Concern			High Concern		
1	2	3	4	5	
16%	7%	22%	24%	31%	
93	42	132	142	186	595

Question 5: Daily Rentals

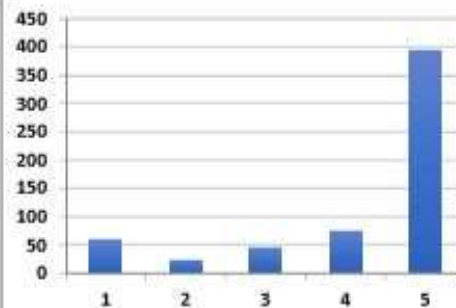
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **daily golf cart rentals** is a concern to you?



No Concern					High Concern	
1	2	3	4	5		
11%	4%	9%	15%	61%		
63	25	51	91	365	595	

Question 6: Hourly Rentals

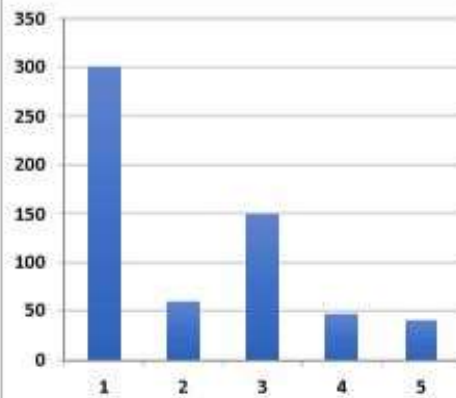
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **hourly golf cart rentals** is a concern to you?



No Concern					High Concern	
1	2	3	4	5		
10%	4%	8%	12%	66%		
60	23	46	73	393	595	

Question 7: Group Tours

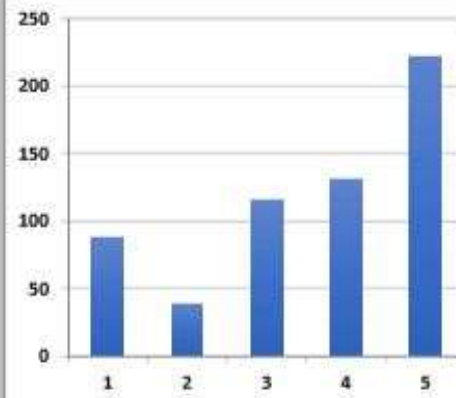
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **guided group golf cart tours** is a concern to you?



No Concern					High Concern	
1	2	3	4	5		
50%	10%	25%	8%	7%		
301	59	150	46	41	597	

Question 8: Special Events

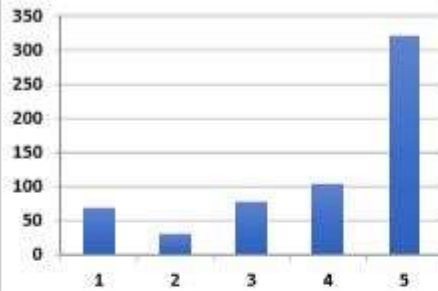
On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **golf cart rentals for special events (weddings, etc)** is a concern to you?



No Concern					High Concern	
1	2	3	4	5		
15%	7%	19%	22%	37%		
88	39	115	131	222	595	

Question 9: Number of Golf Carts

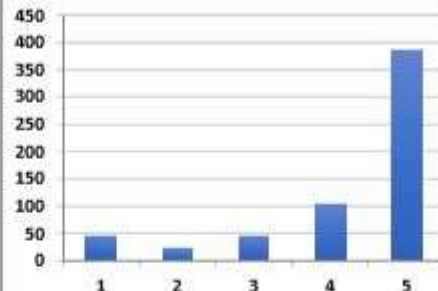
On a scale of 1 being no concern and 5 being high concern, to what degree are the **number of golf carts** on Peaks Island a concern to you?



No Concern			High Concern		
1	2	3	4	5	
12%	5%	13%	17%	53%	
69	29	78	102	319	597

Question 10: Safety of Cart Operation

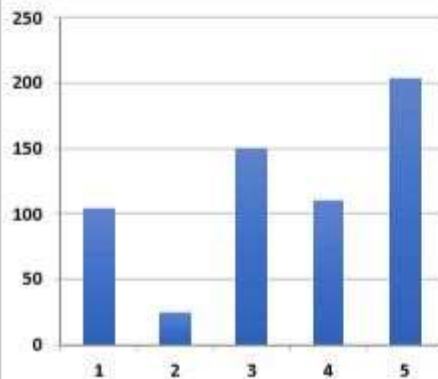
On a scale of 1 being no concern and 5 being high concern, to what degree is the **safety of golf cart operation** on Peaks Island a concern to you?



No Concern			High Concern		
1	2	3	4	5	
8%	4%	8%	17%	64%	
46	21	45	103	384	599

Question 11: Environmental Impact

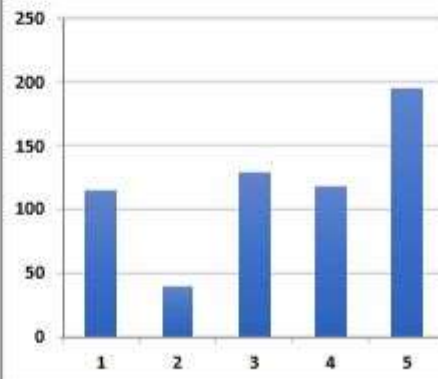
On a scale of 1 being no concern and 5 being high concern, to what degree is the **environmental impact of golf carts** on Peaks Island a concern to you?



No Concern			High Concern		
1	2	3	4	5	
18%	4%	25%	19%	34%	
104	24	150	110	203	591

Question 12: Noise

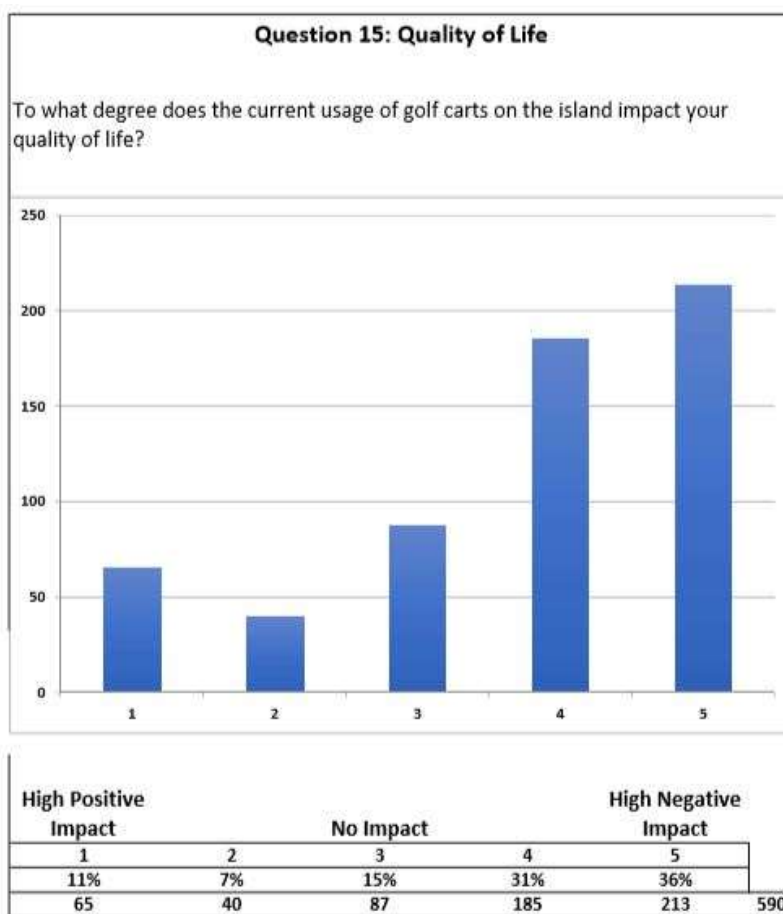
On a scale of 1 being no concern and 5 being high concern, to what degree is **noise from golf carts** on Peaks Island a concern to you?



No Concern			High Concern		
1	2	3	4	5	
19%	7%	22%	20%	33%	
114	39	129	118	195	595

Question 15 asked how the use of golf carts on Peaks Island impacted the respondent's quality of life on a scale of 1 to 5, on which "1" indicated "high

positive impact”, and “5” indicated “high negative impact”. The responses to Question 15 are summarized in the following table:



Slides 8, 9, and 10 of Attachment C, present the responses to the above questions, broken out by reported demographic characteristics of respondents, including Year-Round Residents (N=337), Seasonal Residents (N=210), Business Owners (N=40), and Golf Cart Owners (N=164). There is marked similarity in responses across the various groups

Questions 13 and 14 were open-ended questions. Question 13 asked respondents to list the three top advantages of golf cart use on Peaks Island while Question 14 asked respondents to list the top three disadvantages to golf cart use on the island. These data, which informed the further deliberations of the Transportation Committee, were made publicly available on-line on the Peaks

Island website at: <http://peaksisland.info/peaks-island-council/golf-cart-survey-results/>

Step 2: Public Forums to Identify Measures for Addressing Community Concerns

Between May and August of 2018, the Peaks Island Community was encouraged to review the survey results that had been posted on the Peaks Island website (see above for URLs). Public forums were held on August 1, 5, and 7, 2018 to gather suggestions of ways in which the concerns documented by the survey might be addressed. The three separate sessions were attended by 70 people. The forums were facilitated by a community volunteer with relevant professional experience and expertise.

At the forums, community members were invited to brainstorm proposed solutions in response to the data shared. Participants were then invited to "vote" for their top choices. The following are the top 4 suggestions (receiving the highest number of votes):

- Eliminate all golf carts
- Cap the number of rental golf carts
- Migrate to all-electric carts
- Better enforcement of cart usage

The results of the three forums were made available to the public by posting them on the Peaks Island website here:

<http://peaksisland.info/peaks-island-council/golf-cart-survey-community-forums/>

Step 3: Public Meeting with Companies Renting Golf Carts on Peaks Island

The Transportation Committee convened a public meeting on October 4, 2018 with representatives of the two golf cart rental companies on Peaks. The purpose of the meeting was to gain a better understanding of their business models and future plans in addition to the efforts the companies were willing to make to ameliorate concerns documented by the survey.

Highlights of the discussion:

- The two companies currently operate a total of 44 rental golf carts;
- The majority of these carts are rented short term (1-2 hours) and in most cases are being “turned over” 8-9 times a day during peak season;
- A total of 6 carts are designated for weekly only rentals;
- The vast majority of carts are older gas-powered carts; and
- Many of the carts currently in commercial rental are not in full compliance with the safety standards as required by City Ordinance adopted in 2017.

Step 4: Preparation of Recommended Measures to Address Community Concerns

Informed by the results of the survey, the public input gathered through the three public forums, and the meeting with the rental companies, the Transportation Committee was then tasked with developing possible measures for addressing community concerns. The committee held three work sessions (August 29, September 12, and October 10) which were open to the public.

The committee’s deliberations resulted in the formulation of 15 measures that would be recommended to the PIC for possible recommendation to the Portland City Council. The measures, developed by the Transportation Committee and conveyed to the full Peaks Island Council, are included in Attachment D.

It is important to note that the Transportation Committee prepared its list of measures with the intent of reflecting the sentiments of the community. There was significant fervor among some on the island that cart rentals should be banned entirely or severely curtailed with the intent of putting existing golf cart rental companies out of business. These views were represented among the 15 recommendations included on the Transportation Committee’s list that went to the full PIC.

Step 5: Peaks Island Council Recommendation to the Portland City Council

The Peaks Island Council held a public hearing on the Transportation Committee’s proposed list of 15 measures (Attachment D) on October 24, 2018. The meeting was attended by approximately 50 members of the public. Minutes from the meeting, including the public comment given, are included in Attachment E.

At the end of public comment, a motion was made and approved to continue deliberation on the list of 15 recommendations at a special meeting of the Peaks Island Council to be held on November 14, 2018.

At the November 14 meeting, a motion was then made and approved to consider each of the 15 proposed measures individually rather than as a group. Consequently, there was public comment, councilor deliberation, and councilor vote on each of the 15 recommendations.

At the November 14 meeting, a petition bearing the signatures of 150 individuals identified as “Peaks Island Registered Voters” was presented to the PIC. The petition stated that the signers “...are not in support of a recommendation to close down two island-owned golf cart rental businesses...”. A copy of the petition is included in Attachment F.

Motions regarding three of the recommendations were tabled for further consideration at the regular monthly meeting of the Peaks Island Council on November 28, 2018.

Attachment G includes a summary of the final Peaks Island Council votes on each of the 15 recommendations considered for submission to the Portland City Council. Attachment A includes the transmittal of the Peaks Island Council’s final 11 recommendations to the City Council. Appendix H includes a brief description of some of the operational implications of each of the final 11 final recommendations.

Step 6: Collaboration with the Portland City to bring about enactment of measures that address community concerns

The Peaks Island Council looks forward to further discussion with the Portland City Council as the City Council considers ways in which PIC’s recommendations will be enacted.

Attachments

- A. Peaks Island Council transmittal of final recommendations to Portland City Council – December 12, 2018
- B. Survey Instrument: Peaks Island Council Survey of Public Opinion Regarding the Use of Golf Carts on Peaks Island – May 2018
- C. Peaks Island Council Public Presentation of Survey Results – May 23, 2018
- D. Fifteen Recommended Measures for Addressing Community Concerns prepared by Transportation Committee for PIC consideration
- E. Minutes from Peaks Island Council Public Hearing - October 24, 2018
- F. Petition by Registered Voters in Opposition to Closing Down of Golf Cart Rental Companies on Peaks Island
- G. Final Votes taken by Peaks Island Council 15 Measures Proposed by Transportation Committee
- H. Eleven Final Recommendations with Discussion of Operational Implications

Attachment A

**Peaks Island Council transmittal of final recommendations to
Portland City Council – December 12, 2018**



December 12, 2018

To: Members, Portland City Council

From: Randy Schaeffer, Chair
Peaks Island Council

Re: Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island

The Peaks Island Council (PIC) recently completed a year-long process to document community concerns regarding the use of golf carts on the city streets of Peaks Island and to recommend measures for addressing those concerns to the Portland City Council for further action.

The process undertaken by the PIC and the results of that process will be described in detail in a report entitled “Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island” which will be distributed in the weeks ahead. The report will include further detail regarding operational implications for each of the recommended measures.

The Peaks Island Council, at a special meeting on November 14, 2018 and at its regular monthly meeting on November 28, 2018, voted to recommend that the Portland City Council consider the following proposed measures for further action:

1. Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets.
2. Create a 24-month moratorium on the creation of any new businesses (excluding golf cart rental businesses) involved in the commercial rental of any motorized means of human conveyance on Peaks Island.
3. Require the minimum rental period of commercially owned golf carts be 4 hours.

4. Permanently cap the combined number of rental golf carts on Peaks Island from all businesses to the current level of 44, of which a minimum of 1/3 (14) carts be limited to weekly only rental.
5. Prohibit the storage/parking of un-rented commercially owned and operated golf carts on any city street.
6. Require that all commercially rented golf carts have the rental company name, telephone number, and unique identification number visible from 100' away on all four sides.
7. Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020.
8. Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced.
9. Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety.
10. Renters of any house or cottage that includes a golf cart with the rental are required to sign a standard rental agreement outlining golf cart safety and operational requirements.
11. After December 31, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner.

The Peaks Island Council welcomes the opportunity for discussion with the City Council in the further development and enactment of measures to address our community's concerns.

Thank you very much for your consideration.

