

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL FOURNIER (A/L)  
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

## **CITY COUNCIL MEETING - JUNE 17, 2024 AT 5:00 PM**

**The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Mark Dion, Mayor, will preside.**

To submit written public comment on an agenda item, email [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov). Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

To watch the meeting remotely, please visit <https://portlandme.portal.civicclerk.com/event/6501/media>

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:**

### **ANNOUNCEMENTS:**

### **SPECIAL MEETING:**

#### **Special Meeting of the Corporator of the Portland Development Corporation**

#### **Order 246-23/24 Authorizing Amendments to the Guidelines for the Portland Brownfields Cleanup Revolving Loan Fund - Sponsored by Mark Dion, Mayor**

Modifications are needed to the existing Brownfield Loan Program Guidelines, administered by the Portland Development Corporation (PDC), to bring them in line with the terms and conditions of the \$3 Million Cooperative Agreement from the United States Environmental Protection Agency. The PDC Board reviewed this item at its March 21, 2024, meeting and voted 6-0 to forward these to the City Council for approval to continue its support for remediation of contaminated sites in Portland.

Five affirmative votes are required for passage after public comment.

#### **Order 247-23/24 Amending the Portland Development Corporation By-laws - Sponsored by Mark Dion, Mayor**

This item would amend the Portland Development Corporation By-laws to allow the City Manager flexibility in their appointment as an ex officio member to the Board of Directors to be able to appoint their designated representative. The second amendment is a housekeeping amendment to update the name of the City Department to Housing and Economic Development. The PDC Board reviewed these proposed amendments at its

April 18, 2024, Board meeting and voted 6-0 to forward the amendments to the City Council for approval.

Five affirmative votes are required for passage after public comment.

**Order 248-23/24 Appointing Jon Berg to the Board of the Portland Development Corporation - Sponsored by Mark Dion, Chair of the Legislative and Nominating Committee**

If passed, this item would appoint the following individuals to the Board of the Portland Development Corporation (PDC):

| <u>Name</u> | <u>Expiration of Term</u> |
|-------------|---------------------------|
| Jon Berg    | 9/30/2027                 |

Five affirmative votes are required for passage after public comment.

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

**City Council Meeting Minutes-June 3, 2024**

**PROCLAMATIONS:**

**Proclamation 33-22/23 Recognizing the Month of June 2024 as Immigrant Heritage Month - Sponsored by Mark Dion, Mayor**

**APPOINTMENTS:**

**Order 249-23/24 Appointing Members to Various Boards & Commissions, Sponsored by Mark Dion, Chair of the Legislative and Nominating Committee**

If passed, this order would appoint the following individuals to various boards and commissions:

| <u>Name</u>        | <u>Board or Committee</u>                         | <u>Expiration of Term</u> |
|--------------------|---------------------------------------------------|---------------------------|
| Dale Knapp         | Board of Assessment Review                        | 9/30/2026                 |
| Teale Smith        | CDBG                                              | 9/30/2025                 |
| Alan Freedman      | Civil Service Commission                          | 6/30/2027                 |
| Elaine Edwards     | Civil Service Commission                          | 6/30/2027                 |
| Phil Steele        | Clean Elections Review Board                      | 6/30/2027                 |
| Glenn Cummings     | Harbor Commission                                 | 12/31/2024                |
| Michael Carey      | Landbank Commission                               | 6/30/2027                 |
| Even Ferguson-Hull | Landbank Commission                               | 6/30/205                  |
| Dan Herzlinger     | Landbank Commission                               | 6/30/2027                 |
| Elizabeth Pagen    | Parks Commission                                  | 6/30/2027                 |
| Griffin Bourassa   | Parks Commission                                  | 6/30/2027                 |
| Helen Coyne        | Parks Commission                                  | 6/30/2027                 |
| Robert Foster      | Parks Commission -Landbank Liaison Representative | 6/30/2027                 |
| Patrizia Bailey    | Portland Housing Authority (5 Years)              | 6/30/2027                 |
| Christian MilNeil  | Portland Housing Authority (5 Years)              | 6/30/2029                 |
| Monique Mutumwinka | Portland Housing Authority (5 Years)              | 6/30/2029                 |
| Phoebe Cole        | Portland Public Art                               | 6/30/2027                 |



Five affirmative votes are required for passage after public comment.

### **CONSENT ITEMS:**

**Order 250-23/24 Granting Municipal Officers' Approval of Lam Hack LLC, dba Depot Pavilion and Concessions. Application for Class I Auditorium with Outdoor Entertainment and Outdoor Dining on Private Property at 205 Thompsons Point Road - Sponsored by Danielle P. West, City Manager**

Application was filed on 6/3/24. Adding full time alcohol service to existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

**Order 251-23/24 Granting Municipal Officers' Approval of PDT Holdings LLC, dba Portland Discovery Land & Sea Tours. Application for Class I FSE with Combined Entertainment at 170 Commercial Street - Sponsored by Danielle P. West, City Manager**

Application was filed on 5/28/24. Change of Ownership of existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

**Order 252-23/24 Granting Municipal Officers' Approval of Pork Roll and Cheese LLC, dba Lil Chippy. Application for Class III & IV FSE with Outdoor Dining on Public Property at 52 Washington Avenue - Sponsored by Danielle P. West, City Manager**

Application was filed on 5/15/24. Location was previously Terlingua. New City and State applications.

Five affirmative votes are required for passage after public comment.

### **COMMUNICATIONS:**

**Communication 33-23/24 Regarding the Assessor's Revaluation Progress Report - Elisa Marr, Assessor**

Information about the revaluation process is now available on the Assessor's web page: <https://www.portlandmaine.gov/218/Revaluation-Info>. Property owners are encouraged to visit the site and contact the Assessor's Office with questions.

As a communication this item requires no public comment or formal Council action.

### **UNFINISHED BUSINESS:**

**Order 225-23/24 Accepting and Appropriating a \$120,000 Maine Infrastructure Adaptation Grant from the Maine Department of Transportation for the Union Branch Pathway Project - Sponsored by Danielle West, City Manager**

Earlier this year, the City of Portland applied for and was awarded a Maine Infrastructure Adaptation Fund grant from the Maine Department of Transportation to enhance

stormwater infrastructure along the Union Branch Pathway. (The Union Branch Pathway is currently funded in the CIP.) The City was eligible to apply for this funding because of its membership in the State's Climate Resilience Partnership. If accepted, the grant will fund the installation of rain gardens and bio-retention cells along the trail. This will increase community resilience by mitigating flooding and reducing the volume of water in the combined sewer system that flows through Bayside.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**Order 226-23/24 Adopting Development Program for Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, Chair**

The PD District was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year starting July 1, City Council authorization of establishing the special assessment and approval of the documents is needed.

For FY2025, City Council authorization is needed for the continued operation of PD, which documents include: (1) Adopting the Development Program for the PD; (2) Assessing Maintenance and Implementation Assessments in the PD District; and, (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

The budget for PD is funded largely from special assessments on all real estate in the current District. The revenue raised through the special assessment will fund the majority of PD development program expenses for FY2025. The proposed mil rate to raise the assessment revenue budget is estimated at \$.71 per \$1,000 of property value in the current district in order to raise the PD Board approved assessment revenue budget of \$1,334,572.

Portland Downtown representatives provided a presentation to the Finance Committee (FC) at its April 30, 2024, meeting.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**Order 227-23/24 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, Chair**

This is a companion Order with the Order above.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**Order 228-23/24 Approving the Agreement between the City of Portland and Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, Chair**

This is a companion Order with the two Orders above.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**Order 229-23/24 Adopting the Development Program for the Portland Tourism Municipal Development District for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair**

The Housing and Economic Development Committee reviewed this item at its April 29, 2024 and voted 4-0 to forward this to the City Council with a recommendation to approve the District.

The Portland Tourism Development District ("District") was originally established by the City Council September 18, 2023 for the second half of FY2024 – from January 1, 2024, through June 30, 2024. To continue the District, City Council authorization of establishing the special assessment and approval of the documents is needed.

For FY2025, City Council authorization is needed for the continued operation of the District, which includes: (1) Adopting the Development Program; (2) Establishing Assessments for the District; and, (3) Authorizing the Agreement.

The revenue raised through the special assessment will fund the District's development program expenses for FY2025. The proposed assessment formula is detailed in the Staff Analysis section of this memo.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**Order 230-23/24 Establishing Implementation Assessments for the Portland Tourism Municipal Development District for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair**

This is a companion Order to the above Order.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**Order 240-23/24 Approving the Development Program Manager Agreement Between the City of Portland and Convention and Visitors' Bureau of Greater Portland, Doing Business as Visit Portland for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair**

This is a companion Order to the above two Orders.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**Order 241-23/24 Approving the Amended Wage Scale and Additional Amendments to the Collective Bargaining Agreement with AFSCME Local 481-00, Labor and Trades - Sponsored by Danielle P. West, City Manager**

This item approves an amendment to the collective bargaining agreement between the City of Portland and AFSCME Local 481-00, Labor and Trades which is effective for the period of July 1, 2022 through June 30, 2025. The amendment includes an amended wage scale, effective June 30, 2024. This proposal is presented after previously receiving

guidance from the City Council in executive session and after having been approved by Labor and Trades.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**Order 242-23/24 Amendment to Portland City Code Chapter 32 RE: Stormwater Regulation - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair**

In order to comply with regulatory permit requirements, the Water Resources Division is updating both Chapter 32. Chapter 32 is being updated to include a fourth article titled Erosion and Sediment Control which is a requirement of the stormwater permit issued by the Maine Department of Environmental Protection. This requirement has a July 1, 2024 deadline to be enacted. Chapter 6 of the Technical Manual will be updated in conjunction with this Ordinance update. Additional revisions are being proposed to match the permit's language, including definitions, deadlines, and references.

This ordinance update is being made to meet permit requirements and other initiatives, including an updated Technical Manual, to limit the impact of discharges to our stormwater system and to the City's brooks, rivers, and harbor.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**Order 243-23/24 Amendment to Portland City Code Chapter 24 RE: Discharge of Stormwater into Sewers - Sponsored by Sustainability and Transportation Committee, Regina Phillips, Chair**

In order to better align the City's Water Resources ordinances with existing technical standards and planning requirements, the Water Resources Division is updating Chapter 24. Chapter 24 is being updated to align with existing Technical Standards to ensure all efforts are made to limit the introduction of stormwater to the combined system from new development. The ordinance update is being made to strengthen and better align our regulatory mechanisms with our current development review process and other initiatives to limit the impact of discharges to the City's combined sewer system which overflows to the City's brooks, rivers, and harbor during heavy rain events.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**Order 244-23/24 Amendment to Portland City Code Chapter 6 RE: Bird Friendly Building and Design Requirements - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair**

This would establish design standards for new commercial buildings and major renovations in commercial buildings over 10,000 sq. ft. to reduce bird mortality from collisions with windows and other architectural features.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**Order 245-23/24 Amendment to Portland City Code Chapter 34 RE: Soil Tests and Fertilization Application - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair,**

The Landcare Management Advisory Committee unanimously recommended several amendments to Chapter 34 as part of their annual report to the Sustainability and Transportation Committee. The Committee considered these recommendations during their meeting on April 10 and voted 2-0 (Councilor Pelletier absent) to advance them to the City Council. If enacted, the order will :

- Change the required soil test from a comprehensive test to a standard test;
- Require a soil test every three years instead of annually;
- Allow application of organic fertilizers to garden beds without a soil test;
- Exempt application of fertilizers for woody plants and shrubs so long as the fertilizer is injected to the root or incorporated into the soil with the plant's drip edge;
- Remove the definition of penetrometer because the term does not appear elsewhere in the text.

These amendments will facilitate compliance with the ordinance while maintaining rigorous application of sustainable landcare practices.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**ORDERS:**

**Order 253-23/24 Approving Portland International Jetport Non-Exclusive On Airport Automobile Rental Concessionaire Agreement - Sponsored by Danielle P. West, City Manager**

The Portland International Jetport is requesting approval of the standard form of the agreement between the City of Portland and up to four automobile rental concessionaires. The current agreements expire on June 30, 2024, and the new agreement will be for a five-year term starting on July 1, 2024 and ending on June 30, 2029. In anticipation of the expiration of the current agreement, the City issued competitive Bid #24080 for non-exclusive on-airport automobile rental concessions at the Jetport. The proposed agreement listed in the bid is based upon the existing standard agreement with the following changes:

- The contract payment to the Jetport remains 10% of gross annual sales, but will incorporate new Minimum Annual Guarantees (MAGs) for each concessionaire that will be set based on the results of the upcoming bid.
- The proposed contract continues to include a Customer Facility Charge (CFC) that will be increased from \$2/day to \$2.50/day with a maximum charge of \$12.50 per rental contract. The CFC revenue is used to cover the debt service on the rental car portion of the parking garage, rental car infrastructure improvements, and rental car facility maintenance and operating expenses.
- The agreement will add 110 seasonal rental return parking spaces from June 15 to October 7.

Five affirmative votes are required for passage after public comment.

**Order 254-23/24 Accepting and Appropriating a \$425,000 Donation from the Congress Square Redesign Committee for Construction of Phase B of the Congress Square Redesign - Sponsored by Danielle P. West, City Manager**

Request for the City to accept a donation in the amount of \$425,000 from the Congress Square Redesign Committee. The donation would go towards construction of Congress Square Park.

Congress Square Park is an important public resource for residents, business owners, and visitors located in the heart of Portland's Arts District. Congress Square Redesign planning efforts began in 2012. The redesign involves a multi-phase, large-scale renovation aimed at turning an underperforming, car-dominated intersection and adjacent public plazas into an active and integrated public urban amenity in one of the densest areas of Portland. The rehabilitation of this public amenity will contribute to Portland's economic vitality and enhance the quality of life for its residents, workers, and visitors, serving as a focal point for cultural activities and community programs.

This item must be read on two separate days. This is its first reading.

**Order 255-23/24 Approving and Authorizing the City Manager to Enter into Funding Agreement with Maine Department of Transportation for Confined Aquatic Disposal Cell Construction and Dredging Project - Sponsored by Danielle P. West, City Manager**

The City Council is asked to approve two funding agreements to initiate the first phase of the Portland Harbor Dredge and Confined Aquatic Disposal (CAD) Cell project. The primary agreement documents the City's commitment with the Maine Department of Transportation (MDOT) to contribute \$4 Million (previously allocated through FY2023 and FY2024 approved budgets) toward the first phase of the project, which included construction of the CAD Cell and a first phase of pier and wharf dredging throughout the harbor. MDOT commits to use \$10 Million in Maine Jobs and Recovery Act funding, in addition to \$6 Million in MDOT transportation funding. A second companion agreement documents: (1) the City of South Portland's commitment to contribute \$1 Million toward the CAD Cell and the first phase of dredging; and, (2) the Board of Harbor Commissioner's commitment to maintain necessary permits for the dredging of marine infrastructure.

Through these agreements, the City agrees to be the fiscal agent of the project and to manage the project consistent with all environmental permits.

This item must be read on two separate days; however, staff requests the City Council to waive the first reading to meet State procurement expectations and vote on this item at its June 17, 2024, meeting, which would require 7 votes of the Council.

**Order 256-23/24 Approving and Authorizing the City Manager to Enter into Agreement with the City of South Portland and the Board of Harbor Commissioners for Portland Harbor for Funding of Portland Harbor Confined Aquatic Disposal Cell Construction and Dredging Project - Sponsored by Danielle P. West, City Manager**

This is a companion Order to the Order above.

This item must be read on two separate days; however, staff requests the City Council to waive the first reading to meet State procurement expectations and vote on this item at its June 17, 2024, meeting, which would require 7 votes of the Council.

**Order 257-23/24 Allocating \$64,000 in Emergency Merrill Improvement Funds to the Parks, Recreation, & Facilities Department for Merrill Loading Dock Lift Replacement at Merrill Auditorium - Sponsored by Danielle P. West, City Manager**

The Merrill Loading Dock has deteriorated quickly and is in urgent need of replacement. The loading dock is used to support all performances at Merrill Auditorium, and if it ceases to function, shows will have to be canceled.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

**Order 258-23/24 Approving the Housing and Economic Development Department Shahnaz Mahager Hummingbird Grant Program and Accepting and Appropriating an \$18,105 Donation for its Creation - Sponsored by Danielle P. West, City Manager**

This item would accept and appropriate a donation of \$18,105 for the creation of the Shahnaz Mahager Hummingbird Grant Program, of which \$1,000 would be granted annually to a Portland business whose owner's most recent annual adjusted gross income is below 80% of Area Median Income (AMI) in memory of Shahnaz Mahager and administered by the Housing and Economic Development Department.

This item must be read on two separate days. This is its first reading.

**Order 259-23/24 Accepting and Appropriating a \$200,000 State of Maine EMS Grant for the Portland Fire Department EMS Operations - Sponsored by Danielle P. West, City Manager**

This project will provide temporary fiscal support to Portland Fire Department EMS operations to meet increasing demand and ensure that all residents and visitors to the City of Portland continue to receive high-quality EMS care. The funding will support being able to send six members to paramedic training this year instead of the budgeted three openings. The funding will also support increasing compensation for our required medical direction. It will also support the acquisition of necessary equipment to support EMS operations, most notably an additional Lucas CPR device for the Marine Division supporting service to Portland's island populations. All of these improvements will come with no expense to the taxpayers of Portland.

This item must be read on two separate days. This is its first reading.

**AMENDMENTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Greg Watson, Director  
**DATE:** June 3, 2024  
**SUBJECT:** Order 246-23/24 Authorizing Amendments to the Guidelines for the Portland Brownfields Cleanup Revolving Loan Fund - Sponsored by Mark Dion, Mayor  
**SPONSOR:** Danielle P. West, City Manager  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 6/17/2024**

**Final Action 6/17/2024**

**Can action be taken at a later date: Yes**

**Does this item involve a new contract with the City: No.**

**PRESENTATION:** Greg Watson will provide a brief overview.

**I. SUMMARY**

The Portland Development Corporation (PDC) recommends the City Council approve the guidelines for the City's Brownfields Revolving Loan/Grant Fund (RLF/Fund 280) to bring them in line with the terms and conditions of the \$3 Million Cooperative Agreement that was awarded to the City in July 2022 by the United States Environmental Protection Agency (USEPA).

**II. AGENDA DESCRIPTION**

Modifications are needed to the existing Brownfield Loan Program Guidelines, administered by the Portland Development Corporation (PDC), to bring them in line with the terms and conditions of the \$3 Million Cooperative Agreement from the United States Environmental Protection Agency. The PDC Board reviewed this item at its March 21, 2024, meeting and voted 6-0 to forward these to the City Council for approval to continue its support for remediation of contaminated sites in Portland.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

The City of Portland uses Brownfields funding from the USEPA for remediation of Brownfields sites in the City through loans and grants. The funds are made available through awards that the City applies for from the USEPA. In July of 2022, the USEPA awarded the City \$3 Million in clean-up funding through Cooperative Agreement BF4B00A00903. The funding source is the Bipartisan Infrastructure Law (BIL). Each Cooperative Agreement from the USEPA has its own terms and conditions. Until now, the City has still been using remediation funds from a previous Cooperative Agreement, BF00A00199, which was awarded in July of 2016. This has been used to fund various loans and grants, and BF00A00199 is now fully committed.

Henceforth, the City will be using funding awarded by the USEPA under Cooperative Agreement BF4B00A00903, the terms and conditions of which are slightly different. .

The high level changes to the guidelines are:

- removal of cost-share requirement for the loan/grant recipients; and,



- change to loan and subgrant maximums, going from a maximum of \$300,000 (for loans) and \$200,000 (for subgrants) to a maximum of \$500,000 for both loans and subgrants.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The amended Brownfields Revolving Loan Fund guidelines will bring the program guidelines into conformance with the terms and conditions of the BIL-funded USEPA Cooperative Agreement.

#### **V. FINANCIAL IMPACT**

There will be no cost to the City from these Proposed Program Guidelines amendments as they will draw on USEPA Brownfields grants made to the City of Portland for cleanup/remediation.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

Staff recommends approval of the Proposed Brownfield Programs Guidelines Modifications.

#### **VII. RECOMMENDATION**

At its meeting held on March 21, 2024, the PDC Board voted 6-0 to recommend to the City Council approval of these amendments to the Brownfields RLF.

#### **VIII. LIST ATTACHMENTS**

1. Special Meeting - Authorizing Amendments to PDC Brownfields Revolving Loan Fund Guidelines
2. Special Meeting - Redlined Version of Brownfield RLF Program Guidelines\_labeled

Prepared by:

Greg Watson, Director

Date: 06/03/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
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**ORDER AUTHORIZING AMENDMENTS TO THE GUIDELINES FOR THE  
PORTLAND BROWNFIELDS CLEANUP REVOLVING LOAN FUND**

**ORDERED,** that the guidelines for the Portland Brownfields Revolving Loan Fund are hereby amended as specified in the document attached hereto as Attachment 1.

**PORTLAND BROWNFIELDS CLEANUP REVOLVING  
LOAN FUND PROGRAM**

**Amended by Portland Development Corporation on 3/21/24 to comply with FY22 Cooperative Agreement funded by Bipartisan Infrastructure Law.**

**Amended to be applicable City-wide and passed by the City Council on 7/16/07.**

**Amended by Corporator at 11/7/08 Meeting adding an amendment for Requests for Amendment to Loan Terms.**

**Amended by Corporator at 3/6/2017 Meeting.**

The Portland Brownfields Cleanup Revolving Loan Fund Program (Fund # 280) is designed to encourage the remediation/cleanup of eligible Brownfields sites and activities associated with removing, mitigating, or preventing the release, or threat of a release, of a hazardous substance, pollutant, or contaminant from Brownfields sites.

The purpose of this Program is to facilitate the cleanup and reuse of Brownfield properties for commercial, public open space and public recreation, and multi-family residential of at least 10 units in a project. At least 50% of the residential units must be priced for households earning 100% or less of area median income (AMI), as determined by the Planning Authority.

Program assistance is provided through low interest loans and subgrants, with subgrants available to non-profits. Per the EPA Revolving Loan Fund Terms and Conditions, the City may not provide a subgrant to itself or another component of its own unit of government or organization.

Brownfields Definition: A brownfield is a property whose expansion, redevelopment, or reuse is complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.

Program funding comes from the U.S. Environmental Protection Agency (EPA) and is authorized by the Portland City Council. **The City Council accepted and appropriated an EPA award of \$3 million funded by the Infrastructure Investment and Jobs Act, most commonly known as the Bipartisan Infrastructure Law, by unanimously passing order 73-22/23 on October 3, 2022. At least half of this amount must be used for cleanup loans, with the rest eligible for sub-grants to eligible nonprofit organizations. Additionally, loans and grants may be issued from Program Income (Fund 278), which is funding that has revolved from previous loans and grants through the City's Brownfields Program.**

**1. Program Goal**

To assist in financing the cleanup of Brownfields sites within the City of Portland, thereby making these properties available for redevelopment and contributing to the revitalization of the community, creation of jobs, improving the environment and eliminating the public health risks associated with these sites.

## **2. Program Objectives**

- (a) To create an incentive for private investment in Brownfields properties in the City of Portland;
- (b) To safely clean up Brownfields properties in order to facilitate their sustainable reuse;
- (c) To foster development and implementation of financial and administrative approaches that can support self-sustaining efforts to facilitate Brownfields cleanup efforts; and
- (d) To prevent the exacerbation, creation or spread of contamination on or between properties to protect the public health by minimizing exposure to toxic materials in the environment.

## **3. Eligible Project Applicants**

- (a) The project applicant or owner is not considered potentially responsible for the contamination on the property;
- (b) The project applicant or owner is not currently suspended, debarred or otherwise ineligible to participate in Federal financial assistance programs;
- (c) The project applicant or owner is not in environmental non-compliance with Federal or State agencies.
- (d) The project applicant or owner must owe no outstanding property taxes, fees, judgments, or liens to the City; **and**
- (e) **The project applicant or owner meets other eligibility criteria as described in the EPA Cooperative Agreement.**

## **4. Property Threshold Requirements**

- (a) The property is located within the City of Portland;
- (b) The property must **either** be eligible to apply to the Maine Voluntary Response Action Program (VRAP) for site cleanup, **or the property and associated cleanup activities will be overseen by and conducted to the satisfaction of the Maine Department of Environmental Protection (DEP);**
- (c) The property must have had adequate environmental assessments completed in order to understand site conditions and necessary remediation (e.g. Phase I Environmental Site Assessment and/or Phase II Environmental Site Assessment);
- (d) The property meets the EPA eligibility requirements;
- (e) **Access to the property is provided to the City and its Qualified Environmental Professional (QEP).**

## 5. Ownership Eligibility

- (a) Publicly or privately owned by current or prospective property owners, banks, developers, etc., to seek loans;
- (b) Privately-owned by current or prospective non-profit owners to seek loans and/or subgrants;
- (c) Applicant must own or be in the process of obtaining ownership at the time of application;
- (d) Applicant cannot be potentially liable under CERCLA Sec. 107 for contamination on the property.

## 6. Eligible Activities

Cleanup actions associated with removing, mitigating or preventing the release or threat of a release of a hazardous substance, pollutant or contaminant including but not limited to:

- (a) Preparation of a Maine DEP VRAP application and associated application fee;
- (b) Preparation of Brownfields programmatic documents including a Community ~~Relations~~ Plan (CRIP), Analysis of Brownfields Cleanup Alternatives (ABCA); newspaper notice and public meeting to present the ABCA; preparation of meeting minutes; Site-Specific Quality Assurance Project Plan (SSQAPP) to support confirmatory or verification sampling during cleanup; and VRAP Closure Reporting.
- (b) Fences, warning signs or other security or site control precautions;
- (c) Drainage controls;
- (d) Stabilization of berms, dikes or impoundments or drainage or closing lagoons;
- (e) Capping of contaminated soils;
- (f) Using chemicals and other materials to retard the spread of the release or mitigate its effects;
- (g) Excavation, consolidation, or removal of contaminated soils ~~from drainage or other areas~~;
- (h) Abatement of hazardous building materials including asbestos, lead paint, mold and PCBs;
- (i) Removal of drums, barrels, tanks, or other bulk containers that contain or may contain hazardous substances, pollutants or contaminants;
- (j) Containment, treatment, disposal, or incineration of hazardous materials;
- (k) Provision of alternative water supply where necessary immediately to reduce exposure to contaminated household water;
- (l) Site monitoring activities, including site inspections, sampling, and analysis, that are necessary during the cleanup process, including determination of effectiveness of a cleanup;
- (m) Costs associated with meeting public participation, worker health and safety, and interagency coordination requirements;

- (n) Costs associated with ~~removal activities including demolition and/or~~ site preparation that are part of site cleanup;
- (o) Environmental Insurance Premiums;
- (p) Programmatic costs for the City of Portland and its QEP to manage and oversee the work being performed under this Program.

## 7. Ineligible Activities

- (a) Pre-cleanup ~~Phase I and Phase II~~ environmental ~~site assessment activities with the exception of site monitoring activities that are reasonable and necessary during the cleanup process, including determination of the effectiveness of a cleanup; response activities (i.e. site assessment, identification, and characterization); however, the Lead Agency may request EPA approval for limited site assessment on a case-by-case basis when necessary to ensure protection of the environment and public health through cleanup action~~
- (b) Monitoring and data collection necessary to apply for, or comply with environmental permits under other federal and state laws, unless such a permit is required as a component of the cleanup action;
- (c) Construction, ~~demolition~~ and ~~site~~ development activities that are not ~~integral to the~~ cleanup actions (e.g., ~~marketing of property (activities or products created specifically to attract buyers or investors), construction of a new facility, or addressing public or private drinking water supplies that have deteriorated through ordinary use; and addressing public or private drinking water supplies that have deteriorated through ordinary use; Development activities that are not removal actions (e.g. construction of a new facility or marketing of property).~~
- (d) Job training ~~activities~~ unrelated to performing a specific cleanup at a site covered by a loan or subgrant;
- (e) To pay for a penalty or fine;
- (f) To pay a federal cost share requirement (for example, a cost-share required by another Federal ~~sub~~grant) unless there is specific statutory authority;
- (g) To pay for response costs at a Brownfields site for which the recipient of the subgrant or loan is potentially liable under CERCLA Section 107;
- (h) To pay a cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the cleanup; and
- (i) Unallowable costs (e.g. lobbying and ~~purchases of alcoholic beverages~~ under 2 CFR Part 200, Subpart E.

## 8. Financing Terms

The following terms will guide the actions of the Portland Development Corporation (PDC) on behalf of the City of Portland for cleanup remediation loans and subgrants:

- (a) Loan amount for eligible cleanup activities will be limited to the balance of the loan fund, but generally range from a minimum of \$100,000 to a maximum of ~~\$500,000~~ ~~\$300,000~~, and will be negotiated based on project redevelopment needs. Subgrants up to ~~\$500,000~~ ~~\$200,000~~ are available for eligible cleanup activities;
- (b) Maximum loan term is up to 10 years, though shorter terms are preferred; The actual term is negotiable on a case-by-case basis, and may include a longer amortization period with a balloon at the end of the designated term. Projects must justify the need for the maximum term.
- (c) Interest rate will be determined by the PDC, though Brownfields loans are usually lent at a low interest rate;
- (d) Brownfields site, business assets, outside collateral, and/or personal guaranties may be required as security;
- (e) Environmental indemnification and/or lenders environmental insurance may be required;
- ~~(f) Evidence of a cost share of at least 20% of the loan or subgrant amount will be required of all Applicants/Borrowers; in special circumstances, as determined by the PDC, the cost share may be reduced or waived.~~
- ~~(g) Cost share monies and or eligible in-kind cleanup activities will be specifically utilized for eligible cleanup activities;~~
- (h) As applicable, Borrower/Subgrantee will be required to utilize Davis Bacon Wage compliance requirements and provide backup verifying compliance;
- (i) ~~As applicable, Borrower/Subgrantee will be required to comply with the Buy America Sourcing requirements under the Build America, Buy America provisions of the Infrastructure Investment and Jobs Act.~~
- (j) ~~Although not required by the EPA, the PDC has the discretion to require a cost share of up to 20%. If applicable, loan/subgrant drawdown requests with sufficient backup of eligible cleanup activities will be reimbursed at the PDC approved loan or subgrant proportion to cost share prior to final drawdown (e.g., 80% of eligible activities will be reimbursed by the City, the remaining 20% will be considered as the Applicant's cost share and shall be paid by the Applicant).~~

## 9. Requests for Amendment to Loan Terms

A one percent fee may be applied for requests for amendments to loan terms, as well as costs for legal fees and recording fees associated with preparing any additional loan documents/modifications. The one percent fee will be based on the current loan balance at the time of the request. This one percent fee will be applied to those loan amendments which require the PDC Assistant Secretary to bring the request to the PDC Board of Directors based on substantive changes.

The City's **Housing and** Economic Development Director (PDC Assistant Secretary) has the discretion to determine whether requested loan amendments should be brought to the Board or done administratively. If done administratively, the PDC Assistant Secretary

will confer with the Business Programs Manager and the Associate Corporation Counsel to determine the fee based on hourly rates of pay, as well as recording fees and legal hourly fees.

## **10. Underwriting Criteria**

Review will include, but not be limited to, the following factors:

- (a) Necessity of loan and/or subgrant to make the project economically feasible with the least amount of public resources.
- (b) Analysis of credit reports and financial documents as well as budget feasibility analysis provided by the City contracted underwriter to assess that applicant is a business risk.

## **11. Overall Review Criteria**

The application for City of Portland Brownfields RLF funding will be evaluated using any or all of the following criteria:

- (a) Cleanup activities are eligible
- (b) Completeness of application
- (c) Sufficient Brownfields funds available
- (d) Economic/Financial benefit(s)
  - 1. Potential for redevelopment;
  - 2. Developer interest in site;
  - 3. Potential for job creation, workforce/affordable housing and/or sustainable economic development;
  - 4. Financial feasibility for cleanup/remediation of contamination
  - 5. Ability to leverage additional funding or other resources for cleanup/remediation.
- (e) Environmental benefit(s)
  - 1. Potential reduction, elimination and/or control of threats/risks to human health and the environment;
  - 2. Creation, preservation and/or maintenance of greenspace.
- (f) Community benefit(s)
  - 1. Likelihood for successful redevelopment, reuse and/or revitalization
  - 2. Availability of existing infrastructure, transportation corridors and municipal services to support redevelopment;
  - 3. Potential to enable sustainable growth, use of green building design initiatives and green/renewable energy resources;
  - 4. Interest and presence of a willing owner, buyer or other stakeholder to invest in the property and to provide access to the property for cleanup.
  - 5. Location of project within or proximal to an underserved community.



## 12. Application Review Process

Remediation/cleanup plans should be implemented efficiently and redevelopment projects completed on schedule and within identifiable cleanup budgets. The actions to be taken, including PDC review, are as follows:

- (a) Applicants seeking funds for remediation/cleanup are required to either be enrolled in the Maine DEP VRAP or in the process of applying (that is, VRAP application and associated workplan and VRAP fees are eligible for RLF reimbursement) **or the property and associated cleanup activities will be overseen by and conducted to the satisfaction of Maine DEP;**
- (b) Applicant will complete the City's Brownfields RLF Application (Part 1) and provide it along with Phase I and II ESAs, **cleanup planning documents (i.e., ABCA, if available),** and evidence of VRAP submittal **(if applicable), and preliminary cleanup budget** for review by the HEDD and QEP;
- (c) Applicant or QEP will prepare EPA Site Eligibility form; HEDD submits to EPA for approval;
- (d) The City's QEP will review the environmental assessments and cleanup plan summary in addition to the Part 1 RLF Application. If the Applicant's site cleanup activities and preliminary **project-costs cleanup budget** are eligible, the City's QEP will prepare a summary memo to the HEDD;
- (e) Applicant submits Part II RLF application (financial backup). The underwriter will proceed with the review and analysis of the financial components of the loan and/or subgrant application and prepare a report for the PDC with recommended terms and conditions;
- (f) The PDC will be presented with the loan report and, based on an analysis of the financial qualifications of the applicant and the merits of the project, the PDC will vote to approve or disapprove of the loan/subgrant request including terms and conditions ;
- (g) The HEDD will prepare a loan commitment letter for the Applicant, including terms and conditions.
- (h) Once the commitment letter is fully executed:

~~1. The Borrower/Subgrant Recipient and their QEP will prepare a Draft Community Relations Plan (CRP) and Draft Analysis of Brownfields Cleanup Alternatives (ABCA). The Draft CRP and Draft ABCA will be submitted to the Maine DEP and EPA for approval and comment. Upon comment receipt and incorporation, the draft ABCA will be presented at a community meeting and will be subject to a 30-day public comment period;~~

2. The City attorney will draft loan documents which will include

but not be limited to the loan agreement, promissory note, mortgage agreement and any other documentation as necessary. The loan documents and RLF Agreement with City shall include attachments including but not limited to a copy of the deed, a schedule for the cleanup activities, and costs for eligible activities associated with the cleanup.

- (i) Based on the community meeting, a final draft of the ABCA is prepared by the Borrower/Subgrant Recipient, which incorporates comments received by Maine DEP, EPA and the public;
- (j) Once the CIP and ABCA have been finalized, the Applicant/Borrower prepares a detailed cleanup budget and work schedule, a Health and Safety Plan, and a SSQAPP if needed (the SSQAPP will need to be reviewed **and approved** by Maine DEP and EPA, prior to finalization); and
- (k) Borrower/subgrant recipient acknowledges that Davis Bacon wage compliance is mandatory for receipt of Brownfields funds;
- (l) The loan agreement, promissory note, mortgage agreement, and any other loan documents are signed. Any loan fees are paid;
- (m) The Applicant shall prepare a project sign to be posted at the site prior to initiation of cleanup activities listing at a minimum the City, MEDEP, EPA and contact information for the Applicant's QEP. A draft mockup of the sign shall be submitted to the City for approval and provided to DEP and EPA.

## City Checklist for Applicants

### Applicant Information

- (a) Applicant Overview: name, location, principal owners/stockholders, type of business and products or services, date established;
- (b) Financial Overview: historical financial statements for the past three years, most recent quarter and copies of appropriate IRS Tax Returns;
- (c) Management Overview: resumes of principals; and
- (d) Credit References: financial institutions and other creditors.

### Site Related Conditions

- (a) Environmental assessments (e.g., Phase I and II in accordance with American Society for Testing and Materials (ASTM) Standards) **and cleanup planning documents, if available;**
- (b) Information regarding the status of the Applicant/ as a potentially responsible party at the site;
- (c) Information on environmental compliance history;
- (d) Information on whether or not the Applicant is currently or ever has been subject to any penalties resulting from environmental non-compliance at the site;
- (e) Information on whether or not the Applicant is a generator or transporter of contamination at the site; and
- (f) Information on whether or not the Applicant falls under a statutory exemption from liability; or that the EPA could use its enforcement discretion and not pursue the party as a responsible party under CERCLA if the Applicant is currently the owner/operator of the site.

### Remediation Cleanup Plan

Cleanup Plan Summary: cleanup plan including a technical description of work to be done, eligible cleanup activities and costs estimates for cleanup and project redevelopment. Cleanup Plan should also document other funding sources for cleanup and eligible activities to be utilized for cost share. **If applicable,** the source of the cost share of monies and or eligible in-kind services/materials must be provided.

### Redevelopment Plan

- (a) Financing Project: a description of the cleanup project and the reuse plan;
- (b) Business Plan: a description of the business goals, strategies and action plans; and
- (c) Financial Plan: pro-forma financial statements which demonstrates the economic viability of the project and identifies the sources of repayment for the loan.

### Community Benefits

- (a) Employment Impact: number of current and new jobs, wage levels and job training anticipated to be generated from the cleanup and redevelopment

of the site.

- (b) Investment Impact: Serves as an incentive for investment in Brownfields areas.
- (c) Multi-Family Housing: Available for the creation of multi-family housing in Brownfields areas.
- (d) Public open space and recreation acreage for cleanup located in the brownfields area.
- (e) Location of the project in an underserved community.
- (f) Any other community benefits.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Greg Watson, Director  
**DATE:** June 3, 2024  
**SUBJECT:** Order 247-23/24 Amending the Portland Development Corporation By-laws -  
Sponsored by Mark Dion, Mayor  
**SPONSOR:** Danielle P. West, City Manager  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 6/17/2024**

**Final Action 6/17/2024**

**Can action be taken at a later date: Yes**

**Does this item involve a new contract with the City: No.**

**PRESENTATION:** Greg Watson will provide a brief overview.

**I. SUMMARY**

The intent of the proposed Amendments is to allow for ex officio Board member designated as the City Manager to have the option to appoint their designated representative in Article IV Section 4.4, as well as a housekeeping amendment to update the Department name in Article VI Section 6.8.

**II. AGENDA DESCRIPTION**

This item would amend the Portland Development Corporation By-laws to allow the City Manager flexibility in their appointment as an ex officio member to the Board of Directors to be able to appoint their designated representative. The second amendment is a housekeeping amendment to update the name of the City Department to Housing and Economic Development. The PDC Board reviewed these proposed amendments at its April 18, 2024, Board meeting and voted 6-0 to forward the amendments to the City Council for approval.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

See above.

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The intended result is for the City Manager, as an ex officio member of the Board of Directors, to be able to appoint their designated representative, and to update the City Department name.

**V. FINANCIAL IMPACT**

There is no financial impact in amending the PDC Bylaws.

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff recommends approval.

**VII. RECOMMENDATION**

The PDC Board reviewed this item at its April 18, 2024, Board meeting and voted 6-0 to forward the proposed amendments to the City Council for approval.

**VIII. LIST ATTACHMENTS**

1. Special Meeting - Amending the Portland Development Corporation By-Laws
2. Bylaws Amd as Recommended by Board 4-18-2024

Prepared by:  
Greg Watson, Director  
Date: 06/03/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER AMENDING THE PORTLAND DEVELOPMENT CORPORATION BY-LAWS**

**ORDERED,** that the Portland City Council, acting in its capacity as sole Corporator of the Portland Development Corporation, hereby amends the By-laws of the Portland Development Corporation in the substantially the form attached hereto.

## **BYLAWS OF PORTLAND DEVELOPMENT CORPORATION**

### **ARTICLE 1**

#### **NAME, PRINCIPAL OFFICE, CORPORATE SEAL**

Section 1.1. Name. The name of this corporation shall be the Portland Development Corporation.

Section 1.2. Principal Office. The principal office for the conduct of the activities of the corporation shall be located at Portland City Hall, 389 Congress Street, Portland, Maine.

Section 1.3. Corporate Seal. The corporate seal of the corporation shall be circular in form and shall bear the words and figures "Portland Development Corporation," the word "Maine" and the year of the corporation's incorporation. The form of such seal may be altered from time to time by the Board of Directors.

Section 1.4. Registered Office. The Registered Office of the Corporation is at 389 Congress Street, Portland, Maine. The address of the Registered Office may be changed from time to time by the Board of Directors or by the Registered Agent.

Section 1.5. Registered Agent. The Registered Agent of the Corporation is the person designated in the Articles of Incorporation, as amended from time to time by the Board of Directors.

### **ARTICLE II** **PURPOSES**

Section 2.1. General Purposes. The Corporation is organized and shall be operated on a non-profit basis to receive donations and contributions in support of the City of Portland economic development efforts that enhance and create business, employment and development opportunities including:

- A. Implement and administer development programs that enhance business opportunities and combat community deterioration in the City of Portland, including, but not limited to, brownfields programs that facilitate development of commercial, multi-family residential, public open space and public recreational properties;
- B. Enhance employment opportunities for members of the Portland community by offering education and counseling services which support businesses in the City of Portland, thereby lessening the burdens of government;
- C. Make recommendations to the City Council with respect to, but not limited to, bond and tax increment financing and the management, acquisition, disposal and general land use of City of Portland property;



D. Refer requests to acquire property via eminent domain to the City Council;  
and

E. Acquire, hold, own, manage, dispose or liquidate property, upon City Council approval, for the purpose of advancing economic development and promoting employment opportunities in the City of Portland;

Section 2.2. Powers. This Corporation shall have all such powers as are authorized to non-profit corporations by the Maine Nonprofit Corporations Act. The corporation shall neither have nor exercise any power, nor shall it engage directly or indirectly in any activity that would invalidate its status (i) as a corporation which is exempt from federal income taxation as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or (ii) as a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended.

Section 2.3. Prohibition of the Inurement of Assets and Income to Private Persons. The corporation is not organized for pecuniary profit and shall not have any capital stock. No part of its net earnings or of its principal shall inure to the benefit of any officer or director of the corporation, or any other individual, partnership or corporation, but reimbursements for expenditures or the payment of reasonable compensation for services rendered shall not be deemed to be a distribution of earnings or principal.

Section 2.4. Dissolution. If this Corporation is dissolved or its legal existence terminated, either voluntarily or involuntarily, or upon final liquidation of the Corporation, none of its assets shall inure to the benefit of any private individual, and all of its assets remaining after payment of all of its liabilities shall be distributed to one or more organizations which the Board of Directors then determines is qualified both as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, and as an organization engaged in activities substantially similar to those of this Corporation (within the meaning of 13-B M.R.S.A. §407).

Section 2.5 Tax exempt Status. It is intended that the Corporation shall have and continue to have the status of a corporation which is exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1986, as amended, or successor provisions of federal tax law (the "Internal Revenue Code") as an organization described in Section 501(c)(3) of such Code, and to which contributions are deductible under Section 170(c)(2) and 2055(a)(2) of the Internal Revenue Code which is other than a private foundation as defined in Section 509(A) of the Internal Revenue Code. The Articles of Incorporation and these Bylaws shall be construed accordingly, and all powers and activities shall be limited accordingly.

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation; provided that the Corporation shall have the power to make an election under Section 501(h) of the Internal Revenue Code. Likewise, the Corporation shall not participate or intervene in any manner or to any extent in any political campaign on behalf of any candidate for public office. Furthermore, the Corporation shall not engage in any activities that are unlawful under applicable federal, state or local laws,

including, but not limited to, activities prohibited for an exempt organization under Section 501(c)(3) of the Internal Revenue Code and regulations thereunder as they now exist or as they may hereafter be amended.

### **ARTICLE III** **MEMBERSHIP**

Section 3.1. Member. The sole member of the Corporation shall be the City of Portland, Maine. The sole member of the Corporation shall be referred to as the "Corporator" for the purposes of the Articles of Incorporation and these Bylaws.

Section 3.2 General. In addition to the other powers of the Corporator listed in Section 3.3 hereof, the Corporator shall have the responsibility for the election of the Board of Directors of the Corporation, which Board has the ultimate responsibility for governing the Corporation. The rights and responsibilities of the Corporator, may be changed from time to time by an amendment to the Articles of Incorporation (to the extent required by law) and by these Bylaws.

Section 3.3. Powers. The Corporator shall have only those rights set forth in the Articles of Incorporation, as restated in these Bylaws. Such rights are as follows:

- A. The establishment of the size of the Board of Directors within the limits described in Section 4.2 hereof;
- B. The election of Directors pursuant to Article IV hereof, with the exception of filling of a vacant Board seat as provided in Section 4.5 hereof;
- C. The removal of Directors from the Board of Directors;
- D. The amendment, restatement, or modification of the Articles of Incorporation or of the Bylaws of this Corporation;
- E. The approval of the sale, lease, or other disposition (excluding by mortgage or pledge for purposes of security) of all, or substantially all, of the assets and property of the Corporation;
- F. The dissolution of the Corporation or its merger with or consolidation with another corporation; and
- G. Any other matter which a majority of the Board of Directors voting on the matter votes to submit to the Member.

Section 3.4 Annual Meetings. The Annual Meeting of the Corporator shall be held on such day in the month of September of each year at such place and time as shall be fixed by the Board of Directors. In the event of a failure for any reason to hold an Annual Meeting as aforesaid, any business which may properly be transacted at an Annual Meeting, including the election of Directors, may be transacted at a Special Meeting.

Section 3.5 Special Meetings. Special Meetings of the Corporator may be called at any time by the President or a majority of the Directors.

Section 3.6. Notice of Meetings. Notice of all meetings of the Corporator shall be given by the Secretary or in ~~their~~ ~~his or her~~ absence or disability by the President, by mailing or emailing to the Corporator a written notice specifying the time and place of the meeting, such notice to be addressed to the Corporator and emailed or mailed (postage prepaid) at least five (5) but not more than fifty (50) days before the meeting.

Section 3.7. Action by Unanimous Consent. Any action required or permitted to be taken at a meeting of the Corporator may be taken without a meeting as long as consent in writing, setting forth the action so taken shall be signed by the Corporator, and filed with the minutes of the meetings of the Corporator.

Section 3.8. Manner of Acting. The act of the Corporator, present in person or by proxy at a meeting, shall be the valid act of the Corporator.

## **ARTICLE IV** **BOARD OF DIRECTORS**

Section 4.1. Management by Board. The affairs of the Corporation shall be managed by its Board of Directors, which may exercise all powers of the Corporation and do all lawful acts and things necessary or appropriate to carry out the purposes of the Corporation.

Section 4.2. Number of Directors; Eligibility. The Board of Directors shall consist of eleven (11) individuals, nine (9) of whom shall be Directors appointed by the Corporator through the Portland City Council and two (2) of whom shall be ex officio members of the Board pursuant to Section 4 of this Article. No fewer than six (6) of the nine (9) directors appointed by the Corporator must be a resident or property owner in the City of Portland or have an ownership interest in a business that has its principal office in the City.

Section 4.3. Nomination. The Corporator shall receive nominations from the Portland City Council Nominating Committee, which shall supplement its regular Committee recruitment efforts by advertising in the local media and by otherwise publicizing the vacancies as widely as possible.

Section 4.4. Ex Officio Members of the Board of Directors. There shall be two (2) individuals who shall each be deemed an ex officio member of the Board of Directors by virtue of ~~their~~ ~~his or her~~ holding the position of (1) Mayor or City Council member of the City of Portland as appointed by the Corporator; and (2) City Manager of the City of Portland, ~~or their~~ designee.

The provisions of these Bylaws contained in Section 5 regarding term of office, Section 3 regarding nomination of directors and Section 7 regarding vacancies shall not apply to said ex officio members. The City Manager, or their designee, shall be a member of the Board of

Directors so long as ~~they~~~~he or she~~ continues to serve in the office by virtue of which ~~they were~~~~he or she was~~ appointed; and the Mayor or City Council member shall be appointed annually; and said members shall enjoy all the rights, privileges and responsibilities of all other member of the Board of Directors, including, without limitation, voting privileges, except, however that no ex officio member may serve as President of the Board of Directors. The Board of Directors may take action by unanimous consent only with the consent of said ex officio member. Ex officio members shall be counted as Directors for purposes of determination of residency requirements in Section I of this Article. Ex officio members shall be entitled to the same indemnification rights available to all Directors under the law, these Bylaws or otherwise.

Section 4.5. Terms of Office. One (1) Director shall be initially appointed by the Corporator to hold office until the Second Annual Meeting of the Corporation following the incorporation of this Corporation; two (2) Directors shall be initially appointed by the Corporator to hold office until the Third Annual Meeting of the Corporation following the incorporation of this Corporation; and two (2) Directors shall be initially appointed by the Corporator to hold office until the fourth Annual Meeting of the Corporation following the incorporation of this Corporation. The Corporator shall specify the term of office for which each Director is initially appointed. Thereafter, Directors shall be appointed by the Corporator at Annual Meetings of the Corporator to serve as such for a term of three (3) years. Each Director shall serve until ~~their~~~~his~~~~or her~~ successor shall be duly qualified and appointed. Directors shall be nominated prior to the Annual Meeting of the Corporator. No Director shall succeed ~~themselves~~~~himself~~~~or herself~~ for more than two (2) full consecutive terms, provided that no term of less than three (3) years which is served directly in advance thereof shall be counted for purposes of this limitation.

Section 4.6. Voting. Each Director shall be entitled to one (1) vote.

Section 4.7. Vacancies. Any vacancy occurring on the Board of Directors may be filled by the Corporator by appointment of an individual qualifying and eligible for such position. A person appointed to fill a vacancy which occurs other than by reason of an increase in the number of Directors shall serve until the next Annual Meeting of the Corporator.

Section 4.8. Resignation. Any Director may resign at any time by giving written notice to the President of the Corporation. Such resignation shall take effect on the date of receipt or at any later time specified therein.

## **ARTICLE V** **MEETINGS**

Section 5.1. Annual Meeting. The Annual Meeting of the Board of Directors shall be held without call at the Board's Regular Meeting in the month of September, at the principal office of the Corporation or at some other place fixed by the President.

Section 5.2. Regular Meeting. Other Regular Meetings of the Board of Directors may be held, without call, at such place, date and time as shall be fixed from time to time by resolution of the Board of Directors.

Section 5.3. Special Meetings. Special Meetings of the Board of Directors may be called by such persons as are authorized by law to call Special Meetings. The place, date and time of the Special Meeting shall be fixed in the call therefor.

Section 5.4. Notice of Meetings. Notice of each Annual, Regular or Special Meeting of the Board of Directors shall be given by the person or persons calling the same or by the President or Secretary at least three (3) days in advance thereof. Notice may be given in writing, by email, by telephone, by oral statement or by any other means to the Directors in person or by delivery of a writing to the Director's residence or business address. Notice given in writing by mail shall be deemed given on the day that the same is deposited in the U.S. mails as first class mail, postage prepaid. Neither the business to be transacted thereat, nor the purposes of any Annual, Regular or Special Meeting of the Board of Directors need to be specified in the notice of such meeting, except when otherwise provided by law.

Section 5.5. Conduct of Meetings. The final actions of the Board of Directors shall be taken openly, and subject to provisions of the Maine Freedom of Access Act, deliberations of the Board shall be conducted openly, and the records of their actions shall be open to public inspection.

Section 5.6. Quorum. Six (6) Directors shall constitute a quorum for the transaction of business. The act of at least four (4) of the Directors present at a meeting of the Board of Directors at which a quorum is present shall be the act of the Board of Directors.

Section 5.7. Informal Action by Directors. Action of the Directors may be taken in accordance with the provisions of Section 708 of the Maine Nonprofit Corporations Act, Title 13-B M.R.S.A. In amplification of, and not in limitation of the foregoing, action taken by agreement of a majority of Directors shall be deemed action of the Board of Directors if all Directors know of the action taken and no Director makes prompt objection to such action. Objection by a Director shall be effective if written objection to any specific action so taken is filed with the Secretary of this Corporation within thirty (30) days of such specific action.

Section 5.8. Notice. Whenever under the provisions of the statutes, Articles of Incorporation or these Bylaws notice is required to be given to any Director, such notice must be given in writing by personal delivery, by email, mail, or by telephone, addressed to such Director at his or her address as it appears on the records of the Corporation, with postage or other delivery fees prepaid, or at his or her telephone number as it appears on the records of the Corporation. Notice by mail shall be deemed to be given at the time it is deposited in the United States mail.

Section 5.9. Indemnification. This corporation shall in all cases indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or she is or was a Director, officer, employee or agent of this corporation, against expenses, including attorney's fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding to the maximum extent permitted by law, including, without limitation, 13-B M.R.S.A. §714 as it may

be amended from time to time, and acts additional thereto and supplementary thereof, to which reference is made.

## **ARTICLE VI** **OFFICERS AND AGENTS**

**Section 6.1. Officers.** The officers of the corporation shall be chosen annually at the Annual Meeting of the Board of Directors, and shall be a President, a Treasurer and a Secretary. One individual may serve in more than one such office. The Board of Directors may also appoint one or more Assistant Secretaries and Assistant Treasurers.

**Section 6.2. Term.** Officers shall be elected for a term of one (1) year to serve until the next Annual Meeting of the Board of Directors or until their successors are duly chosen and qualified. Officers may succeed themselves for any period of years. The initial officers shall be appointed by the Board of Directors at their first meeting following incorporation to serve as such until the first Annual Meeting of the Board of Directors.

**Section 6.3. Removal.** Any officer of the corporation may be removed by the Board of Directors whenever in their judgment the best interests of the corporation will be served thereby.

**Section 6.4. Vacancies.** Any vacancy in any office (except the office of Director) may be filled by the Board of Directors.

**Section 6.5. President.** The President of the Corporation shall be elected from among the members of the Board of Directors, provided however that no ex officio member may be permitted to serve as President.

**Section 6.6. Treasurer.** The Treasurer shall be the chief financial officer of the corporation and, together with the Assistant Treasurer, shall have the responsibility for all corporate funds and securities and shall maintain full and accurate accounts of receipts and disbursements in a book or books kept for that purpose. The Treasurer shall perform such other duties as may be prescribed by the Board of Directors or the President, under whose supervision the Treasurer shall be.

**Section 6.7. Secretary.** The Secretary shall attend all meetings of Corporation and the Board of Directors and keep minutes of all meetings of the Corporation and the Board of Directors in a book or books kept for that purpose. The Secretary shall perform such other duties as may be prescribed by the Board of Directors or the President, under whose supervision the Secretary shall be. The Secretary, and any Assistant Secretaries, shall have authority to affix the corporate seal to any instrument which requires it, and when so affixed, it may be attested by the Secretary or by any Assistant Secretary.

**Section 6.8. The Assistant Treasurer and Assistant Secretary.** One (1) Assistant Secretary shall be appointed by the Board of Directors. The individual appointed Assistant Secretary shall be the Director of [the Housing and](#) Economic Development Department of the City of Portland and shall be the principal staff person for the Corporation. The Assistant Secretary will have

authority to execute documents on behalf of the Corporation should a Board officer not be available to do so. One (1) Assistant Treasurer shall be appointed by the Board of Directors. The individual appointed as the Assistant Treasurer shall be that individual who holds the position of Treasurer for the City of Portland. The Assistant Treasurer shall, together with the Treasurer, have the responsibility for all corporate funds and securities and shall maintain full and accurate accounts of receipts and disbursements in a book or books kept for that purpose. The Assistant Treasurer shall have such other powers and duties as may be prescribed from time to time by the Board of Directors. Assistant Secretaries and Assistant Treasurers shall not be members of the Board of Directors.

Section 6.9. Other Employees. Other employees of the Corporation may be appointed by the Board of Directors, and if so appointed, shall be supervised by, and shall serve under the direction of the Assistant Secretary.

## **ARTICLE VII** **ADOPTION, AMENDMENT**

Section 7.1. Generally. These Bylaws may be amended or repealed or new Bylaws adopted only by the affirmative vote of the Corporation, provided, however, that the Bylaws may not be amended in such a way as to cause the Corporation to lose its status (i) as a corporation which is exempt from federal income taxation as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or (ii) as a corporation to which contributions are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended, or (iii) as a corporation described in Section 170(b)(1)(A)(vi) of the Internal Revenue Code of 1986, as amended.

Section 7.2. Amendments. These Bylaws may be amended solely by the Corporation.

## **ARTICLE IX** **CONFLICT OF INTEREST**

Section 8.1. Avoidance of Conflict or the Appearance of such Conflict. Every Director shall endeavor to avoid conflicts of interest or the appearance of such conflicts or impropriety as provided by state statute, by full disclosure at all times and by abstention in the appropriate circumstances.

Section 8.1. Disclosure. Any Director who has a direct interest in any matter to be considered by the Board shall fully disclose that interest to the Board. If a Director is unsure whether a direct interest exists in a particular matter or if the issue is otherwise raised in good faith, the Director shall disclose the pertinent facts to the Board, and the Board shall determine the issue.

Section 8.3. Abstention. When the Director has so disclosed and is deemed to have a direct interest in a matter, the Director shall abstain from voting on the matter and from otherwise participating in the decision-making process on the matter. Notation of the disclosure and abstention of the Director shall be recorded in the minutes.

Section 8.4. Direct Interest. For purposes of this Article, direct interest in a matter shall mean:

- A. A substantial financial interest of the Director or of the spouse or dependent child of the Director;
- B. A substantial financial interest of any employer, partner, associate, co-shareholder or other co-venturer of the Director;
- C. A substantial financial interest of the Director in any entity which has a substantial financial interest in the matter; or
- B. Any other substantial interest of the Director which the Director or the Board believes might reasonably impair the Director's ability to act independently.

ATTEST:

DATE:

Assistant Secretary



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 11, 2024

**SUBJECT:** Order 248-23/24 Appointing Jon Berg to the Board of the Portland Development Corporation - Sponsored by Mark Dion, Chair of the Legislative and Nominating Committee

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: n/a**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

If passed, this item would appoint the following individuals to the Board of the Portland Development Corporation (PDC):

| <u>Name</u> | <u>Expiration of Term</u> |
|-------------|---------------------------|
| Jon Berg    | 9/30/2027                 |

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

## **VIII. LIST ATTACHMENTS**

1. Special Meeting - Appointing Jon Berg to the Board of the Portland Development Corporation
2. Board & Committee Appointment-PDC - 06.17.2024
3. Jon Berg-Application\_Redacted

Prepared by:

Date: 06/11/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER APPOINTING JON BERG TO THE BOARD OF THE PORTLAND  
DEVELOPMENT CORPORATION**

**ORDERED**, that the City Council, acting in its capacity as Corporator of the Portland Development Corporation, hereby appoints Jon Berg to the Board of Directors of the Portland Development Corporation, whose term shall expire on September 30, 2027.

City of Portland | City Clerk's Office  
Ashley Rand, *City Clerk*



**To:** Mayor and City Councilors  
**From:** Ashley Rand, City Clerk  
**Date:** June 17, 2024  
**Re:** Appointment to Portland Development Corporation

The Nominating Committee is making the following recommendation to the Portland Development Corporation.

If passed, this order would appoint the following individual to the Portland Development Corporation:

| Name        | Board and Committee              | Expiration                |
|-------------|----------------------------------|---------------------------|
| <u>Name</u> | <u>Board or Committee</u>        | <u>Expiration of Term</u> |
| +*Jon Berg  | Portland Development Corporation | 9/30/2027                 |

+Indicates New Board Member  
\* Indicates filing an expired term

# Jon D Berg

City of Portland | Generated 5/22/2024 @ 5:07 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Jon D Berg  
**Application Date** 4/17/2024  
**Expiration Date** 4/17/2025  
**Status** Received

| Board                                            | Vacancies | Status               |
|--------------------------------------------------|-----------|----------------------|
| <a href="#">Portland Development Corporation</a> | 0         | <span>Pending</span> |

## Basic Information

**Name**  
Jon D Berg

## Contact Information

**Address**  
1 India Street  
Portland, ME 04103

**Email**  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Additional Information

**Notes**

Generated 5/22/2024 @ 5:07 pm

Jonathan D. Berg  
85 Codman Street  
Portland, ME 04103

[REDACTED]

[REDACTED]

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**PROFFESIONAL SUMMARY:** Accomplished financial professional with experience in commercial lending, sales, portfolio management, credit analysis and review. Strengths in credit recommendations and presentation both written and oral. Strong knowledge of commercial banking rules and regulations. Respected as resource and leader by co-workers with prior supervisor experience.

**EXPERIENCE:**

Gorham Savings Bank

***Vice President, Commercial Banker June 2021 – current***

Responsible for developing new business through credit, underwriting skills, and structuring new commercial loan requests. Maintaining, expanding, and servicing an existing commercial loan portfolio. Cross-selling to development comprehensive banking relationships. Evaluate credit worthiness, collateral, and character of potential borrowers.

***Vice President, Senior Portfolio Manager May 2018 to June 2021***

Responsible for managing and servicing a portfolio of commercial customers, including expanding, building, and maintaining strong customer relationships with a resulting high level of customer satisfaction, both externally and internally. Primary responsibilities include analyzing financial data to determine the merits of loan requests, loan structure, managing the renewal process, annual reviews, and the collection of financial documents in a timely manner. Thorough understanding of loan policy.

Norway Savings Bank

***Commercial Credit Analyst November 2015 – May 2018***

Prepare objective written credit analysis including assigning accurate risk ratings for new loans or for the renewal of existing facilities as requested by Southern Maine Lenders. Analyzes financial statements, collateral, debt service, personal financial statements, and personal cash flow, and summarizes risks and mitigants. Recommend loan structuring; identify legal and documentation issues; industry considerations that affect specific borrower types; credit policy and procedures and their impact on the transaction; and underwriting requirements specific to loan requests.

Peoples United Bank

***Business Banker 2014 - August 2015***

Develop new comprehensive business relationships through COI's, business partners and existing business relationships in York and Cumberland County. Responsible for preliminary credit analysis, credit write up, and recommendation for all new loans. Responsible for managing, servicing, renewing, and ensuring loan compliance for existing commercial loan portfolio of over 150 clients in York and Cumberland County. Identify opportunities within existing portfolio to expand banking services while maintaining the highest level of customer service.

Biddeford-Saco Area Economic Development Corporation

***Commercial Loan Officer 2006 - 2014***

The primary role of this position was to develop relationships within York County to determine lending opportunities to stimulate economic growth. Responsibilities include originating, underwriting, and presenting loans to the Loan Committee for approval, and once approved, coordinating the loan closing process. Manage existing loan portfolio for compliance, payment performance, and continued opportunities. In addition, duties include determining feasibility and eligibility of applicants regarding financial requirements of the various loan programs and guidelines offered by the organization including SBA, FAME, USDA, and CDBG programs along with working with local banks as a loan participant.

AGA Realty LLC, DBA *Foods on the Go*

***Business Manager 2003 – 2006***

Managed all aspects of a single convenience store which included all hiring, training, and scheduling of staff, maintaining licenses, equipment, and fixtures, directing an assortment of vendors, merchandising the store, and performing all financial reporting.

State of Maine, Bureau of Financial Institutions

***Bank Examiner 2001 – 2003***

Examined state-chartered banks, trusts and credit unions for safety and soundness and compliance in State of Maine. Prepared written comments for the report of examination regarding specific areas assessed at each institution.

Banknorth Group, Inc.

***Fixed Asset Accountant 1999 - 2001***

Responsible for the accounting and reporting of fixed assets and preparing personal property taxes for the bank. Additional responsibilities included maintaining the controls of the fixed asset system which held 45,000 records spanning ten banks.

***Mortgage Processor, 1998 - 1999***

**EDUCATION:**

National Development Council

ED101 Economic Development Finance, October 2006

ED201 Business Credit Analysis, December 2006

Colorado School of Banking

Concepts of Interest Rate Risk, February 2002

FDIC, Washington, DC

Financial Institution Analysis School, June 2002

Fundamentals of Information Systems, February 2002

Safety and Soundness Examiner Training Program, June 2001

University of Southern Maine, Portland, ME

B.S. Accounting, May 1998

**ACTIVITIES AND AWARDS:**

Nominated Gorham's Greatest 2020 and 2021

Heart of Biddeford

Board Member 2009 - 2011

Economic Development Committee

City of Biddeford

Economic Development Committee 2006 -2014

The Woodlands Club

Golf Committee Member 2009-2011

Avid Golfer and Skier



April 17, 2024

City of Portland  
Portland Development Corporation (Vacant Board Position)  
389 Congress Street  
Portland, ME 04101

To Whom It May Concern:

I would like to apply for the vacant position on the Portland Development Corporation (PDC) Board. I feel that I can contribute to the mission of the PDC as I have over a decade of economic development and commercial lending experience. I worked for 8 years in Biddeford-Saco for what is now known as Southern Maine Finance Agency that was formally Biddeford-Saco Area Economic Development Corporation. My time working in Biddeford-Saco I spent implementing lending and grant programs that flowed to the corporation through municipal, state, and federal government. Over the last number of years I have been working in banking, I've worked in various roles, as a commercial credit analyst, commercial portfolio manager, and currently, commercial lending. I enjoy working with others to reach common goals, and in helping small and large businesses achieve success. I am a long-time resident of Portland.

Sincerely,

A handwritten signature in black ink that reads "Jon Berg".

Jon Berg  
*Vice President*  
Gorham Savings Bank



**ZOOM INFORMATION:**

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

To watch the meeting remotely, please visit <https://portlandme.portal.civicclerk.com/event/6489/media>

**PLEDGE OF ALLEGIANCE:**

Mayor Dion led all those present in the Pledge of Allegiance.

**ROLL CALL:**

Mayor Dion called the meeting to order at 5:00pm.

City Councilors Present: Councilor Fournier, Councilor Rodriguez, Councilor Sykes, Councilor Bullett, Councilor Trevorrow, Councilor Pelletier, Councilor Phillips, Mayor Dion

Councilors Absent: Councilor Ali

**5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:**

Mayor Dion opened the floor for public comment. The following individuals spoke:

Stephen Scharf (Brackett Street)

**ANNOUNCEMENTS:**

**SPECIAL MEETING:**

Motion was made by Councilor Bullett and seconded by Councilor Rodriguez to recess the meeting of the City Council and convene the Special Meeting of the Corporation of the Portland Fish Pier. Passed 8-0 (Councilor Ali absent)

**Order 215-23/24 Approving Merger of the Portland Fish Pier Authority with the Portland Fish Exchange and Other Actions - Sponsored by The Housing and Economic Development Committee, Councilor Pious Ali, Chair**

Motion was made by Councilor Phillips and seconded by Councilor Bullett for passage.  
Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. The following individuals spoke:  
Councilor Bullett

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez to adjourn the Special Meeting of the Corporation of the Portland Fish Pier meeting and reconvene the City Council meeting Passed 8-0 (Councilor Ali absent)

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

**City Council Meeting- May 20, 2024**

Motion was made by Councilor Sykes and seconded by Councilor Fournier for passage.  
Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. No one spoke.

**PROCLAMATIONS:**

**Proclamation 32-23/24 Recognizing June 19, 2024 as Juneteenth - Sponsored by Mark Dion, Mayor**

Councilor Pelletier read Proclamation 32-23/24 Recognizing June 19, 2024 as Junetheenth into the record.

**APPOINTMENTS:**

**Order 216-23/24 Appointing Constables for Parks, Recreation & Facilities and The Jetport Garage for 2024 - Sponsored by Danielle P. West, City Manager**

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez for passage.  
Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. No one spoke.

**CONSENT ITEMS:**

**Order 217-23/24 Declaring July 4, 2024 the July 4th Festival - Sponsored by Danielle P. West, City Manager**

\*Orders 217-23/24 through 223-23/24 were all read into the record together and voted on as consent items.

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez for passage.  
Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. No one spoke.

**Order 218-23/24 Granting Municipal Officers' Approval of Sabouk LLC, dba Rosies Restaurant and Pub. Application for Class XI Restaurant/Lounge with Indoor Entertainment with Parklets and Outdoor Dining on Public Property at 330 Fore Street - Sponsored by Danielle P. West, City Manager**

\*Orders 217-23/24 through 223-23/24 were all read into the record together and voted on as consent items.

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez for passage.  
Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. No one spoke.

**Order 219-23/24 Granting Municipal Officers' Approval of Highroller LLC, dba Highroller Lobster Company. Application for Outdoor Dining on Public Property at 106 Exchange Street - Sponsored by Danielle P. West, City Manager**

\*Orders 217-23/24 through 223-23/24 were all read into the record together and voted on as consent items.

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez for passage.  
Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. No one spoke.

**Order 220-23/24 Granting Municipal Officers' Approval of Allagash Brewing Company, dba Allagash Brewing Company. Application for Outdoor Dining on Private Property at 50 Industrial Way - Sponsored by Danielle P. West, City Manager**

\*Orders 217-23/24 through 223-23/24 were all read into the record together and voted on as consent items.

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez for passage.

Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. No one spoke.

**Order 221-23/24 Granting Municipal Officers' Approval of Bread and Olive LLC, dba Bread and Olive. Application for Outdoor Dining on Public Property at 937 Congress Street- Sponsored by Danielle P. West, City Manager**

\*Orders 217-23/24 through 223-23/24 were all read into the record together and voted on as consent items.

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez for passage.

Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. No one spoke.

**Order 222-23/24 Granting Municipal Officers' Approval of Bread and Oscar Pizza LLC, dba Otto. Application for Indoor Entertainment at 250 Read Street- Sponsored by Danielle P. West, City Manager**

\*Orders 217-23/24 through 223-23/24 were all read into the record together and voted on as consent items.

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez for passage.

Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. No one spoke.