C: Jon Jennings
Mike Murray
Members, Peaks Island Council

Attachment B

**Survey Instrument:
Peaks Island Council Survey of Public Opinion
Regarding the Use of Golf Carts on Peaks Island – May 2018**



Peaks Island Golf Cart Survey

Peaks Island Golf Cart Survey

The Peaks Island Council is conducting a brief survey of island residents (full time and seasonal) and business owners regarding golf cart usage on the island. We would appreciate if you would complete this survey and provide your comments. We estimate it will take less than 10 minutes.

Please submit your response by May 2, 2018

All responses are confidential. Results will be publicly available in June 2018 and will be used to inform future actions of the council as we continue to work to enhance our community.

If you have questions, please contact any member of the Peaks Island Council.

OK

1. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that the **use of golf carts on Peaks Island** is a matter of concern that needs to be addressed?

1-No concern

3-Neutral

5-High concern

☐

2. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **year round golf cart use** is a concern to you?

1-No concern

3-Neutral

5-High concern

☐

Panel 1

3. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **seasonal golf cart use** is a concern to you?

1-No concern

3-Neutral

5-High concern

☐

5. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **daily golf cart rentals** are a concern to you?

1-No concern

3-Neutral

5-High concern

☐

4. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **weekly or longer term golf cart rentals** are a concern to you?

1-No concern

3-Neutral

5-High concern

☐

6. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **hourly golf cart rentals** are a concern to you?

1-No concern

3-Neutral

5-High concern

☐

Panel 2

7. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **guided group golf cart tours** are a concern to you?

1-No concern

3-Neutral

5-High concern

☐

9. On a scale of 1 being no concern and 5 being high concern, to what degree are the **number of golf carts** on Peaks Island a concern to you?

1-No concern

3-Neutral

5-High concern

☐

8. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that **golf cart rentals for special events-(weddings, etc.)** are a concern to you?

1-No concern

3-Neutral

5-High concern

☐

10. On a scale of 1 being no concern and 5 being high concern, to what degree is the **safety of golf cart operation** on Peaks Island a concern to you?

1-No concern

3-Neutral

5-High concern

☐

Panel 3

11. On a scale of 1 being no concern and 5 being high concern, to what degree is the **environmental impact of golf carts** on Peaks Island a concern to you?

1-No concern 3-Neutral 5-High concern

12. On a scale of 1 being no concern and 5 being high concern, to what degree is the **noise from golf carts** on Peaks Island a concern to you?

1-No concern 3-Neutral 5-High concern

13. What are the advantages of golf cart use on Peaks?

Advantage 1

Advantage 2

Advantage 3

14. What are the top disadvantages to golf cart use on Peaks?

Disadvantage 1

Disadvantage 2

Disadvantage 3

Panel 4

15. To what degree does the current usage of golf carts on the island impact your quality of life?

High positive impact
 Low positive impact
 No impact
 Low negative impact
 High negative impact

Any other comments you would like about golf cart use?

16. Please offer any other comments you would like about golf cart usage on the island?

17. Please provide demographic information by checking all the boxes that apply

☐ I am a full-time Peaks Island resident ☐ I rent a home on Peaks Island
☐ I am a seasonal Peaks Island resident ☐ I own a business on Peaks Island
☐ I do not live on Peaks Island ☐ I own a golf cart
☐ I own a home on Peaks Island ☐ I have rented a golf cart
☐ Other (please specify)

Panel 5

Attachment C

**Peaks Island Council Public Presentation (excerpts) of Survey Results
May 23, 2018**



2018 Community Survey of Public Opinion Regarding Golf Cart Use on Peaks Island

Peaks Island Council
Transportation Committee
May 23, 2018

1

Slide 1

Survey Demographics

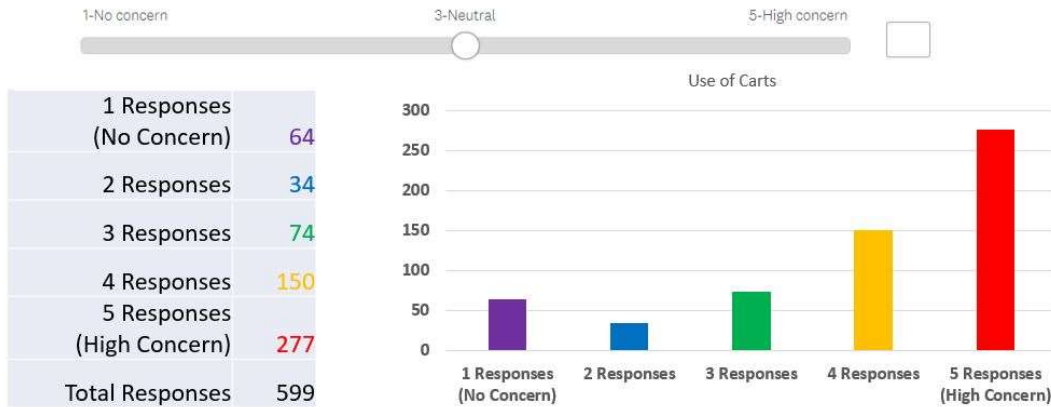
- **Survey Response**
 - 609 surveys in the “raw” data received back from Survey Monkey
 - 604 surveys were considered for the analysis after the 5 duplicates were removed
- **Residency**
 - 56% (337) Year Round Residents
 - 35% (210) Seasonal Residents
 - 1% (3) Both Full Time and Seasonal Residents
 - 1% (6) Do not Live on Peaks
- **Ownership**
 - 71% (429) Own a Home on Peaks
 - 6% (36) Rent a Home on Peaks
 - 7% (40) Own a Business on Peaks
 - 27% (164) Own a Golf Cart
 - 11% (69) Have Rented a Golf Cart

2

Slide 2

Presenting Survey Results – Example

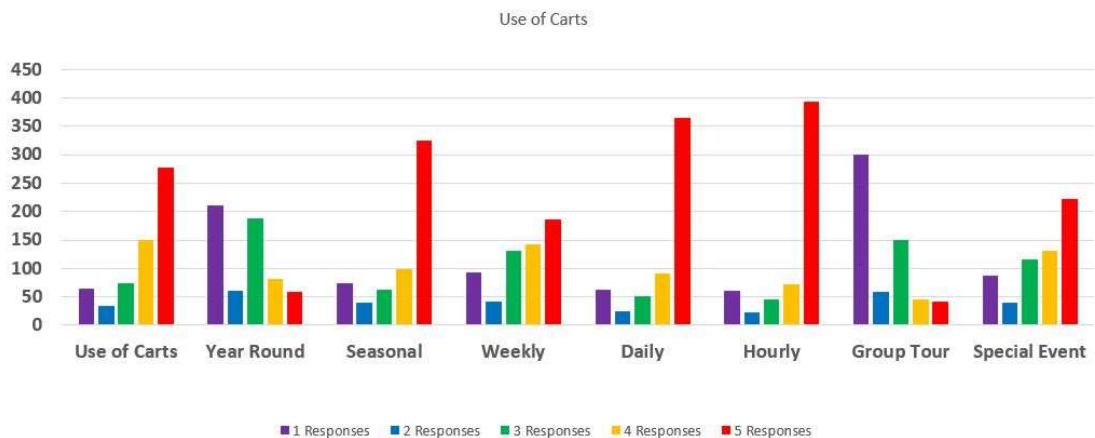
1. On a scale of 1 being no concern and 5 being high concern, to what degree do you feel that the **use of golf carts on Peaks Island** is a matter of concern that needs to be addressed? 🗨️



Slide 3

Survey Results – All Respondents

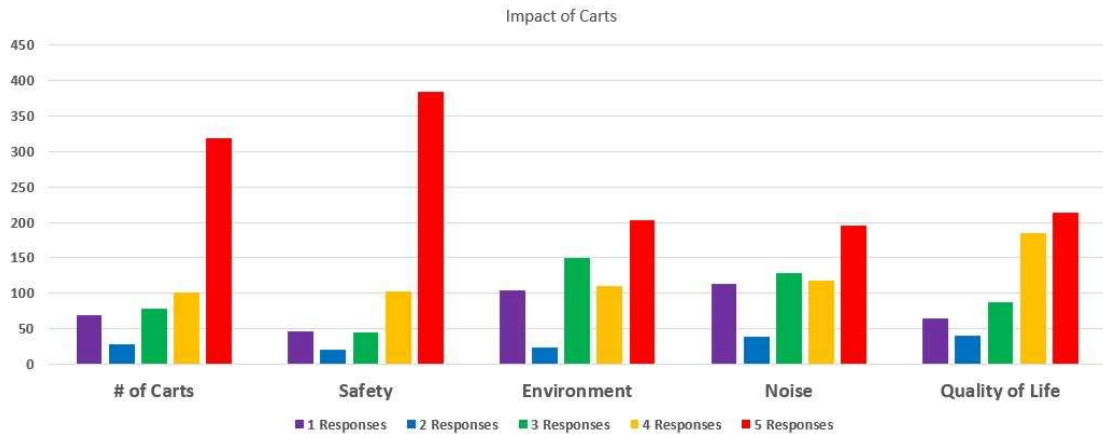
- Ratings 1-5 on Questions 1-8 regarding Use of Carts



Slide 4

Survey Results – All Respondents

- Ratings 1-5 on Questions 9-12, 15 regarding Impact of Golf Carts

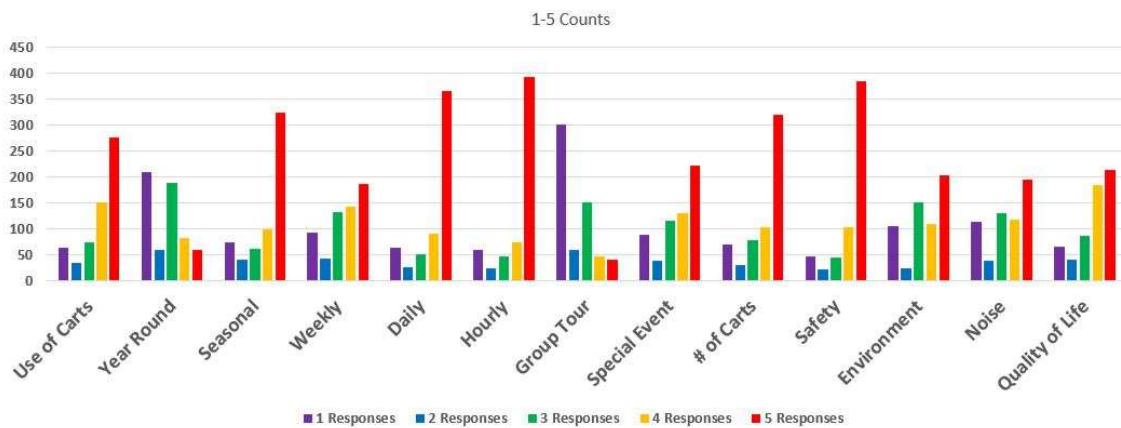


5

Slide 5

Survey Results – All Respondents

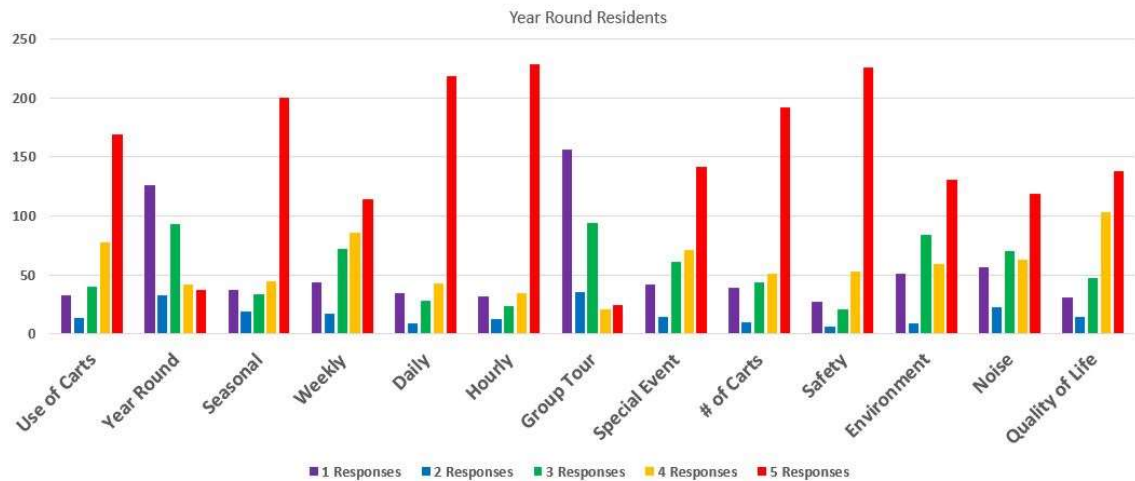
- Ratings 1-5 on Questions 1-12, 15



6

Slide 6

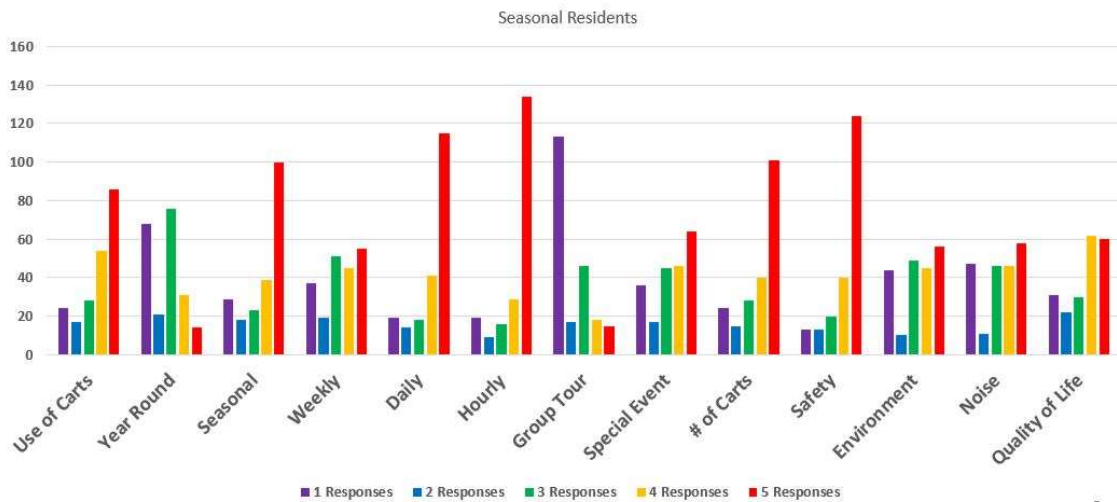
Year Round Residents (337)



7

Slide 7

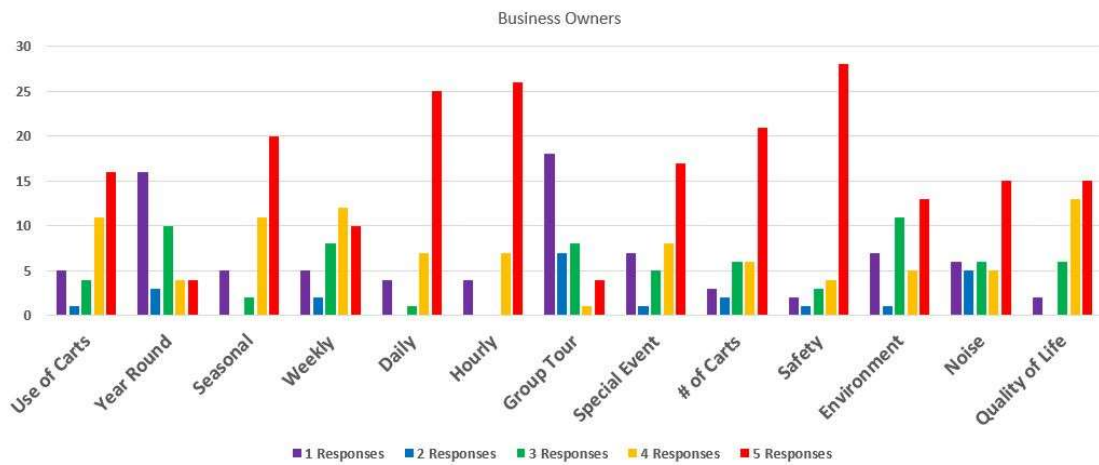
Seasonal Residents (210)