**Order 223-23/24 Granting Municipal Officers' Approval of Portland Jamboree LLC, dba Camp Pennant. Application for Class XI Restaurant/Lounge with and Outdoor Dining on Private Property at 250 Commercial Street - Sponsored by Danielle P. West, City Manager**

\*Orders 217-23/24 through 223-23/24 were all read into the record together and voted on as consent items.

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez for passage.

Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. No one spoke.

**BUDGET ITEMS:**

**COUNCIL ACTION ON THE MUNICIPAL BUDGET WILL TAKE PLACE AFTER PUBLIC COMMENT. PUBLIC COMMENT AND FIRST READS OF ALL MUNICIPAL BUDGET ORDERS TOOK PLACE ON MAY 20, 2024.**

**Order 198-23/24 Approving Fiscal Year 2025 Administrative Fees for Legal, Parking, Fire, Planning, Public Works, and Parks Recreation & Facilities - Sponsored by the Finance Committee, Anna Trevorow, Chair**

Motion was made by Councilor Bullett and seconded by Councilor Phillips for passage.

Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorrow (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 199-23/24 Authorizing the City Manager To Enter into Certain Agreements To Implement the Fiscal Year 2025 Human Resources and Certain Fringe Benefits Budgets - Sponsored by the Finance Committee, Anna Trevorrow, Chair**

Motion was made by Councilor Trevorrow and seconded by Councilor Phillips for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorrow (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 200-23/24 Approving the Fiscal Year 2025 Self-insured Liability Program - Sponsored by the Finance Committee, Anna Trevorrow, Chair**

Motion was made by Councilor Trevorrow and seconded by Councilor Rodriguez for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorrow (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 201-23/24 Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by the Finance Committee, Anna Trevorrow, Chair**

Motion was made by Councilor Trevorrow and seconded by Councilor Rodriguez for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorrow (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 202-23/24 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2025 Health & Human Services Budget - Sponsored by the Finance Committee, Anna Trevorror, Chair**

Motion was made by Councilor Trevorror and seconded by Councilor Sykes for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorror (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 203-23/24 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by the Finance Committee, Anna Trevorror, Chair**

Motion was made by Councilor Trevorror and seconded by Councilor Sykes for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorror (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 204-23/24 Authorizing the Director of Parks, Recreation and Facilities to Accept Donations up to \$10,000 for Parks, Recreation & Facilities Department Programs and City Funds - Sponsored by the Finance Committee, Anna Trevorror, Chair**

Motion was made by Councilor Trevorror and seconded by Councilor Sykes for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorror (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 205-23/24 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Anna Trevorror, Chair**

Motion was made by Councilor Trevorrow and seconded by Councilor Sykes for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorrow (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 206-23/24 Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Anna Trevorrow, Chair**

Motion was made by Councilor Trevorrow and seconded by Councilor Rodriguez for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorrow (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 207-23/24 Designating Fiscal Year 2025 Funds for Specific Island Services - Sponsored by the Finance Committee, Anna Trevorrow, Chair**

Motion was made by Councilor Trevorrow and seconded by Councilor Sykes for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorrow (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 208-23/24 Appropriating \$9,300,000 in Fund Balance - Sponsored by the Finance Committee, Anna Trevorrow, Chair**

Motion was made by Councilor Trevorrow and seconded by Councilor Sykes for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorrow (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke:

Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 209-23/24 Amendment to Portland City Code Chapters 10, 24, 25, and 28 Re: Various Fee Increases for Fiscal Year 2025 - Sponsored by the Finance Committee, Anna Trevorow, Chair**

Motion was made by Councilor Trevorow and seconded by Councilor Sykes for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorow (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**Order 210-23/24 Fiscal Year 2024-2025 Appropriation Resolve - Sponsored by the Finance Committee, Anna Trevorow, Chair**

Motion was made by Councilor Trevorow and seconded by Councilor Rodriguez for passage as amended. Passage 8-0 (Councilor Ali absent), as amended.

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only speak at one of the two meetings offering public comment.

Councilor Trevorow (Finance Committee Chair) gave an overview of all budget orders. Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez to amend Order 210-23/24 to add \$136,851 in Portland Public Library Funding for passage.

Passage 5-3 (Councilors Fournier, Bullett, and Mayor Dion-No) (Councilor Ali absent) Amendment was included in backup materials.

Mayor Dion opened the floor to Council Comment. The following individuals spoke: Councilor Bullett, Councilor Sykes, Councilor Trevorow, Councilor Fournier, Councilor Rodriguez, Mayor Dion  
Amendment passed.

**Order 211-23/24 Amendment to Portland City Code Chapter 9 re: Funding Amount for Clean Election Fund for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Anna Trevorow, Chair**

Motion was made by Councilor Trevorow and seconded by Councilor Sykes for passage. Passage 8-0 (Councilor Ali absent)

\*Orders 198-23/24 through 211-23/24 were all read into the record at once. Public comment was taken on all budget orders at once. First reading and first public comment on budget items was taken at the May 20, 2024 Council meeting. Individuals can only

Speak at one of the two meetings offering public comment.  
Councilor Trevorrow (Finance Committee Chair) gave an overview of all budget orders.  
Mayor Dion opened the floor for public comment. The following individuals spoke:  
Stephen Scharf (Brackett Street), Will Hayward (55 William Street)

**UNFINISHED BUSINESS:**

**Order 213-23/24 Accepting and Appropriating \$10,000 Anonymous Donation to Portland Fire Department for National EMS Week Fund - Sponsored by Danielle P. West, City Manager**

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 8-0 (Councilor Ali Absent)

Keith Gautreau (Fire Chief) gave an overview of the item.

Mayor Dion opened the floor for public comment. No one spoke.

**Order 214-23/24 Approving the Collective Bargaining Agreement Between the City of Portland and Local 740 International Association of Firefighters, AFL-CIO - Sponsored by Danielle P. West, City Manager**

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez for passage. Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. No one spoke.

**ORDERS:**

**Order 224-23/24 Extending the Declaration of a State of Limited Emergency at 654 Riverside Street - Sponsored by Danielle P. West, City Manager**

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage as an emergency. Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. The following individuals spoke: Julie (Preble Street), Stephen Scharf (Brackett Street), Councilor Sykes

\*Item passed as an emergency, goes into effect immediately.

**Order 225-23/24 Accepting and Appropriating a \$120,000 Maine Infrastructure Adaptation Grant from the Maine Department of Transportation for the Union Branch Pathway Project - Sponsored by Danielle West, City Manager**

This is first reading.

**Order 226-23/24 Adopting Development Program for Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, Chair**

This is first reading.

**Order 227-23/24 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, Chair**

This is first reading.



**Order 228-23/24 Approving the Agreement between the City of Portland and Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, Chair**

This is first reading.

**Order 229-23/24 Adopting the Development Program for the Portland Tourism Municipal Development District for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair**

This is first reading.

**Order 230-23/24 Establishing Implementation Assessments for the Portland Tourism Municipal Development District for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair**

This is first reading.

**Order 240-23/24 Approving the Development Program Manager Agreement Between the City of Portland and Convention and Visitors' Bureau of Greater Portland, Doing Business as Visit Portland for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair**

This is first reading.

**Order 241-23/24 Approving the Amended Wage Scale and Additional Amendments to the Collective Bargaining Agreement with AFSCME Local 481-00, Labor and Trades - Sponsored by Danielle P. West, City Manager**

This is first reading.

**AMENDMENTS:**

**Order 242-23/24 Amendment to Portland City Code Chapter 32 RE: Stormwater Regulation - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair**

This is first reading.

**Order 243-23/24 Amendment to Portland City Code Chapter 24 RE: Discharge of Stormwater into Sewers - Sponsored by Sustainability and Transportation Committee, Regina Phillips, Chair**

This is first reading.

**Order 244-23/24 Amendment to Portland City Code Chapter 6 RE: Bird Friendly Building and Design Requirements - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair**

This is first reading.

**Order 245-23/24 Amendment to Portland City Code Chapter 34 RE: Soil Tests and Fertilization Application - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair,**

This is first reading.

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

Motion was made by Councilor Phillips and seconded by Councilor Trevorrow to adjourn. Passage 8-0 (Councilor Ali absent) at 6:26pm.

A TRUE RECORD

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Ashley Rand, City Clerk

# **P R O C L A M A T I O N**

## **RECOGNIZING**

### **JUNE 2024 AS IMMIGRANT HERITAGE MONTH**

**WHEREAS,** Generations of immigrants from every corner of the globe have helped build our country's economy and created the unique character of our nation; and

**WHEREAS,** Immigrants continue to grow businesses, innovate, strengthen our economy, and create American jobs in Portland, Maine; and

**WHEREAS,** Immigrants have provided the United States with unique social and cultural influence, fundamentally enriching the extraordinary character of our nation; and

**WHEREAS,** Immigrants have been tireless leaders not only in securing their own rights and access to equal opportunity, but also in campaigning to create a fairer and more just society for all Americans; and

**WHEREAS,** Despite these countless contributions, the role of immigrants in building and enriching our nation has frequently been overlooked and undervalued throughout our history and continuing to the present day; and

**NOW, THEREFORE, BE IT RESOLVED, THAT I,** Mark Dion, Mayor of the City of Portland, Maine, and members of the Portland City Council, do hereby proclaim June 2024 as Immigrant Heritage Month in the City of Portland.

**Signed and sealed this 17th day of June, 2024**



**Mark Dion, Mayor**  
**City of Portland**

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 5, 2024

**SUBJECT:** Order 249-23/24 Appointing Members to Various Boards & Commissions,  
Sponsored by Mark Dion, Chair of the Legislative and Nominating Committee

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: N/A**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

If passed, this order would appoint the following individuals to various boards and commissions:

| <b><u>Name</u></b> | <b><u>Board or Committee</u></b>                  | <b><u>Expiration of Term</u></b> |
|--------------------|---------------------------------------------------|----------------------------------|
| Dale Knapp         | Board of Assessment Review                        | 9/30/2026                        |
| Teale Smith        | CDBG                                              | 9/30/2025                        |
| Alan Freedman      | Civil Service Commission                          | 6/30/2027                        |
| Elaine Edwards     | Civil Service Commission                          | 6/30/2027                        |
| Phil Steele        | Clean Elections Review Board                      | 6/30/2027                        |
| Glenn Cummings     | Harbor Commission                                 | 12/31/2024                       |
| Michael Carey      | Landbank Commission                               | 6/30/2027                        |
| Even Ferguson-Hull | Landbank Commission                               | 6/30/2025                        |
| Dan Herzlinger     | Landbank Commission                               | 6/30/2027                        |
| Elizabeth Pagen    | Parks Commission                                  | 6/30/2027                        |
| Griffin Bourassa   | Parks Commission                                  | 6/30/2027                        |
| Helen Coyne        | Parks Commission                                  | 6/30/2027                        |
| Robert Foster      | Parks Commission -Landbank Liaison Representative | 6/30/2027                        |
| Patrizia Bailey    | Portland Housing Authority (5 Years)              | 6/30/2027                        |
| Christian MilNeil  | Portland Housing Authority (5 Years)              | 6/30/2029                        |
| Monique Mutumwinka | Portland Housing Authority (5 Years)              | 6/30/2029                        |
| Phoebe Cole        | Portland Public Art                               | 6/30/2027                        |
| Saa Rosenblatt     | Portland Public Art                               | 6/30/2027                        |

Five affirmative votes are required for passage after public comment.

### **III. BACKGROUND**

Background information that will not appear in the Agenda Description

### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

### **V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

### **VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

### **VII. RECOMMENDATION**

### **VIII. LIST ATTACHMENTS**

1. Appointment - Appointing Members to Various Boards & Commissions
2. Board & Committee Appointments - 06.17.2024
3. Board & Committee Applications-May 2024

Prepared by:

Date: 06/05/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER APPOINTING MEMBERS TO VARIOUS BOARDS & COMMITTEES**

**ORDERED**, that the following people are hereby appointed to the Boards and Committees indicated for the stated term:

| <b><u>Name</u></b> | <b><u>Board or Committee</u></b>                     | <b><u>Expiration<br/>of Term</u></b> |
|--------------------|------------------------------------------------------|--------------------------------------|
| Dale Knapp         | Board of Assessment Review                           | 9/30/2026                            |
| Teale Smith        | CDBG                                                 | 9/30/2025                            |
| Alan Freedman      | Civil Service Commission                             | 6/30/2027                            |
| Elaine Edwards     | Civil Service Commission                             | 6/30/2027                            |
| Phil Steele        | Clean Elections Review Board                         | 6/30/2027                            |
| Glenn Cummings     | Harbor Commission                                    | 12/31/2024                           |
| Michael Carey      | Landbank Commission                                  | 6/30/2027                            |
| Even Ferguson-Hull | Landbank Commission                                  | 6/30/205                             |
| Dan Herzlinger     | Landbank Commission                                  | 6/30/2027                            |
| Elizabeth Pagen    | Parks Commission                                     | 6/30/2027                            |
| Griffin Bourassa   | Parks Commission                                     | 6/30/2027                            |
| Helen Coyne        | Parks Commision                                      | 6/30/2027                            |
| Robert Foster      | Parks Commission -Landbank Liaison<br>Representative | 6/30/2027                            |

|                    |                                      |           |
|--------------------|--------------------------------------|-----------|
| Patrizia Bailey    | Portland Housing Authority (5 Years) | 6/30/2027 |
| Christian MilNeil  | Portland Housing Authority (5 Years) | 6/30/2029 |
| Monique Mutumwinka | Portland Housing Authority (5 Years) | 6/30/2029 |
| Phoebe Cole        | Portland Public Art                  | 6/30/2027 |
| Saa Rosenblatt     | Portland Public Art                  | 6/30/2027 |

City of Portland | City Clerk's Office  
Ashley Rand, *City Clerk*



**To:** Mayor and City Councilors  
**From:** Ashley Rand, City Clerk  
**Date:** June 17, 2024  
**Re:** Appointments to Various Boards & Commissions

The Nominating Committee is making the following recommendations to the Various Boards and Committees.

If passed, this order would appoint the following individuals to various boards and commissions:

| Name | Board and Committee | Expiration |
|------|---------------------|------------|
|------|---------------------|------------|

| <u>Name</u>          | <u>Board or Committee</u>    | <u>Expiration of Term</u> |
|----------------------|------------------------------|---------------------------|
| +*Dale Knapp         | Board of Assessment Review   | 9/30/2026                 |
| +*Teale Smith        | CDBG                         | 9/30/2025                 |
| Alan Freedman        | Civil Service Commission     | 6/30/2027                 |
| Elaine Edwards       | Civil Service Commission     | 6/30/2027                 |
| Phil Steele          | Clean Elections Review Board | 6/30/2027                 |
| +*Glenn Cummings     | Harbor Commission            | 12/31/2024                |
| *Michael Carey       | Landbank Commission          | 6/30/2027                 |
| *+Even Ferguson-Hull | Landbank Commission          | 6/30/205                  |
| Dan Herzlinger       | Landbank Commission          | 6/30/2027                 |
| Elizabeth Pagen      | Parks Commission             | 6/30/2027                 |
| Griffin Bourassa     | Parks Commission             | 6/30/2027                 |



|                    |                                                   |           |
|--------------------|---------------------------------------------------|-----------|
| Helen Coyne        | Parks Commision                                   | 6/30/2027 |
| Robert Foster      | Parks Commision - Landbank Liaison Representative | 6/30/2027 |
| +*Patrizia Bailey  | Portland Housing Authority (5 Years)              | 6/30/2027 |
| Christian MilNeil  | Portland Housing Authority (5 Years)              | 6/30/2029 |
| Monique Mutumwinka | Portland Housing Authority (5 Years)              | 6/30/2029 |
| Phoebe Cole        | Portland Public Art                               | 6/30/2027 |
| +*Saa Rosenblatt   | Portland Public Art                               | 6/30/2027 |

+Indicates New Board Member

\* Indicates filing an expired term

# Dr. Dale F Knapp

City of Portland | Generated 5/22/2024 @ 5:01 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Dr. Dale F Knapp  
**Application Date** 4/2/2024  
**Expiration Date** 4/2/2025  
**Status** Received

| Board (Rank)                   | Vacancies | Status               |
|--------------------------------|-----------|----------------------|
| Rent Board (1)                 | 1         | <span>Pending</span> |
| Board of Assessment Review (2) | 3         | <span>Pending</span> |

## Basic Information

**Name**  
Dr. Dale F Knapp

## Contact Information

**Address**  
6 May St Apt 2  
Portland, ME 04102

**Email**  
[Redacted]

**Cell Phone**  
[Redacted]

[Redacted] Information

**Notes**

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## **HEAD OF DEVELOPMENT - NEW ENGLAND - WALDEN RENEWABLES**

**Analytical leader currently pursuing doctoral degree in transformational leadership, complemented by proven success in leading all phases of renewable energy project development, including origination, operation, permitting, and procurement.**

Instrumental in steering and implementing large-scale permitting and restoration projects. Adept at evaluating project pipelines, assessing project viability/economics, and providing guidance to development teams. Successful in managing outside consultants' budgets and scope, as well as collaborating with local/state permitting agencies to ensure compliance with permitting requirements. Excels at partnering with landowners and community stakeholders to establish long-lasting relationships with host communities. Accomplished leader; recognized for training and mentoring cross-functional teams for streamlining end-to-end project operations. Author of 10+ publications and presentations; history of cultivating partnerships with colleagues, management executives, and key stakeholders to realize strategic business goals/objectives.

### **AREAS OF EXPERTISE**

- Strategic Analysis & Planning
- Creative Problem-Solving
- Agency Negotiation
- Procurement Response Management
- End-to-end Project Administration
- Team Building & Leadership
- Regulatory Compliance
- Relationship Building
- Process/Performance Improvement

### **ACCOMPLISHMENTS**

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- Led development and permitting of 17 operational wind projects, over 100 grid-scale solar projects, and 15 high-voltage transmission lines in New England alone.
- Spearheaded development of 750MW of new project pipeline in Maine, New Hampshire, and Connecticut.
- Equipped with national experience working on energy projects across the North American continent.
- Steered over a gigawatt of renewable energy projects, ranging from new prospects to operational facilities.

### **PROFESSIONAL EXPERIENCE**

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#### **Head of Development (New England), Walden Renewables - Portland, ME**

**2022 - Present**

Direct all facets of development, construction, and operations management of organizational entire New England portfolio, including over 1,000 MW of wind, battery, and storage projects, with a keen focus on accomplishing set business goals. Lead a cross-functional team of six professionals for management of multiple development projects from inception to completion within restricted timelines and budgetary constraints. Steer interconnection processes for optimizing project execution, ensuring performance improvement.

#### **Key Achievements:**

- Administered portfolio budget of over \$10M with emphasis on reducing costs while executing cost-effective approaches.

- Fostered and maintained professional relationships with teams, key stakeholders, management, and landowners.

#### **Company Principal, Biodiversity Research Institute – Portland, ME**

**2021 – 2022**

Spearheaded environmental consulting practices while advising on sustainability, such as waste management, recycling, flood risk, and effects of climate change. Leveraged proven expertise to lead wind/solar project development, permitting, and construction management while exceeding set performance benchmarks.

#### **Key Achievements:**

- Developed a consulting company housed within BRI independently developing a successful new branch of the company.
- Enhanced clients' experience while exceeding expectations and delivering best-in-class service.

#### **Company Principal, Boyle Associates – Portland, ME**

**2018 – 2021**

Spearheaded diverse initiatives, including business development, project administration, proposal response and scope development, ecological field surveys management, and strategic planning for permitting, to meet organizational objectives.

#### **Key Achievement:**

- Analyzed and permitted over 100 solar projects in Maine in first two years leading company.

#### **Energy Practice Leader | Senior Environmental Consultant, Tetra Tech – Portland, ME**

**2014 – 2018**

Led various large-scale projects ensuring successful completion. Drafted essential documents meeting requirements while adhering with state and federal regulatory agencies. Provided technical support for projects in relation to environmental compliance and management. Liaised with environmental consultants and other planning consultants, to ensure successful delivery of project.

#### **Key Achievements:**

- Mentored and guided junior members of environmental management team.
- Permitted various first grid-scale projects proposed in the states of Maine, Connecticut, and New Hampshire.

#### **Director of Water Resources, Woodlot Alternatives/Stantec – Portland, ME**

**2005 – 2014**

Led a cross-functional team of over 40 professionals for managing ecological field surveys, strategic planning, and permitting. Spearheaded development and review of resilient water management strategies, administration of water resources assessment, water policy, and planning programs.

#### **Key Achievements:**

- Permitted/Supported development on all operational wind projects in Maine; completed due diligence in field and led permitting efforts.
- Steered multiple large-scale permitting and restoration projects, from starting to finishing within stipulated timeframe.

**Additional Experience:** Field Scientist, Corinne Leary • Technician, Leary Soil Works

## **EDUCATION**

**Doctorate, Transformational Leadership** | University of New England – Portland, ME  
**Master of Science, Organizational Leadership** | Southern New Hampshire University – Manchester, NH  
**Bachelor's, Soil Science and Geology** | University of Maine – Orono, ME

## **LICENSES & CERTIFICATIONS**

**Licensed Site Evaluator (LSE)** | State of Maine  
**Certified Environmental Professional (CEP)** | ECO Canada  
**Certified Soil Scientist (CSS)** | State of Maine  
**Certified Professional Erosion and Sedimentation Control Professional (CPESC)** | EnviroCert International  
**Professional Wetland Scientist** | Society of Wetland Scientists  
**Certificate, Notary Public** | State of Maine  
**Certificate, Diversity Leadership** | University of New England  
**Certified Wilderness First Responder** | ASOLO

## KEY PROJECTS

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Sanford Solar Project • Quinebaug Solar Project • Constitution Solar Project • Nutmeg Solar Project • Sanford CGA Solar Project • Bingham Wind Project • Littlefield Solar Project • Bangor Solar Project • Farmington Solar Project • Wells Solar Project • Nutes Solar Project • Macwahoc Solar Project • Sara Mildred Long Memorial Bridge Project • Fryeburg Solar Project  
 Bingham Wind Project • Oakfield Wind Project • Hancock Wind Project • Kibby Wind Project • Gorham Solar Project • TransCanada Fifteen Mile Falls Project • Kingdom Community Wind Project • Stetson I & II Wind Projects • Dragon Quarry Expansion Project • Bowers Wind Project • Bull Hill Wind Project • Pine Tree Landfill Restoration Project • Rollins Wind Project • Hoosac Wind Project • New England Clean Energy Connection

## PROFESSIONAL ASSOCIATIONS

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**Member**, Association of State Wetland Managers • **Member**, Engineers Without Borders, University of Maine Chapter  
**Member**, Maine Association of Professional Soil Scientists • **Executive Director**, Maine Association of Site Evaluators  
**Past President**, Maine Association of Wetland Scientists • **Member**, New Brunswick Environment Industry Association  
**Professional Member**, Society of Soil Scientists of Southern New England  
**Chair**, Society of Wetland Scientists, New England Chapter • **Member**, The Wildlife Society

Dale Knapp  
6 May Street, Unit 2  
Portland, Maine 04102

April 2, 2024

To whom it may concern,

I am writing this letter to express my interest in becoming an active member of the Rent Board or the Advisory Committee.

My professional career began as a field scientist here in Maine, and I possess numerous professional licenses centered around environmental science. I worked my way up through the ranks to become a project manager, and then a business unit director, and ultimately a company principal. My work has focused primarily on renewable energy project development, but in concert with this I have also been responsible for leading large teams through complex regulatory processes and maintaining the business operations of several large environmental consulting companies. The science of management and leadership is a passion of mine, and it has led me to a rewarding and fulfilling career.

I am a team leader, in very diverse environments, from leading climbers up remote, ice-covered peaks in the winter, to leading professional staff through the recession of 2008, challenging situations is where I thrive. My goal is to approach every problem or situation with the freshest perspective I can, I abhor "cut and paste" solutions and any mind set of doing things the same way repeatedly. This keen interest in reinvention is what has led me to write this letter. This is an exciting time to be alive, and we have a lot of work to do in order to improve our relationships with both the planet we call home and the human beings we share it with.

I believe I have been sitting on the sidelines for too long and would like to get involved in contributing to making Portland a diverse, thriving, and welcoming city. This committee requires citizens to participate, and I believe that I qualify to serve.

Thanks for your time and consideration!

A handwritten signature in blue ink, appearing to read 'Dale F. Knapp', with a stylized flourish extending from the end.

Dale F. Knapp

# Mr Teale Kenneth Smith

City of Portland | Generated 5/22/2024 @ 5:09 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Mr Teale Kenneth Smith  
**Application Date** 4/22/2024  
**Expiration Date** 4/22/2025  
**Status** Received

| Board                              | Vacancies | Status               |
|------------------------------------|-----------|----------------------|
| CDBG (Annual Allocation Committee) | 1         | <span>Pending</span> |

## Basic Information

**Name**  
Mr Teale Kenneth Smith

## Contact Information

**Address**  
25 High Street  
Unit 303  
PORTLAND, ME 04101, ME 04101

**Email**  
[Redacted]

**Phone**  
[Redacted]

**Cell Phone**  
[Redacted]

[Redacted] Information  
**Notes**

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## PROFILE

TEALE  
K.  
SMITH

## CONTACT

PHONE:

## EDUCATION

### Lake Forest Graduate School of Management

2005 - 2006

Coursework for MBA that was tailored to my position with Clarke Mosquito Control. A requirement of the program was that the candidate must be employed and apply the coursework to real life work situations. Degree not achieved.

### University of Illinois - Springfield

1992 - 1994

Bachelor of Arts - Political Studies  
Minor: Environmental Studies  
Member Pi Sigma Alpha Honor Society

### University of Iowa

1987 - 1990

Political Science, degree not achieved  
Member: Sigma Nu Fraternity

## WORK EXPERIENCE

### Maine Limousine Service, Scarborough, ME - Owner

November 2007- October 2023

As an owner, I was responsible for all aspects of the operations - Human Resources, safety, training, and P&L. Grew the company into the largest livery providing in the State of Maine with a multi-million dollar revenue. Member of Visit Portland, National Livery Association and New England Livery Association (Served on the Executive Board and was Treasurer, 2010 - 2019)

### Home Carpet One, Chicago, IL - Manager

October 2006 - June 2007

Responsible for oversight of the Warehouse and Installation of carpet, tile and hardwood. Annual revenue of \$12.3 million. Coordinated materials inventory and installation scheduling. Worked with sales to assure client expectations were being met. Oversaw customer satisfaction and addressed any issues that arose.

### Clarke Mosquito Control, Roselle, IL - Director of Operations

February 2003- September 2006

Responsible for oversight of Service Division for the United States that included 5 offices and an emergency response team for immediate needs in areas not under a service contract. Clients included municipal organizations, private companies and private citizens. Duties included managing contracts for treatment programs including Truck treatments, ATV, helicopter and planes. Assuring that proper seasonal help was acquired, trained and licensed according to local, state and national laws. Working with sales staff to assure that client expectations were being met. Also has oversight of the Aquatic Treatment division, which was responsible for Algae and aerations solutions for standing water, including retention ponds and standing water.

### Empire Today, Northlake, IL - Corporate Operations Manager

November 2001- February 2003

Responsible for market expansion and oversight of existing markets. This included 10 new markets and 5 existing markets during my tenure. Duties included - identifying proper market location to accommodate future growth, coordinating the hiring and training of staff - General Manager, Sales Manager, Accountant, Installation Manager and office support staff.

Worked with IT Department to develop custom programs to improve operations and to centralize some operational functions.

### Market Advantage, Evanston, IL - Operations Manager

February 200 - September 2001

Responsible for oversight of operations for market advertising tracking service for Fortune 500 companies. Worked with IT Department to improve the software for manual entry of information. Oversight of data entry with weekly deadline for delivery of market tracking of 57 markets, including zone differences within the market.

### National Waste Service, Chicago, IL -

April 1996 - July 1999

Community & Industry Affairs Manager, - Liaison for local and state government interaction. Including interacting with governmental agencies to assure proper permits were in place and address any potentially impactful legislation.



**National Waste Service, Chicago, IL -**

April 1996 -July 1999

General Manager - Responsible for oversight of 9 waste transfer and recycling facilities in the Chicago Metropolitan area with revenue of \$19million. Oversight of P&L, coordinating trucking operations to landfills, recycling operations utilizing blue bag system. Worked with union, non-union and contract labor.

**Community Recycling Center, Champaign, IL - Commercial Accounts Manager**

July 1995 - April 1996

Responsible for set up and management of recycling accounts for Not for Profit organization.

**City of Decatur, IL - Environmental Planner**

November 1991 -June 1995

Responsible for oversight of 27 licensed waste haulers and new curbside recycling contract. Conducted Environmental Review Records for all CDBG funded projects. Certified Environmental Property Assessor, Certified Asbestos Inspector and Licensed Lead Inspector. Oversight of Sideyard Program - City foreclosure of properties with liens and then sell to adjoining property owner. Worked in Community Development Department that included neighborhood programs, Building Department and Inspections Department.

**SKILLS**

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- Profit and Loss, budgeting
- Safety Training and Insurance
- Human Resources

Teale K Smith  
25 High Street, Unit 303  
Portland, ME 04101

Rowen McAllister  
City of Portland Maine

RE: Application for CDBG Annual Allocation Committee

Dear Rowen:

I am writing to submit my application for the CDBG Annual Allocation Committee.

Early in my career, I worked in the Community Development Department for the City of Decatur, Illinois. A part of my duties was working with committee for Annual Allocation in the capacity of performing the Environmental Review Records for HUD funded projects.

My wife and I moved to Portland in 2017 from Saco and have enjoyed many aspects of Portland.

Recently, we sold our company and, as a result, I happen to have some extra time and am looking for an opportunity to get involved in the community. I feel that my background and experience would be a good fit for this committee.

I look forward to speaking with you further about this opportunity.

Sincerely,

Teale Smith

164 Caleb Street  
Portland, ME. 04102  
April 24, 2024

Appointment Committee Chair  
389 Congress Street  
Portland, ME. 04101

Dear Chairperson:

I am currently serving as a member of the Civil Service Commission and wish to again be considered for nomination and appointment to that position. I understand the importance of recruiting, hiring, promoting and retaining individuals who are motivated to provide the highest possible level of service to the citizens of Portland. Accordingly, I wish to again serve as a member of the Employment Subcommittee.

The commitment and dedication to the principles of community service that I have observed from city employees with whom I have served on candidate interview panels has been impressive. Panelists understand that candidates are expected to meet a very high standard, and those standards have not been compromised during my tenure as a member of the Civil Service Commission.

My education and life experience make it possible for me to enrich the discussions that panelists engage in while evaluating each candidate. I value and respect the perspective of each panelist with whom I serve, and my perspective is also respected. My status as a veteran is advantageous when interviewing candidates who are also veterans, especially if I am serving on a panel where none of the other evaluators have served in the military.

It has been an honor to have been allowed to serve on the Civil Service Commission Employment Subcommittee and I hope that I have earned the opportunity to again serve the citizens of Portland in that capacity.

Thank you for your consideration.

Sincerely yours,

Alan J. Freedman  


## **Alan Freedman**

164 Caleb Street  
Portland, Maine 04102

**Objective:** Critically thinking retiree seeking a position as a member of the Portland Civil Service Commission Employment Subcommittee

**Skills Overview:** Leadership, team building, mentoring, prioritization, budgeting, strategic planning, resource allocation and coordination, project management, roofing, carpentry, plumbing, commercial motor vehicle operation, PADI open water diver, EMT-B

### **Self Employment:**

- Residential renovation
- Property management
- Residential sales
- Author of magazine articles on workplace safety and organizational culture

### **Community Engagement:**

#### **Portland Maine Civil Service Commission Employment Subcommittee**

Participate in public safety entry level and promotional candidate interviews, approve various elements of the civil service testing process and may hold disciplinary hearings if required.

#### **American Red Cross**

Instructor of CPR, First Aid and Personal Safety

#### **Special Olympics**

Provided medical assistance to any athlete or spectator experiencing illness or injury

#### **Mission Health System**

Owen Heart Center Information Staff

#### **North Carolina Mock Legislature**

Mentored High School students participating as legislators in the General Assembly

#### **Roslindale Village Market Committee**

Public-private collaboration committed to establishing a supermarket to anchor the revitalization of an urban business district

### **EDUCATION:**

#### **MPA, Western Carolina University**

- . Pi Gamma Mu International Honor Society
- . The Honor Society of Phi Kappa Phi
- . Graduate School Research Symposium Student Paper Competition, Finalist: Education Category
- . Student member: Society for Human Resource Management (SHRM)

#### **BS, Boston State College (now UMASS-Boston)**

April 18, 2024

Appointments Committee Chairman

c/o City Clerk

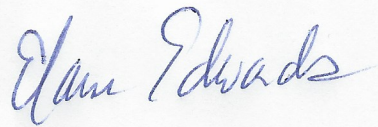
389 Congress St

Portland, Maine 04101

Please accept my resume for the Civil Service Commission Employment Sub Committee. I have served on this committee for the past six years. I wish to continue to serve.

Thank you for this opportunity.

Elaine P. Whitmore Edwards





Resume of Elaine P. (Whitmore) Edwards

Education

Portland High School 1967-1969

University of Southern ME 1969-1973 B.S. Education, Major English, Minor History

Career

United States Postal Service, Portland ME College Postal Assistant October 1970-September 1973.

United States Postal Service Career September 1973 to July 1, 2012

Positions

Retail and Mail Processing Clerk September 1973 - May 1979 Portland ME Post Office

City Carrier Portland May 1979 - October 1985

Postmaster Woolwich ME October 1985 to June 1988

Supervisor Bath ME Post Office June 1988 to May 1992

Postmaster Boothbay Harbor ME May 1992- May 1999

Diversity Specialist District of Maine May 1999 to February 2003

Postmaster Cumberland Ctr ME February 2003 to July 2012

Training

Certified Interviewer

Promotion Board Member, Chair

Equal Employment Opportunity

Certified Global Career Development Counselor, Facilitator

Train the Trainer

Volunteer Position

City of Portland Civil Service Commission Subcommittee June 2018 - present

# Phil Steele

City of Portland | Generated 5/23/2024 @ 2:01 pm by OnBoardGOV - Powered by ClerkBase

## Status

|                  |             |
|------------------|-------------|
| Name             | Phil Steele |
| Application Date | 5/25/2023   |
| Expiration Date  | 5/25/2024   |
| Board Member     | Phil Steele |
| Status           | Validated   |

| Board                        | Vacancies | Status  |
|------------------------------|-----------|---------|
| Clean Elections Review Board | 0         | Pending |

## Basic Information

Name  
Phil Steele

## Contact Information

Address  
22 Clifford Street  
Portland, ME 04102

Email  
[Redacted]  
[Redacted]  
[Redacted]

## Additional Information

Notes

Generated 5/23/2024 @ 2:01 pm

Phil Steele  
22 Clifford Street  
Portland, ME 04102



## **Education**

Princeton University, BA Degree in Economics, 1971 . Wrote thesis on pricing the use of automobiles in the Manhattan CBD. Magna Cum Laude.  
Stanford University, MBA Degree, 1977. Specialty in Public and Non-Profit Management.