8

Slide 8

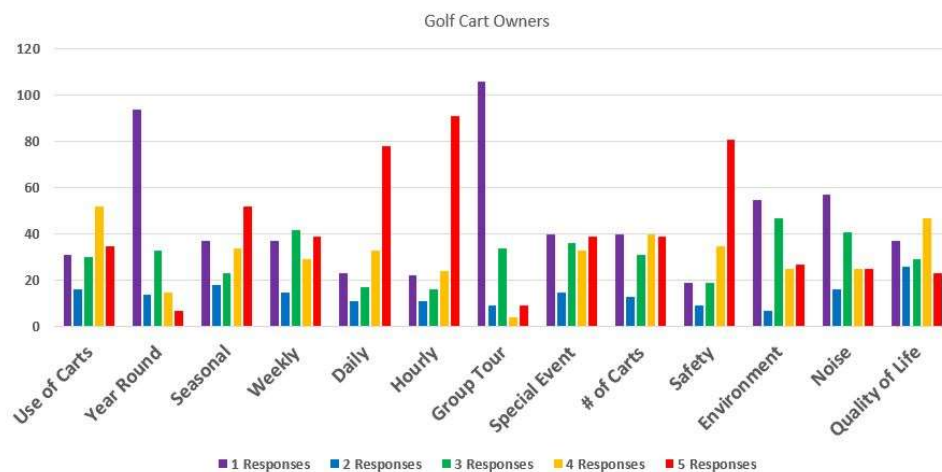
Business Owners (40)



9

Slide 9

Golf Cart Owners (164)



10

Slide 10

Survey Data Themes – Quantitative Data Analysis

- Different demographic groups are aligned to the entire respondent population
- Top Concerns
 1. Hourly Golf Cart Rentals
 2. Safety of Golf Cart Operation
 3. Daily Golf Cart Rentals
 4. Seasonal Golf Cart Use
 5. Number of Carts
 6. Use of Carts in General
- Low Concerns
 1. Guided Group Golf Cart Tours
 2. Year Round Use of Carts
- Mixed Spread of Concern
 - Noise from Golf Carts
 - Impact on Quality of Life
 - Golf Cart Rental for Special Events
 - Weekly or Longer Term Golf Cart Rentals

11

Slide 11

Attachment D

**Fifteen Recommended Measures for Addressing Community Concerns
prepared by Transportation Committee for PIC consideration**

Peaks Island Council
Proposed Solutions to Community Concerns Regarding Golf Cart Usage
Motion to Consider made October 24, 2018

Solution 1: *“Prohibit all commercial rental of golf carts on Peaks Island.”*

- Discussion
 - This was the most widely agreed upon measure among community members who participated in survey and in the forums
 - Might open the City to legal challenge by affected business owners and others
 - Neither State statute nor Portland City Ordinance currently distinguish between carts that are privately owned and those that are commercially owned and operated. This may have unintended implications for all carts.

Solution 2: *“Prohibit the short-term (under 1 week) commercial rental of golf carts on Peaks Island.”*

- Discussion
 - Finding 2 is considered only if Finding 1 is not enacted.
 - Minimal impact on carts that are included with summer cottage rentals as this applies to shorter commercial rentals only.
 - The intention is to significantly reduce the number of carts actively operating on island streets.

Solution 3: *“Require the minimum rental period of commercially owned golf carts be 4 hours.”*

- Discussion
 - Finding 3 is considered only if Finding 1 and Finding 2 are not enacted.
 - Minimal impact on carts included with summer cottage rentals as this applies to commercial rentals only.
 - Increased minimum rental periods would reduce the number of carts actively operating on island streets

Solutions 4: *“Prohibit the creation of any new businesses involved in the commercial rental of golf carts and/or any other motorized means of human conveyance on Peaks Island.”*

- Discussion
 - Recognizes that the proliferation of the rental of other forms of motorized human conveyance, (except the Peaks Island Taxi), would have negative impact on quality of life on Peaks
 - The City of Portland has no business license required for businesses that rent golf carts or other motorized means of human conveyance (except taxis and liveries) on Peaks
 - See Solution 14, below

Solution 5: *“Incrementally reduce the number of golf carts available for commercial rental by the two existing rental companies to a total of 30 by December 31, 2020.”*

- Discussion
 - Total number of carts rented out by the two existing companies is 44
 - 29 at Mike’s Carts would be reduced to 20
 - 15 at Peaks Island Carts would be reduced to 10
 - City of Portland does not require a business license for businesses renting golf carts by which it might regulate the number carts to address community concerns for safety, congestion and traffic management
 - See Solution 14, below.

Solution 6: *“Prohibit the storage of unused commercially owned and operated golf carts in the island residential zones.”*

- Discussion
 - Would only impact carts that are commercially owned and operated
 - Could be included among the requirements for a Portland City business license for the operation of businesses renting golf carts.
 - See Solution 14, below.

Solution 7: *“Prohibit the storage/parking of un-rented commercially owned and operated golf carts on any city street.”*

- Discussion
 - Addresses the issue of storage of unrented carts in the parking spots down front.
 - Excludes carts under an active rental contract
 - Would only pertain to carts that are commercially owned and operated
 - Could be included among the requirements for a Portland City business license for the operation of businesses renting golf carts.
 - See Solution 14, below

Solution 8: *“Prohibit the location of the operations of businesses renting golf carts and other motorized means of human conveyance on lower Welsh Street and on Island Avenue (between Hannigan's Market and Island House Restaurant).”*

- Discussion
 - The “Down Front” area is highly congested. Locating cart rental companies elsewhere will reduce congestion and increase safety
 - New ferry plans will significantly add to the congestion and increase the need for safe operations of the carts down front.
 - City of Portland does not presently require a business license for businesses renting golf carts which might be used to regulate the

location of such businesses to address community concerns for safety, congestion, and traffic management

- See Solution 14, below

Solution 9: *“Require that all commercially rented golf carts have the rental company name, telephone number, and unique identification number (recommended size for ID is 6”) that are visible from 100' away on all four sides.”*

- Discussion
 - City Ordinance, Chapter 28, Section 185 was amended in June 2017 to require certain safety features on golf carts operating on city streets.
 - The ability of police and residents to identify carts renters can enhance enforcement of applicable state statutes and city ordinances regarding the use of golf carts on city streets

Solution 10: *“After December 31, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner.”*

- Discussion
 - Would require some form of vehicle identification number that can be used for enforcement
 - Would necessitate changes in the information required to be submitted when annually registering golf carts
 - May require amendment of City ordinances and/or State Statute

Solution 11: *“Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020.”*

- Discussion
 - One possible way enforcement could be achieved would be by including the transition from gas to electric as a requirement for obtaining a Portland business license for the operation of any company renting golf carts for use on City streets

Solution 12: *“Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced.”*

- Discussion
 - Safe and legal operation of golf carts on Portland City streets is an obligation of everyone – residents and visitors alike. Enforcement should be carried out accordingly

Solution 13: *“Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety.”*

- Discussion
 - The City of Portland promotes tourism and visitors to Peaks Island. The City is obligated to keep our community safe and orderly by providing the resources needed

Solution 14: *“Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets.”*

- Discussion
 - Requirements for issuance of such a business license might include such considerations as: location of operations including long term storage, hours of operation, number of vehicles rented, required safety measures and devices, insurance required of companies and their customers, reporting requirements, deposits, and municipal fees and surcharges.

Solution 15: *“Establish requirements that regulate the inclusion of golf carts in the rental of houses and cottages on the island.”*

- Discussion
 - Allow no more than one cart be rented by a property owner as part of a cottage/house rental
 - Require that owner of the house/cottage carry a minimum of \$1 million in liability insurance on the use of the cart
 - Require that renters sign a standard agreement outlining acceptable use of golf cart on City streets

Attachment E

Minutes from Peaks Island Council Public Hearing - October 24, 2018



Peaks Island Council
MEETING MINUTES

Wednesday, October 24, 2018

6:15 p.m., Peaks Island Community Room

Call to Order: 6:15 p.m.

Roll Call: Lisa Peñalver, Randy Schaeffer, Mary Anne Mitchell, Dave Stankowicz, Patrick Flynn, Stuart Jackson, Steve Anderson

Number of Audience Members (AM) in attendance: 36

Schaeffer made the motion to approve the September 26th meeting minutes. Stankowicz seconded. Unanimous vote to approve. Motion passed.

Committee Reports:

Website: (Stankowicz) Since Spring the visits to the website have increased dramatically, with peak traffic in July. A report was provided with more detailed information regarding the online traffic on specific areas of the website. Vendors and sites are still being explored or the webcam, and they are hoping to have the webcam in place in the spring of 2019.

Mayor's Roundtable: (Stankowicz) After a summer break, Mayor Strimling restarted the roundtable meeting, but as of today has cancelled it. Stankowicz stated that the Mayor has stated he is open to

Environmental: (Mitchell) Mitchell stated that 5 or 6 years ago PEAT and other volunteers worked together to create a small garden of native, non-invasive plants located on Seashore Ave. Plants were donated by Lausier Gardens and the design and installation was as a volunteer community project done by islanders. Mitchell reported that that area has recently been dug up, plants removed, and another concrete slab has been poured for another bench. Mitchell stated she doesn't know who on City staff makes these types of decisions. Mitchell stated even before this a plant has been removed, and PEAT had spoken to Jeff Tarling about replanting that, but now she is unsure how many plants have now been removed. Peñalver stated she recalls having previously discussed a moratorium on additional benches and added that this item would require further discussion with City staff members.

New Business:

Proposed New Ferry: Peñalver explained that Casco Bay Lines has proposed purchase of a new car ferry that will carry 4 additional vehicles and 200 more passengers than the current capacity. PIC is requesting a community meeting with CBL representatives to discuss and allow residents to ask questions. A letter has been drafted to be sent requesting the meeting. Further discussion included PIC working with CBL to create the agenda. Schaeffer stated there is a CBL Board meeting tomorrow morning at 7:45 a.m. and he will be going to deliver the letter. It was determined that no vote was needed to send the letter requesting the meeting.

Old Business:

Golf Cart Findings and Recommendations: (Please see attachment) The Transportation Committee has been working for several months on the golf cart topic, and is submitting its findings and recommendations to the Peaks Island Council. Schaeffer recognized and thanked each member of the Transportation Committee for their time and effort. The purpose of this agenda item is for the PIC to take public comment on the list of 15 proposed items/recommendations or on the golf cart topic in general. Schaeffer stated that at the end of public comment, there will be a motion to suspend any further action until a special meeting to be held on November 14, 2018. Schaeffer stated that at the Nov 14 meeting there will be one motion per each of the 15 items and the PIC will vote. Schaeffer stated there will be an opportunity for public comment at that time on each item, and that the current membership of the PIC will remain in place for that November 14 meeting.

Peñalver stated that each speaker will have 3 minutes, and must state their name and address. She

Flynn asked Peñalver who decided the special meeting would be held on November 14th. Schaeffer stated the Executive Committee had made that decision. Flynn asked why the entire PIC didn't vote to determine the meeting date, rather than the Executive Committee making the decision. Schaeffer stated that could be included in the motion. Flynn stated that the meeting date needs to be decided by the entire council. Stankowicz stated that all councilors had been sent an email request for dates for the special meeting in November.

Schaeffer made the motion that the list of 15 proposed solutions be considered for discussion. Stankowicz seconded for the purpose of discussion.

- AM thanked the Council for their time and effort. She stated she appreciates having some of the statutory basis explained up front, but asked what the legal basis for golf carts being driven around on the streets on Peaks when it is not legal in Portland. Schaeffer stated public comment tonight is isolated to the proposed solutions rather than PIC answering questions, but it was determined that an answer to her question would be distributed regarding the statutes that enable golf cart use on the island.
- AM stated she is adamantly against the golf carts and she feels they are ruining the island in too many ways to list here. She stated she feels there are other ways to accommodate people. She went on to say she feels that homeowners should be allowed to own one golf cart per household; but that bringing throngs of people over that speed around the island is a big mistake.
- AM thanked the PIC for all their work. He stated that he owned an electric golf cart and traded in a pickup truck for it. He stated he walks the circumference of the island daily and he feels that items 9 and higher on the list should be considered. He stated he really thinks golf cart businesses contribute to the economic viability of the island adding seasonal jobs. He stated that during his daily walks around the island he sees many golf carts that are not misbehaving adding that in some cases, the golf carts are allowing those who cannot walk that far to enjoy the backshore. He stated that 5 people in a golf cart is a compact group, but if 5 people are walking or on bikes they are much more spread out. He stated that he has had many nice conversations with visitors, and he has met some who appreciate the natural beauty and who are focused on preserving green spaces, and parks conservation and will be voting locally to do so. He stated that he encourages the golf carts if it means bringing people like that to enjoy and appreciate the natural beauty of Peaks Island.

- AM stated he appreciates everyone's perspectives, but takes offense when no regard is given to the jobs related to the golf cart businesses which contribute to the year round workforce and sustainability of the island. He stated that the closing of the School is still of concern, and he feels as a community we need to make compromises on some of these issues in order to maintain the year round sustainability of living on the island.
- AM stated she is in favor of the golf carts, adding that there are a lot of people here that really need them. She stated that some people shouldn't be driving them, like drinking and driving golf carts but she stated that some drink and drive cars as well. She stated that she doesn't see any big issues with the golf carts and that she thinks it is getting blown out of proportion.
- AM stated that she is against the golf carts, adding that they go past her house all summer long. She stated that the carts go by every hour like a train and she shuts her windows because the smell is tremendous and that she can't stay out on her porch. She stated she thinks weekly rentals with electric carts only would be better.
- AM stated that he is not against golf cart rentals, but is against how it is being done. He stated if you offer to rent out a hotel by the hour you get a drastically different clientele. He stated that he has been asked where to go to get the 'go carts', adding that there is an obvious carnival mentality and that hourly rentals have limited time and only \$25 invested. He stated that as a parent of small children he is terrified to have his kids out in the summertime. He stated that as a concerned person, he stops people on golf carts when he sees them misbehaving. He gave an example of stopping a family in a golf cart with a 5 year old child on his lap while driving and told the driver he had made the child the airbag. He stated he feels the hourly rental compels people to go faster and treat everything with less respect. He stated that perhaps rentals should be no short than daily, with a moratorium on any new gas carts, with a drop dead date to convert to electric. He stated he feels there should be smart regulation in place to ensure safety and enjoyment for everyone.
- AM stated she would prefer to see weekly electric rentals only. She stated she thinks there are lots of jobs around Peaks, and that we don't need these jobs from the golf cart rentals. She stated she appreciates the professional process that the committee has followed. She stated that she loves the recommendations, and believes this will help to manage this in an acceptable manner for both residents and golf cart business owners. She stated that her sister spoke previously about closing the windows, and she stated that she does not leave her windows open wither because of the exhaust from golf carts. She went on to say there are environmental concerns, especially if more gas carts are added.
- AM stated that he and his wife have tried to take a low profile on most of the issues on the island. He commended PIC for their work to involve the community on this topic. He noted the near unanimity on this topic and the feeling that the current status has measurably decreased the fabric of the culture of Peak island. He stated that he doesn't know what the answer is, but that the status quo is not acceptable. He stated that he feels this will remain a contentious issue if not addressed.
- AM stated he is not a fan of golf carts, adding that they add to noise pollution and air pollution. He stated he appreciates the work the Council has done thus far and wished them well with addressing this topic. He stated he has been coming to Peaks since the mid-1960s. He stated he feels a positive effort would be to create a public relations campaign to come and enjoy the peace and quiet and serenity of the island in attempt to counteract the current state. He stated it would be a promotion of what has been great to so many for 40 or 50 years. He added that maybe kids could be hired to hand out pamphlets at the ferry terminal that promote walking and biking.