## **Work History**

1977 – 1979 Legislative Assistant, Congressman Jim Jones. Worked on tax and budget policy for Oklahoma congressman on US House Ways and Means and Budget Committees.

1979-1982 Chief Financial Officer, The Wilderness Society, Washington, DC

1983-1990 Management Consultant, accounting firm of Seidman and Seidman, Boston, MA.

1991-1995 Executive Vice President for Strategy, American Stock Exchange, New York, NY

1995-1997 Senior Vice President for Strategy, Children's Television Workshop, New York, NY

1998-2014 Owner and Director, Waukeela Camp for Girls, Eaton Center, NH

## **Volunteer Experience**

After selling my business and retiring in 2014, I have volunteered my time on several local and statewide initiative campaigns. Locally these have included the 4 School “Buildings for our Future” Campaign and the Fair Election Portland Campaigns for Ranked Choice Voting and Clean Elections. I also worked on the Research Committee of the Portland League of Women Voters providing analysis to the recent Portland Charter Commission. Statewide I worked with the Committee for Ranked Choice Voting on their 2014-2016 initiative campaign and their People's Veto Referendum Campaign in 2018. I most-recently served as the Director of Compliance on the Protect Maine Elections Campaign.

## **References:**

Anna Kellar, Fair Elections Portland  
Emily Figdor, Portland School Committee  
Valerie Kelly, Portland League of Women Voters





Phil Steele  
22 Clifford Street  
Portland, ME 04102



Nominating Committee  
City of Portland Boards and Commissions

To Whom it May Concern:

I am a 73 year-old retired small business-owner who has lived in the West End for the past 20 years. Since my retirement in 2014, I have been a close follower of Portland and Maine state politics, testified several times before the City Council and Maine state legislature, and written numerous LTE's to the Portland Press Herald about issues I particularly care about, but I have not yet served on a city board or commission. I would like to remedy that latter situation, if possible, by serving on the new Clean Elections Review Board.

I have been a member of and active participant in Fair Elections Portland since its inception, serving as one of the first signature gatherers for both their RCV and Clean Elections initiative campaigns. When the City Council met to decide if the latter was a "charter revision" or a "charter amendment", I testified in favor of the latter, and I joined the lawsuit against the City when the Council insisted only a Charter Commission could take up the question. I closely followed, and provided testimony at, the subsequent Charter Commission meetings on this (and several other) topics, and was delighted when the Commission's CE proposal was approved by voters this past November. I was also deeply involved in drafting Fair Elections Portland's recent recommendations to the City Council for how to implement a Clean Elections program here. And with that by way of background, I am eager to serve on the new Review Board to ensure the program goes well from its very start.

Thanks very much for your consideration.

Sincerely yours,

Phil Steele  
May 25, 2023

## **Bio: Dr. Glenn A. Cummings**



Dr. Glenn Cummings currently serves as President and CEO of the Glickman-Lauder Foundations and Family Office. He has overseen business investments and philanthropic initiatives of the Glickman-Lauder family since 2022.

Previously, he served eight years as university president within the University of Maine System, with one year at the University of Maine at Augusta and seven years at the University of Southern Maine. He set USM records in philanthropy which physically transformed the Portland Campus with a new student center, a 570-bed residence hall, and laid the groundwork for the first-ever Center for the Arts. During his tenure, the school enrolled an unprecedented number of out-of-state students, raised over \$10 million for the Promise Scholars Program for first generation college students, and balanced the university budget without system support for seven consecutive years, leaving a \$6.5m surplus.

Cummings was appointed by President Barak Obama as Deputy Assistant Secretary within the U.S. Department of Education in 2008 where he worked to increase overall national college attainment and served as chair of the Department's Green Initiatives program. He is a former Speaker of the House in the Maine House of Representatives, Majority Leader, and Chairman of the state's Joint Committee of Education and Cultural Affairs. The first Clean Election candidate in the country under Maine's clean election law in 2000, Cummings led the passage of nationally

recognized legislation, including bills in anti-predatory lending, lead poisoning prevention, land conversation, K-12 funding formulas, and the creation of the Maine Community College System.

He remains a long-serving member of the USM faculty.

Cummings began his academic career as a high school history teacher and department head in Gorham, ME where he met his wife, Leslie Appelbaum, now a teacher with the Portland Public Schools. They have two adult children, Kiernan and Skyler.

He is a life-long runner, sea kayaker, and enjoys uphill skiing. He is learning to play the violin.

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GLENN A. CUMMINGS, ED.D

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## CURRICULUM VITAE

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EDUCATION

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**ED.D, UNIVERSITY OF PENNSYLVANIA** Graduate School of Education

**Doctorate in Higher Education Management**

**Specialization:** Leadership and Strategic Planning in Higher Education, Enrollment Management, Trustee and Board Relations and Organizational Change in Higher Education

**MPA, HARVARD UNIVERSITY** John F. Kennedy School of Government

**Masters of Public Administration**

**Specialization:** economic development, educational policy, organizational change, and strategic management of the public sector.

**MAT, BROWN UNIVERSITY** Graduate School of Education

**Master of Arts in Teaching**

**Specialization:** educational methodology with focus in History and Social Science

**BA, OHIO WESLEYAN UNIVERSITY**

**Bachelor of Arts, Summa Cum Laude**

**Specialization:** American History and Political Science

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## CAREER

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**THE GLICKMAN-LAUDER FOUNDATION AND INVESTMENTS**, Portland, Maine, *January 2022-present*

### **Chief Executive Officer and President**

Solicited by Judith Glickman Lauder (the spouse of Leonard Lauder, CEO emeritus of Estee Lauder) to lead her family office. \$350M Assets Under Management; \$50M private foundation focused on the arts, education, and mental health.

Specific goals and achievements include:

- Overall responsibilities for the execution of strategic philanthropy
- Management of the Family Office investments and budget
- Oversaw the transition from a single asset class into a more diversified portfolio.
- Responsible for Family services while in Maine.
- Supervised the overhaul of the accounting system to a new, more efficient, system.
- Hired Chief Investment Officer and CFO, and household staff members.

**UNIVERSITY OF SOUTHERN MAINE**, Portland, Maine, *2015-2022*

### **President**

Appointed by the University of Maine System Board of Trustees as the 13<sup>th</sup> President of the University of Southern Maine. Maine's only urban regional comprehensive university; 8,500 undergraduate and graduate students; part of the University of Maine System; largest public university in the state next to the flagship; budget of ~ \$200M.

Specific goals and achievements include:

- Turned around a severe fiscal crisis between 2012-2014, to present a balanced budget for seven consecutive years, expanding reserves to over \$7M
- Six years of enrollment growth, with only the pandemic (fall of 2020) being an exception (-1.3%); Early College program enrollment has nearly tripled since 2015.
- Designed and funded the largest building project in university history, including a 600-bed residence hall - the first overnight on the Portland campus, a 60,000 square foot adjacent student center, and the creation of a large grass quad (formerly a parking lot). Projected completion in 2023.
- Record amounts of fundraising with philanthropy, voter-approved investments, and revenue bonds amounting to just under \$300MM.
- Retention has increased by 7% as a result of a nationally recognized innovation in advising and leveraging scholarship funds.
- Raised academic reputation of University and strengthened average entering High School GPA from 2.9 to 3.31 with focus on academic excellence; Honors Program has multiplied exponentially from 50 students to over 500.
- Managed the complex waters of COVID-19 safety with one of the lowest positivity rates in the national higher education landscape.

**UNIVERSITY OF MAINE AT AUGUSTA**, Augusta, Maine, *September 2014-June 2015*

**President, one year appointment**

Appointed by the University of Maine System Board of Trustees for a one-year contract to lead UMA. Mid-sized regional comprehensive university; enrollment of 6,100 undergraduates with two master's programs; strong state-wide on-line footprint; budget ~\$130M.

Specific goals and achievements include:

- Execution of favorable NEASC accreditation review by Spring 2015
- Successful transition of the capital campaign from private to public
- Creation of Comprehensive Enrollment Strategy review and redirection
- Development of 5-Year Strategic Plan to include retention, recruitment and enhanced program offerings based on market needs
- Maintain fiscal discipline while investing in selected areas of revenue growth
- Represent UMA in multiple areas of the region's economic, social and political spheres, creating strong and effective community bonds with key regional-metropolitan partners
- Promote and work in partnership with the Chancellor and the University of Maine System leaders to enhance the effectiveness of the system comprehensively

**U.S. DEPARTMENT OF EDUCATION**, Washington, D.C., *2009-2010*

**Deputy Assistant Secretary**

Appointed by President Barack Obama to serve at the direction of the U.S. Secretary of Education Arne Duncan.

- Responsible for leadership in policy development for post-secondary education "access and completion" priorities and the management and supervision of \$1.9B in federal allocation for Perkins IV funding and Adult Education to all fifty states and U.S. territories.
- Participated in the formation of the White House's American Graduation Initiative, the largest (intended) investment in higher education since the GI bill
- Led US Delegation to Amman, Jordan for a symposium with 13 Arab countries on US higher education
- Chosen to Chair the U.S. Department of Education's Green/Sustainability Initiative
- Representative of the U.S. Department of Education for the White House Initiatives on Regional Innovation Clusters and Recovery through Retrofit

**UNIVERSITY OF SOUTHERN MAINE**, Portland, Maine, *1997-2014*

**Assistant Professor of Educational Leadership and Economic & Public Policy** 2012-2014

Position includes professorship, research responsibilities, and teaching at both the doctoral and master's Degree courses

**Director, Southern Maine Partnership** 2012-2014

Appointed to lead regional educational reform effort through the University of Southern Maine

**Adjunct Professor of Economics, Department of Economics** 1997-2013

Taught both Micro and Macro Economics.

**G.W. HINCKLEY FOUNDATION / MAINE ACADEMY OF NATURAL SCIENCES**, Fairfield, Maine, 2010-2014

**President and Executive Director**

Appointed President and Executive Director to transform the vision, program and operations of a 121-year-old Maine educational institution, now specializing in sustainability, natural sciences and agriculture

- Responsible for all long-term strategy, financial stability and operations
- Managed \$13MM endowment
- Oversaw key real estate sales to reduce operating costs and construct key program partners
- Returned endowment to historic levels and eliminated all standing debt
- Successfully brought the Maine community College to campus and constructed MOU for long-term partnership with the local community college system
- Secured on-going state revenue for a state-wide agricultural and natural sciences-based magnet school
- Developed, launched, and led the first charter in Maine history
- Helped raise over \$12.5MM in private funds to complete educational mission, including a \$6.5MM for the creation a new net-zero carbon-emissions high school

**MAINE HOUSE OF REPRESENTATIVES**, Augusta, Maine 2002-2008

**Speaker of the House**, Maine House of Representatives, 2006-2008

Unanimously elected to serve as the chief presiding officer of the Maine House of Representatives, responsibility for the political and administrative management of the institution. Provided leadership for the passage of a bi-partisan biennial budget; brokered agreement on the largest economic investment bond package in the state's history; and led a bi-partisan effort to increase higher education appropriations. Chief House negotiator and co-architect of \$6.4B. FY07-09 budget. Oversight, management of the Legislature's 151 lawmakers, 217 partisan and non-partisan staff, 18 Joint Standing Committees. Direct management and oversight of the Legislature's comprehensive budget.

**Majority Leader**, Maine House of Representatives, 2004-2006

Charged with providing a dynamic voice, a compelling vision, and effective leadership for the Democratic Caucus, including the creation and implementation of the legislative agenda and the recruitment of 151 candidates. Expand the caucus from a one-vote margin to a 30-vote lead in two years.

**House Chair**, Committee on Education and Cultural Affairs, 2002-2004

Led in the crafting of some of the state's most complicated and far reaching educational reforms, including the restructuring of K-12 school funding, the crafting of the Essential Services and Programs model of funding, and the creation of the Community College System. Strong advocate for Arts in Education



**SOUTHERN MAINE COMMUNITY COLLEGE**, South Portland, Maine, 2002-2009

**Dean of Advancement**, Southern Maine Community College, 2005-2009

Responsible for the creation, guidance and execution of the college's fundraising campaign and their initial investment at the Brunswick naval Air Station. Engaged in crafting and articulating a compelling vision and an economic case for the investment in Maine's largest and fastest growing community college.

**Founder/Director**, Entrepreneurial Center, 2002-2004

Designed and implemented an innovative program creating the first entrepreneurial center and small business incubator program in Northern New England

**Professor**, Business Department, 2002-2009

Business, entrepreneurship and economics professor

**PORTLAND PARTNERSHIP**, Portland, Maine, 1997-2002

**Executive Director**

Organizational mission is to build strategic partnerships between business and high school students. Led 22-member team and reported to 15-member board of Directors; double business partnerships, raised \$1.1MM in grants and in-kind donations and brought volunteer hours to the highest of any school district in Northern New England.

**GORHAM HIGH SCHOOL**, Gorham, Maine, 1984-1995

**Teacher**, American History and Debate

**Department Head** History/Social Sciences, 1985-1992

**Developer**, ATLAS, 3-year Comprehensive School Reform Project in Collaboration with Harvard, Brown, and Yale Universities, 1992-1995

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## FUND RAISING ACCOMPLISHMENTS

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### Grants/Campaigns:

\$300MM in fundraising with philanthropy, voter-approved investments, and revenue bonds  
\$12.5MM for launch of Maine Academy of natural Sciences, Maine's first Charter School  
Co-Raised \$1.1 MM, Maine record for Presidential primary fund-raising as Co-Chair of the Obama 2008 Campaign  
\$1.2 MM for the Portland Partnership, 1997-2002  
Co-Raised \$1 MM in contributions during legislative leadership, 2003-2007  
Co-Raised \$460,000 for the House campaign Committee, 2004, 2006  
\$81,000 for the Cummings Political Action Committee, 2005-2006  
\$324,000 in 6 months, founding the Entrepreneurial Center at SMCC, 2003

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## PUBLIC POLICY ACHIEVEMENTS

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Created the Maine's Prosperity Joint Select Committee charged with creating a multi-sector plan for economic development, 2007

### Leadership in Legislative Sponsorship

During leadership cut the state structural budget gap in half and built the state's "rainy day" fund from \$0 to over \$100MM

**Homeowner Protection Act, 2007**, one of the nation's toughest and leading anti-predatory lending laws

**College Access Act, 2007**, first in the nation law to require college applications to be part of high school curriculum

**Regional Greenhouse Gas Initiative, 2007**, Chief negotiator, 10-state initiative, creating the nation's first carbon cap and trade market

2007, creating PhD Arts program and ISDVA (Inst. For Doctoral Studies in the Visual Arts)

2006, increasing minimum teacher salaries

2006, led Caucus to increase the state minimum wage

**Low Income Heating and Energy Assistance, 2005**, \$MM in emergency funds and an additional \$50,000 in private contributions

2004, first in the nation law giving 17-year old's a vote in primaries

**Act to Establish the Community College System, 2003**

**Childhood Lead Screen Act, 2003**, landmark legislation requiring lead poisoning screenings for all Maine Children

2003, passing the state's comprehensive overhaul of K-12 funding

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## COMMUNITY SERVICE

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**Board of Directors** Jobs for Maine Graduates, Augusta, Maine, 2020 – *Present*  
**Board of Directors**, United Way of Greater Portland, Portland, Maine, 2017 – *present*  
**Board of Directors**, CEI (Coastal Enterprises, Inc.), Wiscasset, Maine, 2011 – 2019  
**Board of Directors**, IDSVA, Institute of a Doctoral Studies for the Visual Arts, 2010 – 2015  
**Maine House of Representatives**, four terms of service, representing Portland, 2000 – 2008  
**Advisory Board**, Margaret Chase Smith Policy Center, 2006 – 2008  
**Board of Directors**, Maine Compact for Higher Education, 2002 – 2008  
**Trustee**, Bread for the Journey Foundation, 2005 – 2007  
**Board of Directors**, Long Creek Youth Development Center, 2002 – 2004  
**Trustee**, Breakwater School, 2001 – 2003

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## PUBLICATIONS & PUBLIC APPEARANCES

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**Official National Delegate**, Domestically and Internationally, on behalf of Secretary Duncan and the U.S. Department of Education with substantial public speaking responsibility, including press and media events, 2009-2010  
**Official State Delegate** and frequent public speaker in capacity as Speaker of the Maine House, 2002-2008  
**Co-author** of the nationally recognized Public Policy Exhibition, 1990  
**Speaker** for the national and regional forums on public policy and education issues, *Ongoing*  
**Appearances** in state and national television, radio and print media on broad range of policy and public interest issues, *Ongoing*  
**Print Coverage** in Business Week, the New York Times, US News and World Report, and the Chronicle of Higher Education

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## AWARDS AND RECOGNITION

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Emeritus Status, University of Southern Maine, now in process, 2024  
Naming of the Cummings Courtyard” at the University of Southern Maine’ main campus, 2024  
Legislator of the Year, Maine Bankers Association, 2007  
Distinguished Service Award, Maine Credit Union League, 2007  
Community college Advocate of the Year Award, 2007  
Maine Medical Association Legislator of the Year, 2002  
The first Clean Elections Candidate in the Country, 2000  
Scott Black Fellow, JFK School of Government, Harvard University, 1996  
Full tuition scholarship to Brown University Graduate School of Education, 1983  
Hasting S. Eells Award for Most Distinguished Student of History, Ohio Wesleyan University, 1983  
Newberry Fellowship for the study of politics and literature, Chicago, IL, 1982

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## PERSONAL

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Born and raised in Bath, Maine; 12<sup>th</sup>-generation native Maine resident and the first individual in my family to obtain a 4-year college degree; grandmother graduated from the Gorham Normal school (now USM) in 1927.  
Married: Leslie Appelbaum; two children; Kiernan (28), Skyler (25)  
Avid runner, cyclist, and reader

# Mr. Dan Herzlinger

City of Portland | Generated 5/22/2024 @ 5:23 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Mr. Dan Herzlinger  
**Application Date** 5/12/2024  
**Expiration Date** 5/12/2025  
**Status** Received

| Board                                | Vacancies | Status               |
|--------------------------------------|-----------|----------------------|
| <a href="#">Land Bank Commission</a> | 1         | <span>Pending</span> |

## Basic Information

**Name**  
Mr. Dan Herzlinger

## Contact Information

**Address**  
106 Parsons Road  
Portland, ME 04103

**Email**  
[Redacted]  
[Redacted]

## Additional Information

**Notes**

Generated 5/22/2024 @ 5:23 pm



# Daniel J. Herzlinger, PWS

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## Summary of Qualifications

- Versatile Project Manager and Professional Wetland Scientist (PWS) with over sixteen years of experience in non-profit, government and environmental consulting industries.
- Regulatory expertise in a range of laws including the Maine Natural Resources Protection Act, Massachusetts Wetlands Protection Act, Massachusetts Environmental Policy Act, Rhode Island Freshwater Wetlands Act, Section 401 and 404 of the Federal Clean Water Act, NPDES Phase II, New York State Article VII and Vermont Section 248 Petitions.
- Skilled in wetland delineation under state and federal methods.
- Represent clients at meetings and regulatory hearings.
- Technical expertise with GIS and sub-meter accurate GPS.

## Education

**Nicholas School of the Environment, Duke University, Durham, NC**  
**MASTER OF ENVIRONMENTAL MANAGEMENT, May 2001**

- *Master's Project:* Identifying landscape characteristics of black bear corridors in Vermont.

**Bates College, Lewiston, ME**  
**BACHELOR OF ARTS, BIOLOGY, May 1997**

- *Study Abroad:* School for Field Studies, British Columbia, Canada, Summer 1996

## Professional Experience

**TRC, Scarborough, ME, 2013 – present**  
**Senior Project Manager/Senior Wetland Scientist**

- Project manager for renewable energy generation facilities and transmission infrastructure projects.
- Coordinate and oversee environmental field surveys, civil engineering design, visual assessments and geotechnical investigations for clients with projects throughout New England.
- Manage portfolio of utility maintenance projects on transmission lines, distribution lines and substations from design and permitting to environmental construction inspections. Develop scope of work, oversee staff and maintain project budget and schedule for regional utility.
- Prepare licensing and permitting submittals for: New York Article VII, Vermont Section 248 Petitions, FERC filings, federal Clean Water Act, MA Wetlands Protection Act, 401 Water Quality Certifications, MA Chapter 91 and NPDES Phase II Stormwater.

**ESS Group, Inc. Waltham, MA, 2006 – 2013**  
**Project Scientist/Group Manager**

- Managed workload backlog, delegate work to staff within practice area, led weekly practice area meetings and oversaw implementation of the practice area business development plan.
- Served as project manager; coordinate with clients and lead multidisciplinary project teams to implement projects on schedule and within budget.
- Fostered new business opportunities through attendance at networking events, conferences and outreach to potential clients.
- Prepared proposals, including detailed scopes of work and budgets, for a range of federal, state, municipal, non-profit, energy sector and industrial clients.
- Specialized skills in ecological field investigations, wetland delineations, environmental permit preparation, watershed management plan development, wildlife habitat evaluations and rare species surveys.

**Town of Acushnet, Acushnet, MA, 2004 – 2005****Conservation/Planning Agent**

- Administered the MA Wetlands Protection Act; reviewed RDA and NOI filings consisting of site plans, construction narratives, drainage calculations and wetland replication sequences.
- Served as technical advisor to Conservation Commission; provided reports and made recommendations to the Commission, answered technical inquiries at public hearings.
- Chaired the Town's Phase II Stormwater Committee; worked with other departments to implement the Town's Stormwater Management Plan.
- Coordinated natural resource protection and management for the town; assessed parcels for acquisition and prepared management plans.
- Conducted site visits to determine accuracy of wetland delineations, monitored construction sites, investigated violations of the Wetlands Protection Act and administered enforcement proceedings.

**Westport River Watershed Alliance, Westport, MA, 2001 – 2004.****Education/Outreach Coordinator**

- Assisted with water quality data collection, analysis and presentation of results.
- Conducted teacher workshops, classroom presentations, field studies, and interpretive tours for students and adults throughout the region.
- Wrote successful grant proposals to fund new initiatives.

**Vermont Institute of Natural Science, Woodstock, VT, 2000.****Research Intern**

- Completed independent, year-long study of black bear habitat in Vermont.
- Integrated raw data on black bear habitat into GIS database and conducted extensive landscape analysis using GIS and S-Plus statistics software.
- Presented study results to Vermont Institute of Natural Science and Vermont Department of Fish & Wildlife for use as conservation planning tool.

**Alton Jones Campus, University of Rhode Island, West Greenwich, RI, 1999.****Expedition Leader/Field Ecology Teacher**

- Planned and led backpacking and canoeing trips for teenagers throughout New England.
- Developed and taught natural science lessons.
- Handled medical emergencies in remote areas.

**Biology Department, Idaho State University, Pocatello, ID, Summer 1997.****Field Technician**

- Participated in doctoral research project in the Frank Church Wilderness, working independently in wilderness backcountry area.
- Collected data on amphibian population dynamics using GPS and radio telemetry.

**Professional  
Development**

- Society of Wetland Scientists – Professional Wetland Scientist (#1899)
- Member of Association of Massachusetts Wetland Scientists
- Expertise with ArcGIS 10 and Trimble GeoXT GPS
- OSHA 40-hr Hazwoper Course (1998) and 8-hr Refreshers
- OSHA 10-hr Construction Safety and Health Training
- Presented at the Massachusetts Congress of Lakes and Ponds Associations, *Freshwater Dredging, Debunking the Myths* (2012)
- Volunteer trail monitor for Portland Trails
- Past volunteer tour guide/docent, Emerald Necklace Conservancy, Boston, MA

May 12, 2024

Mr. Pious Ali  
Nominating Committee Chair c/o City Clerk  
389 Congress Street  
Portland, ME 04101

Dear Mr. Ali,

I am submitting this cover letter and resume to apply to serve another term as a member of the City of Portland Land Bank Commission (Commission). I have enjoyed serving on the Commission since 2021 and am interested in continuing to serve another term.

I believe my professional experience and personal love of the outdoors and local open spaces make me a strong candidate to serve on the Commission. My career as a project manager and environmental scientist at an environmental engineering and consulting firm requires an in-depth understanding of the natural sciences and ecology. My day-to-day work with renewable energy developers includes assessing parcels of land for wildlife habitat and ecological functions and values. I often need to support our clients with issues related to land acquisition, conservation easements and deed restrictions. In addition, as a current member of the Commission, I will be able to continue my role without the time needed to get up-to-speed on how the Commission works.

Please contact me at 401.451.8265 if you have any questions and I look forward to hearing from you.

Sincerely,



Daniel J. Herzlinger

# Michael (Mike) Carey

City of Portland | Generated 5/22/2024 @ 5:22 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Michael (Mike) Carey  
**Application Date** 5/9/2024  
**Expiration Date** 5/9/2025  
**Status** Received

| Board                                | Vacancies | Status               |
|--------------------------------------|-----------|----------------------|
| <a href="#">Land Bank Commission</a> | 1         | <span>Pending</span> |

## Basic Information

**Name**  
Michael (Mike) Carey

## Contact Information

**Address**  
10 Oakdale Street  
PORTLAND, ME 04103

**Email**  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Additional Information

**Notes**

Generated 5/22/2024 @ 5:22 pm



## Michael B. Carey | Senior Vice President, Sales and Designated Broker



### Licensed Real Estate Broker

ME # BA912606

### Licensed Auctioneer

MA # 3188 | ME # 1466 | NH # 5026 | VT # 057-0060459 | RI # AUC0010011-NR |  
NYC # 1454743-DCA

### Current Work Experience

Specializes in the accelerated sale of real property – utilizing high touch, high exposure buyer outreach to facilitate maximum value in the shortest amount of time. Handling 100's of transactions a year totaling over \$250M in value.

### Recent Notable Transactions

Williston, VT - Nationally Flagged 90-Room Hotel – Sold for \$7,650,000  
Saco, ME – 14-Unit Multi-family – Sold for \$1,830,000  
Newport, ME – 74,000sf Industrial Complex – Sold for \$520,000  
Rye Beach, NH – Luxury Oceanside Estate – Sold for \$4,810,000  
Beckett, MA – Waterfront Home – Sold for \$440,000  
Chestnut Ridge, NH – 25,000sf Industrial Property – Sold for \$2,000,000  
Brooklyn, NY – Mixed Use Commercial Property – Sold for \$520,000  
Queens, NY – Mixed Use Commercial Property – Sold for \$535,000  
Brooklyn, NY – Industrial Property – Sold for \$2,125,000  
Moorsetown, NJ – 220,000± SF Industrial Property – Sold for \$4,250,000  
Gouldsboro, ME – 113± Acres on Schoodic Point – Sold for \$1,500,000  
Scarborough, ME – State of the Art Office/Lab – Sold for \$1,000,000  
Danvers, MA – 89,600± SF Office Building – Sold for \$5,100,000  
Chestnut Ridge, NY – 25,000± SF Industrial Property – Sold for \$2,000,000  
Woodbury, CT – Partially Complete 42,000± SF Retail Development – Sold for \$1,300,000  
Stony Creek, NY – Adirondacks Ranch//Resort & Golf Course – Sold for \$1,405,000  
Old Saybrook, CT – Commercial Property – Sold for \$1,025,000

### Education

|                                              |      |
|----------------------------------------------|------|
| Wheaton College, BA                          | 1997 |
| Mendenhall School of Auctioneering, Graduate | 2005 |
| Certified Auctioneers Institute, Graduate    | 2009 |

### Memberships & Volunteer Positions

|                                                                     |                                   |
|---------------------------------------------------------------------|-----------------------------------|
| National Auctioneers Association                                    | Turnaround Management Association |
| American Bankruptcy Institute                                       | Maine Realtors                    |
| National Association of Bankruptcy Trustees                         |                                   |
| Turnaround Management Association, Board Member and Past President  | Current                           |
| Town and Country Federal Credit Union – Supervisory Committee Chair | Current                           |

Michael (Mike) Carey  
10 Oakdale Street  
Portland, ME 04103



May 9, 2024

Dear Land Bank Commission,

I am writing to express my interest in the open board position within the Portland Land Bank Commission.

Enclosed is my resume, which provides further detail on my qualifications and accomplishments. I welcome the opportunity to discuss how my skills and experiences align with the needs of the Portland Land Bank Commission in more detail. Thank you for considering my application. I look forward to the possibility of contributing to the Commission's important work.

Warm regards,

A handwritten signature in blue ink, appearing to read "Mike Carey".

Mike Carey

# Evan Ferguson-Hull

City of Portland | Generated 5/22/2024 @ 5:22 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Evan Ferguson-Hull  
**Application Date** 5/11/2024  
**Expiration Date** 5/11/2025  
**Status** Received

| Board (Rank)                             | Vacancies | Status               |
|------------------------------------------|-----------|----------------------|
| <a href="#">Land Bank Commission (1)</a> | 1         | <span>Pending</span> |
| <a href="#">Parks Commission (2)</a>     | 0         | <span>Pending</span> |

## Basic Information

**Name**  
Evan Ferguson-Hull

## Contact Information

**Address**  
58 Deering st  
apt 2  
Portland, ME 04101



## Additional Information

**Notes**

Generated 5/22/2024 @ 5:22 pm

# Evan Ferguson-Hull

## EXPERIENCE

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### **ATX Advisory Services**

*Biddeford, ME*

Senior Technical Consultant

*May 2023 - Present*

- In addition to the responsibilities of my previous role, I am solely responsible for managing several ongoing client relationships: collaborating with clients to scope, develop, and revise new data reporting projects, often taking on the role of both project manager and lead developer
- Oversee and mentor junior employees, allowing me to bring my experience and expertise to a greater breadth of company projects

Technical Consultant

*March 2021 - May 2023*

- Helped small community lending institutions take their first steps towards data literacy by creating centralized data warehouses, and working with them to develop Tableau dashboards that replaced previous manual reporting needs and answered business questions in a useful and straightforward way. Reduced or eliminated time spent gathering reporting data, freeing up small workforces to focus on grantwriting and servicing growing client bases
- Wrote SQL views to concatenate information from multiple systems and power user-facing reporting solutions
- Created and maintained Azure Data Factory pipelines to centralize client data
- Designed highly customizable dashboards, enabling non data-savvy users to answer one-off questions and generate ad hoc reporting on any part of their business

### **SuperData Research, a Nielsen Company**

*New York, NY*

Senior Market Research Analyst

*December 2018 - February 2021*

### **SuperData Research**

*New York, NY*

Market Research Analyst

*September 2017 - December 2018*

- Collaborated on a small team that worked cross-departmentally to review all SuperData products prior to delivery. Company products helped inform decisions of major gaming publishers, including Activision, EA, Take-Two, and Zynga; advertising giants like Unilever and Coca-Cola; and gaming-invested hedge funds like Citadel and Third Point
- Proactively developed new ways to ensure company data quality, ensuring client retention and company growth
- Spearheaded the design and implementation of the ingestion of a ~4.6GB table of email receipts. Data was updated daily, parsed using SQL procedures, and used by SuperData analysts to help inform our proprietary gaming market tracking dataset
- Analyzed historic company data for internal consistency using SQL, identifying thousands of inconsistencies. Worked with analysts to improve methodology to systematically correct these errors
- Edited analyst decks and copy for correctness against SuperData internal figures and publicly available information, as well as for grammar and clarity

## EDUCATION

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### **Bates College**

*Lewiston, ME*

Bachelor of Science in Mathematics; Bachelor of Science in Physics

*May 2017*

- Modeled physical systems using MATLAB as part of a thesis project ("Numerical Simulation of Constrained and Rigid Bodies") to complete both my Mathematics and Physics degrees
- Coursework in probability and statistics and Monte Carlo modeling
- Concentration in Philosophy

May 10, 2024

Dear Commission Selection Committee,

My name is Evan Ferguson-Hull, and I would be honored to serve on either the Parks Commission or Land Bank Commission. I have lived in Portland for almost 3 years now, and make regular use of the city's natural spaces year-round: hot or cold, rain, shine, or snow. I love this city and these spaces, and I believe that I would provide a useful perspective as it pertains to protecting, maintaining, and improving them.

I fell in love with Maine in large part because of its stunning natural beauty. I suspect this is not a unique experience. All cities have a duty to provide pleasant natural spaces for its people to exist in, and I believe that Portland, as Maine's largest city, should have a particularly strong mandate for this. In addition, as the city continues to grow and develop, we will have to pay special attention to avoid developing over these spaces, so we do not remove features that drew people to the city in the first place.

In addition to my personal and aesthetic attachments to natural spaces, there are plenty of practical reasons to support them. They improve air quality, promote the conservation of local flora and fauna, and help to combat heat island effects of the city.

I've tried to convey a part of my passion for these spaces, and I hope that you will consider my candidacy for a position on one of these commissions. Thank you for your time.

Sincerely,

**Evan Ferguson-Hull**

# Experienced Facilities Manager Elizabeth Pagan

City of Portland | Generated 5/22/2024 @ 5:02 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Experienced Facilities Manager Elizabeth Pagan  
**Application Date** 4/12/2024  
**Expiration Date** 4/12/2025  
**Status** Received

| Board                            | Vacancies | Status               |
|----------------------------------|-----------|----------------------|
| <a href="#">Parks Commission</a> | 0         | <span>Pending</span> |

## Basic Information

**Name**  
Experienced Facilities Manager Elizabeth Pagan

## Contact Information

**Address**  
237 Elm St  
South Portland, ME 04106

**Email**  
[Redacted]

**Phone**  
[Redacted]  
[Redacted]

## Additional Information

**Notes**

Generated 5/22/2024 @ 5:02 pm

## **Elizabeth Pagan**

[REDACTED]

[REDACTED]

[REDACTED]

### **Assistant Director of Custodial/ Facilities Management**

University of Southern Maine- Gorham and Portland Campuses March 2023 to Present

- Planning, scheduling, organizing, and evaluating services and projects.
- Determining operational policies and procedures, as well as performance standards.
- Coordinating activities of the department with other University departments and projects.
- Overseeing the maintenance and repair of equipment, including purchases of new or replacement equipment.
- Reviewing and evaluating the performance of all supervised staff, performing disciplinary reviews and training.
- Managing contract services and employees.
- Managing the purchasing of materials and supplies, overseeing supplier contracts.

### **Business Owner**

Elizabeth's Extra Clean Cleaning Service 2019 – Present

- Marketing and growing a commercial cleaning business.
- Searching for and training new staff.
- Building great working relationships with accounts.
- Managing inventory.
- Invoicing and payment recording.
- Managing the daily functions of a service business.

### **Property Management Assistant**

Avesta Housing

- Coordinated Pest Control Services for all properties.
- Sent all mailing notices to tenants and updated mailing calendar.
- Back-up to reception to provide the best customer service.
- Organized and volunteered for community events.

## **Education**

Monroe College 2004-2008 Associate Degree in Business Administration

April 12, 2024

Elizabeth Pagan

237 Elm St

South Portland, ME 04106

[REDACTED]

[REDACTED]

Dear City of Portland,

In my pursuit of new endeavors, I was excited to learn that you were in search of a person to represent the Parks Commission. As you will see in my resume, I have worked for Avesta Housing as an assistant. During my time there I learn a lot about affordable housing policies and was very proud to be part of the Avesta's mission to provide the best for the community. This is where my passion for developing urban areas began. I, myself, grew up in an underdeveloped community in the Bronx, NY. Helping the city thrive while helping achieve goals would be an honor for me.