- AM stated she thinks the golf cart issue begs the larger issue of public transportation. She stated she thinks if we invested in public transportation there would not be such a demand for golf carts. She stated that businesses are not necessarily responsible for their clientele. She stated that people coming to the island already have an idea of what they are doing when they come to the island. She reiterated she feels it is a public transportation issue and asked the Council to consider cross island and around the island public transportation.
- AM stated she feels education for visitors is a good idea stating that Peaks Island is advertised by the City and by CBL as a place to come. She stated that she was on a CBL cruise and over the microphone they said you could go visit Peaks and rent a golf cart. She added that renting a golf cart on Peaks Island was once the #1 Thing to do on Trip Advisor, so perhaps some of those advertising things could be addressed.
- AM stated at the end of each of the community meetings, each meeting ended with residents saying that they didn't want golf carts, especially gas. She states he feels they are very disruptive.
- AM stated she feels golf carts are a blight on the island and are very polluting. She stated that she witnessed 30 golf carts pass by in about 4 minute timeframe. She stated it really ruins the quality of life, it is disruptive and the gas fumes were in pedestrians faces. She added that she has witnessed endless infants on golf carts. She stated she witnessed two carts driving side by side with a male on the back with one foot on each cart, and that cart continued toward the backshore like that. She stated that they are unavoidable, you can't get away from them and that they are even present in what are usually very quiet locations on the island. She stated that from an accessibility standpoint, that she raised a family here walking everywhere and that there are golf cart tours for older people.
- AM stated that she is not in favor of rental carts and that she agrees with previously stated environmental issues and quality of life issues. She stated that she drives a large van on the island, and is very concerned about hitting a golf cart with her vehicle and only goes forward in the van in summer months because of it. She stated that she is concerned about the decrease in the quality of life and the impact that will have on property values due to the Coney Island atmosphere on Peaks.
- AM stated she hears everyone's valid reasons, but if stated she feels if we vote to get rid of rental carts then residents should get rid of golf carts too and set a good example across the board. She stated we can all walk, bike, use the tours and the taxi.
- AM asked if PIC has formally asked the police about policing the golf carts. Schaeffer noted items #12 talks about enforcement.
- AM stated that he totally agrees with previous statements. He stated he has been on Peaks year round for approximately 42 years. He stated that people used to always walk on the island and rarely drive. He stated that Kauai was one of the most beautiful places he had ever been and he returned to find the culture and beauty had been ruined by helicopter tours and he feels that is what is happening on this island. He stated that he feels golf carts are a plague and a destruction of our culture. He went on to say that PILP and PEAT have put in endless hours to get fewer cars to park on the backshore, which has been completely undermined by golf carts.
- AM stated he has lived here for 15 years and that he has certainly seen the change in just a few years and the culture and quiet is being ruined. He stated it seems the reality is there will be more tourists. He stated he believes if advertising is highlighting golf cart rentals and promoting the Coney Island mentality, then that is what we will get. He stated that there have been many visitors who are happy to walk or take one of the tours, and that it is in more recent years that the island has turned from quiet to a fun

house. He stated that people have managed to love this island for decades, enjoying the quiet and peace of the island without this quick fix. He added that the speed, noise and smell and peace of the island is changing. He asked if that is really the type of visitor that we want.

- AM stated what about switching to bicycle pulled carts? She stated they are not loud. She stated that would offer a way for older people to get around.

Schaeffer made the motion that any further action on this topic be postponed until the special meeting of the PIC on November 14th where further discussion and action may be taken. Stankowicz seconded. 5 voted in favor, 2 abstained. Motion passed.

There was Councilor discussion regarding correct procedure for determining the date of the special meeting. Schaeffer stated that the above motion referenced the meeting date and passed, adding he doesn't feel a further motion was necessary. Stankowicz stated that all of this information had been previously distributed to the entire council and that all members had been notified.

Public Comment:

- Kim McIsaac representing Casco Bay Island Alliance – The board is discussing the new ferry proposal which will have great impact on all islands who are also concerned about the increase in day trippers. The board is willing to work with PIC on that item.
- AM stated last year CBIA and PIC created a poster on the ferry, down played the island playground mentality. No camping, public restrooms, etc.
- AM asked if the meeting on the 14th be open to the public? Schaeffer stated that there will be one motion per item and voted on each of the 15 items individually.
- AM saw an article about proposed changes at the CBL terminal including the addition of a second floor. AM asked the Council to take note.

Announcements:

- PIC special meeting November 14th to vote on each of the 15 proposed golf cart recommendations.

Next PIC Meeting: Wednesday, November 28, 2018, 6:15 pm at the Community Room

Meeting Adjournment: 7:21p.m.

Attachment F

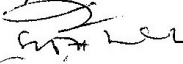
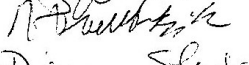
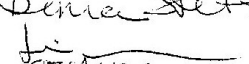
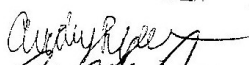
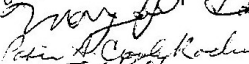
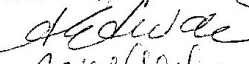
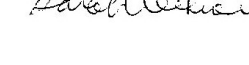
Petition by Registered Voters in Opposition to Closing Down of Golf Cart Rental Companies on Peaks Island

We the undersigned are Peaks Island Registered Voters. We are not in support of a recommendation to close down two island-owned, golf cart rental businesses which hundreds of islanders, island businesses, and non-profits utilize. We support a sustainable year-round island community for all including families with young children. We support the ability of islanders to own businesses and employ other islanders as a part of a sustainable community. We support public safety, environmental responsibility, and a balancing of public access with a quality of island life that protects a vibrant and viable year round community.

NAME	PHONE	SIGNATURE
1. PETER W. BRIDGFORD JR	766-5857	Peter W. Bridgford Jr
2. Celeste Bridgford	766-5857	CB
3. Catherine E. Plante	766-5168	Catherine E. Plante
4. MARGO LONCH	766-9797	Margo Lonch
5. Paula Chadwick	cell 432-5044	Paula Chadwick
6. Melissa Conrad	766-9736	MC
7. Barbara Hoppin	766-2593	Barbara Hoppin
8. CHRISTOPHER Hoppin	766-2593	CHH
9. Danielle Mulhern	766-2508	Danielle M. Mulhern
10. LAURENCE MOY	802-299-3765	Laurence Moy
11. JANNI PETERSON	453-5559	Janni Peterson
12. EDGARDO MAMBREDO	766-2140	Eduardo Mambredo
13. Jessica Burton	766-2140	Jessica Burton
14. TEAKEN LE J. MULLEN	766-4478	Teaken Le J. Mullen
15. KATHA	766-0025	Katha
16. Robert Walsh	332-4582	Robert Walsh
17. Margaret Kelsey	274-4747	Margaret Kelsey
18. TWAIN BRADEN	207-766-2199	Twain Braden
19. Leah Day	207-747-9966	Leah Day
20. Lisa Trombly	207-701-6203	Lisa Trombly
21. Kristen Chalmers	207-766-2456	Kristen Chalmers
22. Jessica George	207-268-9928	Jessica George
23. Jeffrey P. Casack	207-611-2792	Jeffrey P. Casack
24. Otis C. Thompson	207-805-1513	Otis C. Thompson
25. Kimberly Levesque	207-329-9082	Kimberly D. Levesque

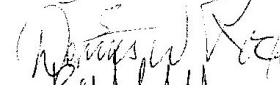
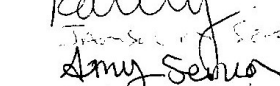
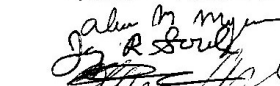
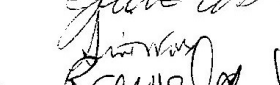
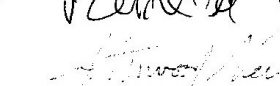
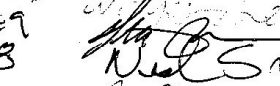
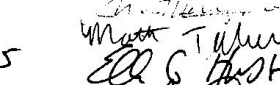
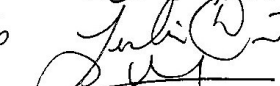
~ Page 1

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NAME	PHONE	SIGNATURE
1. Ted Sowers	766-5078	
2. Elaine V. Makos	Tue 766-0007	
3. RICHARD HASSON	317-6617	
4. Joseph Kulwicki	232-3497	
5. SCOTT KELLEY	317-6936	
6. DEBORAH JEAN	766-2462	
7. JENNIE GUNWICK	712-0572	
8. STEPHEN B. MOTT	415-2647	
9. NELSON THU CATMAN	317-6864	
10. Audrey Spence-Bain	704-107-9180	
11. Donna Stetson	860-617-7306	
12. Jennifer Moore	972-3820	
13. CTSKOG	440-7894	
14. Camille Haskins	237-1662	
15. Benjamin Miller	831-2207	
16. Audrey Byrne	704-623-9250	
17. Louis Dineen	207-651-2150	
18. Chelsa Henry	207-766-5110	
19. MAKEKEET LACBMAE	207-312-8092	
20. Paul Crowley-Rodwell	207-318-0956	
21. Lee Hochman	207-430-8885	
22. J. Hunka (Shay) Stewart Bailey	207-601-0732	
23. Ann Pearson	272-2886	
24. Anita Edwards	899-5637	
25. Sarah Archibowicz	712-4378	

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NAME	PHONE	SIGNATURE
1. Dora J. Basso	207-766-4107	
2. Harry Basso	207-766-4107	
3. DENNIS W. ROCKWELL	207-766-4421	
4. RACHEL CONLY	207-766-5625	
5. Amy Senor	207-409-7908	
6. Peter Pennochet	207-432-2084	
7. Todd Kenney	207-432-0574	
8. Frank Pennochet	207-432-0574	
9. Alissa Myers	207-837-3190	
10. JAY R. SOULS	207-766-2431	
11. DAN RATHERHAM	207-745-7916	
12. Sean Ashmore	207-766-7982	
13. STEPHEN R. FOX	908-295-8813	
14. STANLEY HENDEL	207-766-2441	
15. CHRIS J. D. BOSI	207-317-7237	
16. WAYNE BENNETT	207-730-3053	
17. STUART JACKSON	207-712-8449	
18. NED JAMPSON	207-766-0978	
19. NICK PARONIER	207-415-1768	
20. Matt Mulken	207-272-5725	
21. Ellen G. Huston	207-347-9906	
22. Leslie Davis	207-329-0213	
23. VANESSA SYLVESTER		

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NAME	PHONE	SIGNATURE
1. Judith Nelson	603-475-7552 (cell)	Judith Nelson
2. Paul Nelson	603-475-6465	Paul Nelson
3. WALTER REITER	207-504-7432	Walter Reiter
4. Linda deLaBruere	650-8582	Linda deLaBruere
5. Tom Fieldsend	207-766-2503	Tom Fieldsend
6. VONDELLE FIELDSEND	207-766-2523	Vondelle Fieldsend
7. ROBERT HENRY	207-272-7311	Robert Henry
8. Stephen Decoste	207-766-2356	Stephen Decoste
9. DYLAN AUSTIN	802-377-1266	Dylan Austin
10. Jack Soley	207-766-3333	Jack Soley
11. CHAR BECKER	207-319-4343	Char Becker
12. Monique Thompson	207-805-1513	Monique Thompson
13. Lisa PENAKER	207-270-5962	Lisa Penaker
14. Holly Perry	207-939-6511	Holly Perry
15. Mary Anderson	207-766-0997	Mary Anderson
16. Chris Anderson	207-766-0997	Chris Anderson
17. Mel Allex	207-733-4941	Mel Allex
18. ANTHONY MORTISITO	207-615-5883	Anthony Mortisito
19. Kathleen Farrin	207-408-9500	Kathleen Farrin
20. Robbyn Reed	207-233-2131	Robbyn Reed
21. Elizabeth Bruchman	766-5602	Elizabeth Bruchman
22. JANE BANQUER	231-5421	Jane Banquer
23. FREDERICK BRAGDON	764-5534	Frederick Bragdon
24. Morten Ashjornsen	650-9409	Morten Ashjornsen
25. ASA ERICSDOTTER	207-5361413	Asa Ericsson

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We the undersigned are Peaks Island Registered Voters. We are not in support of a recommendation to close down two island-owned, golf cart rental businesses which hundreds of islanders, island businesses, and non-profits utilize. We support a sustainable year-round island community for all including families with young children. We support the ability of islanders to own businesses and employ other islanders as a part of a sustainable community. We support public safety, environmental responsibility, and a balancing of public access with a quality of island life that protects a vibrant and viable year round community.

NAME	PHONE	SIGNATURE
1. Bob Lieber	786-5013	[Signature]
2. Mira Platin	717-277-0582	[Signature]
3. Vern Gray		[Signature]
4. Heather Thompson	207-655-1392	Heather Thompson
5. Anne O'Brien	766-5555	Anne O'Brien
6. Pam Tedford	415-5139	[Signature]
7. NAOMY STANHOPE	207-766-0001	[Signature]
8. Cheryl Miner	207-766-5570	[Signature]
9. Hayden Collette	207-400-528	[Signature]
10. MARIO PROIA	617-803-1366	[Signature]
11. Sandra Myers	207-667-4315	[Signature]
12. William Hines	207-749-0934	[Signature]
13. Adam Weidemann	766-3070	[Signature]
14. ERIC ERICO	6535396	[Signature]
15. Ed Skidmore	766-2543	[Signature]
16. Jennifer L. Lally	766-2543	[Signature]
17. Gail Trefethen-Lally	207-756-9000	[Signature]
18. Kathleen Wylant	978-460-2076	[Signature]
19. JEREMY WYANT	978-460-3557	[Signature]
20. Joseph LaFlam	207-251-5521	[Signature]
21. MARGARET ALVES	207-450-0274	Margaret Alves
22. Christina Foster	207-272-8889	[Signature]
23. Jason Hie	207-338-9607	[Signature]
24. Sabrina Plante	207-450-6701	[Signature]
25. Timothy PLYNN	207-766-2525	[Signature]

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We the undersigned are Peaks Island Registered Voters. We are not in support of a recommendation to close down two island-owned, golf cart rental businesses which hundreds of islanders, island businesses, and non-profits utilize. We support a sustainable year-round island community for all including families with young children. We support the ability of islanders to own businesses and employ other islanders as a part of a sustainable community. We support public safety, environmental responsibility, and a balancing of public access with a quality of island life that protects a vibrant and viable year round community.