At my current position at the University of Southern Maine, I have been chosen to join committees that help diversity and inclusion for the university. Although this work, I help with is only part of my job, I enjoy it thoroughly. I understand the hard work behind planning, networking, and creating an engaging environment for all to be a part of. My experience in managing facilities will provide a benefit if given the opportunity.

My greatest skills are communication and organization. I have experience in over-seeing projects from beginning to end. I really enjoy the outcome that comes with the hard work. I am a self-starter that brings a positive attitude to everything I do. More importantly, I have a work ethic that will speak for itself if given the opportunity to prove myself. I will be the first to admit that you will find applicants more qualified than me, however, I can guarantee you will not find a harder worker.

Please accept this cover letter and resume as my official interest in working with you all. It will be my privilege to bring to the table my skills and to learn more as I go.

Thank you for your consideration.

Respectfully,

Elizabeth Pagan



# Griffin Bourassa

City of Portland | Generated 5/22/2024 @ 5:03 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Griffin Bourassa  
**Application Date** 4/13/2024  
**Expiration Date** 4/13/2025  
**Status** Received

| Board                            | Vacancies | Status               |
|----------------------------------|-----------|----------------------|
| <a href="#">Parks Commission</a> | 0         | <span>Pending</span> |

## Basic Information

**Name**  
Griffin Bourassa

## Contact Information

**Address**  
413 Presumpscot ST  
Portland, ME 04103

[REDACTED]

[REDACTED]

[REDACTED]

## Additional Information

**Notes**

Generated 5/22/2024 @ 5:03 pm

# Griffin Bourassa

Portland, Maine 04103

## Profile

I am seeking a committee position on the City of Portland Parks Commission. I'm eager to be involved in the City and serve the community in which I work.

## Experience

**MAINE NARROW GAUGE RAILROAD; PORTLAND, ME    DECEMBER 2021-CURRENT**

**EXECUTIVE DIRECTOR / CHIEF EXECUTIVE OFFICER**

Responsible for the overall organizational success by providing strategic, operational, ethical, and inspirational leadership consistent with the mission, values, policies, applicable laws and regulations, and contractual obligations of Maine Narrow Gauge. Oversee project and program management, as well as organizational risk management and compliance with federal, state, and local laws.

**MAINE EMS; AUGUSTA, ME    MARCH 2020-DECEMBER 2021**

**LICENSING AGENT**

This professional services work involves the administration of emergency medical services (EMS) systems on a statewide basis. Responsibilities include serving as a subject matter expert providing technical advice and assistance, administering program requirements, identifying and coordinating problem resolution activities, and conferring and coordinating with other state and local officials, hospital administrators, and members of the medical professions to promote and administer a complete emergency medical service system. Also serving as the agency's legislative liaison, developing state legislation and representing the interests of the state regulatory office. In this role, I was also the staff member assigned to agency rulemaking, working with stakeholders and other regulatory bodies to establish industry rules and expectations for the State of Maine. Work is performed under limited supervision.

**MAINE NARROW GAUGE RAILROAD; PORTLAND, ME    MARCH 2019-MARCH 2020**

**FINANCE AND BUSINESS MANAGER**

Responsible for financial oversight and business development. Develop and oversee the annual budget, write grants, prepare and present financial information to the board of directors, and solicit donations. Additionally, responsible for hiring, human resources, project management, and significant policy development.

**WESTBROOK FIRE DEPARTMENT; WESTBROOK, ME    MARCH 2015-MARCH 2019**

**FIREFIGHTER/PARAMEDIC**

Respond to emergencies in an effective and efficient manner. Take an active role in fire prevention, extinguishment, and education as to prevent loss of life and property. Respond to medical emergencies and lead a team of emergency medical providers to treat the ill and injured. Lead and implement a continuing education program for paramedics to maintain proficiency and skill. Provide medical education to outside agencies; Maine Department of Corrections. Write grants to request funding for agency development.

## Education

University of Southern Maine; Portland, ME- Masters in Public Policy, Planning, and Management with a concentration in government and nonprofit management, MS, 2021

University of Maine; Augusta, ME- dual majors in Public Administration and Human Resource Management, BS, 2019

Southern Maine Community College; South Portland, ME- Emergency Medical Services, AAS, 2016

# Griffin Bourassa

Portland, Maine 04103

## **Certifications and Licenses**

National Registry of Emergency Medical Technicians (NREMT) Paramedic Certification

Maine EMS Paramedic License

National Association of EMS Educators Instructor Course, Level 1

Maine EMS Instructor License, Paramedic Level

FEMA Introduction to Incident Command Systems, ICS-100

FEMA ICS For Single Resources and Initial Action Incident, ICS-200

FEMA Intermediate ICS for Expanding Incidents, ICS-300

FEMA Advanced ICS for Command and General Staff, ICS-400

FEMA National Response Network, an Introduction, ICS-800

Proboard Firefighter I & II certified

State of Maine Notary Public

State of Maine Dedimus Justice

## **Community Involvement**

Elks Lodge No. 964; 2021 - present; member and fundraising volunteer

Guild of Maine Woodworkers, 2021-present; member

Maine Narrow Gauge Railroad, 2021-2024; board member

Maine Narrow Gauge Railroad, 2010-2019; operations volunteer

Town of Windham, Planning Board, 2018-2020

Tranquil Lodge No. 29 A.F.&A.M., 2019-present; member and fundraising volunteer

Turner Fire/Rescue, 2012-2019; firefighter/EMT/paramedic

April 13, 2024

Dear Members of the Portland Parks Commission,

I am writing to express my enthusiasm for the opportunity to serve on the City of Portland Parks Commission. As a lifelong Maine resident and an experienced leader in community service and public management, I am deeply committed to enhancing our city's parks and recreational facilities to enrich the lives of all Portland residents.

In my current role as the Executive Director/Chief Executive Officer of Maine Narrow Gauge Railroad, I oversee operations that require meticulous management of resources, strategic planning, and community engagement—key elements that are directly applicable to the management and enhancement of parks and recreational areas. My experience in developing and managing public spaces and ensuring they meet the needs of the community while preserving historical and cultural values aligns well with the mission of the Parks Commission.

My previous roles, particularly working with Maine EMS, involved extensive collaboration with various state and local agencies, reinforcing my abilities in stakeholder engagement and consensus building, which is crucial for effectively advocating for and implementing improvements in public parks and recreational programs.

Educationally, my Master's degree in Public Policy, Planning, and Management with a concentration in government and nonprofit management has provided me with a solid foundation in policy development and public administration, enhancing my ability to contribute meaningfully to the Parks Commission.

My active involvement in local organizations such as the Guild of Maine Woodworkers and volunteer roles within the community, including fundraising for local causes, demonstrates my commitment to civic engagement and passion for enhancing our local environment.

I am excited about the possibility of leveraging my professional experience and personal passion for outdoor and community activities to contribute to the Portland Parks Commission. I am eager to work alongside other members to promote and improve our city's parks and facilities, ensuring they continue to serve as a cornerstone of community life in Portland.

Thank you for considering my application. I am looking forward to the opportunity to further discuss how I can contribute to the Parks Commission. I am enthusiastic about the potential to collaborate on initiatives that enhance the vibrancy and accessibility of our community's green spaces.

Warm regards,

Griffin Bourassa

# Ms Helen Marie Coyne

City of Portland | Generated 5/22/2024 @ 5:12 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Ms Helen Marie Coyne  
**Application Date** 5/3/2024  
**Expiration Date** 5/3/2025  
**Status** Received

| Board            | Vacancies | Status               |
|------------------|-----------|----------------------|
| Parks Commission | 0         | <span>Pending</span> |

## Basic Information

**Name**  
Ms Helen Marie Coyne

## Contact Information

**Address**  
236 Eastern Promenade  
unit 1  
Portland, ME 04101

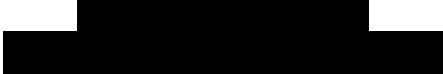


## Additional Information

**Notes**

Generated 5/22/2024 @ 5:12 pm

**Helen M Coyne**  
**236 Eastern Promenade #1**  
**Portland, ME 04101**



## **MyCase**

### **Legal Practice Management Software**

**4/2021**

#### **- present**

##### *Product Marketing*

*Responsible for GTM for product and feature launches, including third-party software partnerships.*

- Collaborate with Product Management on customer research calls, surveys, and positioning development.
- Create messaging, value prop, and sales enablement collateral.
- Feature launches: Outlook Add-in (5,123 authenticated users / 32% of customer base); Advanced Tier (18% of customer base).
- Currently working on GTM for launching MyCase IQ (GenAI) and Smart Spend, the legal industry's first spend management solution.
- Partner integrations enabled: 15% of customer base. Increased close rate for Sales (no data; anecdotal).

## **Woodpecker (acquired by MyCase)**

### **Legal Document Automation**

**10/2019 -**

**4/2021**

##### *Director of Marketing & Customer Success*

*Member of founding team, \$600,000 ARR in 2 years*

- Developed go-to-market strategy, brand positioning, audience personas, marketing messaging, and all prospect/customer communications.
- Managed digital campaign strategy and execution
- Built new user onboarding function to increase customer engagement and product/feature adoption.
- Created customer success function to improve customer retention, reduce churn (5%) and increase customer lifetime value (\$2400)
- Developed educational webinars, customer community, and content marketing strategy.
- Contributed to product roadmap and overall business strategy.

## **Thrivehive (rebranded from Propel Marketing)**

**5/2017 - 10/2019**

### **Digital Marketing Solutions**

##### *Senior Operations Manager, Social Media*

*Manage a team of 14 strategists responsible for planning and optimizing Social Advertising campaigns with monthly budgets ~\$300,000.*

- Work with Sales during pre-sales to recommend social media plans for prospects.
- Ensure that all SLAs are met and that key performance delivery indicators are supporting campaign goals.
- Troubleshoot campaign escalations regarding performance and delivery.
- Collaborative with vendors to resolve issues.
- Identify opportunities to increase revenue, improve client experience, and decrease operating expenses.
- Participate in monthly Sales training for Sales and develop training materials for Operations teams.
- Contribute to development of product marketing collateral.

---

*Helen Coyne*

## **ChoiceStream**

**11/2016 - 3/2017**

### **DSP/First party data provider**

#### *Manager, Strategic Accounts*

*Onboard, retain, and develop key clients using performance data, in-depth audience insights and campaign optimization strategies.*

- Act as the primary day-to-day contact for assigned key client accounts.
- Increased quarterly revenue for largest account, Zappos, by 25% in Q1, and on track to grow revenue by 40% for FY 2017.
- Manage the ad campaign lifecycle, including optimization, reporting, analytics, billing/budgeting, and strategic planning for assigned campaigns.
- Assist with pre-sale campaign strategy, planning and RFP response.
- Effectively onboard new business, drive key business metrics and own the Client relationship.
- Lead status calls and work with internal teams on task delivery to ensure campaign objectives are achieved.
- Develop and run QBR meetings for clients.

## **Propel Marketing**

**3/2015 - present**

### **Digital Marketing Solutions**

#### *Manager, Display Advertising*

*Manage a team of 9 traffickers and optimization specialists for Programmatic Display campaigns with monthly revenues ~\$500,000.*

- Ensure that all SLAs are met and that key performance delivery indicators are in alignment with campaign objectives.
- Troubleshoot escalations regarding performance, delivery, and pacing.
- Develop and document best practices for process and campaign performance.
- Assist the Director of Programmatic Strategy & Ops with growing the Display team to support the rapid growth of the company.
- Identify opportunities to increase revenue, improve client experience, and decrease operating expenses.
- Participate in training for Sales and co-develop content for training curriculum.

## **Millennial Media**

**3/2014 - 3/2015**

### **Mobile Ad Network/Media**

#### *Project Manager, Operations, New Products*

- Create scalable operations processes for beta products such as attribution, cross-screen advertising and Facebook retargeting.
- Contribute to the RFP process, ensuring product recommendations align with client KPIs.
- Work with clients to explain technology and process behind products.
- Collaborate with Engineering to resolve product performance issues and ideate new product features to increase customer value proposition and drive revenue.
- Work with cross-functional stakeholders to gather business requirements to guide process and product improvements.
- Establish timelines, project scope, and specs for creative assets for timely campaign launches.
- Analyze campaign data and make recommendations for optimizing performance.
- Communicate project schedules, issue resolution status, and launch risks to project teams.

**Jumptap, Inc. (acquired by Millennial Media in 11/2013)**

*Manager, Ad Operations & Ad Solutions*

**5/2011 - 2/2014**

- Responsible for successfully running the daily operations of Ad Operations, and for building the team including hiring, training, coaching, and mentoring. Team responsibilities include ad trafficking, editorial review, QA, and rich media ad production.
- Project Manager for 15-30 concurrent rich media ad builds, managing timeline and project communication with creative and media agencies. Manage vendor relationships.
- Created and maintain all departmental training, process, policy guidelines, and documentation. Built the workflow infrastructure.
- Drive ongoing operational efficiencies and error reduction through process optimization, automation, and best practices.
- Worked with Product to scope features to increase productivity 400% without adding to headcount
- Continually work cross-functionally to identify opportunities to maximize revenue.
- Oversee offshore trafficking team, maximizing utilization.

**SOFTWARE**

**Productivity:** *Google Workspace, JIRA, Basecamp, MSOffice, Basic working knowledge of Adobe Creative Cloud, Smartsheet, Monday.com, Trello, Asan, Notion, Hug, Airtable*

**CRM:** Salesforce, Pipedrive

**Customer Communication:** Intercom, Churn Zero

**Email:** Marketo, Mailshake

**Languages:** *Familiarity with HTML, CSS, HTML5, and Javascript*

**Analytics:** Google, Mixpanel, Pendo

**Payment Processing:** Stripe

**Website Builder:** Squarespace

**PROFESSIONAL ORGANIZATIONS**

Product Marketing Alliance

**EDUCATION**

Boston University, Boston, MA

Master of Science: Advertising

Boston University, Boston MA

Bachelor of Science: Business Management

**OTHER**

PMA Certification, Messaging

PMA Certification, Customer Research

Certified Yoga Teacher (200 hour RYT), Yogaworks

Portland Maine Parks Commissioner



May 2, 2024

Ashley Rand, City Clerk  
Portland City Hall  
389 Congress Street  
Portland, Maine 04101

VIA: cityclerk@portlandmaine.gov

**Subject:** Application for Parks Committee Volunteer Board Member

Dear Ms. Rand,

I hope all is well. I am writing to express my strong interest in continuing to serve the City of Portland in my role as a Parks Commissioner.

As a passionate advocate for community engagement, environmental stewardship, and healthy lifestyles, I have very much enjoyed the work we've been doing over the past year and hope to continue working with Alex Marshall and the other Park Commissioners on our diversity and inclusion initiatives, as well as our community outreach.

Thank you for considering my application. I look forward to the possibility of discussing the opportunity to continue to contribute to the betterment of Portland's parks and recreational spaces.

All the best,  
Helen Coyne

# Patrizia Bailey

City of Portland | Generated 5/22/2024 @ 5:08 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Patrizia Bailey  
**Application Date** 4/18/2024  
**Expiration Date** 4/18/2025  
**Status** Received

| Board                                      | Vacancies | Status               |
|--------------------------------------------|-----------|----------------------|
| <a href="#">Portland Housing Authority</a> | 1         | <span>Pending</span> |

## Basic Information

**Name**  
Patrizia Bailey

## Contact Information

**Address**  
104 Prospect St  
Portland, ME 04103



## Additional Information

**Notes**

Generated 5/22/2024 @ 5:08 pm

Patrizia A. Bailey

April, 2020

104 Prospect St.

Portland, Maine 04013



#### Summary of Qualifications:

As a real estate professional with an accounting background, I have over twenty-five years of experience in all aspects of multi-family housing development, with specialized expertise in financing, restructuring debt and analyzing affordable housing regulated by federal, state and local jurisdictions. My employment experience includes activities supporting the acquisition, development, construction and management of properties for national publicly-held companies and small partnerships. I have consulted with non profits involved in affordable housing as well as acquired, renovated and sold single family homes.

#### 2015 to Present

Managing Partner-Building Performance Advisors LLC

Building Performance Advisors (BPA) is a professional consulting firm. We are a certified woman-owned small business providing small business financial consulting and an array of real estate services. BPA is committed to serve each client's best interest by providing dedicated service in a timely and practical manner.

[www.buildingperformanceadvisors.com](http://www.buildingperformanceadvisors.com)

Recent services: Small Business consulting that included providing financial plans for small businesses and assisting with securing financing for the business. Financial and asset management consulting to the South Portland Housing Authority that included restructuring debt, development planning and financing on housing properties within their portfolio.

Other: I am the Facility Security Officer for BPA.

#### 2000-2003

Senior Vice President-AIMCO-Apartment Investment Management Company Southeast Transaction Team

Managed a portfolio of approximately 277 real estate assets located in the southeastern United States and Puerto Rico. Responsibilities included developing sale and refinancing plans for assets within the portfolio. Created \$6m to \$10m of annual revenue through the successful completion of state agency refinancing and sales of partnership interests. Successfully completed a multi-asset refinancing transaction with Rural Housing- Department of Agriculture, one of the first in the program. Other activities included completing 23 "Mark to Market" transactions with the U.S. Department of Housing and Urban Development.

1996-2000

Senior Vice President-AIMCO

Asset Management and Transaction Services for Third Party owner

Provided asset management services for a portfolio of 280 real estate assets located throughout the U.S. Analyzed the financial activity of each asset and compared property performance with ownership goals. Duties included performing periodic inspections of the real estate, reviewing management and maintenance operations, and comparing actual performance to budget. Produced sale opportunities and effected transactions on behalf of property owners. Related work included identifying purchasers and performing due diligence that included analysis of partnership agreements, review of regulatory agreements, collection and analysis of market information, and research of other relevant information. Successful in executing five to twelve sale deals annually. Supervised a staff of five asset managers working on this portfolio.

1990-1996

Vice President-NHP-National Housing Partnerships

Asset Management-Indirect Portfolio

Managed approximately 120 real estate assets managed by "indirect" third party agents not affiliated with NHP. Successfully transferred management of 15 assets to NHP from the indirect portfolio. Responsibilities included working with regulatory agencies to develop and implement workout plans for troubled assets.

1988-1990

Development Manager-The Investment Group

Managed the development of multifamily housing properties that included both new construction and substantial rehabilitation. Responsible for securing construction financing, developing the investment structure, managing the regulatory review and approval process, and overseeing design and construction management operations.

Education:

BS-Accounting-Indiana University of Pennsylvania

Other Experience:

Board Member-two years-Jubilee Enterprise of Greater Washington

Portland, Maine-Land Bank Commission

Personal: Married -2 children

Patrizia Bailey  
104 Prospect St  
Portland Maine 04103

April 18, 2024

Ms. Ashley Rand  
City Clerk  
City of Portland

Dear Ms Rand:

I would like to apply for the vacant position on the Portland Housing Authority Board of Commissioners.

Attached you will find my resume outlining my experience with affordable housing.

Currently I am Chair of the Land Bank Commission and my term will end in June 2024.

Given my experience working with the City of Portland and also in the affordable housing arena, I feel I could help and support the initiatives by the Portland Housing Authority.

If you would like more information about my experience, you can visit [www.buildingperformanceadvisors.com](http://www.buildingperformanceadvisors.com).

I look forward to hearing from you concerning this application.

Sincerely,

A black rectangular redaction box covering the signature area.

# Christian Neal MilNeil

City of Portland | Generated 5/22/2024 @ 5:04 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Christian Neal MilNeil  
**Application Date** 4/14/2024  
**Expiration Date** 4/14/2025  
**Status** Received

| Board                                      | Vacancies | Status               |
|--------------------------------------------|-----------|----------------------|
| <a href="#">Portland Housing Authority</a> | 1         | <span>Pending</span> |

## Basic Information

**Name**  
Christian Neal MilNeil

## Contact Information

**Address**  
45 Smith Street  
Apt. 2  
Portland, ME 04101



## Additional Information

**Notes**

Generated 5/22/2024 @ 5:04 pm

**Christian N. MilNeil**

██████████ | 45 Smith Street #2, Portland | ██████████ | ██████████

**Editor in Chief**

**StreetsblogMASS**, 2019-present

- Edited a non-profit news website covering transportation issues in the Commonwealth of Massachusetts.
- Served as the non-profit organization's chief executive, managing the organization's budget, donor relations, and administration in collaboration with a volunteer board of directors.

**Data Journalist**

**Portland Press Herald/Maine Sunday Telegram**, 2012-2019

- Assisted other reporters with data analysis, interpretation and communication for news stories. Responsibilities include building interactive features for the web, with a particular focus on maps and charts, enterprise data stories, assisting other reporters with data interpretation, and designing and coding special sections and reports.

**Director of Communications**

**Maine Audubon**, 2009-2011

- Managed internal and external communications for a Maine Audubon, a leading Maine environmental nonprofit.
- Edited *Habitat*, a quarterly newsletter for members.

**Communications Director**

**GrowSmart Maine**, 2007-2009

- Maintained internal and external communications for GrowSmart Maine, a nonprofit, statewide public policy organization.

**Backcountry Hut Crew, Caretaker, Carpenter**

**Appalachian Mountain Club**, 2003-2006

**EDUCATION**

1999 - 2003 **Reed College**, Portland, OR

- Interdisciplinary B.A. in math and economics received May 2003.

**CIVIC SERVICE**

2012 - present **Board of Commissioners, Portland Housing Authority (chair, 2014-2016)**

**Other interests and skills**

- Fluent in HTML, CSS and Javascript (including Node.js), with particular experience in the D3.js library.
- Statistical analysis, including the R software package
- Familiarity with PHP, Python, SQL and open-source geospatial tools like ogr2ogr and PostGIS.
- Proficient in Wordpress and in most Adobe Creative Suite applications.

Christian MilNeil  
45 Smith St., Portland, Maine  
310-0728

City of Portland Appointments Committee  
c/o Katherine Jones, City Clerk  
389 Congress Street,  
Portland, Maine

To Mayor Dion and the members of the Nominating Committee:

I am writing to express my interest in continuing to serve on the Board of Commissioners for the Portland Housing Authority when my current term expires on June 30, 2024.

I have strong personal and professional interests in maintaining Portland as an economically diverse city — and the city's housing policies are central to that ambition.

I joined the PHA board in 2012 with hopes of encouraging the organization to become more involved in building more housing for our city. I'm happy to report that those efforts are well underway. Among our accomplishments in the past decade, we have:

- Built the Bayside Anchor and Solterra buildings in my neighborhood of East Bayside – two highly energy-efficient buildings that together added 100 new homes within walking distance of downtown Portland and replaced what had once been a pair of blighted surface parking lots;
- Staffed up a new development office for the Portland Housing Development Corporation, the PHA's development arm;
- Substantially completed the redevelopment of Front Street and Washington Gardens, which replaced two older public housing neighborhoods with a mix of new buildings and deeply energy-efficient renovations that resulted in a net gain of 55 new homes in East Deering;
- Initiated renovations and redevelopment projects at other Great Society-era public housing developments, including Harbor Terrace, Riverton Park, Franklin Towers, and Bayside East;
- Assisted other housing agencies, like CHOM and Avesta Housing, finance dozens of homes in other non-PHA developments with project-based Section 8 vouchers.

In addition to building more homes, the PHA is also in the early stages of becoming a better, more diverse, and more equitable employer.

We have a strong relationship with our unionized workforce and ambitions to become a competitive, publicly-owned apartment management option for the city. And we're interested in providing more supportive behavioral health and social services to help our residents feel safe and successful.

Thank you for this opportunity to serve our city.

Sincerely,

Christian McNeil





# Ms. Monique S. Mutumwinka

City of Portland | Generated 5/22/2024 @ 5:11 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Ms. Monique S. Mutumwinka  
**Application Date** 4/30/2024  
**Expiration Date** 4/30/2025  
**Status** Received

| Board                      | Vacancies | Status               |
|----------------------------|-----------|----------------------|
| Portland Housing Authority | 1         | <span>Pending</span> |

## Basic Information

**Name**  
Ms. Monique S. Mutumwinka

## Contact Information

**Address**  
7 Riverton Dr.  
PORTLAND, ME 04103



## Additional Information

**Notes**  
I am applying to be re-appointed to the Board of Commissioners for a second term. I have served as a resident commissioner and would like to stay serving the residents of PHA.

Generated 5/22/2024 @ 5:11 pm

## **MONIQUE MUTUMWINKA**

7 Riverton Street, Portland, ME, 04103

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### **SKILLS AND QUALIFICATIONS**

- Supervisory, management, and teaching experience
- Excellent organizational and interpersonal skills and a caring and friendly personality
- Proficiency in Microsoft Office (Word, Excel, PowerPoint, Outlook)
- Cultural competency and a qualified interpreter in English, French, Swahili, Kinyarwanda, Kirundi, and Lingala

### **PROFESSIONAL EXPERIENCE**

#### ***Family CommunityEngagement Specialist***

***May 2013 – Present***

Multilingual & Multicultural Center, Portland Public Schools, Portland Maine

- Provide support and assistance to Portland's multicultural and multilingual families to encourage and enable parental involvement in their children's education and help facilitate their children's entry, integration, and success in Portland's schools.
- Served as interpreter, translator, and cultural broker for students and families in Portland Public Schools.

#### ***Personal Support Specialist***

***July 2011 – 2013***

Home Health Care Solution, Portland, Maine

- Providing support services to elderly clients and people living with disabilities so that they may continue to live independently in their homes

#### ***Dentist, Head of Dental Department, Lecturer***

***1999 - 2010***

**Kigali Health Institute** (public dental clinic), Kigali, Rwanda

*Held several positions at Kigali Health Institute, a community college in Kigali, Rwanda. The institute has more than 10 departments related to the medical and paramedical fields.*

- As a Dentist, I treated children and adults, with routine dental care and surgical extractions.
- As Head of the Dental Department, managed the academic affairs of 80 students and 10 staff of dentists and dental therapists
- As a lecturer, taught Dental Anatomy and Restorative Dentistry to first and second-year students.

#### ***Dentist***

#### ***Various Private Clinics, Rwanda and Congo***

***1985 -1998***

- Performed tasks of diagnosing oral problems, filling cavities, tooth extraction, root canal treatment, oral surgery, and gum diseases.
- Prescribed medication, and educated adults and children on prevention of oral diseases.

### **EDUCATION**

#### ***Faculty of Medicine - Bachelor's Degree in Dental Surgery***

***1984***

**University of Kinshasa, Democratic Republic of Congo**

### **VOLUNTEER EXPERIENCE**

#### ***Volunteer Portland Housing Authority***

***2019- present***

Board Commissioner and Board chair in 2023 to now

#### ***Volunteer of America***

***2021 - present***

Board Commissioner

***Volunteer Dental Assistant***

***December 2013 - present***

The Root Cellar, Portland, Maine

- Serve as chairside assistant treating both children and adults

**PROFESSIONAL DEVELOPMENT**

***Interpreting courses***

- Professional Interpreter Education Certificate Program **2017**
- Professional Interpreter in Special Education Certificate Program **2017**
- Medical Interpreting Course **2016**
- Basic Interpreting Course **2016**

***Assist to Succeed, Portland, Maine***

- Radiation Health and Safety, Dental Assisting National Board, Inc. **2015**
- CPR Certification –American Red Cross **2015**
- Dental Assisting Course **2015**

***Maine Community Health Worker Initiative***

**2014**

- 45 Hour Core Competency Certificate course for Community Health workers

***Portland Adult Education, Portland, Maine***

- College Transition Program – English and Mathematics **2012**
- New Mainers Customer Service Workshop Series **2012**

***Learning Works, Portland, Maine***

- CPR Certification **2015**
- Community Health Worker Certificate **2014**
- Personal Support Specialist (PSS) Course **2010**
- Certified Personal Support Specialist **2010**

Position: Board of Commissioners at Portland Housing Authority

April 30, 2024

To Whom It May Concern:

It is with great interest that I submit my resume and offer my time and expertise to the Portland Housing Authority Board of Commissioners. I believe you will find that I am qualified by my leadership skills and breadth of knowledge in working both locally and internationally on issues that affect families.

My position at Portland Public Schools has given me an understanding of both the challenges and strengths that our communities face as they navigate a new language, culture, and educational system here in Portland, Maine.

I am very interested in learning how I may be of service as part of your efforts to include diverse community members. Please feel free to contact me if you have any questions.

Sincerely,

Monique Mutumwinka

# P H O E B E C O L E

Arts Administrator and Consultant with a diverse professional background spanning contemporary art, gallery management, and non-profit leadership

## Experience

### Independent Art Consultant

Portland, ME 2022 - Present

- Collaborating on art-based projects with galleries, individuals, and non-professional organizations, including retrospective exhibitions, comprehensive catalog production, curated group shows, and organizing supplementary events that bolster client and community involvement.
- Translates clients' priorities into tangible, appropriate, and creative art concepts, overseeing projects from initial proposal through transportation, logistics, art handling, and home and public installation.

### Interim Managing Director, *SPEEDWELL Contemporary*

Portland, ME June - November 2023

- Steered organization forward during a transitional period, ensuring continuity in programming while maintaining accounting processes, board relations, and overall non-profit compliance.
- Collaborated effectively with external institutions on a multi-venue retrospective exhibition, fostering partnerships to expand the organization's reach and impact while showcasing non-profit mission to promote the creative work of women who have made a lifelong commitment to their artist practice.
- Orchestrated a sold-out 300+ person event in partnership with the Portland Museum of Art, featuring a documentary screening, panel conversation, and the awarding of the second annual SPEEDWELL prize.

### Co-Director, *Alice Gauvin Gallery*

Portland, ME 2022 - 2023

- Developed gallery visual identity through branding, printed materials, and social media design strategy; increased visitor count and gallery exhibitions' digital reach.
- Designed and produced gallery's first printed catalogs to accompany solo exhibitions; liaised with artists to facilitate artwork documentation, written content, editing process, and all print production.
- Co-curated gallery shows, engaged artist participation in group shows and maintained client database.

### Project Manager, *Art Production Fund*

New York, NY 2018 - 2021

- Built and managed Art in Focus, an ongoing public art partnership with Rockefeller Center, advocating for artist creative integrity while supervising timelines, maintaining high levels of team effectiveness, and proactively for five exhibition programs yearly.
- Working closely and collaboratively with artists, galleries, and partner organizations, I helped navigate public art projects from initial proposals through contract negotiation, fabrication, installation logistics, press/social strategies, and programming development.
- Planned and executed grassroots fundraising efforts and community-driven programming, including digital workshops, program lectures, and public tours. Supporting the organization's mission of reaching new audiences and expanding awareness through contemporary art.

### Education B.A. Arts Administration, cum laude, *Simmons College*

Boston, MA 2013

- Concentration in Communications and Art History, Minor in Photography
- Trustman Fellowship Recipient & Alicia Craig Faxon Award in Art History
- Visual Thinking Strategies (VTS) x Partnerships & Programming Fellowship, Isabella Stewart Gardener Museum

## Professional Associations & Proficiency

- Portland Public Art Committee Member, American Alliance of Museums & Public Art Exchange.
- Graphic Design, Print Production, Squarespace, Adobe Creative Suite, Microsoft Office Suite, G-Suite, Airtable, Trello, Facebook / Instagram Charities, Social Analytics, Smartpress, & Quickbooks.



# Saa Rosenblatt

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May 3, 2024

Appointment Comm Chairman  
City Clerk

389 Congress Street  
Portland, ME 04101

---

## Dear Committee Chairman,

My name is Saa I am interested in applying for the committee positions below:

1. Parks Commission
2. Portland Development Corporation
3. Portland Public Art committee
4. Rent Board

I have attached is a copy of my resume.

Sincerely,  
Saa Rosenblatt

[Redacted signature]

[Redacted contact information]

**Address:** 83 Middle Street #410  
Portland, ME 04101

# SAA RAFA ROSENBLATT



83 Middle St # 410  
Portland, ME 04101

## EDUCATION

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|             |                                                          |               |
|-------------|----------------------------------------------------------|---------------|
| <b>BA</b>   | Suny Purchase College, Liberal Studies<br>Minored in Art | 6/2010        |
| <b>Cert</b> | Irvine Valley College, Laughter Yoga                     | 4/2014-6/2016 |
| <b>Cert</b> | Irvine Valley College, Mindfulness                       |               |
| <b>Cert</b> | Irvine Valley College, Brain Health                      |               |
| <b>Cert</b> | Irvine Valley College, Meditation                        |               |
| <b>Cert</b> | Irvine Valley College, Energy Medicine                   |               |
| <b>Cert</b> | Irvine Valley College, Stress Management                 |               |
| <b>Cert</b> | Core Power Yoga, 200hr Instructor                        | 2/2012        |

## HONORS AND AWARDS

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|                                                                                                             |      |
|-------------------------------------------------------------------------------------------------------------|------|
| <b>State University of New York</b><br>Certificate of Academic Achievement                                  | 2002 |
| <b>State University of NY Purchase College</b><br>State University of New York<br>Dean's List               | 2007 |
| <b>Dutchess Community College</b><br>Collegiate Science and Technology program<br>Outstanding student award | 2003 |
| <b>Phi Theta Kappa Society</b><br>Honor society award                                                       | 2004 |

## RESEARCH EXPERIENCE

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|                                                                                                                                                                                                                       |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>State University of NY Purchase College</b><br><b>Position:</b> Student researcher Science Department <ul style="list-style-type: none"><li>Computer, Statics/How weight affected ice skaters/Body Image</li></ul> | 2005 to 2002 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|



## WORK EXPERIENCE

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**Portland public schools, Portland, ME**

Summer 2019- 22

*Substitute teacher/conditional teaching certification*

Assist lead teacher with instructing students throughout daily classroom routine. Note-taking for Desired Results Developmental Maintained a positive learning environment by establishing consistent expectations for student, while learning how building strong classroom management skills.

**AmeriCorps's, Portland, ME**

Nov 2018 to Aug 2019

*Various jobs, volunteer non profit*

Working with housing authority also working at Portland public schools.

**University of California, Irvine, CA**

May 2013 to Aug 2015

*Meditation and yoga Instructor, SOAR*

Taught yoga and meditation, students that were having problems in college. Talking about the following topics: Mindfulness Developed relaxing movement, healing environment, and music

**Purchase College, Purchase, NY**

July 2005 to June 2010

*Volunteer Student event planner*

*Great Potential Program*

Planning student events, office work, mailings, research, coordinated events, marketing, answer phones, working with disadvantages student and families.

**Irvine Valley College, Irvine, CA**

August 1989 to June 1991

*Coordinator women's resource center*

Help to create a safe space for single parents, and disadvantage woman, information, and resources for woman and reentry students.