NAME	PHONE	SIGNATURE
1. PETER C. THIEL	523-9947	
2. Gabrielle Girard	274-9710	
3. Barry Shaw	766-5705	
4. Travers Tuttle	671-3931	
5. FREDERICK W. O'KEefe	766-2340	
6. Jose V. Morales	207 245 8773	
7. LANI REMICIE	207 518 9288	
8. JOHN KEMP	207 400 6252	
9. LISA LYNCH	207-939-2139	
10. BECKY LYNCH	207-939-4037	
11. MARKUS KAMP	207-712-1931	
12. Joshua Lynch	207 347 9723	
13. Faith York	207-766-5763	
14. ALYCE BAUERIE	207 766-5604	
15. JANEY GYMALIN	207 766-5770	
16. SCOTT NADA	207-766-5771	
17. JIM SCHNEIDER	207 850 0791	
18. Sharon Cohen	207 766-0005	
19. Tom Peter Kelso	207 766-0619	
20. GARRY S. FOX	207 766-5180	
21. Barbara Filippis	523-1405	
22. J. Webster	766-5846	
23. L. M. Tipton	766-5848	
24. Robin Clark	766-2295	
25. Maura Goss	766-2431	

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Attachment G

**Final Votes taken by Peaks Island Council 15 Measures Proposed by
Transportation Committee**

**Peaks Island Council
Summary of Votes on
15 Motions Regarding Proposed Solutions for Addressing Golf Cart Concerns
November 14, and November 28, 2018**

Considered at November 14, 2018 PIC Meeting

1. It is moved that Solution 1: *“Prohibit all commercial rental of golf carts on Peaks Island”*, be recommended to the Portland City Council for further action.

For: 0 Opposed: 6 Abstain: 0

2. It is moved that Solution 2: *“Prohibit the short-term (under 1 week) commercial rental of golf carts on Peaks Island”*, be recommended to the Portland City Council for further action.

For: 0 Opposed: 6 Abstain: 0

3. It is moved that Solution 3: *“Require the minimum rental period of commercially owned golf carts be 4 hours”*, be recommended to the City Council for further action.

For: 5 Opposed: 1 Abstain: 0

4. It is moved that Solution 14: *“Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets”*, be recommended to the Portland City Council for further action.

For: 6 Opposed: 0 Abstain: 0

5. It is moved that Solution 6: *“Prohibit the storage of unused commercially owned and operated golf carts in the island residential zones”*, be recommended to the Portland City Council for further action.

For: 0 Opposed: 5 Abstain: 1

6. It is moved that Solution 7: *“Prohibit the storage/parking of un-rented commercially owned and operated golf carts on any city street”*, be recommended to the Portland City Council for further action.

For: 6 Opposed: 0 Abstain: 0

7. It is moved that Solution 8: *“Prohibit the location of the operations of businesses renting golf carts and other motorized means of human conveyance on lower Welsh Street and on Island Avenue (between Hannigan's Market and Island House Restaurant)”*, be recommended to the Portland City Council for further action.

For: 1 Opposed: 5 Abstain: 0

8. It is moved that Solution 9: *“Require that all commercially rented golf carts have the rental company name, telephone number, and unique identification number that are visible from 100' away on all four sides”*, be recommended to the Portland City Council for further action.

For: 6 Opposed: 0 Abstain: 0

9. It is moved that Solution 11: *“Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020”*, be recommended to the Portland City Council for further action.

For: 5 Opposed: 0 Abstain: 1

10. It is moved that Solution 12: *“Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced”*, be recommended to the Portland City Council for further action.

For: 6 Opposed: 0 Abstain: 0

11. It is moved that Solution 13: *“Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety”*, be recommended to the Portland City Council for further action.

For: 6 Opposed: 0 Abstain: 0

12. It is moved that Solution 10: *“After December 31, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner”*, be recommended to the Portland City Council for further action.

For: 5 Opposed: 0 Abstain: 1

Considered at the November 28 PIC Meeting

13. It is moved that motion be amended to read that Solution 4: *“Create a 24-month moratorium on the creation of any new businesses (excluding golf cart rental businesses) involved in the commercial rental of any motorized means of human conveyance on Peaks Island.”* Be recommended to the Portland City Council for further action

For: 4 Opposed: 1 Abstain: 0

14. It is moved that motion be amended to read that Amend Solution 5: *“Permanently cap the combined number of rental golf carts on Peaks Island from all businesses to the current level of 44, of which a minimum of 1/3 (14) carts be limited to weekly only rental”*, be recommended to the Portland City Council for further action.

For: 5 Opposed: 0 Abstain: 0

15. It is moved that motion be amended to read that Amend Solution 15: *“Renters of any house or cottage that includes a golf cart with the rental are required to sign a standard rental agreement outlining golf cart safety and operational requirements”*, be recommended to the Portland City Council for further action.

For: 5 Opposed: 0 Abstain: 0

Attachment H

Eleven Final Recommendations with Discussion of Operational Implications

The proposed solutions approved by PIC for consideration by Portland City Council are divided into two sections – those impacting rental companies and those impacting all carts on the island. They are as follows:

Proposed solutions applied to golf cart rental companies

1. *“Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets”*
 - a. Similar to regulations in other cities around governance of taxis, this would guide the way in which businesses can operate.
 - b. Many of the following recommendations can fall under this business license solution
 - c. While the PIC did not vote on any of the specific business license requirements, a few examples discussed are:
 - i. Set up a medallion system (limit of 44 – see recommendation below on caps), one per cart, to limit the number of rental carts
 - ii. Medallions would be purchased at a nominal cost of \$100.00 per medallion and renewed annually to provide a revenue stream for the City to maintain the licensing process
 - iii. Medallions can be purchased and renewed by anyone, but initial purchase would be offered to golf cart rental companies
 - iv. Require all rental carts be electrically powered (by 12/31/2020)
 - v. Establish a minimum space for carts of 75sf per cart at rental site to allow for adequate cart storage, egress and safety considerations. Carts used for weekly rentals would not be subject to the 75sf/cart requirement
 - vi. Require all operations of rental carts be in a commercially zoned location
 - vii. Require all carts comply with safety requirements
 - viii. Establish a common rental agreement, outlining appropriate use of carts
2. *“Create a 24-month moratorium on the creation of any new businesses (excluding golf cart rental businesses) involved in the commercial rental of any motorized means of human conveyance on Peaks Island.”*
 - a. There is no need to include a moratorium on future golf cart businesses as this is addressed in the recommendation 4 below
 - b. While there is strong opposition to any new company renting mechanized modes of transportation such as scooters, Segways, mechanized golf bikes, skate caddys etc, PIC felt that instead of banning them outright, a moratorium would allow the rest of the proposals to start to take effect before we would reevaluate and propose a permanent solution
 - c. This does not apply to any non-profit organization (e.g. Island Transportation System- aka Taxi) which continues to address the transportation needs of the island community
 - d. This recommendation does not prohibit commercial golf cart tour operators to continue in their current operations as a tour company
3. *“Require the minimum rental period of commercially owned golf carts be 4 hours”*
 - a. Significant concern was raised by the community on the impact of short term (1-2 hour rentals). This addresses the largest pain point from the community

- b. Short term rentals (under 4 hours) have a very low barrier to entry – rentals cost \$25 per hour and there is no disincentive for renters to misbehave – increasing the rental minimum will encourage use by those that will take the time to appreciate the island vs “racing around” the island as quick as possible
 - c. The proposed solution provides a cost-effective way for mobility-impaired renters to enjoy the island
 - d. The solution will have minimal impact on the revenue stream for owners, as Peaks continues to be a preferred tourist destination and demand for carts far outstrips supply – in other words, there will be amply tourists willing to pay for a half day rental
 - e. The solution reduces the congestion on lower Welsh street which has important safety implications
 - f. This solution would explicitly require that there would be no rental agreements allowed for periods of less than 4 hours
 - g. This recommendation can be included in the business licensing recommendation above
4. *“Permanently cap the combined number of rental golf carts on Peaks Island from all businesses to the current level of 44, of which a minimum of 1/3 (14) carts be limited to weekly only rental”*
- a. Per owners of the existing business, there are a total of 44 carts available for rental. Both owners indicated they had no plans to expand their fleets
 - b. This recommendation does not prohibit the owners from selling part or all of their business, as the cap is solely on the combined total
 - c. Current weekly rental comprises ~14% of the combined fleet. Owner of one company indicated a planned migration to more weekly rentals
 - d. Weekly rentals remove cars from the island, which addresses another unrelated concern voiced by the community (overall number of cars on an island of 1.1 square miles)
 - e. This recommendation can be included in the business licensing recommendation above
5. *“Prohibit the storage/parking of un-rented commercially owned and operated golf carts on any city street”*
- a. Golf cart rental companies regular park their unrented inventory during the day and overnight on city streets. This limits (the already limited) parking options for regular commuters and visitors down front
 - b. This is not intended to restrict legal parking of a “rented” cart anywhere on the island
 - c. This recommendation can be included in the business licensing recommendation above
6. *“Require that all commercially rented golf carts have the rental company name, telephone number, and unique identification number visible from 100' away on all four sides.”*
- a. Both rental companies have indicated that community members can call to report inappropriate cart behavior. However, identification of individual carts are currently too small to see and it is unclear which rental company owns the cart
 - b. This would apply to cart rentals included as part of a house or cottage rental (see proposed solution 10 below)
 - c. Police enforcement would also be easier if carts can be easily identified.
 - d. This recommendation can be included in the business licensing recommendation above

7. *“Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020”*
- a. There is very strong alignment from the community that all rental carts should be electric
 - b. This solution provides two seasons to convert the rental fleet to electric
 - c. Technology exists to support full day electric cart range – Golf cart models are currently available for sale that have a 70 mile range on a single charge (without battery optimization technology or solar panel assistance)ⁱ As a point of reference, the distance around the island is 3.5 miles – at a 70 mile range, a cart can be driven around the Island for 20 trips without a recharge. Stopping for an hour and recharging would enable another 16 round trips.
 - d. This recommendation can be included in the business licensing recommendation above

Proposed solutions applied to all golf carts on Peaks Island

8. *“Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced”*
- a. This was strongly supported by the community who wants more enforcement of the ordinances as approved last year by the City
 - b. This applies to rental carts as well – see above
9. *“Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety”*
- a. This too was strongly supported by the community who recognizes that staffing levels in the Police Department are often not robust enough to monitor the safe operation of rent carts and the congestion of carts, people and cars down front (especially during the times the boat is at dock, and during peak visitation days).
 - b. Special emphasis should be focused mid-day down front when the half day rentals are being returned and rented out.
10. *“Renters of any house or cottage that includes a golf cart with the rental are required to sign a standard rental agreement outlining golf cart safety and operational requirements”*
- a. The community recognizes that some of the observed inappropriate behavior of golf cart operators is not with rented carts. This proposed solution applies to any homeowner who rents a house or cottage that includes a cart with the rental.
 - b. Landlords (or their designee) would be responsible for ensuring compliance
 - c. Carts would have a unique identifying information per solution number 6 above.
 - d. The intent is that these owners would use the same common rental agreement, outlining appropriate use of carts that is used by rental cart companies.
11. *“After April 1, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner.”*
- a. This proposed solution only affects newly registered carts

- b. Existing registrations to existing owners would be grandfathered, but if a gas cart is sold, it cannot be registered on Peaks.
 - c. The long-term intent is to migrate all carts on Peaks to electric over the next 10-20 years
-



December 12, 2018

To: Members, Portland City Council

From: Randy Schaeffer, Chair
Peaks Island Council

A handwritten signature in blue ink, appearing to read 'Randy Schaeffer', is written over the printed name and title.

Re: Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island

The Peaks Island Council (PIC) recently completed a year-long process to document community concerns regarding the use of golf carts on the city streets of Peaks Island and to recommend measures for addressing those concerns to the Portland City Council for further action.

The process undertaken by the PIC and the results of that process will be described in detail in a report entitled “Addressing Community Concerns Regarding the Use of Golf Carts on the City Streets of Peaks Island” which will be distributed in the weeks ahead. The report will include further detail regarding operational implications for each of the recommended measures.

The Peaks Island Council, at a special meeting on November 14, 2018 and at its regular monthly meeting on November 28, 2018, voted to recommend that the Portland City Council consider the following proposed measures for further action:

1. Create a City of Portland business license which would be required to operate a business that rents golf carts and/or other motorized means of human conveyance for use on City streets.
2. Create a 24-month moratorium on the creation of any new businesses (excluding golf cart rental businesses) involved in the commercial rental of any motorized means of human conveyance on Peaks Island.
3. Require the minimum rental period of commercially owned golf carts be 4 hours.

4. Permanently cap the combined number of rental golf carts on Peaks Island from all businesses to the current level of 44, of which a minimum of 1/3 (14) carts be limited to weekly only rental.
5. Prohibit the storage/parking of un-rented commercially owned and operated golf carts on any city street.
6. Require that all commercially rented golf carts have the rental company name, telephone number, and unique identification number visible from 100' away on all four sides.
7. Require that all commercially owned and operated golf carts be electrically powered by December 31, 2020.
8. Ensure that state statutes and city ordinances pertaining to the operation of golf carts are rigorously enforced.
9. Provide adequate numbers of police personnel and their effective supervision needed to carry out enforcement of state statutes and city ordinances regarding the operation of golf carts on Peaks Island and to ensure public safety.
10. Renters of any house or cottage that includes a golf cart with the rental are required to sign a standard rental agreement outlining golf cart safety and operational requirements.
11. After December 31, 2018, require that any newly registered (new or used) privately owned and operated golf carts be electrically powered. Registrations for existing gas-powered carts are grandfathered and can be renewed with the current owner.

The Peaks Island Council welcomes the opportunity for discussion with the City Council in the further development and enactment of measures to address our community's concerns.

Thank you very much for your consideration.

C: Jon Jennings
Mike Murray
Members, Peaks Island Council

To: Councilor Thibodeau and members of the Sustainability & Transportation Committee
From: Troy Moon, Sustainability Coordinator
Date: June 14, 2019
RE: Proposed amendments to Chapter 12, Garbage, Wastes, and Junk
Prohibiting plastic straws and plastic bags

In July, 2018 the Sustainability and Transportation Committee discussed the use of plastic straws and the harmful impacts they can have on the environment when improperly discarded. Elementary school student Circe MacDonald provided a presentation to the Committee and provided everyone in attendance at the meeting with a metal straw. The Committee took up the issue again in September, 2019 and received a staff presentation on straw regulations in other jurisdictions around the world as well as corporate policies to restrict the use of plastic drinking straws in the course of their business. Members of the public offered testimony regarding restrictions on the distribution of plastic straws and the success of such ordinances in other communities.

Councilor Batson, who was a member of the Sustainability and Transportation Committee last year, has worked with Corporation Counsel to draft an amendment to Chapter 12 that would prohibit the distribution of plastic straws in the City of Portland and has requested that the Committee consider it. As drafted, the ordinance would prohibit the sale, distribution, and use of plastic beverage straws in the City of Portland with limited exceptions. These include:

1. Pre-packaged drinks sold at commercial establishments.
2. Use by medical or dental facilities.
3. Use by the school district.
4. Use during a locally declared emergency.
5. Use by individuals with a disability or other impairment requiring use of plastic straw.

Straws made of materials other than plastic such as paper, bamboo, sugar cane, or metal would not be restricted.

For reference, your package includes back-up material discussed at the earlier meetings.

Councilor Batson has also offered an amendment to Chapter 12 that would replace the City's current \$0.05 fee on plastic bags with a ban. Staff notes, however, that **LD 1532** -- "An Act To Eliminate Single-use Plastic Carry-out Bags" has passed votes in both the Maine House of Representatives and the Maine Senate. The Governor is expected to sign it. If enacted, this bill would ban the distribution of plastic bags thinner than 4 mils throughout the entire state. It provides that stores may provide a paper bag or a reusable plastic bag to customers for a \$0.05 fee. *The bill includes a provision that would preempt local ordinances which will make our current bag ordinance null and void as well as any amendments to it that the Council may adopt.* If enacted, the statewide ban would take effect on April 22, 2020.

Sec. 12-____. Findings; purposes.