## PUBLICATIONS

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***Books***

**Relational Illness, NY: Publisher self, 2008.**

**The princess and the tree, Publisher Self 2010**

## INTEREST AND HOBBIES:

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Yoga Practioner, Healer, Artist, Vegan Chef, Belly dancer, Author Poet, singer, Skate boarder, gastronome, Gardner, hula hopper, Barbie collector, Photographer

# Jon D Berg

City of Portland | Generated 5/22/2024 @ 5:07 pm by OnBoardGOV - Powered by ClerkBase

## Status

**Name** Jon D Berg  
**Application Date** 4/17/2024  
**Expiration Date** 4/17/2025  
**Status** Received

| Board                                            | Vacancies | Status               |
|--------------------------------------------------|-----------|----------------------|
| <a href="#">Portland Development Corporation</a> | 0         | <span>Pending</span> |

## Basic Information

**Name**  
Jon D Berg

## Contact Information

**Address**  
1 India Street  
Portland, ME 04103

**Email**  
[Redacted]  
[Redacted]  
[Redacted]

## Additional Information

**Notes**

Generated 5/22/2024 @ 5:07 pm

Jonathan D. Berg  
85 Codman Street  
Portland, ME 04103  
[REDACTED]  
[REDACTED]

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**PROFFESIONAL SUMMARY:** Accomplished financial professional with experience in commercial lending, sales, portfolio management, credit analysis and review. Strengths in credit recommendations and presentation both written and oral. Strong knowledge of commercial banking rules and regulations. Respected as resource and leader by co-workers with prior supervisor experience.

**EXPERIENCE:**

Gorham Savings Bank

***Vice President, Commercial Banker June 2021 – current***

Responsible for developing new business through credit, underwriting skills, and structuring new commercial loan requests. Maintaining, expanding, and servicing an existing commercial loan portfolio. Cross-selling to development comprehensive banking relationships. Evaluate credit worthiness, collateral, and character of potential borrowers.

***Vice President, Senior Portfolio Manager May 2018 to June 2021***

Responsible for managing and servicing a portfolio of commercial customers, including expanding, building, and maintaining strong customer relationships with a resulting high level of customer satisfaction, both externally and internally. Primary responsibilities include analyzing financial data to determine the merits of loan requests, loan structure, managing the renewal process, annual reviews, and the collection of financial documents in a timely manner. Thorough understanding of loan policy.

Norway Savings Bank

***Commercial Credit Analyst November 2015 – May 2018***

Prepare objective written credit analysis including assigning accurate risk ratings for new loans or for the renewal of existing facilities as requested by Southern Maine Lenders. Analyzes financial statements, collateral, debt service, personal financial statements, and personal cash flow, and summarizes risks and mitigants. Recommend loan structuring; identify legal and documentation issues; industry considerations that affect specific borrower types; credit policy and procedures and their impact on the transaction; and underwriting requirements specific to loan requests.

Peoples United Bank

***Business Banker 2014 - August 2015***

Develop new comprehensive business relationships through COI's, business partners and existing business relationships in York and Cumberland County. Responsible for preliminary credit analysis, credit write up, and recommendation for all new loans. Responsible for managing, servicing, renewing, and ensuring loan compliance for existing commercial loan portfolio of over 150 clients in York and Cumberland County. Identify opportunities within existing portfolio to expand banking services while maintaining the highest level of customer service.

Biddeford-Saco Area Economic Development Corporation

***Commercial Loan Officer 2006 - 2014***

The primary role of this position was to develop relationships within York County to determine lending opportunities to stimulate economic growth. Responsibilities include originating, underwriting, and presenting loans to the Loan Committee for approval, and once approved, coordinating the loan closing process. Manage existing loan portfolio for compliance, payment performance, and continued opportunities. In addition, duties include determining feasibility and eligibility of applicants regarding financial requirements of the various loan programs and guidelines offered by the organization including SBA, FAME, USDA, and CDBG programs along with working with local banks as a loan participant.

AGA Realty LLC, DBA *Foods on the Go*

***Business Manager 2003 – 2006***

Managed all aspects of a single convenience store which included all hiring, training, and scheduling of staff, maintaining licenses, equipment, and fixtures, directing an assortment of vendors, merchandising the store, and performing all financial reporting.

State of Maine, Bureau of Financial Institutions

***Bank Examiner 2001 – 2003***

Examined state-chartered banks, trusts and credit unions for safety and soundness and compliance in State of Maine. Prepared written comments for the report of examination regarding specific areas assessed at each institution.

Banknorth Group, Inc.

***Fixed Asset Accountant 1999 - 2001***

Responsible for the accounting and reporting of fixed assets and preparing personal property taxes for the bank. Additional responsibilities included maintaining the controls of the fixed asset system which held 45,000 records spanning ten banks.

***Mortgage Processor, 1998 - 1999***

**EDUCATION:**

National Development Council

ED101 Economic Development Finance, October 2006

ED201 Business Credit Analysis, December 2006

Colorado School of Banking

Concepts of Interest Rate Risk, February 2002

FDIC, Washington, DC

Financial Institution Analysis School, June 2002

Fundamentals of Information Systems, February 2002

Safety and Soundness Examiner Training Program, June 2001

University of Southern Maine, Portland, ME

B.S. Accounting, May 1998

**ACTIVITIES AND AWARDS:**

Nominated Gorham's Greatest 2020 and 2021

Heart of Biddeford

Board Member 2009 - 2011

Economic Development Committee

City of Biddeford

Economic Development Committee 2006 -2014

The Woodlands Club

Golf Committee Member 2009-2011

Avid Golfer and Skier



April 17, 2024

City of Portland  
Portland Development Corporation (Vacant Board Position)  
389 Congress Street  
Portland, ME 04101

To Whom It May Concern:

I would like to apply for the vacant position on the Portland Development Corporation (PDC) Board. I feel that I can contribute to the mission of the PDC as I have over a decade of economic development and commercial lending experience. I worked for 8 years in Biddeford-Saco for what is now known as Southern Maine Finance Agency that was formally Biddeford-Saco Area Economic Development Corporation. My time working in Biddeford-Saco I spent implementing lending and grant programs that flowed to the corporation through municipal, state, and federal government. Over the last number of years I have been working in banking, I've worked in various roles, as a commercial credit analyst, commercial portfolio manager, and currently, commercial lending. I enjoy working with others to reach common goals, and in helping small and large businesses achieve success. I am a long-time resident of Portland.

Sincerely,

A handwritten signature in black ink that reads "Jon Berg".

Jon Berg  
Vice President  
Gorham Savings Bank

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 4, 2024

**SUBJECT:** Order 250-23/24 Granting Municipal Officers' Approval of Lam Hack LLC, dba Depot Pavilion and Concessions. Application for Class I Auditorium with Outdoor Entertainment and Outdoor Dining on Private Property at 205 Thompsons Point Road - Sponsored by Danielle P. West, City Manager

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: No**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Application was filed on 6/3/24. Adding full time alcohol service to existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 2024.06.17\_Depot Pavilion and Concessions\_Council Order

2. 2024.06.17\_Depot Pavilion and Concessions\_Council Packet

Prepared by:

Date: 06/04/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA Y. BULLETT (4)  
KATHRYN SYKES (5)

**ORDER**

**GRANTING MUNICIPAL OFFICERS’**

**APPROVAL OF:**

**Lam Hack LLC, dba Depot Pavilion and Concessions. Application for Class I Auditorium  
with Outdoor Entertainment and Outdoor Dining on Private Property at 205 Thompsons  
Point Road**





May 16, 2024

**City of Portland**  
389 Congress St.  
Portland, Maine 04101  
207-874-8300

Mayor Mark Dion  
City Council Members

Dear Mr. Mayor and members of the Portland City Council,

On behalf of Lam Hack, LLC (dba Depot Pavilion and Concessions), it is my pleasure to submit this letter in conjunction with our application for a Class I (Auditorium) License for our new concessions service at Thompson's Point, located at 205 Thompson's Point Road, Portland, Maine 04102.

The project is near completion and we hope to be operating by mid- to late-June. From the inception of the Thompson's Point outdoor event area, we've handled all bar and food sales via portable and mobile infrastructure – yurts, mobile bars, food trucks. We're excited to finally have a permanent building that can house the bar service for our outdoor events at the Point, from smaller-scale daily operations for the ice rink in the winter and outdoor dining in the summer, to our larger capacity programming like the Summer Sunsets Live and Summer Concert Series (for which we will be supplementing with food trucks and portable bathrooms).

The Class I Auditorium license will support the sale and storage of on-premise alcohol inside the building, which is being finalized now pursuant to our approved site plan approval and building permit.

I've attached a select few of the approved building permit plans including the site plans with dining/use capacity for those two aforementioned uses, as well as the building layouts and location of the alcohol storage.

We plan to expand the license area on certain days to accommodate larger seasonal events – these will look very much like our summer events in years past, now with the addition of some new permanent infrastructure.

We thank you and your colleagues for your consideration, and for all of your support of our efforts at Thompson's Point over the years.

Sincerely,

Chris Thompson  
Lam Hack, LLC  
18 Van Aken Way  
Portland, ME 04102



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

**Application for Food Service Establishment with Alcoholic Beverages License**

| <b>Business Information</b>                                                      |                |                                                                                     |
|----------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------|
| Legal Business Entity Applicant Name (corporation, LLC):<br><b>Lam Hack, LLC</b> |                | Business Name (D/B/A):<br><b>Depot Pavilion and Concessions</b>                     |
| Individual or Sole Proprietor Applicant Name(s):                                 |                | Physical Location:<br><b>205 Thompsons Point Rd. Portland 04102</b>                 |
| If applicable, what was formerly at this location:                               |                | Business Email Address:<br><b>kkerrigan@thompsonspointmaine.com</b>                 |
| Mailing Address:<br><b>18 Van Aken Way Portland, ME 04102</b>                    |                | Contact Person:<br><b>Kellie Kerrigan</b>                                           |
| Contact Person Phone:<br><b>(978) 380-2849</b>                                   |                | Contact Person Email:<br><b>kkerrigan@thompsonspointmaine.com</b>                   |
| Manager of Establishment:                                                        | Date of Birth: | Manager Phone:                                                                      |
| Owner of Premises (Landlord):<br><b>Forefront Point, LLC</b>                     |                | Address of Premises Owner (Landlord):<br><b>18 Van Aken Way, Portland, ME 04102</b> |

| <b>Sole Proprietor/Partnership Information (If Corporation, leave blank)</b> |                |                    |
|------------------------------------------------------------------------------|----------------|--------------------|
| Name of Owner(s):                                                            | Date of Birth: | Residence Address: |
| Name of Owner(s):                                                            | Date of Birth: | Residence Address: |

| <b>Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)</b> |                |                                                                         |                                            |
|----------------------------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------|--------------------------------------------|
| Corporate Name:<br><b>Lam Hack, LLC</b>                                                                  |                | Corporate Mailing Address:<br><b>18 Van Aken Way Portland, ME 04102</b> |                                            |
| Contact Person:<br><b>Christopher Thompson</b>                                                           |                | Contact Phone:<br><b>(207) 347-1614</b>                                 |                                            |
| Principal Officers                                                                                       | Title          | Date of Birth                                                           | Residence Address                          |
| <b>Christopher Thompson</b>                                                                              | <b>Manager</b> | <b>3/11/1975</b>                                                        | <b>100 Middle Rd., Cumberland ME 04021</b> |
| <b>Jed Troubh</b>                                                                                        | <b>Manager</b> | <b>7/16/1970</b>                                                        | <b>9 Lillian Way, Scarborough ME 04074</b> |
|                                                                                                          |                |                                                                         |                                            |
|                                                                                                          |                |                                                                         |                                            |



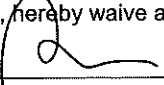
**CITY OF PORTLAND**  
**Permitting and Inspections Department**

|                                                                                                                                                                   |                                                                                                                              |  |                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------|
| Class of Liquor License (see fee schedule): <b>Class I (Auditorium)</b>                                                                                           |                                                                                                                              |  |                                                              |
| Type of food served:                                                                                                                                              | Sandwiches, chips, dessert items                                                                                             |  |                                                              |
| Please select all that will be served:                                                                                                                            | <input checked="" type="checkbox"/> Beer <input checked="" type="checkbox"/> Wine <input checked="" type="checkbox"/> Liquor |  |                                                              |
| Projected percentage of sales:                                                                                                                                    | Generated from Food: 60%                                                                                                     |  | Generated from Alcohol: 40%                                  |
| Hours & days of operation:                                                                                                                                        | Pending event day needs                                                                                                      |  |                                                              |
| QUESTIONS                                                                                                                                                         |                                                                                                                              |  | YES      NO                                                  |
| Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?                               |                                                                                                                              |  | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| If No, please explain: Meals will be available such as handheld sandwiches ect ordered from a window and able to use tableware if desired or needed by customers. |                                                                                                                              |  |                                                              |
| Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?                                               |                                                                                                                              |  | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| If yes, give the distance: 2.5                                                                                                                                    |                                                                                                                              |  |                                                              |
| Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)                                                  |                                                                                                                              |  | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Will you permit dancing after 1:00 a.m.?                                                                                                                          |                                                                                                                              |  | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Will you have outside dining? (If yes, an Outdoor Dining Application is required)                                                                                 |                                                                                                                              |  | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| If yes, will the outside dining be on: <input type="checkbox"/> PUBLIC property      or <input checked="" type="checkbox"/> PRIVATE property                      |                                                                                                                              |  |                                                              |
| Will you have any amusement devices (pinball, video games, juke box)?                                                                                             |                                                                                                                              |  | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| If yes, please list:      # of amusements:      and      # of pool tables:                                                                                        |                                                                                                                              |  |                                                              |
| What is your targeted opening date? : <b>June 15, 2024</b>                                                                                                        |                                                                                                                              |  |                                                              |
| Does the Issuance of this license directly or indirectly benefit any City employee(s)?                                                                            |                                                                                                                              |  | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| If Yes, list name(s) of employee(s) and department(s):                                                                                                            |                                                                                                                              |  |                                                              |
| Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?                                    |                                                                                                                              |  | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| If Yes, please list business name(s) and location(s):                                                                                                             |                                                                                                                              |  |                                                              |
| Is any principal officer under the age of 21?                                                                                                                     |                                                                                                                              |  | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?                                  |                                                                                                                              |  | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| If Yes, please explain:                                                                                                                                           |                                                                                                                              |  |                                                              |

I Kellie Kerrigan do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature  Title Manager Date 5/15/24

# —bar menu—

## **COCKTAILS**

Rum Punch  
Mint Vodka Lemonade  
Blueberry Margarita  
Aperol Spritz

## **DRAFT AND CANS**

Allagash White  
Bissell Brothers Substance IPA  
Mast Landing Champ Lager  
Oxbow Farmhouse Pale Ale  
Downeast Blackberry Cider  
Pine Rickey & Rose Verde Apres Seltzer  
Bud Light & PBR

## **WINE**

Red, Rose, White & Prosecco

## **NON- ALCOHOLIC**

Mint Lemonade Mocktail  
Non- Alcoholic Beer  
Water Bottle  
Soda



**CITY OF PORTLAND**  
Permitting and Inspections Department

**Outdoor Dining Permit on Private Property  
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☒ Outdoor Dining on Private Property \$125.00    ☒ Legal Advertisement Deposit \$100.00

|                               |                                    |        |              |
|-------------------------------|------------------------------------|--------|--------------|
| <b>Business Information</b>   |                                    |        |              |
| Business Name (d/b/a):        | Lam Hack, LLC                      | Phone: | 207-747-5288 |
| Location Address:             | 205 Thompsons Point Rd             | Zip:   | 04102        |
| Mailing Address:              | 18 Van Aken Way Portland, ME       | Zip:   | 04102        |
| Contact Person:               | Kellie Kerrigan                    | Phone: | 978-380-2849 |
| Contact Person Email:         | kkkerrigan@thompsonspointmaine.com |        |              |
| Manager of Establishment:     | Date of Birth:                     | Phone: |              |
| Owner of Premises (Landlord): | Forefront Point, LLC               |        |              |
| Address of Premises Owner:    | 18 Van Aken Way Portland, ME       | Zip:   | 04102        |

**Owner Information**

|                           |               |                                  |                                     |
|---------------------------|---------------|----------------------------------|-------------------------------------|
| <b>Corporate Name</b>     |               | <b>Corporate Mailing Address</b> |                                     |
|                           |               | 18 Van Aken Way Portland, ME     | Zip: 04102                          |
| Contact Person:           | Lam Hack, LLC | Phone:                           | 207-747-5288                        |
| <b>Principal Officers</b> | <b>Title</b>  | <b>Date of Birth</b>             | <b>Residence Address</b>            |
| Christopher Thompson      | Manager       | 03/11/1975                       | 100 Middle Rd Cumberland, ME 04021  |
| Jed Troubh                | Manager       | 7/16/1970                        | 9 Lillian Way Scarborough, ME 04074 |
|                           |               |                                  |                                     |
|                           |               |                                  |                                     |



**CITY OF PORTLAND**  
Permitting and Inspections Department

|                                        |                                           |
|----------------------------------------|-------------------------------------------|
| Class of License:                      | Outdoor Dining Permit on Private Property |
| Type of food served:                   | Sandwiches, Chips, Dessert Items          |
| Please circle all that will be served: | Beer X Wine X Liquor X                    |
| Hours & days of operation:             | Pending event day needs                   |
| Number of Tables                       | Pending event day needs                   |
| Number of Chairs                       | Pending event day needs                   |

**Design and Construction**

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at [permitting@portlandmaine.gov](mailto:permitting@portlandmaine.gov) or 874-8703.

**Maintenance and Operations**

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature  Title Manager Date 5/21/2014

For Administrative Use Only

|                            |                         |              |
|----------------------------|-------------------------|--------------|
| Amount: _____              | Request Date / Approval | Notes: _____ |
| Date Paid: _____           | FD: _____ / _____       | _____        |
| CC _____ CA _____ CK _____ | Health: _____ / _____   | _____        |
|                            | PD: _____ / _____       | _____        |
| Amount: _____              | PR: _____ / _____       | _____        |
| Date Paid: _____           | Treasury: _____ / _____ | _____        |
| CC _____ CA _____ CK _____ | Zoning: _____ / _____   | _____        |



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

**Application for an Entertainment License**

☐ Indoor Entertainment \$500.00      ☒ Outdoor Entertainment \$700.00      ☐ Combined Entertainment \$800.00

|                                               |                                      |        |              |
|-----------------------------------------------|--------------------------------------|--------|--------------|
| <b>Business Information</b>                   |                                      |        |              |
| Business Name (d/b/a):                        | Depot Pavilion and Concessions       | Phone: | 207-747-5288 |
| Location Address:                             | 205 Thompsons Point Road Portland ME |        | Zip: 04102   |
| Owner Name:                                   | Christopher Thompson                 | Phone: | 207-747-5288 |
| Owner Email:                                  | parallaxpartners@gmail.com           |        |              |
| Contact Person responsible for Entertainment: | Julia May                            | Phone: | 207-701-1302 |
| Contact Person Email:                         | julia@thompsonspointmaine.com        |        |              |
| Manager of Establishment:                     | kellie Kerrigan                      | Phone: | 978-380-2849 |
| Manager Email:                                | kkerrigan@thompsonspointmaine.com    |        |              |

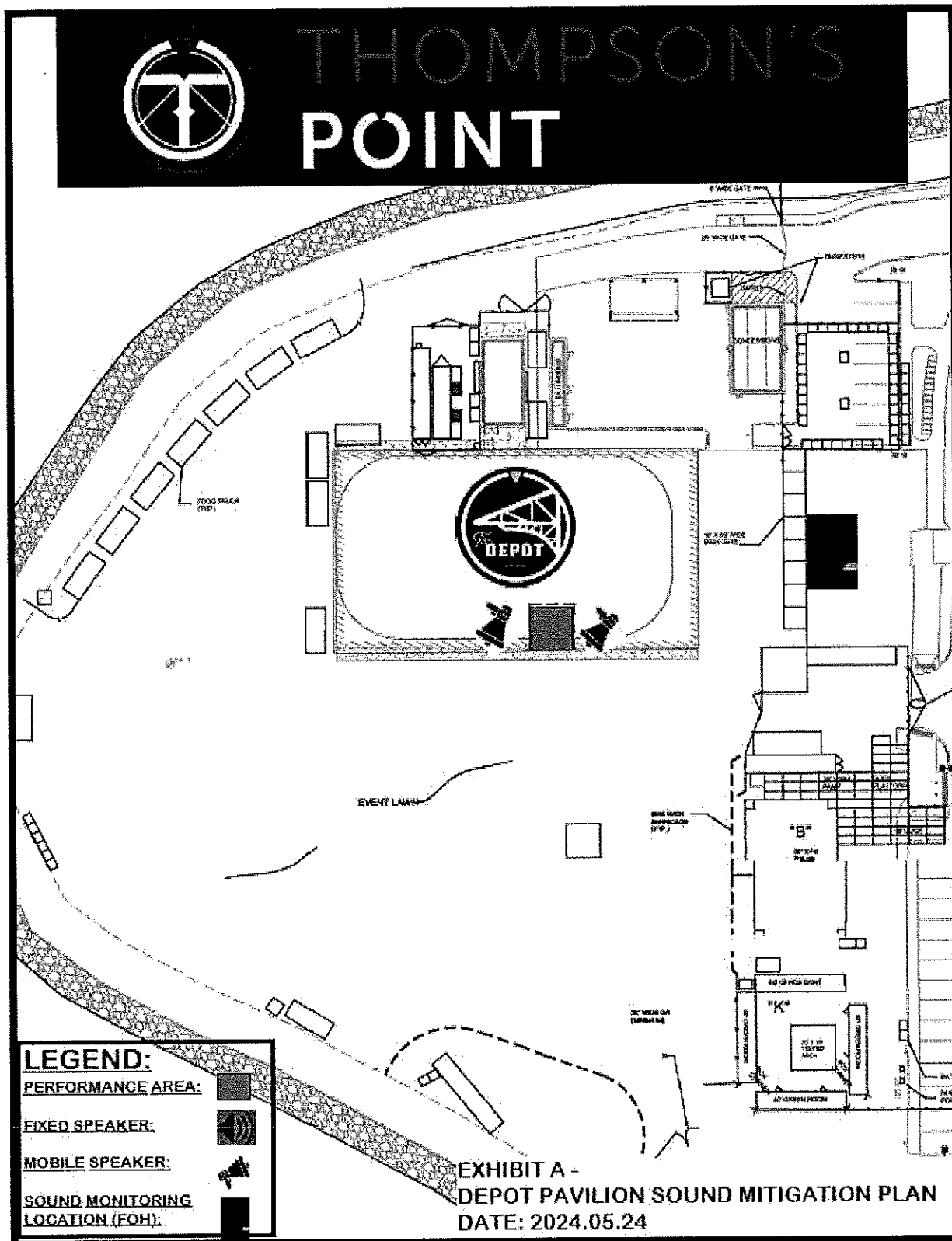
**About Your Establishment**

Describe in detail the type and nature of the business and proposed entertainment:  
Lam Hack will host a number of community events with entertainment.

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

*For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at [www.portlandmaine.gov](http://www.portlandmaine.gov)*







## **SOUND MITIGATION PLAN**

**PREPARED FOR:**

**Lam Hack LLC**

**VENUES ANALYZED:**

**DEPOT PAVILION**

**LOCATED AT:**

**FOREFRONT AT THOMPSON'S POINT  
PORTLAND, MAINE**

**PREPARED BY:**

**HALO STUDIOS  
WINDHAM, ME**

**22 MAY 2024**

**22 May 2024**

From: Darren Elder, Halo Studios

To: Jessica Hanscombe, Licensing, City of Portland

---

Dear Ms. Hanscombe,

On behalf of our clients at Thompson's Point, Halo Studios is pleased to provide this Sound Mitigation Plan in support of entertainment licensing for Lam Hack LLC ("Depot Pavilion").

For ease of review, we have provided our findings and recommendations in order of the required items as outlined in the Code of Ordinances, Chapter 4, Sec. 4-52, Rev. 7-15-2019 4-10, 2 (a-d) inclusive.

Because Thompson's Point accommodates a variety of events around its campus, we have assembled all three primary areas on site where entertainment generally occurs under this mitigation plan for the Depot Pavilion, we have not, however, addressed the large outdoor concerts that are held at the Depot Pavilion in partnership with the State Theatre in this Sound Mitigation Plan.

We trust that the information and guidance we have provided will meet the City's needs and stand ready to answer any questions you may have as you conduct your review.

**(a.)**

This plan meets the requirement that it be prepared by a professional sound engineer with appropriate experience and training. Halo Studios brings decades of experience and a track record that is second to none in terms of sophisticated sound engineering, acoustic design, and consulting on complex sound and audio-visual environments. Our proprietary design and modeling permits us to "tame" indoor and outdoor spaces of any size and configuration, and we have been on board at Thompson's Point for several years accomplishing these outcomes for the businesses that are the subject of the current license application.

The team at Halo Studios is routinely called upon by clients ranging from world-renowned recording artists and mastering studios to private businesses and municipalities to solve their acoustical needs and sound engineering challenges.

Over the last sixteen years, we have become beta-testers for multiple cutting edge audio software and treatment companies, which allows us to take every measure to maximize the acoustic experience within each designated space while minimizing unwanted frequencies and decibel levels.

Professional references are available upon request, and more information about the specialists at Halo Studios can be found here:

<http://thehalostudio.com/about-us/who-we-are/>

**(b.)**

Our Sound Mitigation Plan begins by identifying the surrounding uses to which we aim to minimize, and indeed to eliminate, impact, both in terms of overall dba levels and tonal and impulse sounds.

The nearest residential uses to the project are located in the R-5 and R-6 zones and are in excess of 2,000 ft from the Depot Pavilion.

Other surrounding land uses include the Portland Jetport across the Fore River to the Southwest, Interstate 295 which parallels the site to the east, and the Portland Transportation Center (bus and train stations) to the north.

These surrounding land uses are all significant transportation noise sources and the aircraft noise from the Portland Jetport is analyzed at periodic intervals in accordance with Federal Aviation Regulation Part 150. As a practical matter, with respect to nearby residents, the sound output from these neighbors (jet engines, train engines and whistles, etc.), and from the I-295 corridor, far exceeds the dba, tonal, and impulse impacts from any entertainment activity that Thompson's Point could generate.

Our Sound Mitigation Plan combines three simple elements which, when operated in conjunction, permit us to deliver superior sound mitigation that results in negligible impacts on neighboring uses.

These are:

1. Underlying sound measurement matrix and mathematical assumptions;
2. Distribution of professional audio equipment;

### 3. Regular monitoring during events

Items 1 and 2 are discussed in more detail in response to section (c.) below, and item 3 is treated in response to section (d.) below.

#### (c.)

Outdoor events utilize a distributed professional sound amplification system that will consist of sound production assemblies which may be integrated using a mobile system. one type of assembly is mobile. This is operated to achieve the best sound quality with the least amount of negative impact on surrounding uses.

Halo Studios staff specified, procured, designed the installation of, and continues to provide technical oversight of this equipment, and has trained Thompson's Point staff on its basic operation as well.

The following data is intended to present generally anticipated sound pressure levels at various points on and adjacent to the Thompson's Point property resulting from amplified entertainment. Though the intent of the ordinance is to include all modes of entertainment, including but not limited to acoustic performance as well as pre-recorded music played via speakers, as a practical (and perhaps obvious) matter these modes are far less impactful than concert-level amplified music, so, to be as conservative as possible, we have utilized outdoor concert industry metrics to establish our underlying matrix and mathematical models.

For the purposes of modeling impacts, the base line for these calculations is concerts with 85dB (A-weighted) measured SPL at the FOH mix position (usually 75' from the stage).

The mathematical model used is the Inverse Square Law:

$$20 \cdot \log(D2/D1) = X$$

where "D1" represents distance from center stage to FOH Mix, "D2" represents distance from center stage to perimeter location and "X" represents the reduction in dBspl from "D1" to "D2".

Using inverse square law calculations we would expect the following resulting SPL outcomes in each given location/distance from an amplified entertainment source measuring 85dBA at the FOH mix position (which is assumed to be located approximately at or near an axis line running along the northerly edge of the concrete floor of the Depot Pavilion):

| <b>Location (dist.)</b>                                                            | <b>Resulting SPL</b> |
|------------------------------------------------------------------------------------|----------------------|
| Railroad Tracks (750')                                                             | 65.0dBA              |
| Portland Transportation Center (1050')                                             | 62.1dBA              |
| 50 Sewall Street offices (1600')                                                   | 58.4dBA              |
| Sewall Street (1350')                                                              | 59.9dBA              |
| Fore River Parkway Entrance (1350')                                                | 59.9dBA              |
| Northerly end of parking lot<br>at northwestern end of<br>Thompson's Point (1350') | 59.9dBA              |
| Nearest Residential Property<br>at Powsland Street (1640')                         | 58.3dBA              |

It is important to note that the use of a quality sound system, such as the equipment deployed by our team; the presence of various buildings on-site (and off-site, such as the Portland Transportation Center terminal and Concord Coach Lines bus depot) and the buffering effect of the landscaping around Thompson's Point and at its northwesterly edge, will all combine to result in significantly lower "real-world" measurements at each location than those "pure" figures shown above.

Further, it is important to note that these landscape and architectural features will also buffer against tonal and impulse sounds to the benefit of the residential properties to the north and northwest.

As a practical matter, sound levels at the FOH mix position could be higher than 85dBA and still result in sound levels at the nearest residential property that do not exceed 60dBA. As discussed earlier, the surrounding conditions, such as the Portland Jetport, I-295, and the Portland Transportation Center, already create ambient sound exceeds these levels. But with respect to entertainment held on the Thompson's Point campus, the intent of our analysis has been to demonstrate that, even with an output of 85 dBA at the source, it is mathematically impossible for any sound impact produced on campus to be in excess of 60 dBA at the nearest residential property, and the impact will most certainly be well below this level when "real world" factors such as buildings, topography, and landscaping are introduced into the equation.

Any outdoor entertainment would have to exceed concert-level output to negatively impact neighboring uses, which is a practical impossibility.

The mobile sound units used at the Depot Pavilion consist of:

TERRA Speakers

Grace Design Reference Monitoring

Customized Avid Console with Mac Hardware and Operating System and ProTools PlugIns  
and Avid Audio Interface

Exhibit A shows the Depot Pavilion building with speaker location and direction for a typical entertainment event, together with locations for sound monitoring for events of 250 patrons or greater

**(d.)**

Halo Studios personnel have routinely been deployed to perform sound monitoring with SPL meters on the Thompson's Point campus and at selected locations nearby during entertainment events since 2017.

By arrangement with Thompson's Point's venue, and under the direction of Thompson's Point staff, we will continue to ensure that one or more of our team members continues to be present to perform sound monitoring for events with entertainment that falls under the rubric of the definitions in the ordinance when those events are anticipated to exceed 250 patrons. More specific detail on the anticipated standard locations for our sound measurements during events is outlined in (c.) above.

Further, Thompson's Point's Director of Operations, Julia May, is equipped with and trained to use an SPL meter, and is available at any time prior to, during, or after events to respond to outreach from City officials.

Her contact information is as follows:

Julia May  
Director of Operations  
Thompson's Point  
julia@thompsonspointmaine.com  
(207) 710-1302

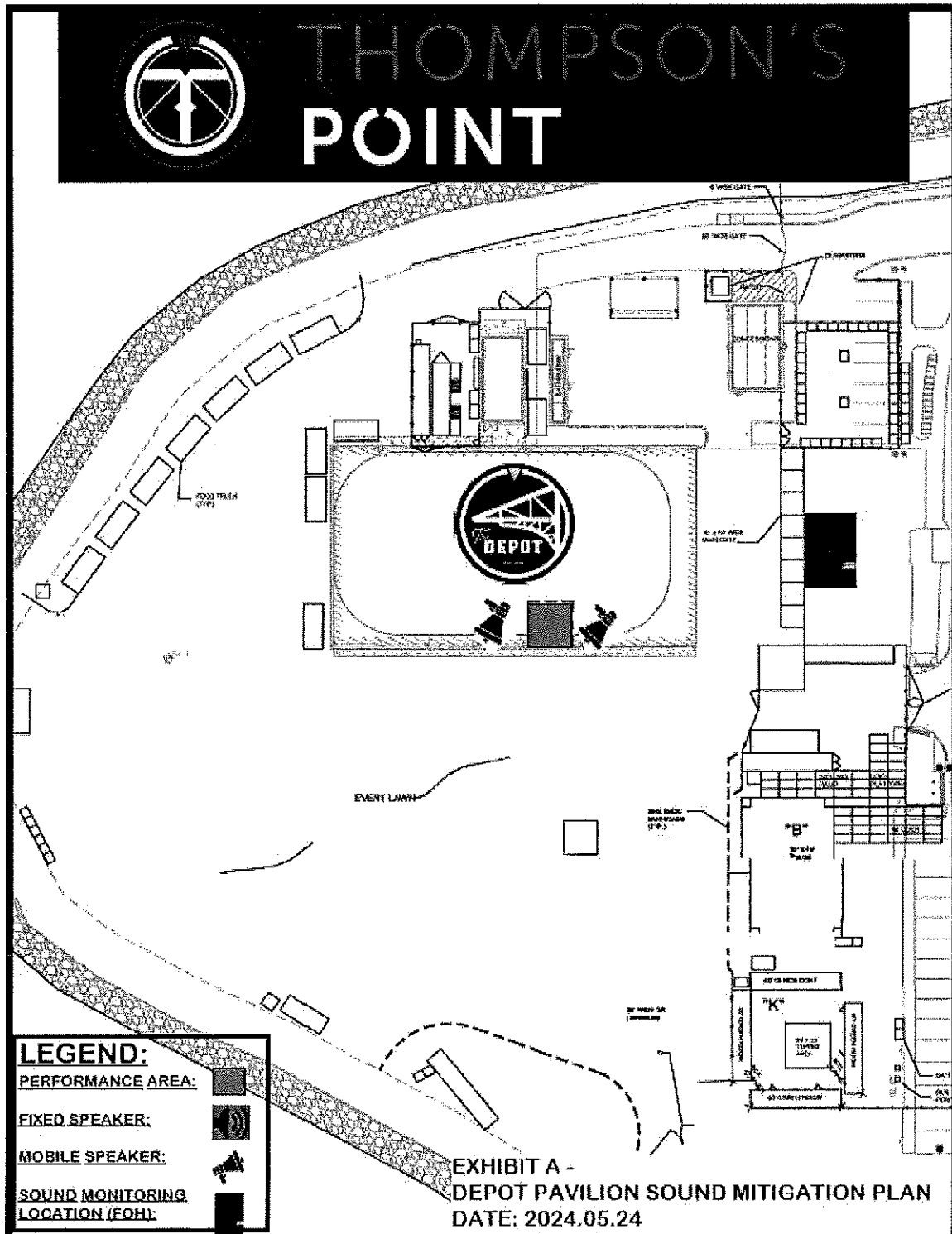
We trust that the foregoing will be sufficient to meet the requirements of the ordinance, and stand ready to answer any questions you may have.

Thank you,

Darren Elder  
The Halo Studios

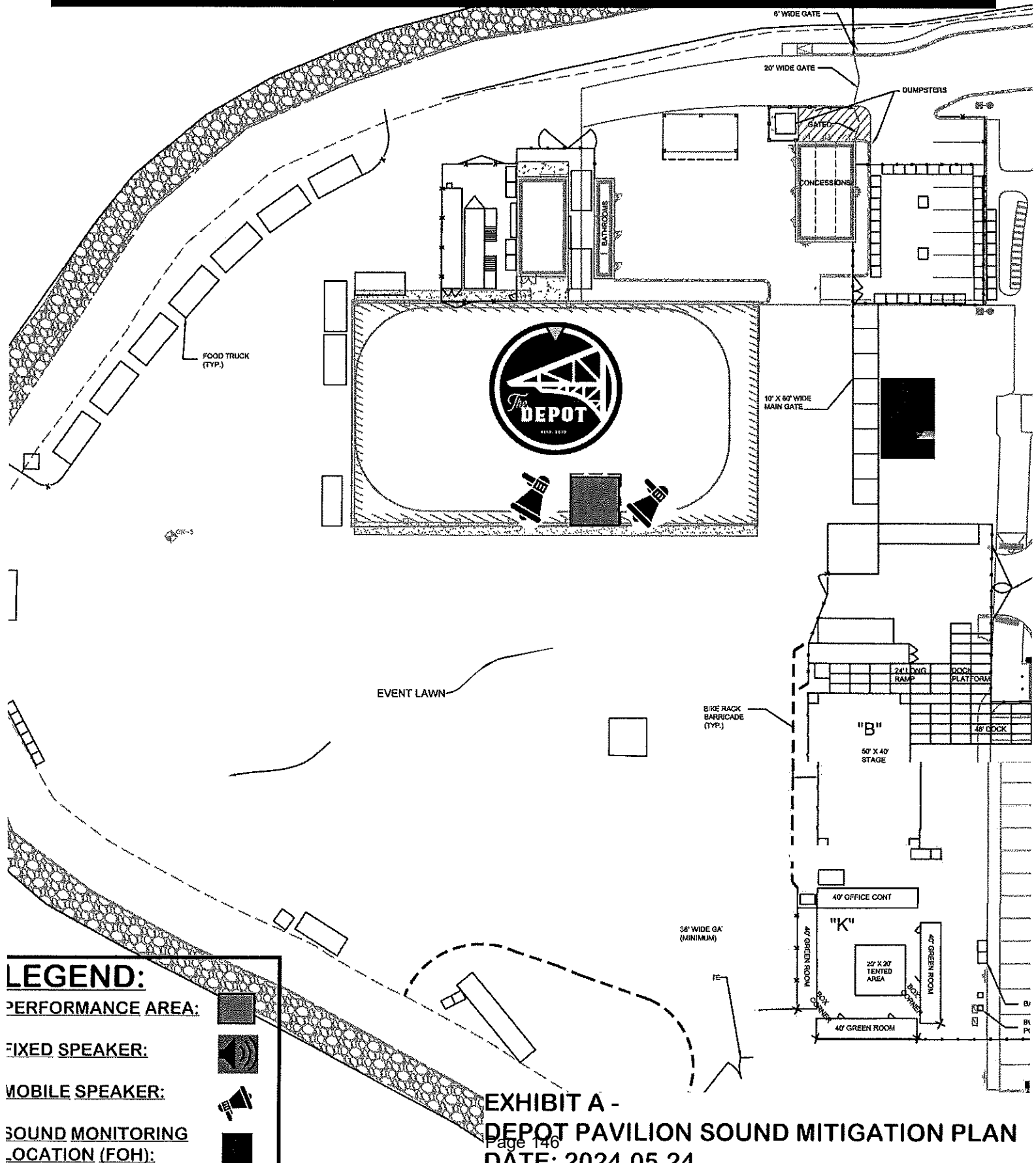
Exhibit A: Depot Pavilion layout/non-concert (typ.)

[attach]





# THOMPSON'S POINT





## **Legal Advertisement**

### **Notice of Public Hearing City of Portland**

A Public Hearing will be held on June 17, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of Lam Hack LLC, dba Depot Pavilion and Concessions. Application for Class I Auditorium with Outdoor Entertainment and Outdoor Dining on Private Property at 205 Thompsons Point Road - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections  
Zachary Lenhert, Licensing and Housing Safety Manager



June 12, 2024

Lam Hack LLC  
18 Van Aken Way  
Portland, Maine 04102

Re: Lam Hack LLC, dba Depot Pavilion and Concessions. Application for Class I Auditorium with Outdoor Entertainment and Outdoor Dining on Private Property at 205 Thompsons Point Road

Dear Lam Hack LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday June 17, 2024 at 5:00 p.m., for the review of application for Class I Auditorium with Outdoor Entertainment and Outdoor Dining on Private Property at 205 Thompsons Point Road. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at [bl@portlandmaine.gov](mailto:bl@portlandmaine.gov).

Sincerely,

Zachary J. Lenhert  
Licensing and Housing Safety Manager

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## Depot Pavilion (Thompsons Point) - Auditorium/Entertainment

---

**Zachary Finley** <zackf@portlandmaine.gov>

Sun, Jun 9, 2024 at 8:16 PM

To: Ron Kelton <rkelton@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, "Lynch, Kim" <Kim.Lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Glen McGary <glenm@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

PD approves.

[Quoted text hidden]

--

Lieutenant Zack Finley

Uniformed Patrol Operations

Portland Police Department



Zachary Lenhart <zlenhart@portlandmaine.gov>

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## Depot Pavilion (Thompsons Point) - Auditorium/Entertainment

---

**Zoning** <zoning@portlandmaine.gov>

Thu, Jun 6, 2024 at 11:31 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Ann Machado <amachado@portlandmaine.gov>

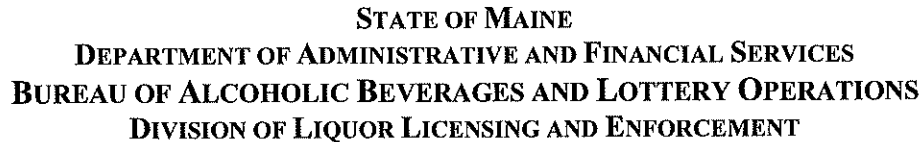
Zack -

Zoning approves the auditorium license to allow Liam Hack (Depot Pavilion and Concessions) to serve beer, wine and liquor at the concession building for events that are held at the outside event area at Thompson's Point on CBLs 202 A010, 015 and 016.

Please let me know if you have any questions.

Ann Machado  
Zoning Administrator  
City of Portland

[Quoted text hidden]



*All Questions Must Be Answered Completely. Please print legibly.*

| Division Use Only                                                        |     |
|--------------------------------------------------------------------------|-----|
| License No:                                                              |     |
| Class:                                                                   | By: |
| Deposit Date:                                                            |     |
| Amt. Deposited:                                                          |     |
| Payment Type:                                                            |     |
| OK with SOS:    Yes <input type="checkbox"/> No <input type="checkbox"/> |     |

|                                                                           |                                                                        |
|---------------------------------------------------------------------------|------------------------------------------------------------------------|
| Legal Business Entity Applicant Name (corporation, LLC):<br>Lam Hack, LLC | Business Name (D/B/A):<br>Depot Pavilion and Concessions               |
| Individual or Sole Proprietor Applicant Name(s):                          | Physical Location:<br>205 Thompsons Point Rd. Portland 04102           |
| Individual or Sole Proprietor Applicant Name(s):                          | Mailing address, if different:<br>18 Van Aken Way Portland, ME 04102   |
| Mailing address, if different from DBA address:                           | Email Address:<br>kkerrigan@thompsonspointmaine.com                    |
| Telephone #                      Fax #:<br>207-747-5288 Ext 4             | Business Telephone #                      Fax #:<br>207-747-5288 Ext 4 |
| Federal Tax Identification Number:<br>86-3568757                          | Maine Seller Certificate # or Sales Tax #:                             |
| Retail Beverage Alcohol Dealers Permit:                                   | Website address:<br>www.thompsonspointmaine.com                        |

1. New license or renewal of existing license? ☒ New Expected Start date: 06/15/2024  
☐ Renewal Expiration Date: 06/15/2025
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:  
Food: \$ 32,000.00 Beer, Wine or Spirits: \$ 64,000.00 Guest Rooms: \_\_\_\_\_
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)  
☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- |                                                                                                                    |                                                                          |                                                       |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> Restaurant<br>(Class I, II, III, IV)                                           | <input type="checkbox"/> Class A Restaurant/Lounge<br>(Class XI)         | <input type="checkbox"/> Class A Lounge<br>(Class X)  |
| <input type="checkbox"/> Hotel<br>(Class I, II, III, IV)                                                           | <input type="checkbox"/> Hotel – Food Optional<br>(Class I-A)            | <input type="checkbox"/> Bed & Breakfast<br>(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)<br>(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary                                       | <input type="checkbox"/> Mobile Cart                  |
| <input type="checkbox"/> Tavern<br>(Class IV)                                                                      | <input type="checkbox"/> Other: _____                                    |                                                       |
| <input type="checkbox"/> Qualified Caterer                                                                         | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) |                                                       |

*Refer to Section V for the License Fee Schedule on page 9*

5. Business records are located at the following address:

18 Van Aken Way Portland, ME 04102

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If **Yes**, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: \_\_\_\_\_

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

| Name of Business | License Number | Complete Physical Address |
|------------------|----------------|---------------------------|
|                  |                |                           |
|                  |                |                           |

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

| Full Name                                               | DOB                                                       | Place of Birth |
|---------------------------------------------------------|-----------------------------------------------------------|----------------|
| Christopher Thompson                                    | 03/11/1975                                                | Portland, ME   |
| Jed Troubh                                              | 07/16/1970                                                | Portland, ME   |
|                                                         |                                                           |                |
|                                                         |                                                           |                |
| Residence address on all the above for previous 5 years |                                                           |                |
| Name<br>Christopher Thompson                            | Address:<br>100 Middle Street, Cumberland , ME            |                |
| Name<br>Jed Troubh                                      | Address:<br>9 Lillian Way Scarborough, ME 04074 (current) |                |
| Name                                                    | Address:<br>26 Abner Lane, Portland, ME 04103 (prior)     |                |
| Name                                                    | Address:                                                  |                |

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

\_\_\_\_\_

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

Forefront Point, LLC; 18 Van Aken Way, Portland, ME 04102

\_\_\_\_\_



18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: \_\_\_\_\_

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

\_\_\_\_\_ courtyard area that surrounds service location, fenced off area for service.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Waynflete

Distance: 2.5

## Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 05/15/2024

\_\_\_\_\_  
Signature of Duly Authorized Person

\_\_\_\_\_  
Printed Name Duly Authorized Person

Kellie Kerrigan  
Signature of Duly Authorized Person

Kellie Kerrigan  
Printed Name of Duly Authorized Person

**Section III: For use by Municipal Officers and County Commissioners only**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

| Signature of Officials | Printed Name and Title |
|------------------------|------------------------|
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |

**This Application will Expire 60 Days from the date of  
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

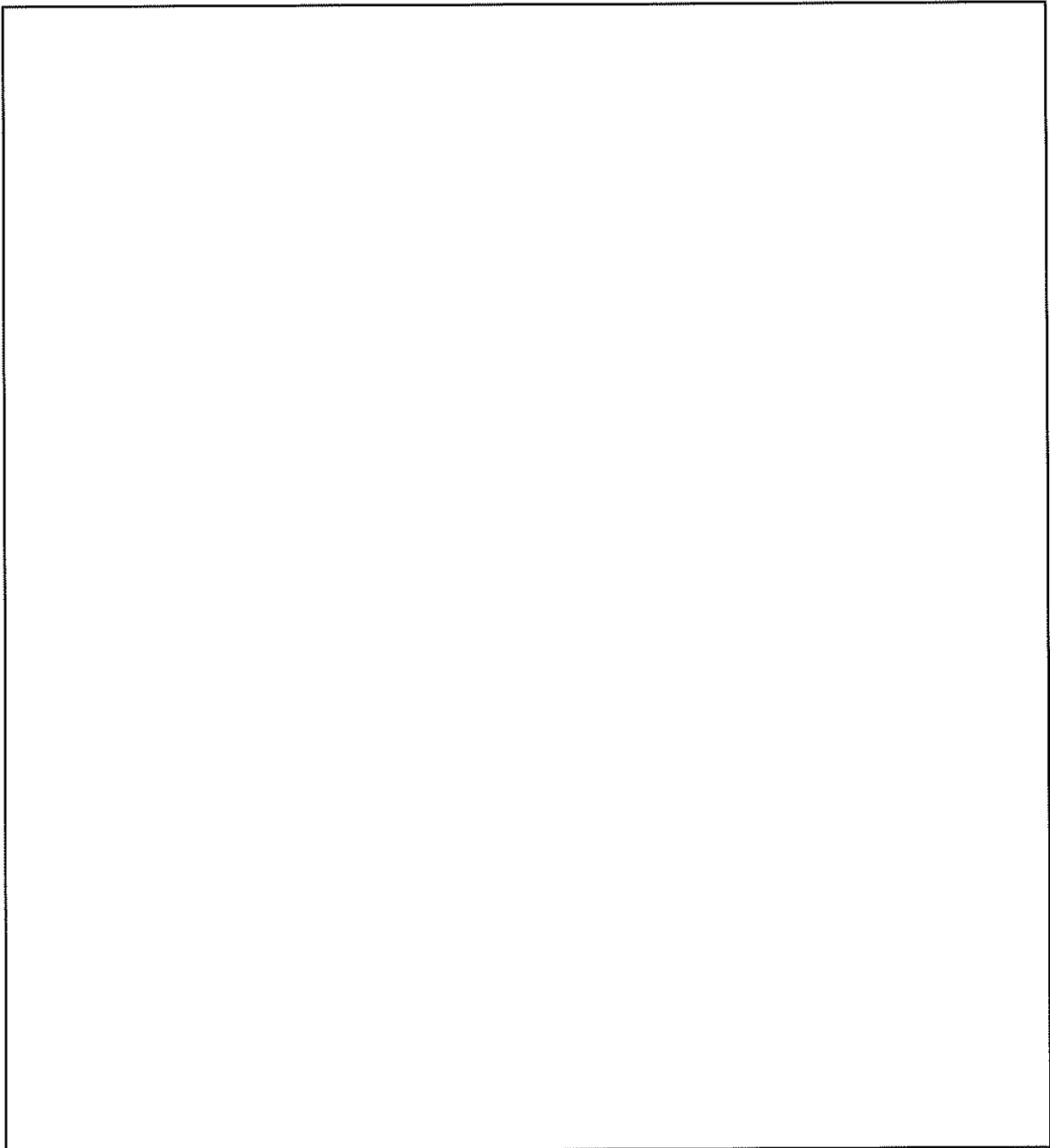
**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

**A.** The bureau shall prepare and supply application forms.

## Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: Lam Hack, LLC
2. Doing Business As, if any: Depot Pavilion and Concessions
3. Date of filing with Secretary of State: 11/20/2020 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

| <b>Name</b>          | <b>Address (5 Years)</b>                    | <b>Date of Birth</b> | <b>Title</b> | <b>Percentage of Ownership</b>  |
|----------------------|---------------------------------------------|----------------------|--------------|---------------------------------|
| Troubh Thompson, LLC | 18 Van Aken Way<br>Portland, ME 04102       |                      |              | 100% of<br>Lam Hack, LLC        |
| Christopher Thompson | 100 Middle Road<br>Cumberland, ME 04102     | 3/11/1975            | Manager      | 51% of Troubh<br>Thompson, LLC  |
| Jed Troubh           | 9 Lillian Way<br>Scarborough, ME 04074      | 7/16/1970            | Manager      | 49 % of Troubh<br>Thompson, LLC |
|                      | 26 Abner Lane<br>Portland, ME 04103 (prior) |                      |              |                                 |
|                      |                                             |                      |              |                                 |
|                      |                                             |                      |              |                                 |

(Ownership in non-publicly traded companies must add up to 100%.)

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 4, 2024

**SUBJECT:** Order 251-23/24 Granting Municipal Officers' Approval of PDT Holdings LLC, dba Portland Discovery Land & Sea Tours. Application for Class I FSE with Combined Entertainment at 170 Commercial Street - Sponsored by Danielle P. West, City Manager

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: No**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Application was filed on 5/28/24. Change of Ownership of existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 2024.06.17\_Portland Discovery Land & Sea Tours\_Council Order

2. 2024.06.17\_Portland Discovery Land & Sea Tours\_Council Packet

Prepared by:

Date: 06/04/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA Y. BULLETT (4)  
KATHRYN SYKES (5)

**ORDER**

**GRANTING MUNICIPAL OFFICERS’**

**APPROVAL OF:**

**PDT Holdings LLC, dba Portland Discovery Land & Sea Tours. Application for Class I  
FSE with Combined Entertainment at 170 Commercial Street**

4/12/2024

Mayor Dion and the City Council

City of Portland ME

389 Congress St

Portland, ME 04101

Dear Mayor Dion and City Council Members,

I am writing to seek a liquor license for PDT Holdings, LC, doing business as Portland Discovery Land & Sea Tours (PDT). PDT has been providing tours and charters on Casco Bay seasonally since 1988. In April 2024, Chenmark of Portland, Maine acquired PDT and is committed to maintaining the high operational standards set in the past. PDT has held a liquor license annually since 2005, except in 2020 when operations were suspended due to the coronavirus.

Our primary business is narrated tours of historical sights and the ecology of Casco Bay. We also do private group charters for family, business, and corporate events on our boats.

If you need any additional information, I would be happy to provide it.

Thank you for your consideration.

*Ben Havey*

Ben Havey

CEO

PDT Holdings, LLC

<https://portlanddiscovery.com/>





## CITY OF PORTLAND

## Permitting and Inspections Department

## Application for Food Service Establishment with Alcoholic Beverages License

| Business Information                                                                 |                                     |                                                                                          |
|--------------------------------------------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------|
| Legal Business Entity Applicant Name (corporation, LLC):<br><b>PDT Holdings, LLC</b> |                                     | Business Name (D/B/A):<br><b>Portland Discovery Land &amp; Sea Tours</b>                 |
| Individual or Sole Proprietor Applicant Name(s):                                     |                                     | Physical Location:<br><b>170 Commercial St, Portland ME 04101</b>                        |
| If applicable, what was formerly at this location:                                   |                                     | Business Email Address:<br><b>benh@chenmark.com</b>                                      |
| Mailing Address: <b>75 Washington Ave #2c, Portland ME 04101</b>                     |                                     | Contact Person:<br><b>Ben Havey</b>                                                      |
| Contact Person Phone:<br><b>617-307-8293</b>                                         |                                     | Contact Person Email:<br><b>benh@chenmark.com</b>                                        |
| Manager of Establishment:<br><b>Ben Havey</b>                                        | Date of Birth:<br><b>02/20/1988</b> | Manager Phone:<br><b>617-307-8293</b>                                                    |
| Owner of Premises (Landlord):<br><b>Chenmark Capital Management</b>                  |                                     | Address of Premises Owner (Landlord):<br><b>75 Washington Ave #2c, Portland ME 04101</b> |

| Sole Proprietor/Partnership Information (If Corporation, leave blank) |                |                    |
|-----------------------------------------------------------------------|----------------|--------------------|
| Name of Owner(s):                                                     | Date of Birth: | Residence Address: |
| Name of Owner(s):                                                     | Date of Birth: | Residence Address: |

| Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank) |              |                                                                               |                                                                          |
|---------------------------------------------------------------------------------------------------|--------------|-------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Corporate Name:<br><b>PDT Holdings, LLC</b>                                                       |              | Corporate Mailing Address:<br><b>75 Washington Ave #2c, Portland ME 04101</b> |                                                                          |
| Contact Person:<br><b>Ben Havey</b>                                                               |              | Contact Phone:<br><b>617-307-8293</b>                                         |                                                                          |
| Principal Officers                                                                                | Title        | Date of Birth                                                                 | Residence Address                                                        |
| <b>Ben Havey</b>                                                                                  | <b>CEO</b>   | <b>02/20/1988</b>                                                             | <b>5 Redpoll Drive, Falmouth, ME 04105</b>                               |
| <b>Trish Higgins</b>                                                                              | <b>owner</b> | <b>12/13/1985</b>                                                             | <b>14 Mary Ln Cumberland ME 04110</b>                                    |
| <b>James Higgins</b>                                                                              | <b>owner</b> | <b>5/3/1984</b>                                                               | <b>14 Mary Ln Cumberland ME 04110</b>                                    |
| <b>Palmer Higgins</b>                                                                             | <b>owner</b> | <b>12/15/1988</b>                                                             | <b>1 Remington way Falmouth ME 9 Anderson St, 406, Portland ME 04105</b> |

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

BL@portlandmaine.gov • www.portlandmaine.gov



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

|                                                                                                                                         |                                          |                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------|
| Class of Liquor License (see fee schedule): Class I (Class A Restaurant) <input checked="" type="checkbox"/>                            |                                          |                                                                                     |
| Type of food served:                                                                                                                    |                                          |                                                                                     |
| Please select all that will be served:                                                                                                  | <input checked="" type="checkbox"/> Beer | <input checked="" type="checkbox"/> Wine <input checked="" type="checkbox"/> Liquor |
| Projected percentage of sales:                                                                                                          | Generated from Food:                     | Generated from Alcohol:                                                             |
| Hours & days of operation:                                                                                                              |                                          |                                                                                     |
| <b>QUESTIONS</b>                                                                                                                        | <b>YES</b>                               | <b>NO</b>                                                                           |
| Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?     | <input type="checkbox"/>                 | <input type="checkbox"/>                                                            |
| If No, please explain:                                                                                                                  |                                          |                                                                                     |
| Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?                     | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>                                                 |
| If yes, give the distance:                                                                                                              |                                          |                                                                                     |
| Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)                        | <input checked="" type="checkbox"/>      | <input type="checkbox"/>                                                            |
| Will you permit dancing after 1:00 a.m.?                                                                                                | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>                                                 |
| Will you have outside dining? (If yes, an Outdoor Dining Application is required)                                                       | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>                                                 |
| If yes, will the outside dining be on: <input type="checkbox"/> PUBLIC property or <input checked="" type="checkbox"/> PRIVATE property | NO                                       |                                                                                     |
| Will you have any amusement devices (pinball, video games, juke box)?                                                                   | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>                                                 |
| If yes, please list: # of amusements: and # of pool tables:                                                                             |                                          |                                                                                     |
| What is your targeted opening date? : May 1st, 2024                                                                                     |                                          |                                                                                     |
| Does the Issuance of this license directly or indirectly benefit any City employee(s)?                                                  | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>                                                 |
| If Yes, list name(s) of employee(s) and department(s):                                                                                  |                                          |                                                                                     |
| Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?          | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>                                                 |
| If Yes, please list business name(s) and location(s):                                                                                   |                                          |                                                                                     |
| Is any principal officer under the age of 21?                                                                                           | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>                                                 |
| Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?        | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>                                                 |
| If Yes, please explain:                                                                                                                 |                                          |                                                                                     |

I, Ben Havey do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature Ben Havey Title CEO Date 04/11/2024



Alyssa Wilson &lt;awilson@portlandmaine.gov&gt;

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## New Liquor Application- Portland Discovery Land & Sea Tours

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Ben Havey <ben@portlanddiscovery.com>  
To: Alyssa Wilson <awilson@portlandmaine.gov>

Wed, May 15, 2024 at 10:24 PM

Hi Alyssa,

Answers to your questions below:

**Principal officers of PDT Holdings LLC-** You listed Ben Havey but on the state application listed "Trish, James, and Palmer Higgins. This should also match the city application. Please let me know who all of the officers are to add to the city app. - I would be the only officer of the company but Trish, James and Palmer are the owners.

**Entertainment-** There are a few things you are missing for the entertainment piece.

**-Sound mitigation** - I've attached the document

**- 8 1/2" x 11" diagram showing layout of the premises to include dimensions, locations of dancing, seating, toilet rooms and means of egress** - Document attached

**Outdoor Dining-** You checked off that you are not doing outdoor dining but then checked off that you are doing outdoor dining on private property. I have attached the outdoor dining application below. Please include everything that is on the cover page as well. If you are not doing outdoor dining you do not need to fill this out. - We are not doing outdoor dining

<https://content.civicplus.com/api/assets/32956c83-39c9-4182-92df-0daab3e2bc7f?cache=1800>

**-Menu-** We are missing a menu for the type of food being served. Our menu does not include the snacks sold on board. We sell pringles, chips and granola bars - they are all priced at \$2

**-Copy of Lease or purchase and sale and rental agreement** - Do you require the whole Sale Agreement?

[Quoted text hidden]

---

### 2 attachments

 **Sound Mitigation for PDT Holdings.docx**  
16K

 **Diagrams for Sound Mitigation.pdf**  
198K



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

**Application for an Entertainment License**

|                                                                   |                                                         |                                                                     |
|-------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Indoor Entertainment \$500.00            | <input type="checkbox"/> Outdoor Entertainment \$700.00 | <input checked="" type="checkbox"/> Combined Entertainment \$800.00 |
| <input checked="" type="checkbox"/> Sound Mitigation Fee \$150.00 |                                                         |                                                                     |
| <b>Business Information</b>                                       |                                                         |                                                                     |
| Establishment Name (d/b/a):                                       | Portland Discover Land & Sea Tours                      | Phone: 207-774-0808                                                 |
| Location Address:                                                 | 170 Commercial St, Portland ME                          | Zip: 04101                                                          |
| Owner Name:                                                       | Chenmark (James Higgins)                                | Phone:                                                              |
| Owner Email:                                                      | james@chenmarkcapital.com                               |                                                                     |
| Contact Person responsible for Entertainment:                     | Ben Havey                                               | Phone: 617-307-8293                                                 |
| Contact Person Email:                                             |                                                         |                                                                     |
| Manager of Establishment:                                         | Ben Havey                                               | Phone: 617-307-8293                                                 |
| Manager Email:                                                    | Benh@chenmark.com                                       |                                                                     |

**About Your Establishment**

Describe in detail the type and nature of the business and proposed entertainment:

We are a boat tour and trolly tour business. We provide charters with our boats which will have music from time to time as well.

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

Signature Ben Havey Title CEO Date 04/11/2024

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Sound Mitigation for PDT Holdings, LLC dba Portland Discovery Land & Sea Tours:**

Portland Discovery Land & Sea Tours primarily gives narrated tours of the history, sights and ecology of Greater Portland and Casco Bay. Occasionally (1 to 2 times each season) we will have live music during a private charter on our boats.

**Minimizing impact on surrounding uses:**

- Whenever we have a band on our boats, we do not allow music to be played until we are out on the bay and away from other businesses and residences.
- Captains are instructed to stay in less populated areas of the bay when there is live music onboard during a charter cruise to minimize impact on surrounding island residents.
- Cruises and entertainment end by 11 P.M. at the latest.

**Speaker Locations + Directions:**

See additional page for diagram

**Stage & Site Layout + Direction:**

See additional page for diagram

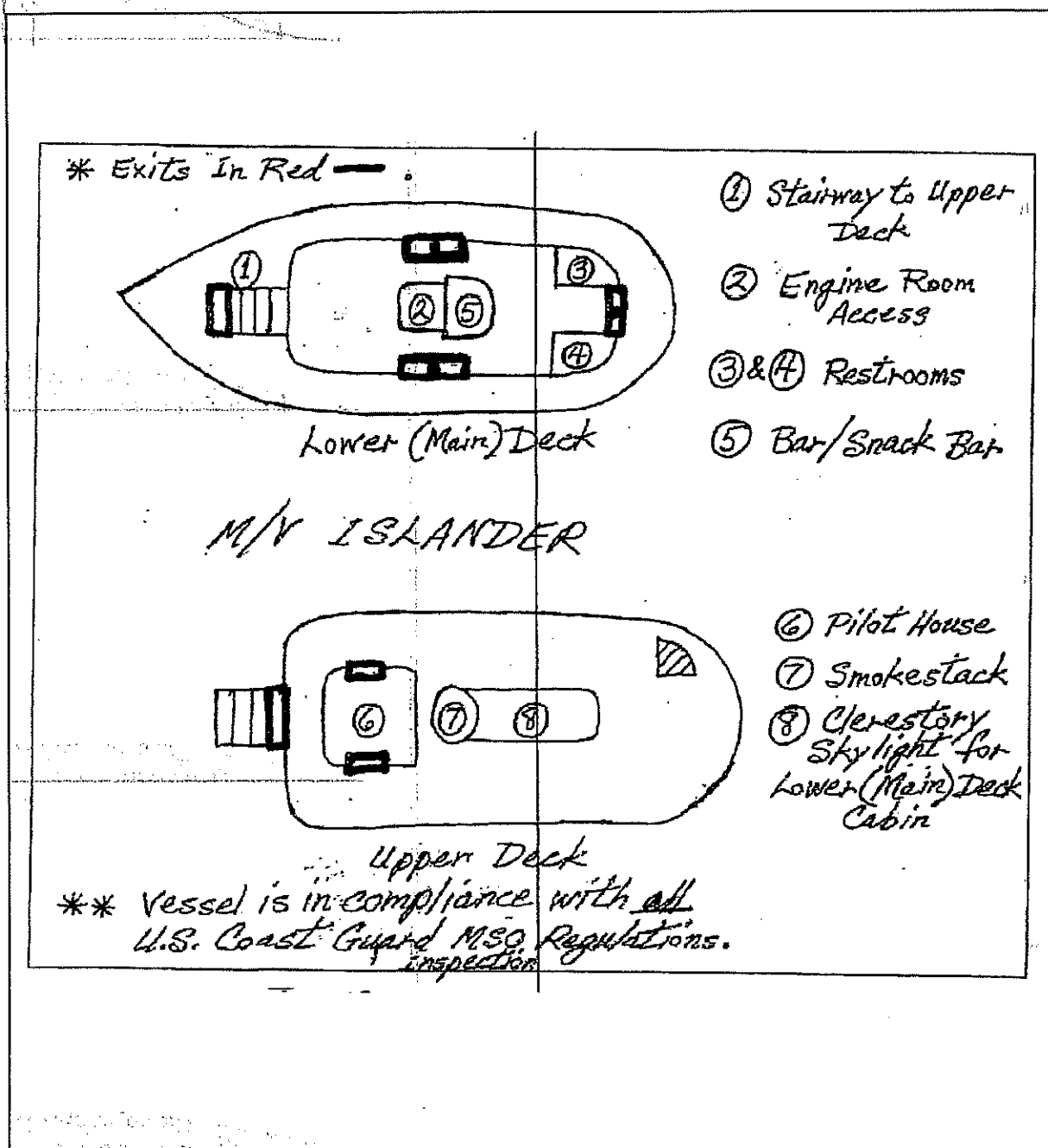
**Noise cancelling or mitigating measures proposed:**

- Speakers are directed inward toward the interior of the vessel so as not to broadcast to surrounding areas to the greatest extent possible.
- Noise levels are kept at reasonable levels for the comfort of our customers and surrounding uses.

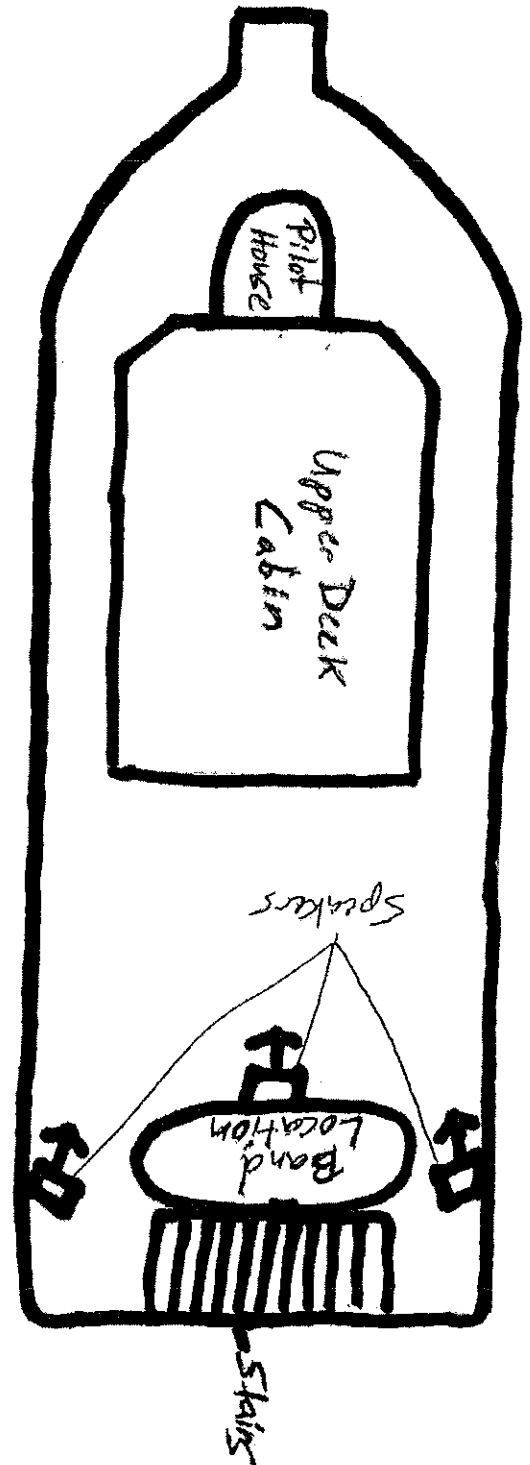
## Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

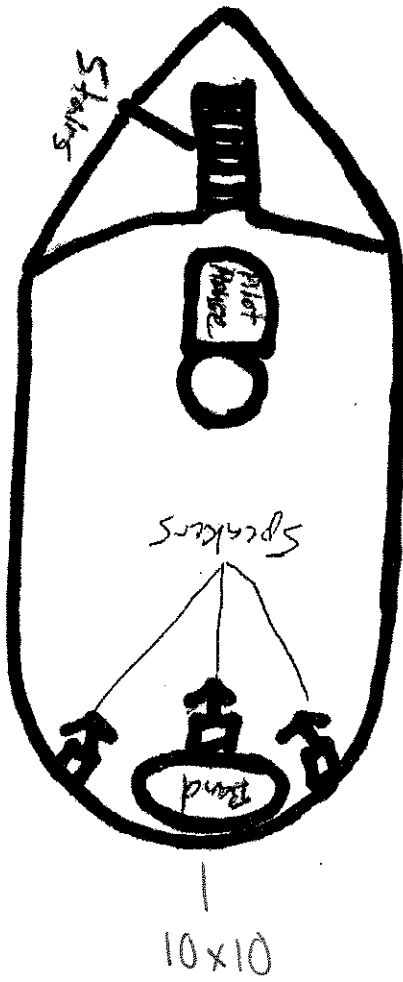
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Harbor Queen Upper Deck



Islander Upper Deck





Zachary Lenhart <zlenhart@portlandmaine.gov>

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## Portland Discovery Land and Sea - Class I FSE

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**Zachary Finley** <zackf@portlandmaine.gov>

Sun, Jun 9, 2024 at 8:18 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, "Lynch, Kim" <kim.lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>

PD approves.

[Quoted text hidden]

--

Lieutenant Zack Finley  
Uniformed Patrol Operations  
Portland Police Department





Zachary Lenhart <zlenhart@portlandmaine.gov>

---

## Portland Discovery Land and Sea - Class I FSE

---

**Zoning** <zoning@portlandmaine.gov>

Wed, Jun 5, 2024 at 1:06 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Zachary Finley <zackf@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, "Lynch, Kim" <kim.lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>

Good Afternoon Zach,

Zoning does not have any review authority for commercial vessels that berth in Portland. Please let me know if you have any questions.