The City Council hereby finds as follows:

- (a) The City of Portland is committed to environmental leadership; and
- (b) The City Council desires to conserve resources and reduce greenhouse gas emissions, waste, litter, and pollution; and
- (c) Discarded plastic beverage straws threaten wildlife and degrade and litter the beaches and water off Maine's coast, including areas within the City; and
- (d) Reducing the distribution of plastic beverage straws provided to customers decreases the amount of plastic that may end up in our environment through litter, windblown debris, and overflowing trash cans; and
- (e) The City finds there are reasonable, environmentally friendly alternatives to plastic beverage straws; and
- (f) The City Council has determined that it is in the best interest of the residents of the City to promote the public health, safety, and general welfare by amending Chapter 12 to enact procedures and prohibitions regarding the distribution of plastic beverage straws to reduce waste.

Sec. 12-____. Definitions.

As used in this Ordinance, the following words, terms, and phrases, including their respective derivatives have the following meanings:

Beverage means any liquid, including any slurry, frozen, semi-frozen, or other forms of liquids, intended for drinking.

Beverage Provider means any business, organization, entity, group, or individual located within the City that offers beverages to the public for consumption.

Food Provider means any person located within the City that is a retailer of prepared food or beverages for public consumption including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.

Person means an individual, business, event promoter, trust, firm, joint stock company, corporation, nonprofit, including a government corporation, partnership, or association.

Plastic Beverage Straw means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker.

Plastic Beverage Straw includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

Special Event Permittee means a person who has obtained a Special Event Permit from the City pursuant to Section 32-702 of the City Code.

Sec. 12-____. Prohibition on Distribution, Sale or Use of Plastic Beverage Straws.

(a) A plastic beverage straw shall not be sold, or distributed within the City of Portland except as expressly permitted under Section 12-____ below.

(b) A plastic beverage straw shall not be used on public beaches or in public parks within the City of Portland.

(c) Nothing in this section precludes a food provider, beverage provider, special event permittee, or any person from using, providing, distributing, or selling non-plastic alternatives to plastic beverage straws, such as those made from paper, sugar cane, or bamboo, available to customers.

Sec. 12-____. Exceptions

(a) Exceptions. The prohibition outlined in this Article shall not apply to:

1. Pre-packaged drinks sold at commercial establishments.
2. Use by medical or dental facilities.
3. Use by the school district.
4. Use during a locally declared emergency.
5. Use by individuals with a disability or other impairment requiring use of plastic straw.

Sec. 12-____. Violations and Enforcement.

The City Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article. If the City Manager or his/her designee(s) determines that a violation of this Article has occurred, he/she shall issue a written warning notice to the person in violation notifying that person 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 \$100 for the first violation in a one-year period;
- (b) A fine not exceeding \$200 for the second and each subsequent violation in a one-year period.

Sec. 12-____. Severability.

Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Sec. 12-____. Effective Date

The provisions of this ordinance shall become effective on _____, 20__.



**MEMO PREPARED FOR THE PORTLAND, MAINE CITY COUNCIL COMMITTEE ON
SUSTAINABILITY AND TRANSPORTATION**

10/19/18 BY MELISSA GATES

MGATES@SURFRIDER.ORG | 207.706.6378

List of U.S. straw action current through August 2018

Have adopted a ban

1. Carmel, CA
2. Deerfield Beach, FL
3. Edmonds, WA (ban being phased in, complete by 2020)
4. Fort Meyers, FL
5. Hallandale Beach, FL
6. Hollywood, FL
7. Malibu, CA
8. Manhattan Beach, CA
9. Miami, FL
10. Monmouth Beach, NJ
11. Richmond, CA
12. San Francisco, CA
13. Santa Barbara, CA
14. Santa Cruz, CA
15. Santa Monica, CA
16. Seattle, WA
17. Surfside, FL

Have limited straws (i.e. only provide upon customer request)

1. Alameda, CA
2. Davis, CA
3. Oakland, CA
4. San Luis Obispo, CA
5. State of California

Proposed bans

1. Berkeley, CA
2. Calabasas, CA

3. Encinitas, CA
4. Gulfport, FL (was tabled in Mid-May 2018)
5. Jupiter, FL
6. New York City, NY
7. Portland, OR

Proposed straws upon customer request

1. Los Angeles, CA
2. Monterey, CA
3. St. Petersburg, FL
4. Whittier, CA

Gathering information for action

1. Agoura Hills, CA
2. Mill Valley, CA
3. Novato, CA
4. Pacific Grove, CA
5. Portland, ME
6. San Francisco, CA
7. Watsonville, CA

Introduction and Summary: April 2018

This document provides a summary of current legislation in the U.S. relating to plastic straws. At the local level, as of April 2018, there are at least eight U.S. cities that explicitly ban plastic straws (some only allow alternative straws upon request), and two cities that only allow plastic straws upon request. Several U.S. cities are currently considering (or have considered) enacting straw legislation.

With respect to the state level, in January 2018, a bill was introduced in California, making it the first statewide legislative proposal to address plastic straws. That bill passed and was signed by Governor Jerry Brown on September 20, 2018, making California the first state to regulate plastic straws. The measure, Assembly Bill 1884, limits restaurants to giving out single-use straws only upon request of customers. It applies to full-service dining establishments but exempts fast-food restaurants.

A bill banning plastic straws was also introduced by Hawaii state Senator Karl Rhoads this year. The bill passed the HI Committee on Agriculture and Environment, despite resistance from some food and drink businesses, but was unable to pass remaining



**MEMO PREPARED FOR THE PORTLAND, MAINE CITY COUNCIL COMMITTEE ON
SUSTAINABILITY AND TRANSPORTATION**

10/19/18 BY MELISSA GATES

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legislative hurdles. The measure, SB2285 SD1, would have banned the distribution and sale of single-use plastic straws. Senator Rhoads intends to reintroduce the legislation in 2019.

Outside of the U.S., some countries have indicated a desire to ban plastic straws in the future, including Scotland and Taiwan (See

<https://www.nytimes.com/2018/03/03/climate/plastic-straw-bans.html>).

Local Plastic Straw Legislation

As of April 2018, there are currently eight U.S. cities that explicitly ban plastic straws.

Hollywood, Florida:

The City of Hollywood Code of Ordinances §97.05 prohibits restaurants, vendors, grocery stores, and any other person, entity or business engaged in the sale of food products located east of the Intracoastal Waterway from selling or dispensing straws made of plastic.

Miami Beach, Florida:

In March 2012, Miami banned the use of plastic drinking straws by restaurants, beachfront hotels, and other businesses that provide beverage services on the beach. The ban makes it unlawful for “any business to provide plastic straws with the service or delivery of any beverage to patrons on any beach within the city.”

Fines for violations are: \$100.00 civil fine for the first offense within a 12-month period; a \$200.00 civil fine for the second offense within a 12-month period; and a \$500.00 civil fine for the third and subsequent offense within a 12-month period.

Fort Myers, Florida:

In November 2017, Fort Myers adopted an ordinance banning persons, businesses,

corporations, nonprofit entities, agencies, and all other organizations from distributing (including the vending, sale, giving, or delivering for any purpose) of plastic straws in the town ([Ordinance No. 17-13](#)).

The prohibition does not apply to distribution of straws on private property used as a residence, by the County School Board, or with beverages prepared and packaged outside the town, so long as the beverage is not altered, packaged, or repackaged within the town. Violators will receive a \$100 fine for the first offense, a \$200 fine for the second offense, and \$500 fine for the third offense. After a 90-day grace period, the ban is now in effect.

Seattle, Washington:

Starting July 1, 2018, plastic straws and utensils are now banned in Seattle ([Seattle Municipal Code 21.36.086](#))

The ordinance requires food service businesses to transition from using disposable food service ware to compostable and recyclable alternatives. Food service businesses include “full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, business or institutional cafeterias, and other businesses, selling or providing food within the City of Seattle for consumption on or off the premises.”

Food service ware includes any “non-compostable and non-recyclable containers, plates, ‘clamshells,’ serving trays, meat and vegetable trays, hot and cold beverage cups, wrappers, and utensils that are intended only for one-time use, including so-called biodegradable products where any portion is not compostable.” While the text of the ordinance does not explicitly include “straws,” in other documents the City of Seattle makes it clear that straws are included. The [Seattle Public Utilities’ website](#), for example, states that the “City of Seattle requires all food service businesses to find recyclable or compostable packaging and service ware alternatives to all disposable food service items such as...straws, utensils, and other products.”

Plastic straws are not recyclable in Seattle, so single-use plastic straws must be compostable.

Seattle Public Utilities describes straws compliant with SMC 21.36.086 as “durable or



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compostable” including those made of “compostable paper or compostable plastic.” Compostable options that Seattle Public Utilities has approved are available on their website.

"Compostable" means made solely of organic substances that break down into a stable product due to the action of bacteria in a controlled, aerobic commercial process that results in a material safe and desirable as a soil amendment meeting the compost quality standards found under WAC 173-350-220 for metals, physical parameters, pathogens, manufactured inert material and other testing parameters set by the local Health Department and has been found to degrade satisfactorily at the composting facility receiving the material. "Recyclable" means made solely of materials that are capable of being separated from a waste stream by a food service business and made available for collection and delivery to a processor for reuse or remanufacture into the same or other products.

While Seattle implemented the ban on straws beginning July 1, 2017, it allowed businesses to apply for waivers to use utensils, straws, small portion cups, and foil-faced, insulated wrap. These waivers expired on June 30, 2018. Only compostable straws are now permitted.

Santa Cruz, California:

On September 26, 2017, the city of Santa Cruz banned food providers (vendors, businesses, organizations, entities, groups or individuals, including essentially all establishments that serve food to the public) from using plastic “disposable food service ware” including straws, cutlery, and hot drink lids ([Santa Cruz Municipal Code § 6.48.015\(h\)&\(n\)](#)).

Food providers may provide compostable, biodegradable, and recyclable alternatives, but only upon request. However, there is an exception to the requirement to use only

compostable, biodegradable, and recyclable alternatives, where there are no “affordable” alternatives that cost no more than 15% higher than non-alternatives.

The City’s recycling program does not collect plastic straws. Both plastic and paper straws are too small to be sorted for recycling, and therefore go to a landfill. Therefore, food providers are limited to biodegradable or compostable alternatives. “Compostable” means all the materials in the product or package will break down, or otherwise become part of usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner. Compostable disposable food service ware must meet ASTM standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard compostable plastic from non-ASTM standard compostable plastic. “Biodegradable” means the ability of organic matter to break down from a complex to a simpler form through the action of bacteria or to undergo this process. “Recyclable” means any material that is accepted by the city of Santa Cruz recycling program, including, but not limited to, paper, glass, aluminum, cardboard and plastic bottles, jars and tubs.

Restaurants must therefore use compostable or other biodegradable alternatives. While the ban took effect on November 7th, the City granted businesses a six-month grace period before it begins enforcing the law. The City began issuing citations for violations beginning May 7, 2018. The ordinance encourages, but does not require, local businesses to pay their customers a 25-cent credit for bringing their own reusable containers for to go items, while charging customers this same amount for requesting disposable cups, lids, straws, stirrers and/or utensils.

Santa Cruz County, California:

All retail food establishments (including any restaurants, coffee shops, and essentially any place that serves food or beverages to consumers including movie theaters, hotels, and food trucks) may only use compostable, biodegradable, or recyclable straws, unless there is no affordable product available as determined by the County’s Director of Public Works (Santa Cruz County Code § 5.46.040(A))

Plastic straws are not recyclable in the county. The Director of Public Works is required to adopt a list of available, suitable, and affordable biodegradable, compostable, or recyclable alternatives, which he or she is required to update regularly. All county



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departments, county facilities, and county contractors and lessees working under contract with the county, are similarly required to only use compostable, biodegradable, or recyclable straws, unless there are no affordable alternatives (See Santa Cruz County Code § 5.46.040(B), (C)). “Affordable” means available at the same cost or less than the non-environmentally friendly alternatives.

A first violation is subject to a written warning; while subsequent violations are subject to the following fines: (1) \$100 for a second offense within 30 days of the first violation; \$200 for a third offense within 60 days of the first violation; and \$500 for a fourth offense within 90 days of the first violation. County vendors or special events lessees will be subject to different fines, based on the number of attendees at the specific event (See Santa Cruz County Code § 5.46.080).

Santa Cruz County Recycling and Waste Services operates and administers recycling services and solid waste disposal in the unincorporated area of Santa Cruz County.

Alternatives must be certified compostable by the Biodegradable Products Institute (“BPI”), a non-profit organization that maintains a list of certified compostable products (See:

<http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/Flyer.pdf?ver=2016-08-30-103427-393>; see also <https://bpiworld.org/>).

BPI has identified dozens of compostable straw options from a variety of different manufacturers for businesses in Santa Cruz County to choose from (see:

<http://products.bpiworld.org/?s=1&search=straw&type=1>).

Carmel, California:

Until April 22nd, 2018, restaurants in the city could only provide straws upon request (Carmel by the Sea Municipal Code § 8.68.041).

Beginning April 22nd, 2018, in addition to being provided only upon request, restaurants

and food vendors (including grocery stores, delis, farmers markets, food trucks, city events, and any other similar business) may only use biodegradable, compostable, or recyclable straws (Carmel by the Sea Municipal Code § 8.68.042)

“Hardship” exemptions may be granted by the City Administrator, Code Enforcement Officer, Environmental Compliance Manager, or her/his designated representative, upon a showing that using a biodegradable, compostable, or recyclable alternative would increase costs by more than 20% (Carmel by the Sea Municipal Code § 8.68.070).

“Biodegradable” means the entire product or package will completely break down and decompose into elements found in nature within a year after customary disposal.

“Compostable” means all the materials in the product or package will break down, or otherwise become part of usable compost (e.g., soil-conditioning material, mulch) in a safe manner and in approximately the same time as the materials with which it is composted. Compostable disposable food service ware must meet ASTM standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard compostable plastic from non-ASTM standard compostable plastic. “Recyclable” means that a material can be recycled, salvaged, composted, processed or marketed by any means other than landfilling or burning, whether as fuel or otherwise, so that they are returned to use by society. It includes any material that is accepted by the City’s franchise waste hauler for recycling (Carmel by the Sea Municipal Code § 8.68.020).

Malibu, California:

Starting in June 2018, restaurants and vendors within the city are prohibited from using, providing, distributing, or selling “plastic beverage straws” and “plastic stirrers.” Plastic beverage straws and plastic stirrers are also prohibited from being used or distributed at city facilities and city sponsored events (Malibu Municipal Code § 9.24.045(A)).

“Plastic beverage straw” means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. It includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials such as paper, sugar cane, and bamboo.



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Prohibited “plastic stirrers” are defined as devices used to mix beverages, intended for only one- time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources. It includes compostable and biodegradable petroleum or a biologically based polymer stirrer, but does not include (and therefore does not prohibit) stirrers made from non-plastic materials such as paper, sugar cane, and bamboo.

Allowable “non-plastic alternatives” may only be provided to customers upon request.

Manhattan Beach, California:

Food providers cannot sell or distribute polystyrene straws, along with polystyrene cup lids and utensils, in conjunction with the sale of prepared food within the city (Manhattan Beach Municipal Code § 5.80.030(A)).

Polystyrene straws may also not be used at city facilities; or at city-sponsored events, city managed concessions, or city meetings open to the public. However, straws are also commonly made from polypropylene and polyethylene.

It therefore seems food providers in the city can use straws made from other types of plastic and remain in compliance with the ordinance. Food providers may only distribute disposable food ware, including straws, that exhibits a recycle code other than No. 6 or PS, and maintain documentation about the composition of the disposable food service ware. The City and its departments are prohibited from purchasing or acquiring polystyrene ware including straws.

While Manhattan Beach collects both polypropylene and polyethylene for recycling, when littered these materials do not break down easily and can pollute much the same as other plastics. Further, the law does not prohibit people from bringing polystyrene straws to city properties or facilities, including the beach. There is also an available

hardship exemption that may be granted by the City Manager or his or her designee.

San Louis Obispo, California:

On November 7th, 2017, the City Council unanimously voted to implement a “straws upon request” ordinance for all dine-in customers. The law became effective March 1st, 2018. Vendors, which include any business providing food or beverages within the city, are required to ask each dine-in customer if he or she would like a single-use straw before providing one with their order (San Luis Obispo Municipal Code §§ 8.09.020, 8.09.010(D)).

“Single use” is defined as a product that is designed to be used only one time in its same form by the customer, food vendor or entity. All take-out orders will be exempt, however, meaning these vendors can continue to give straws automatically for take-out orders. “Take-out food orders” are defined as prepared food or beverage that are purchased at an establishment and are intended to be consumed elsewhere.

Davis, California

Under Davis’ law, restaurants are required to ask dine-in customers if they would like a single use straw with their beverages before giving them one. The law applies to “restaurants,” defined to include any vendor located or providing food within the city that provides prepared food for public consumption on its premises (Davis Municipal Code §§ 17.03.010, 17.03.005).

However, the law does not apply to take-out food orders or fast-food service. Take-out food orders is defined by prepared meals or other food or beverage items that a customer purchases at a restaurant and intends to eat elsewhere. Fast food service means food service establishments that serve food and/or beverages: (1) via a drive-through; (2) in a packaged form for take-out/take-away; or (3) from stands or kiosks which provide no shelter or seating for customers. Therefore, this is a large gap in Davis’ law.

Persons caught violating this ordinance will receive a fine of up to \$100 for the first infraction, up to \$200 for the second infraction within 6 months of the first violation, and up to \$500 for a third infraction within a one-year period.



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Exploring a ban

Several cities within the U.S. have explored or are currently exploring a ban on plastic straws. As of March 2018, these include:

Treasure Island, Florida:

Treasure Island has not yet passed a ban on plastic straws. Although an ordinance was considered in 2016, the city council thought it would be more beneficial to put a voluntary ban in place (http://www.mytreasureisland.com/document_center/2016_commission/CWPacket01_19_2016.pdf, and <http://www.tampabay.com/news/localgovernment/treasure-island-decides-not-to-ban-plastic-straws-on-beach/2262054>). As of March 2018, it does not appear there has been any progress toward a straw ordinance.

Berkeley, California:

The city of Berkeley is exploring the adoption of an ordinance to prohibit the use of plastic drinking straws within the city by food-service businesses (see: <https://www.sfgate.com/bayarea/article/Berkeley-plastic-straw-ban-vote-environment-11183903.php> and <https://www.sfchronicle.com/bayarea/article/Plastic-straws-stir-up-environmental-debate-in-11192651.php>).

In May 2017, three members of the city council recommended that the Council refer to the Community Environmental Advisory Commission and the Zero Waste Commission exploring the creation of an ordinance to prohibit the use of plastic straws in bars, restaurants and coffee shops in the city. The recommendation was for the commissions to reach out to business owners and store managers and other stakeholders to get their input on the possibility of providing compostable or reusable alternatives to plastic straws, like paper and bamboo (See May 30, 2017 Consent Calendar Item, available at

https://www.cityofberkeley.info/uploadedFiles/Council_3/Level_3_-_General/2017-05-30%20Item%2036%20A%20Ban%20on%20the%20Use%20of%20Plastic.pdf).

In May 2017, a recommendation was expected within approximately 9 months (approximately February 2018; see: <https://www.sfchronicle.com/bayarea/article/Plastic-straws-stir-up-environmental-debate-in-11192651.php>). However, as of March 2018, it doesn't appear any additional progress has occurred to date.

Encinitas, California

In December 2017, the city's Environmental Commission voted to request the City Council to adopt an ordinance that would require restaurants to first ask customers if they would like a straw with their beverage rather than automatically giving them one (See http://encinitas.granicus.com/MetaViewer.php?view_id=7&clip_id=1640&meta_id=81255, and <http://www.sandiegouniontribune.com/communities/north-county/sd-no-encinitas-straw-20171215-story.html>).

The proposal was first considered at the Commission's November 2017 meeting, which drew approximately 25-30 members of the public (according to the staff report, possibly the Commission's largest audience ever). 15 speakers supported a complete ban on plastic straws. No speakers opposed an ordinance. On March 21, the Encinitas City Council unanimously approved the Environmental Commission's recommendation for an ordinance so that straws will be distributed only if a customer requests one (See <http://www.delmartimes.net/encinitas-advocate/news/sd-cm-enc-0330-plastic-straws-20180326-story.html>). If adopted, Encinitas would be the first city in San Diego County to pass a straw ordinance.

Huntington Beach, California:

Public support for a ban of single-use plastic straws in Huntington Beach first gained momentum in 2017. Unfortunately, it does not seem the City Council has taken any action thus far in moving towards a plastic straw ban, with at least one council member expressing firm opposition towards such a ban (<https://www.ocregister.com/2017/03/16/restricting-use-of-plastic-straws-the-latest-trend-to-clean-up-beaches-ocean/>). Some businesses, however, have said they would be willing to voluntarily stop providing straws to customers automatically



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(<http://abc7.com/news/oc-environmental-group-aims-to-reduce-plastic-straw-waste/1811890/>).

States

California

On January 17, 2018, California Assemblyman Ian Calderon [proposed the first statewide plastic straw bill](#). The bill would prohibit food facilities (including restaurants, mobile food trucks, school cafeterias, and more), where food may be consumed on the premises, from providing single-use plastic straws, unless requested by a consumer. In February, the bill [was referred and re-referred to the Natural Resources Committee](#).

That bill passed and was signed by Governor Jerry Brown on September 20, 2018, making California the first state to regulate plastic straws.

Hawaii

On January 19, 2018, Senator Karl Rhoads introduced S.B. 2285 which would prohibit any "individual or business" in Hawaii from distributing, selling, or otherwise providing a straw comprised in full or in part of plastic (See Hawaii S.B. 2285 available at https://www.capitol.hawaii.gov/session2018/bills/SB2285_.HTM).

Although the bill passed the Senate Committee on Agriculture and Environment, it was unable to pass the legislature in time to become law (<http://www.kitv.com/story/37400783/senate-bill-to-ban-plastic-straws-in-hawaii-passe-s-committee>; see also

<http://www.newsweek.com/hawaii-plastic-straws-ban-hilton-modern-hotel-824725>).

However, Rhoads says he will introduce the bill again.

The bill defines "business" as any commercial enterprise or establishment operating in

the State, from individual proprietorships to corporations, including non-profits. The law would extend to all “employees of the business or any independent contractors associated with the business.”

"Plastic" includes any “material made of polymeric organic compounds and additives that can be shaped by flow.”

Violators would pay a fine no less than \$100, and no more than \$500 for each offense. Further, the bill would require the violator to spend four hours picking up litter or performing other community service in a public place for the first offense. For subsequent violations, the violator would be required to spend eight hours picking up litter or other community service.

NATIONS

	Location	Summary	Effective Date
Countries			
Belize		Belize announced in March 2018, that they are going polystyrene, Plastic Straw and multiple single-use items free by Earth Day 2019	April, 22,2019
EU		pending	
France		require all single-use dishware – cups, plates, flatware and so on – to be made from biologically sourced materials that can be composted by 2020. Passed in summer, 2017	2020
Philippines		Straws Upon Request w/ fee	Pending legislation: SBN 1873
Taiwan		Ban on plastic straws	pending as of July 2018
UK		Ban on plastic straws	pending as of July 2018
Vanuatu		single use plastic bags, polystyrene takeaway boxes and straws by	July 1, 2018

Ordinances & Policies Regarding Single Use Plastics

US Cities

Name	Ordinance/Policy Provisions	Fines	Effective Date:	Website:
Seattle, WA	- Banned all plastic straws/eating utensils in restaurants - Urge the city's 5000 restaurants to get rid of straws completely or switch to paper - Business must comply or work with the city of a compliance schedule - Flexible plastic straws can still be provided to customers who require them for medical reasons. - Restaurants can also continue providing plastic straws so long as they are recyclable.	\$250	July 1, 2018	www.seattle.gov
Monmouth County, NJ	Banned all plastic bags and straws from Monmouth Beach	\$2,400	May 2018	www.ecode360.com
San Francisco, CA	- Supervisor Katy Tang introduced legislation that would prevent merchants from providing customers with single-use plastic straws, stir sticks, toothpick, splash stick, and other non-biodegradable objects - Currently phasing out plastic straws and switching to paper straws		Under consideration	curbed.com www.huffingtonpost.com
Malibu, CA	Banned plastic straws, stirrers, and utensils from restaurants and food vendors		June 1, 2018	www.latimes.com - Ordinance
Fort Myers Beach, FL	Banned plastic straws	\$100-\$500	November 6, 2017	- Ordinance

National/International

Name	Law	Fines	When it takes effect	Website
EU	• Eliminate the use of non-recyclable plastics by 2030 • Ban single-use plastic products, such as straws, cutlery, cotton buds, stirrers, balloon sticks and drinks containers, where alternatives are available and affordable. • Discourage the use of plastic food/drink containers • Manufacturers will be made to contribute to the cost of plastic waste management/cleanup, and making awareness • Incentives for finding cleaner alternatives • Collect 90% of single-use plastic drink bottles by 2025		Proposal is being considered by European Parliament and Council	newatlas.com
India	• Eliminate all single-use plastics by 2022 • Ban on the manufacture, supply, storage and use of plastics that are already in place • Exemptions for retail packaging, trash can liners and takeaway packaging	Up to 25,000 rupees (\$367) 3 months in jail for repeated offenders	June 5, 2018	www.huffingtonpost.com
Penang Island, Malaysia	• Bans use of plastic straws & other single use plastics at restaurants, cafes, and hotels.		January, 2019	www.malaymail.com
France	• Bans plastic plates, cups and utensils • Exception for biodegradable items		2020	www.washingtonpost.com

Voluntary Business Policies

Name	Ordinance	Fines	When it takes effect	Website
Sea World,	● removed plastic straws and plastic shipping bags from all their park		In effect	seaworld.com
Royal Caribbean	● by 2019 will be free of plastic straws ● Replace with paper straws		2019	www.rclcorporate.com
Ikea	● by 2020 will no longer hand out plastic bags/straws ● Will design products to be repurposed, repaired, reused resold, and recyclable ● Will introduce low-cost home solar products		2020	www.theguardian.com
Bon Appétit	● Will ban plastic straws and stirrers from their 1,000 cafes and restaurants		September 2019	www.greenpeace.org
Starbucks	● Eliminate single-use plastic straws from all of its cafes globally by 2020. ● Will offer recyclable strawless lids and alternative-material straws, like paper or compostable plastic. ● Starbucks has partnered with Closed Loop Partners to develop recyclable and compostable cup solutions in an effort for corporate responsibility in protecting the environment.		2020	news.starbucks.com
McDonald's	● Will replace plastic straws with paper ones in all UK and Ireland restaurants ● Uses 1.8 million straws daily in UK ● Will begin to implement change in US, France, and Norway soon		September 2018	www.bbc.com

Failed attempt to ban plastic straws

Hawaii www.staradvertiser.com

- A bill to ban distribution and sale of plastic straws was introduced in January 2018 by state Sen. Mike Gabbard
 - the legislation passed through the Agriculture and Environment Committee
 - It failed to clear the Judiciary and Ways and Means committees
 - Objections came from the Hawaii Food Industry Association, the Hawaii Restaurant Association, the Retail Merchants Association and the American Chemistry Council, all of which presented testimony in hearings about the bill.

Banning plastic straws prevents challenges to individuals with disabilities

Title	Summary	Website
Banning straws won't save the oceans	• Disabled people use straws because they are affordable, have tensile strength, and flexibility • Plastic straw alternatives can ○ Be dangerous if made of metal, wood, or glass ○ Be uncomfortable or ineffective ○ Set off food allergies ○ Be costly • Propose to offer plastic straws and plastics only to those who ask for them	psmag.com
Why people with disabilities want ban on plastic straws to be more flexible	• Paper or biodegradable straws can make people choke if they don't have jaw control (will bite through the straw and little bits will fall off) • Silicone is not flexible • Metal straws conduct heat/cold and are hard - can cause safety risks • Many disabled people can't easily clean reusable straws • "Disabled people have to find ways to navigate through the world because they know it was not made for us," says Lei Wiley-Mydske • The key is to break the habit of people using plastic straws because most of the population has gotten used to using them	www.npr.org
Disposable plastic straws suck. Try these disability-friendly alternatives	• Million of people with disabilities need straws because they are unable to drink due to muscle weakness, paralysis, swallowing problems, or involuntary movements • The author has cerebral palsy which makes it difficult to lift and hold objects plus it impairs her coordination • Admits that some people cling to excuses and fears of reusable straws,	themighty.com A comment directed to a website which had a bendy biodegradable plastic straw

	refusing to switch ● Alternatives should be widely available, affordable, and suitable for those with disabilities ● Ratings of various straws ○ Reusable plastic straw 3 of 5 stars ■ Easy to use and clean (most dishwasher safe), some come at an angle, good quality can last years, non-BPA, ○ Silicone 5 of 5 stars ■ Easy to use and very flexible, ideal for people with sensory issues, soft and safe to bite, no toxic chemicals, safe for hot drinks, dishwasher safe ○ Metal 4 of 5 stars ■ Have a solid feel, difficult for limited hand coordination to put silicone tip on straw, can come with a bend, not flexible but the silicone tip makes for comfort, safety hazards for jaw or getting poked, most durable, dishwasher/boiling safe, metal conducts heat so only good for cold drinks ○ Paper 1 of 5 stars ■ Mostly straight, not flexible, not the most enjoyable to drink from, some have a paper taste, biodegradable, only last a few hours, disintegrate too fast and leave chunks as a choking hazard ○ Pasta 3 of 5 stars ■ Easy to use as long as you don't have a gluten/wheat allergy, strait shape, not great for people with disabilities because it can break under pressure and not bendy, slight pasta taste, sturdy and long lasting ○ Biodegradable plastic 3 of 5 stars ■ Feels the same as regular plastic straw, doesn't bend, if you have corn allergies use caution, no flavor, sturdy like plastic straw, not	
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	microwave safe, not mean to be reused but can be, good replacement for non-reusables • Easy to clean if you have restricted mobility with the help of a straw cleaner • If a straw ban is implemented, the exception should be for people with disabilities: <u>make flexible plastic straws available only upon request - no questions asked</u> • <i>the comments on the article</i> give good insight and resources for alternatives that work for people with disabilities along with other concerns	
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This graphic created by Twitter user @sarahbreannep has circulated widely on the internet. It visually represents the problems with straw alternatives identified by people with disabilities.

MANY DISABLED PEOPLE NEED PLASTIC STRAWS TO DRINK, EAT, TAKE MEDICATIONS, ETC. HERE'S HOW CURRENT ALTERNATIVE, REUSABLE OPTIONS ARE A HARM TO US.

	CHOKING HAZARD	INJURY RISK	NOT POSITIONABLE	COSTLY FOR CONSUMER	NOT HIGH-TEMP SAFE
Metal		✓	✓	✓	
Bamboo		✓	✓	✓	
Glass		✓	✓	✓	✓
Silicone			✓	✓	
Acrylic		✓	✓	✓	✓
Paper	✓		✓		✓
Pasta	✓	✓	✓		✓
Single-use					

by @sarahbreannep

*Pressure to create bio-degradable straw options that are safe for the environment AND for all disabled people should fall upon manufacturer, NOT marginalized disabled consumers.

*Once we accept the necessity of plastic straws, we can work together on other environmental initiatives that are effective, inclusive and accessible.

ARTICLE IX. WASTE REDUCTION

Sec. 12-230. Findings; purposes.

The city council hereby finds as follows:

- (a) The City Council has a duty to protect the natural environment and the health of its citizens and visitors; and
- (b) The use of single-use 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
- (c) Despite recycling and voluntary solutions to control pollution from single-use carryout bags, very few single-use carryout bags are recycled; and
- (d) Numerous studies have documented the prevalence of single-use carryout bags littering the environment, blocking storm drains, and endangering wildlife; and
- (e) The City of Portland's taxpayers must bear costs associated with the effects of single-use carryout bags on the solid waste stream, drainage, litter, and wildlife; and
- (a) 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
- (g) From an environmental and economic perspective, the best alternative to single-use carryout bags is to shift to reusable bags for shopping; and
- (h) 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

~~(i) Evidence indicates that the vast majority of single-use carryout bags are used for the bagging and carryout of products purchased from Stores, as those business are defined in this Ordinance; and~~

(~~i~~) Studies document and participating municipalities report that ~~prohibiting-curtailling~~ the ~~free~~ distribution of single-use carryout bags ~~will~~ dramatically reduces the use of those types of bags; and

(~~j~~) The City Council of the City of Portland believes that residents and visitors should use reusable bags and that ~~prohibiting-curtailling~~ the ~~free~~-distribution of single-use carryout bags ~~by stores~~ is appropriate and will incentivize the use of reusable bags; and

(l) 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 reducing the distribution of single-use carryout bags and incentivizing the use of reusable bags ~~at Stores, as defined in this Ordinance~~within the City.

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

12-231. Definitions.

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

~~Single-use carryout Bag. Single-use Carryout Bag means a bag other than a Reusable bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term Single-Use Carryout Bag includes compostable and biodegradable bags but does not include reusable bags, produce bags, product bags or bags provided by pharmacists to contain prescription drugs.~~
Recyclable Paper Bag. Recyclable paper bag means a paper bag that is accepted for recycling by the City of Portland's curbside recycling program.

Produce bag or Product bag. The terms *produce bag* or *product bag* mean any bag without handles used exclusively to carry produce, meats, other food items or merchandise to the point of sale inside a ~~store~~Retail Establishment or to prevent

such items from coming into direct contact with other purchased items.

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.

~~*StoreRetail Establishment.* The term *Store-Retail Establishment as used in this ordinance shall mean any commercial enterprise engaged in the sale of food or merchandise including but not limited to grocery and convenience stores, markets, pharmacies, restaurants, take-out food purveyors, seasonal and temporary businesses and other merchandise retailers. Nonprofit and religious organizations are not considered Retail Establishments.*~~ 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.~~

~~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' 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.~~

Comment [JT1]: This definition comes from York's plastic bag ordinance and, I think, is more concise and clear for these purposes than the definition we have in our land use code so I've suggested using it.

Single-use Plastic Carryout Bag. Single-use plastic carryout bag means any bag with an integral handle that is less than 2.25 mils thick and is made of nonrenewable resources.

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

12-232. Single-Use Carryout Bags

- (a) No Retail Establishment shall provide a Single-Use Plastic Carry Out bag to a customer, with or without charge, in the City of Portland except as provided in Section 12-233, below.
- (b) No ~~Store-Retail Establishment~~ shall provide a ~~Single-Use Carryout Bag~~Recyclable Paper bag to a Customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.
- (~~cb~~) A ~~Store-Retail Establishment~~ may make available for sale to a Customer a Recyclable Paper bag ~~Single-Use Carryout Bag~~ for a minimum charge of five cents (\$0.05).
- (~~ed~~) All monies collected by a ~~Store-Retail Establishment~~ for Recyclable Paper bag~~Single-Use Carryout Bags~~ under this Chapter may be used by the ~~Store-Retail Establishment~~ for any lawful purpose.
- (~~ed~~) All ~~Stores-Retail Establishments~~ must post signage clearly indicating the per bag charge for Recyclable Paper bag~~Single-Use Carryout Bags~~.
- (~~fe~~) Notwithstanding this Section, no ~~Store-Retail Establishment~~ may make available for sale a Recyclable Paper bag ~~Single-Use Carryout Bag~~ unless the amount of the sale of the Recyclable Paper bag ~~Single-Use Carryout~~ is separately itemized on the sale receipt.
- (~~gf~~) No ~~Store-Retail Establishment~~ shall rebate or otherwise reimburse a customer any portion of the minimum charge required in Subsection (~~bc~~).

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

12-233. Exemptions.

A ~~Store-Retail Establishment~~ 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.

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

12-234. Record Keeping and Inspection.

Every ~~Store-Retail Establishment~~ shall keep complete and accurate records or documents of the purchase and sale of any ~~Recyclable Paper bag~~~~Single-Use Carryout Bag~~, for a minimum period of three (3) years from the date of purchase and sale, which record shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this Article. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the ~~Store's-Retail Establishment's~~ address. The provision of false information including incomplete records or documents to the City shall be a violation of this Article.

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

12-235. Violations and enforcement.

The City Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article. If the City Manager or his/her designee(s) determines that a violation of this Article has occurred, he/she shall issue a written warning notice to the ~~Store-Retail Establishment~~ 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;
- (c) ~~(b)~~—A fine not exceeding \$500 for the second and each subsequent violation in a one-year period.

(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)

~~12-236. Effective Date~~

~~—The provisions of this ordinance shall become effective on April 15, 2015.~~

~~(Ord. No. 260-13/14, Passage 6-16-2014, Effective 4-15-2015)~~

12-237. 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.



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1532

H.P. 1115

House of Representatives, April 9, 2019

An Act To Eliminate Single-use Plastic Carry-out Bags

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STOVER of Boothbay.

Cosponsored by Representatives: GROHOSKI of Ellsworth, McCREA of Fort Fairfield and Representatives: BABINE of Scarborough, BRENNAN of Portland, GRAMLICH of Old Orchard Beach, MAREAN of Hollis, McDONALD of Stonington, MEYER of Eliot, O'NEIL of Saco, Senator: SANBORN, L. of Cumberland.

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

2 **Sec. 1. 38 MRSA §1605, first ¶**, as repealed and replaced by PL 1991, c. 475, §1,
3 is amended to read:

4 A As provided in section 1611, a retailer may use plastic bags to bag products other
5 than at the point of ~~retail~~ sale only if the retailer:

6 **Sec. 2. 38 MRSA §1611** is enacted to read:

7 **§1611. Plastic bag reduction**

8 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
9 following terms have the following meanings.

10 A. "Plastic" means an organic or petroleum derivative synthetic or a semisynthetic
11 organic solid that is moldable, and to which additives or other substances may have
12 been added. "Plastic" does not include natural polymers that have not been
13 chemically modified.

14 B. "Point of sale" means a check-out stand, cash register or other point of departure
15 from a retail establishment.

16 C. "Post-consumer recycled material" means a recycled material that if not recycled
17 would otherwise have been destined for solid waste disposal, having completed its
18 intended end use and product life cycle. "Post-consumer recycled material" does not
19 include materials and by-products generated from, and commonly reused in, an
20 original manufacturing and fabrication process.

21 D. "Recycled paper bag" means a paper bag that:

22 (1) Is 100% recyclable; and

23 (2) Contains at least 20% post-consumer recycled material if it has a capacity to
24 hold at least 8 pounds.

25 E. "Restaurant" means an establishment that sells prepared food directly to the
26 consumer.

27 F. "Retail establishment" means a store, a restaurant or a temporary business.

28 G. "Reusable bag" means a bag with handles that:

29 (1) Is designed and manufactured to withstand 75 repeated uses;

30 (2) Is machine washable or made from a material that can be cleaned and
31 disinfected regularly;

32 (3) If made from plastic is at least 4 mils thick; and

33 (4) Has the capability of carrying a minimum of 18 pounds.

34 H. "Single-use carry-out bag" means a bag that is made of plastic, paper or other
35 material provided by a retail establishment at the point of sale for the purpose of

1 transporting merchandise away from the retail establishment and that is not a
2 recycled paper bag or a reusable bag.

3 I. "Store" means a retail store that engages in the retail sale of merchandise,
4 including food, goods, products and clothing. "Store" includes grocery stores
5 primarily engaged in the retail sale of canned food, dry goods, fresh fruits and
6 vegetables, fresh meats, fish and poultry and convenience stores engaged in the sale
7 of a limited line of goods, including milk, bread, soda and snack foods, and prepared
8 foods intended to be consumed off the premises.

9 J. "Temporary business" means a seasonal or nonpermanent retail establishment such
10 as a farmers' market or fair that sells merchandise including food, goods, products or
11 clothing.

12 **2. Prohibition; exemptions.** This subsection governs the use of single-use carry-out
13 bags.

14 A. Except as otherwise provided in this subsection, beginning April 22, 2020, a retail
15 establishment may not provide a single-use carry-out bag to a customer at the point of
16 sale or otherwise make single-use carry-out bags available to customers.

17 B. The prohibition in paragraph A does not apply to:

18 (1) Bags provided by a pharmacy to a customer for transporting a prescription
19 medication away from the store;

20 (2) Bags without handles used to protect items from being damaged or from
21 damaging or contaminating other purchased items placed in a recycled paper bag
22 or a reusable bag;

23 (3) Bags used by customers inside a retail establishment to package loose items,
24 such as fruits, vegetables, nuts, coffee, grains, bakery goods, candy, greeting
25 cards or small hardware items; to contain or wrap frozen foods, meats or fish; or
26 to contain or wrap flowers or potted plants;

27 (4) Laundry, dry cleaning or garment bags, including bags provided by a hotel to
28 guests to contain wet or dirty clothing or bags provided to protect large garments
29 like suits, jackets or dresses;

30 (5) Newspaper bags;

31 (6) Bags sold in packages containing multiple bags intended to contain garbage,
32 pet waste or yard waste;

33 (7) Bags used to contain live animals, such as fish or insects sold in pet stores;

34 (8) Bags used for vehicle tires;

35 (9) Bags used to transport chemical pesticides, drain cleaning chemicals or other
36 caustic chemicals sold at a retail establishment;

37 (10) Bags used by a hunger relief organization such as a food pantry or soup
38 kitchen to distribute food directly to the consumer at no charge;

(11) Bags that customers bring to the retail establishment for their own use or for carrying away from the retail establishment goods that are not placed in a bag provided by the retail establishment.

3. Recycled paper bag fees; exemptions. This subsection governs fees assessed on recycled paper bags.

A. Beginning April 22, 2020 a retail establishment may use a recycled paper bag to bag products at the point of sale as long as the retail establishment charges a fee of at least 5¢ per bag.

(1) All amounts collected pursuant to this paragraph are retained by the retail establishment and may be used for any lawful purpose.

(2) A retail establishment may not rebate or otherwise reimburse a customer any portion of the fee charged pursuant to this paragraph.

(3) A retail establishment that sells a recycled paper bag to bag products at the point of sale may not charge for the bag if a customer uses an electronic benefits transfer card or a payment card or voucher issued by the State for the federal supplemental nutrition program under Title 22, section 3104 or the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966 to pay for the customer's products.

B. The requirement to charge a fee under paragraph A does not apply to:

(1) Stores at which less than 2% of retail sales are attributed to the sale of food and that have less than 10,000 square feet of retail area;

(2) Restaurants; or

(3) Hunger relief organizations engaged in distributing food directly to consumers at no charge.

A retail establishment exempt from charging a fee under this paragraph may charge a fee for a recycled paper bag.

4. Violations. A retail establishment that is not in compliance with this section is subject to civil penalties under section 349.

5. Preemption. To ensure maximum effectiveness through uniform statewide application, the State intends to occupy the whole field of regulation of single-use carry-out bags at retail establishments.

SUMMARY

This bill prohibits a retail establishment from using single-use carry-out bags to bag products at the point of sale or otherwise make single-use carry-out bags available to customers, with exemptions for certain types and uses of plastic and paper bags. Retail establishments may provide recyclable paper bags to bag products at the point of sale for at least 5¢ per bag, with exceptions to the fee requirement for certain types of retail establishments. The prohibition is effective April 22, 2020.

Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE HOUSE OF REPRESENTATIVES 129TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT “ ” to H.P. 1115, L.D. 1532, Bill, “An Act To Eliminate Single-use Plastic Carry-out Bags”

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 38 MRSA §1605, as repealed and replaced by PL 1991, c. 475, §1, is repealed.'

Amend the bill in section 2 in §1611 in subsection 1 in paragraph G in subparagraph (1) in the first line (page 1, line 29 in L.D.) by inserting after the following: "withstand" the following: 'a minimum of'

Amend the bill in section 2 in §1611 in subsection 2 by inserting at the end a new lettered paragraph to read:

'C. A retail establishment may make single-use carry-out bags made of plastic that are exempted in paragraph B available to customers to bag products within the retail establishment other than at the point of sale only if the retail establishment:

(1) Locates inside the retail establishment or within 20 feet of the main entrance to the retail establishment a receptacle for collecting any used single-use carry-out bags made of plastic; and

(2) Ensures that single-use carry-out bags made of plastic that are collected by the retail establishment are recycled or delivered to a person engaged in recycling plastics.'

Amend the bill in section 2 in §1611 by striking out all of subsections 3 to 5 (page 3, lines 4 to 31 in L.D.) and inserting the following:

'3. Recycled paper bag fees and reusable plastic bag fees; exemptions. This subsection governs fees assessed on recycled paper bags and on reusable bags made of plastic.

1 A. Beginning April 22, 2020 a retail establishment may use a recycled paper bag or a
2 reusable bag made of plastic to bag products at the point of sale as long as the retail
3 establishment charges a fee of at least 5¢ per bag.

4 (1) All amounts collected pursuant to this paragraph are retained by the retail
5 establishment and may be used for any lawful purpose.

6 (2) A retail establishment may not rebate or otherwise reimburse a customer any
7 portion of the fee charged pursuant to this paragraph.

8 B. The requirement to charge a fee under paragraph A does not apply to:

9 (1) Stores at which less than 2% of retail sales are attributed to the sale of food
10 and that have less than 10,000 square feet of retail area;

11 (2) Restaurants; or

12 (3) Hunger relief organizations engaged in distributing food directly to
13 consumers at no charge.

14 A retail establishment exempt from charging a fee under this paragraph may charge a
15 fee for a recycled paper bag or a reusable bag made of plastic.

16 4. Violations. A retail establishment that violates a provision of this section is
17 subject to civil penalties under section 349.

18 5. Preemption. To ensure maximum effectiveness through uniform statewide
19 application, the State intends to occupy the whole field of regulation of single-use carry-
20 out bags at retail establishments beginning April 22, 2020. A local government may not
21 adopt an ordinance regulating single-use carry-out bags at retail establishments and,
22 beginning April 22, 2020, any ordinance or regulation that violates this subsection is void
23 and has no force or effect.'

24 SUMMARY

25 This amendment, which is the majority report of the committee, requires a retail
26 establishment to charge at least a 5¢ fee for each reusable bag made of plastic and for
27 each recycled paper bag used to bag products at the point of sale. It also clarifies
28 provisions in the bill regarding the implementation of the statewide preemption on single-
29 use carry-out bag regulation and the provision regarding violations of the bag prohibition
30 and bag fees requirements. It makes additional technical changes to clarify the
31 application of existing state law regarding plastic bags and removes language in the bill
32 regarding the application of bag fees to purchasers using the federal supplemental
33 nutrition assistance program or the Women, Infants and Children Special Supplemental
34 Food Program of the United States Child Nutrition Act of 1996.

35 FISCAL NOTE REQUIRED

36 (See attached)