Thank you,

Mac

--

Mac Coldwell

City of Portland  
Zoning Specialist  
Permitting & Inspections Department  
389 Congress ST, Room #315  
Email: mcoldwell@portlandmaine.gov  
he/him

[Quoted text hidden]

## **Legal Advertisement**

### **Notice of Public Hearing City of Portland**

A Public Hearing will be held on June 17, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of PDT Holdings LLC, dba Portland Discovery Land & Sea Tours. Application for Class I FSE with Combined Entertainment at 170 Commercial Street - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections  
Zachary Lenhert, Licensing and Housing Safety Manager



June 12, 2024

PDT Holdings LLC  
75 Washington Avenue #2c  
Portland, Maine 04101

Re: PDT Holdings LLC, dba Portland Discovery Land & Sea Tours. Application for Class I FSE with Combined Entertainment at 170 Commercial Street

Dear PDT Holdings LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday June 17, 2024 at 5:00 p.m., for the review of application for Class I FSE with Combined Entertainment at 170 Commercial Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at [bl@portlandmaine.gov](mailto:bl@portlandmaine.gov).

Sincerely,

Zachary J. Lenhert  
Licensing and Housing Safety Manager



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

**Application for a Public Service License**

*All Questions Must Be Answered Completely. Please print legibly.*

| Division Use Only                                                     |     |
|-----------------------------------------------------------------------|-----|
| License No:                                                           |     |
| Class:                                                                | By: |
| Deposit Date:                                                         |     |
| Amt. Deposited:                                                       |     |
| Payment Type:                                                         |     |
| OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/> |     |

**Section I: Licensee/Applicant(s) Information;  
Type of License and Status**

|                                                          |                                            |
|----------------------------------------------------------|--------------------------------------------|
| Legal Business Entity Applicant Name (corporation, LLC): | Business Name (D/B/A):                     |
| PDT Holdings, LLC                                        | Portland Discovery Land & Sea Tours        |
| Individual or Sole Proprietor Applicant Name(s):         | Physical Location:                         |
|                                                          | 170 Commercial St, Portland ME 04101       |
| Individual or Sole Proprietor Applicant Name(s):         | Mailing address, if different:             |
|                                                          | 75 Washington Ave #2c, Portland Me, 04101  |
| Mailing address, if different from DBA address:          | Email Address:                             |
|                                                          | ben@portlanddiscovery.com                  |
| Telephone #      Fax #:                                  | Business Telephone #      Fax #:           |
| 617-307-8293                                             | 207-774-0808                               |
| Federal Tax Identification Number:                       | Maine Seller Certificate # or Sales Tax #: |
| 99-1910003                                               |                                            |
| Retail Beverage Alcohol Dealers Permit:                  | Website address:                           |
|                                                          | https://portlanddiscovery.com/             |

1. New license or renewal of existing license? ☒ New Expected Start date: 06/12/2024  
☐ Renewal Expiration Date: \_\_\_\_\_

2. Indicate the type of license applying for:

- ☒ Public Service Class I – Beer, Wine and Spirits ☐ Public Service Class II – Spirits Only  
☐ Public Service Class III – Wine Only ☐ Public Service Class IV – Beer Only

3. This application is for: (check only one)

☒ Vessel      ☐ Train      ☐ Aircraft

Refer to Section V for the License Fee Schedule

**Please note for vessels only:** For each municipality where the vessel will port or dock and will be offering the service of alcoholic beverages while at port or docked, a separate approval from each municipality is required. The form is attached at the end of this application.

4. Business records are located at the following address:

75 Washington Ave #2c, Portland ME 04101

5. Is the licensee/applicant(s) a citizen of the United States?

☒ Yes      ☐ No

6. Is the licensee/applicant(s) a resident of the State of Maine?

☒ Yes      ☐ No

**Note:** Applicants that are not citizens of the United States are required to file for the license as a business entity.

7. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes      ☐ No      If Yes, complete Section VII at the end of this application

8. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☒ Yes      ☐ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

9. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: \_\_\_\_\_

10. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

| Name of Business | License Number | Complete Physical Address |
|------------------|----------------|---------------------------|
|                  |                |                           |
|                  |                |                           |

11. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

| Full Name | DOB        | Place of Birth      |
|-----------|------------|---------------------|
| Ben Havey | 02/20/1988 | Maidstone, Kent, UK |

Residence address on all the above for previous 5 years

|           |                                        |
|-----------|----------------------------------------|
| Name      | Address:                               |
| Ben Havey | 15 Brown Street, Portland Maine 04101  |
| Name      | Address:                               |
| Ben Havey | 5 Redpoll Drive, Falmouth, Maine 04105 |
| Name      | Address:                               |

12. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

\_\_\_\_\_

13. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

15. Did the licensee/applicant(s) formerly hold a Maine liquor license? ☐ Yes ☒ No

16. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If No, please provide the name and address of the owner:

\_\_\_\_\_

17. Violation

See attached

Dated: 05/25/2024

Printed Name \_\_\_\_\_

UNCLASSIFIED//FOR OFFICIAL USE ONLY



**Section III: For use by Municipal Officers and County Commissioners only**  
**Approval of an application for a public service liquor license**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_  
☐ County Commissioners of \_\_\_\_\_ County

☐

**Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

| Signature of Officials | Printed Name and Title |
|------------------------|------------------------|
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |

This approval will **expire 60 days** from the date of municipal or county approval unless submitted to the Bureau.

Please use this [link](#) to view Maine's liquor laws in [Section 653](#) regarding the approval process by the municipalities or the county commissioners and your rights under this section of law. This is provided as a courtesy only and may not reflect the law in effect at the time of application.

#### Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
- The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

#### Section V: Fee Schedule

**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be **included** with all applications.

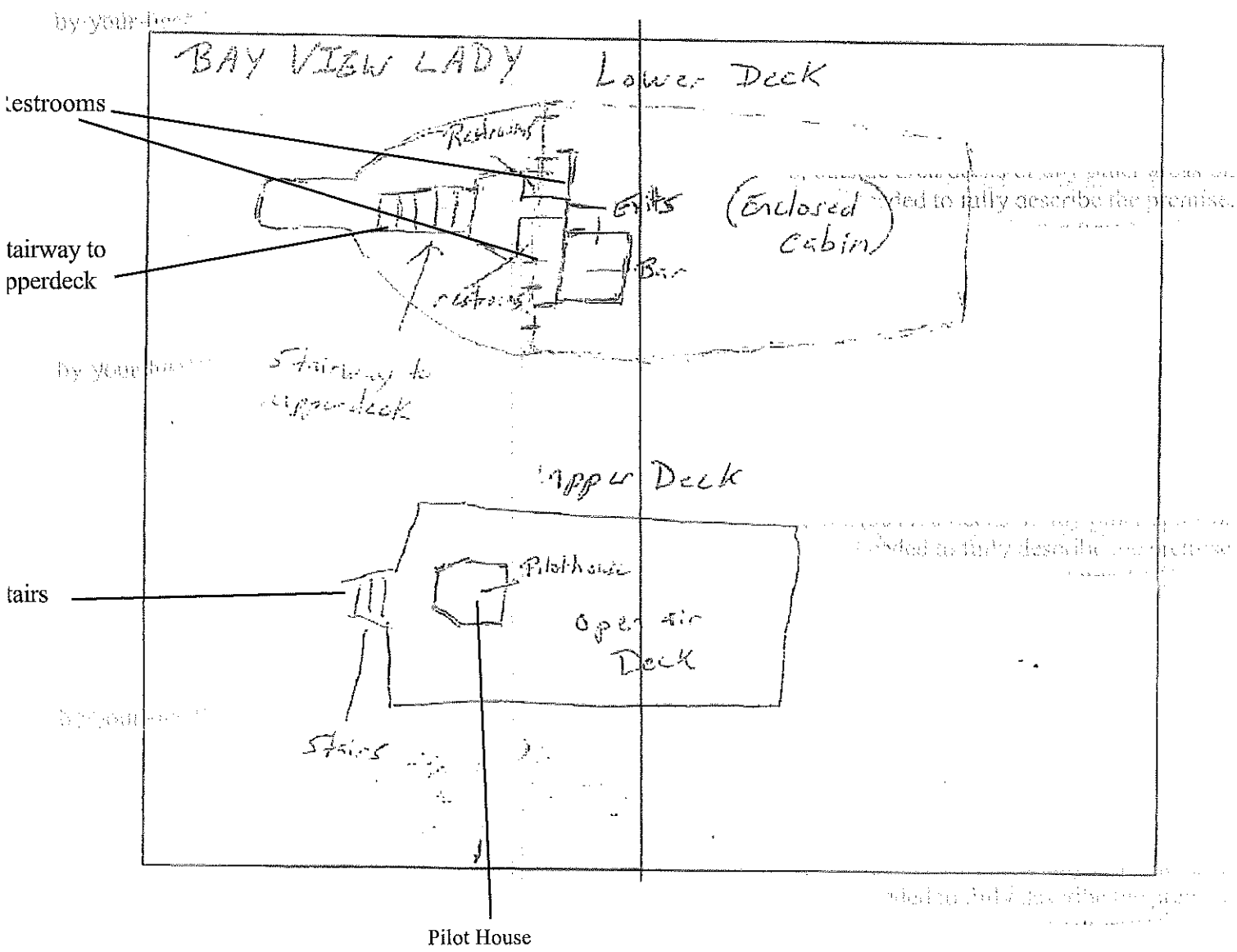
**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

| <u>Class of License</u> | <u>Type of liquor/Establishments included</u>                 | <u>Fee</u> |
|-------------------------|---------------------------------------------------------------|------------|
| Class I                 | For the sale of liquor (malt liquor (beer), wine and spirits) | \$ 900.00  |
| Class II                | For the sale of spirits only                                  | \$ 550.00  |
| Class III               | For the sale of wine only                                     | \$ 220.00  |
| Class IV                | For the sale of malt liquor only                              | \$ 220.00  |
| Class III and IV        | For the sale of malt liquor and wine only                     | \$ 440.00  |

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

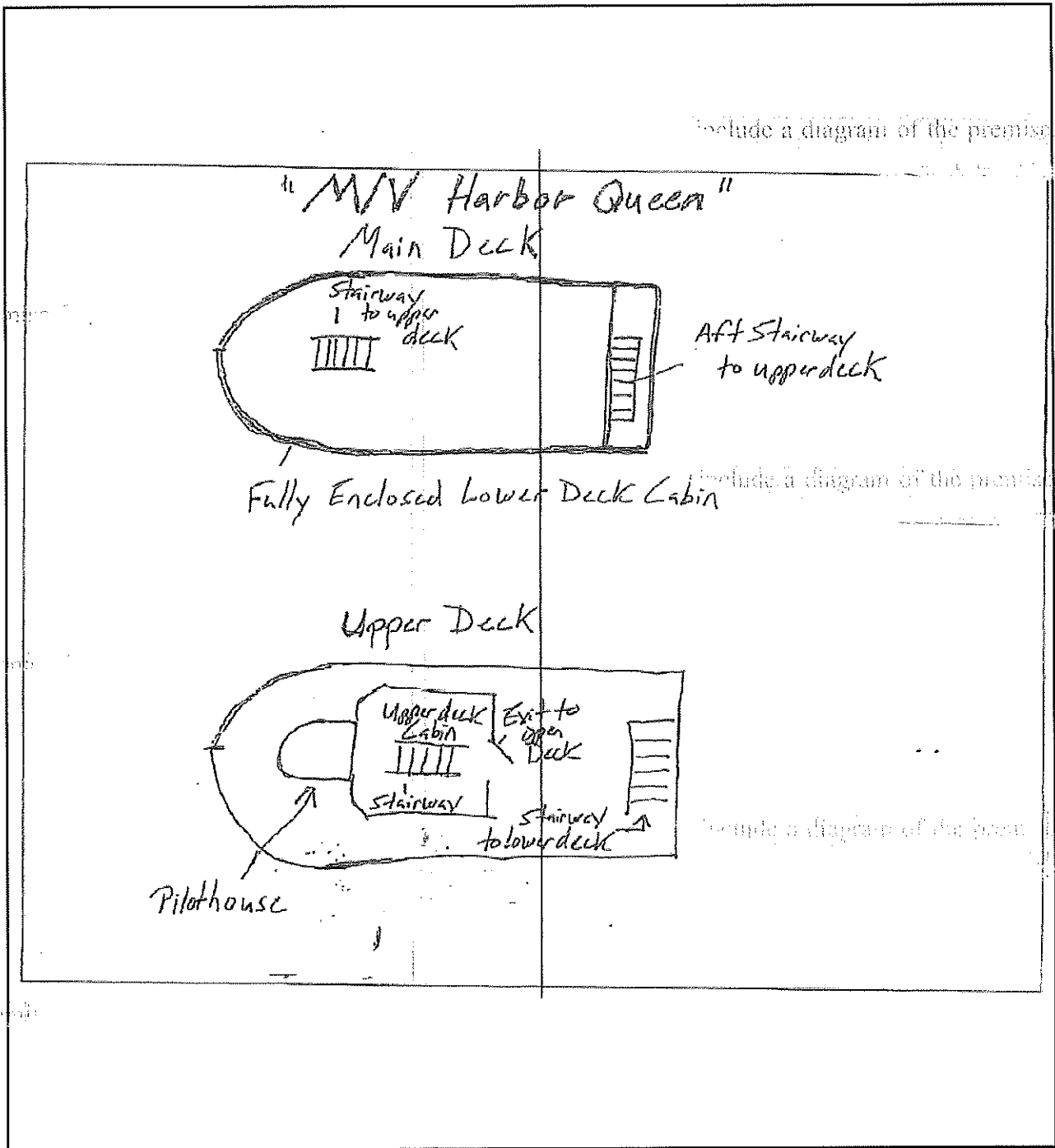
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



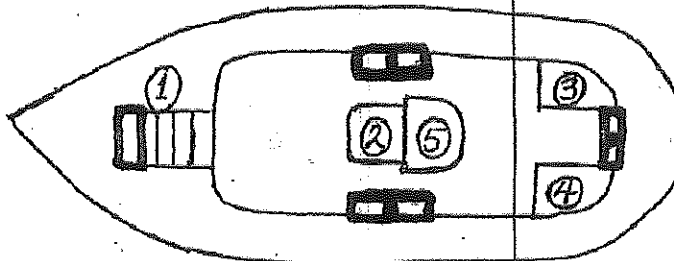
## Section VI Premises Floor Plan

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Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

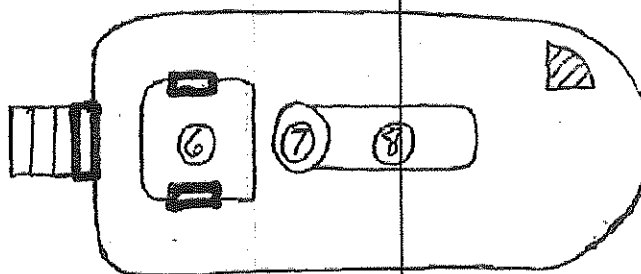
Page 10 of 11

\* Exits In Red —



Lower (Main) Deck

M/V ISLANDER



Upper Deck

\*\* Vessel is in compliance with all U.S. Coast Guard MSO Regulations.

## Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: PDT Holdings, LLC
2. Doing Business As, if any: Portland Discovery Land & Sea Tours
3. Date of filing with Secretary of State: 03/14/2024 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

| Name         | Address (5 Years) | Date of Birth | Title | Percentage of Ownership |
|--------------|-------------------|---------------|-------|-------------------------|
| see attached |                   |               |       |                         |
|              |                   |               |       |                         |
|              |                   |               |       |                         |
|              |                   |               |       |                         |
|              |                   |               |       |                         |
|              |                   |               |       |                         |

(Ownership in non-publicly traded companies must add up to 100%.)

**For additional ports of call only (copy as needed for as many ports of call) for approval of an application for a public service liquor license**

The undersigned hereby applies for permission to sell and serve alcoholic beverages aboard the vessel:

1. Name of Vessel: Islander
2. Name of Licensee: PDT Holdings, LLC
3. Maine License Number: 948219

The above-named vessel is in port or docked at the following municipality: Portland, Maine

Please sign and date in blue ink.

Dated: 05/25/2024

Ben Havey  
Signature of Duly Authorized Person

Ben Havey  
Printed Name Duly Authorized Person

The undersigned municipal officers or county commissioners hereby certify that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_  
☐ County Commissioners of \_\_\_\_\_ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

| Signature of Officials | Printed Name and Title |
|------------------------|------------------------|
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |

This approval will **expire 60 days** from the date of municipal or county approval unless submitted to the Bureau.

**For additional ports of call only (copy as needed for as many ports of call) for approval of an application for a public service liquor license**

The undersigned hereby applies for permission to sell and serve alcoholic beverages aboard the vessel:

1. Name of Vessel: Harbor Queen
2. Name of Licensee: PDT Holdings, LLC
3. Maine License Number: 1168150

The above-named vessel is in port or docked at the following municipality: Portland, Maine

Please sign and date in blue ink.

Dated: 05/25/2024

Ben Havey  
Signature of Duly Authorized Person

Ben Havey  
Printed Name Duly Authorized Person

The undersigned municipal officers or county commissioners hereby certify that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

| Signature of Officials | Printed Name and Title |
|------------------------|------------------------|
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |

This approval will **expire 60 days** from the date of municipal or county approval unless submitted to the Bureau.



**For additional ports of call only (copy as needed for as many ports of call) for approval of an application for a public service liquor license**

The undersigned hereby applies for permission to sell and serve alcoholic beverages aboard the vessel:

1. Name of Vessel: Bay View Lady
2. Name of Licensee: PDT Holdings, LLC
3. Maine License Number: 912236

The above-named vessel is in port or docked at the following municipality: Portland, Maine

Please sign and date in blue ink.

Dated: 05/25/2024

Ben Havey  
Signature of Duly Authorized Person

Ben Havey  
Printed Name Duly Authorized Person

The undersigned municipal officers or county commissioners hereby certify that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

| Signature of Officials | Printed Name and Title |
|------------------------|------------------------|
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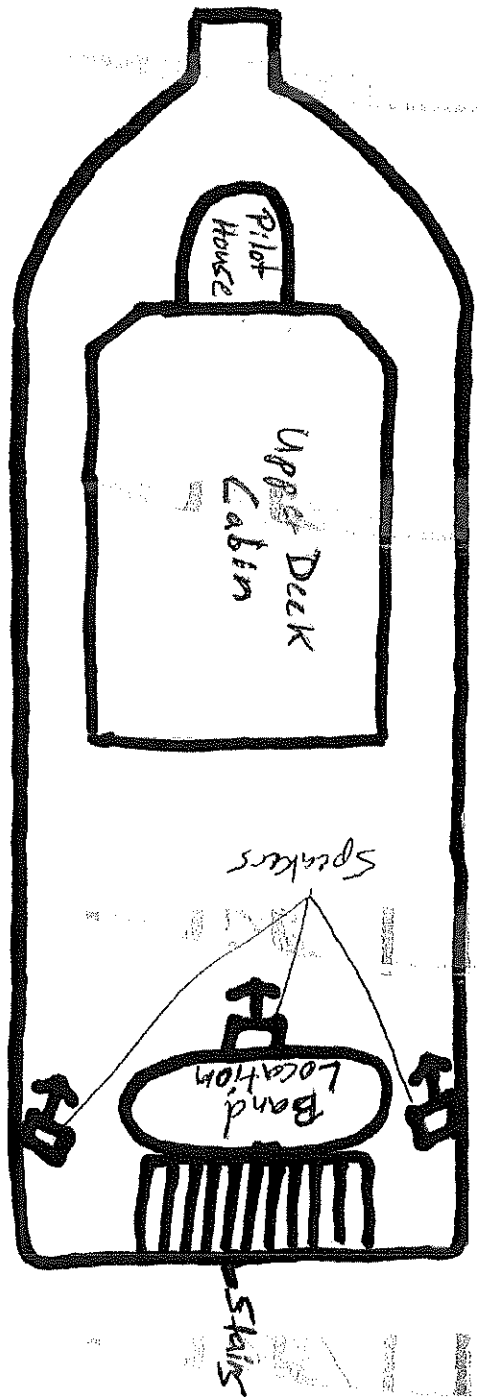
This approval will **expire 60 days** from the date of municipal or county approval unless submitted to the Bureau.

| Name           | Address (5 Years)                                                                  | Date of Birth | Title   | Percentage of Ownership |
|----------------|------------------------------------------------------------------------------------|---------------|---------|-------------------------|
| Trish Higgins  | 14 Mary Lane,<br>Cumberland ME,<br>04110                                           | 12/13/1985    | Founder | 33.3333                 |
| James Higgins  | 14 Mary Lane,<br>Cumberland ME,<br>04110                                           | 05/03/1984    | Founder | 33.3333                 |
| Palmer Higgins | 1 Remington Way,<br>Falmouth, ME 04105<br>9 Anderson St, 406<br>Portland, ME 04101 | 12/15/1988    | Founder | 33.3333                 |
|                |                                                                                    |               |         |                         |

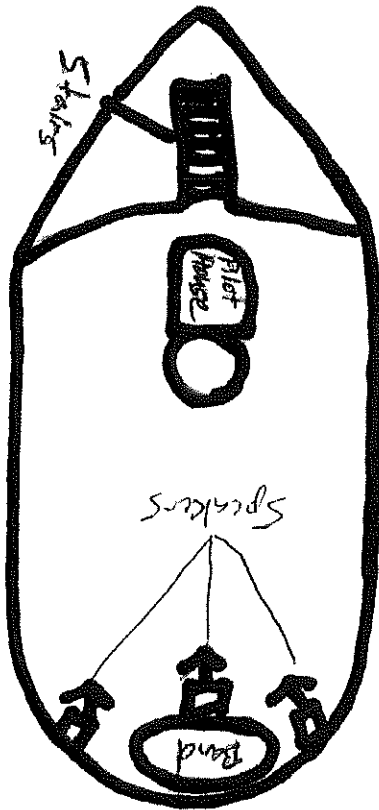
|         |         |
|---------|---------|
| Founder | 33.3333 |
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|         |         |
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| Founder | 33.3333 |
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|         |         |
|---------|---------|
| Founder | 33.3333 |
|---------|---------|



Harbor Queen Upper Deck



Islander Upper Deck

**Section III: For use by Municipal Officers and County Commissioners only**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

| Signature of Officials | Printed Name and Title |
|------------------------|------------------------|
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |

**This Application will Expire 60 Days from the date of  
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

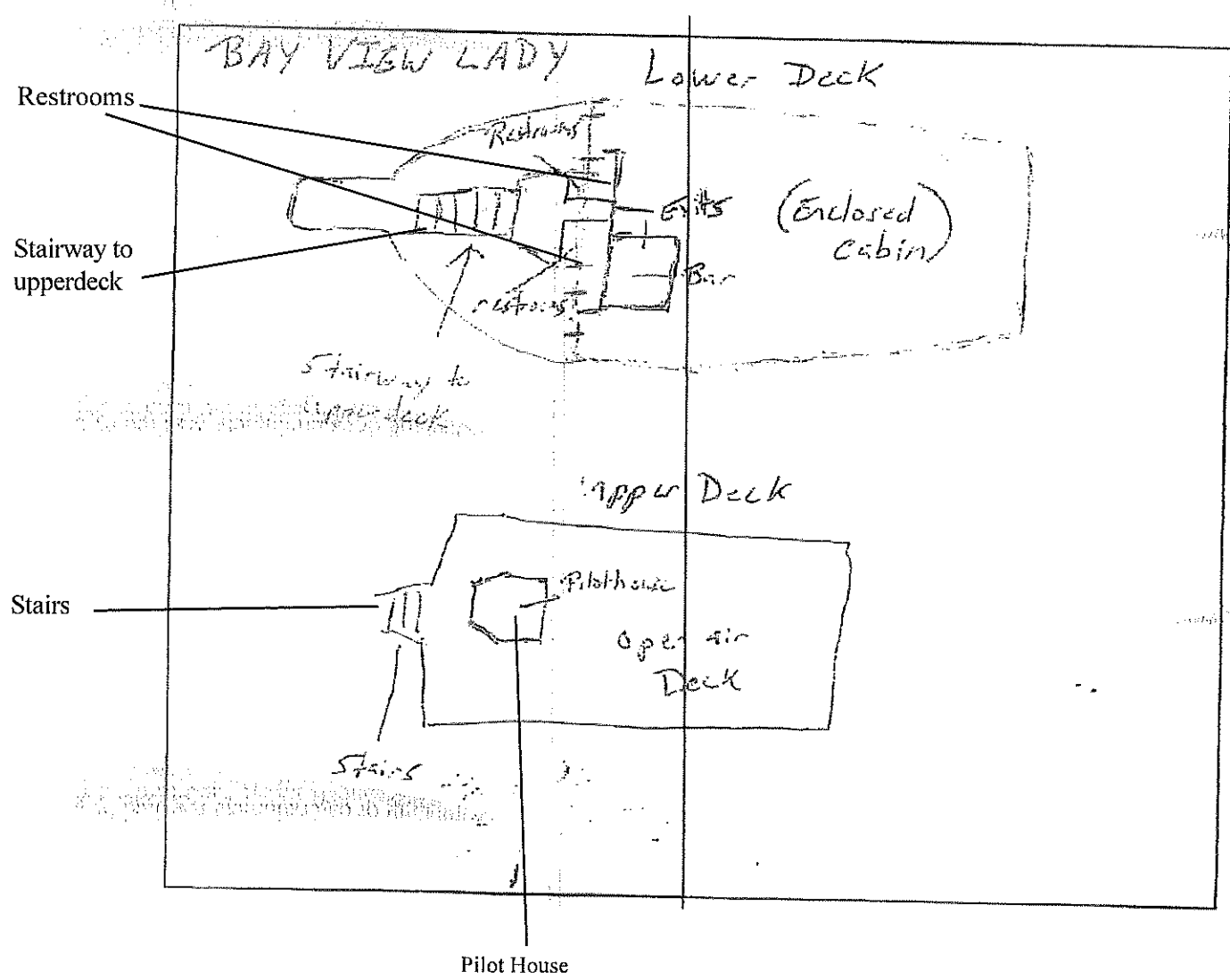
**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

**A.** The bureau shall prepare and supply application forms.

## Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



## Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

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\* Exits In Red —

① Stairway to Upper Deck  
② Engine Room Access  
③ & ④ Restrooms  
⑤ Bar/Snack Bar

Lower (Main) Deck

M/V ISLANDER

⑥ Pilot House  
⑦ Smokestack  
⑧ Clerestory Skylight for Lower (Main) Deck Cabin

Upper Deck

\*\* Vessel is in compliance with all U.S. Coast Guard MSO Regulations.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 4, 2024

**SUBJECT:** Order 252-23/24 Granting Municipal Officers' Approval of Pork Roll and Cheese LLC, dba Lil Chippy. Application for Class III & IV FSE with Outdoor Dining on Public Property at 52 Washington Avenue - Sponsored by Danielle P. West, City Manager

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: N/A**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Application was filed on 5/15/24. Location was previously Terlingua. New City and State applications.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 2024.06.17\_Lil Chippy\_Council Order
2. 2024.06.17\_Lil Chippy\_Council Packet

Prepared by:

Date: 06/04/2024



MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA Y. BULLETT (4)  
KATHRYN SYKES (5)

**ORDER**

**GRANTING MUNICIPAL OFFICERS’**

**APPROVAL OF:**

**Pork Roll and Cheese LLC, dba Lil Chippy. Application for Class III & IV FSE with  
Outdoor Dining on Public Property at 52 Washington Avenue**

Dear Mayor Dion and Portland City Council Members,

We are writing with the intent of having a patio space out front of our new restaurant, Lil Chippy. Lil Chippy will be a fish and chips shop located at 52 Washington Avenue highlighting the wonderful seafood and potatoes Maine has to offer as well as offering a small beverage program featuring beer and wine.. Outside of our restaurant, we would love to add to the vibrancy of the Washington Ave neighborhood we love so much with a small, 16 seat sidewalk patio.

We have been inspired heavily by the bounty of seafood Maine has to offer us and want to celebrate that. We plan to open Lil Chippy, a small,, intentional, and casual-leaning fish and chips shop. We want to showcase what the working waterfront and our foodshed has to offer us. Speaking to Ashley's background, she plans on curating a beer and wine program that reflects our concept as well as our community. Living just up the hill, Washington Ave is a big part of our lives already. We love the energy it brings to our neighborhood and want to provide an experience that enhances it. Speaking to both the big city weekend warriors looking for the Maine experience with local seafood as well as the local community joining us for oyster happy hour, we want to provide a welcoming, consistent, and quality experience to everyone. Providing a thoughtful, supportive, and educational workplace is also of the utmost importance to us. Transparency, stellar hospitality, quality, and teamwork will be pillars of our vision as employers. We plan on having a small but mighty team that will all work together to achieve our goals.

Our shared passion for this industry stems more from just loving food and beverage. It comes from an innate desire to share something we create with our community and to take care of them in the best way we know how, through food and hospitality. We moved to Portland Maine after years working in restaurants in Vermont and Oregon because we love how much everyone in Portland loves and cares for this industry. Gratitude for all its contributors such as the fishermen, the farmers, the chefs, the brewers, the servers and bartenders, is deeply instilled in the city's culture. We look forward to being a part of this restaurant community and business owners in Portland.

Thank you for your consideration,  
Ashley Wolf & William Durst



## CITY OF PORTLAND

## Permitting and Inspections Department

## Application for Food Service Establishment with Alcoholic Beverages License

|                                             |                               |
|---------------------------------------------|-------------------------------|
| <b>Business Information</b>                 |                               |
| Establishment Name (d/b/a):                 | Lil Chippy                    |
| Location Address:                           | 52 Washington Ave Portland Me |
| If new, what was formerly at this location: | Terlingua                     |
| Mailing Address:                            | 52 Washington Ave Portland Me |
| Contact Person:                             | William Durst                 |
| Contact Person Email:                       | Williamdurst@gmail.com        |
| Manager of Establishment:                   | William Durst                 |
| Owner of Premises (Landlord):               | Pliny Reynolds                |
| Address of Premises Owner (Landlord):       | 140 Congress St Portland, Me  |

## Sole Proprietor/Partnership Information (If Corporation, leave blank)

| Name of Owner(s) | Date of Birth | Residence Address |
|------------------|---------------|-------------------|
|                  |               |                   |
|                  |               |                   |

## Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

|                                                      |               |                                  |                                    |
|------------------------------------------------------|---------------|----------------------------------|------------------------------------|
| <b>Corporate Name</b>                                |               | <b>Corporate Mailing Address</b> |                                    |
| Pork Roll and Cheese                                 |               | 90 Morning St #2 Portland Me     |                                    |
| Contact Person:                                      | William Durst | Phone:                           | 732-887-4089                       |
| <b>Principal Officers</b>                            | <b>Title</b>  | <b>Date of Birth</b>             | <b>Residence Address</b>           |
| William Durst                                        | Owner         | 12/12/1990                       | 90 Morning St #2 Portland Me 04101 |
| Ashley Wolf                                          | Owner         | 6/29/1991                        | 90 Morning St #2 Portland Me 04101 |
| Class of Liquor License: Restaurant Class III and IV |               |                                  |                                    |

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov





**CITY OF PORTLAND**  
Permitting and Inspections Department

|                                                                                                                                             |                                                                                                                   |                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Type of food served:                                                                                                                        | Fish and chips                                                                                                    |                                                                  |
| Please circle all that will be served:                                                                                                      | <input checked="" type="checkbox"/> Beer <input checked="" type="checkbox"/> Wine <input type="checkbox"/> Liquor |                                                                  |
| Projected percentage of sales:                                                                                                              | Generated from Food: 70%                                                                                          | Generated from Alcohol: 30%                                      |
| Hours & days of operation:                                                                                                                  | Tuesday through Sunday Noon to 8pm                                                                                |                                                                  |
| <b>QUESTIONS</b>                                                                                                                            |                                                                                                                   | Y/N                                                              |
| Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?         |                                                                                                                   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| If No, please explain:                                                                                                                      |                                                                                                                   |                                                                  |
| Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?                         |                                                                                                                   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| If yes, give the distance:                                                                                                                  |                                                                                                                   |                                                                  |
| Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)                            |                                                                                                                   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| Will you permit dancing after 1:00 a.m.?                                                                                                    |                                                                                                                   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| Will you have outside dining? (If yes, an Outdoor Dining Application is required)                                                           |                                                                                                                   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| If yes, will the outside dining be on <input checked="" type="checkbox"/> PUBLIC or <input type="checkbox"/> PRIVATE property (circle one). |                                                                                                                   |                                                                  |
| Will you have any amusement devices (pinball, video games, juke box)?                                                                       |                                                                                                                   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| If yes, please list: # of amusements: _____ # of pool tables: _____                                                                         |                                                                                                                   |                                                                  |
| What is your targeted opening date?                                                                                                         |                                                                                                                   | 6/14/2024                                                        |
| Does the issuance of this license directly or indirectly benefit any City employee(s)?                                                      |                                                                                                                   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| If Yes, list name(s) of employee(s) and department(s):                                                                                      |                                                                                                                   |                                                                  |
| Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?              |                                                                                                                   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| If Yes, please list business name(s) and location(s):                                                                                       |                                                                                                                   |                                                                  |
| Is any principal officer under the age of 21?                                                                                               |                                                                                                                   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?            |                                                                                                                   | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| If Yes, please explain:                                                                                                                     |                                                                                                                   |                                                                  |

I, William Duvert do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title Owner/operator Date 5/14/2024

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557  
bl@portlandmaine.gov • www.portlandmaine.gov

# LIL CHIPPY

## FISH & CHIPS

---

### **Full Order.....\$22**

8oz Maine Caught Fish, Crispy Maine Potatoes,  
Herb Tartar Sauce

GLUTEN FREE AVAILABLE!!

### **Lil Chippy .....\$17**

Half order of our famous Fish and Chips

### **School of Sauces**

Herby Tartar Sauce

Curry Mayo

Roasted Poblano

Comeback Sauce

Malt Aioli

Corn Crema

Tzatziki

**Pick 4 for \$5!**

## BUDDYS & SIDES

---

### **Fish Buddy .....\$14**

Crispy Fish, Brioche Bun,  
Butter lettuce, tartar, Pickle

### **Chips.....\$7**

Maine Potatoes, Choice of Sauce

### **Chicken Buddy.....\$15**

Crispy Chicken, Brioche Bun, Hot  
Honey, butter lettuce, Pickle,  
Mayo

### **Slaw.....\$6**

Napa Cabbage, Nuoc Cham, Herbs,  
Dukes

### **Hot Fish Fingers.....\$15**

Crispy Fish, Buffalo, Remoulade

### **Minted Snap Pease.....\$7**

Local Sugar Snaps, Mint, Shallot,  
Curry

### **Greens & Herbs .....\$11**

Local Lettuces, All the Herbs,  
Lemon Vinaigrette

### **Crispy Croquette.....\$9**

Smoked fish, Curry, Mint

# PIZZA DI NAPOLI

## THE CLASSICS



### Margherita \$12

Pomodoro, fresh mozzarella, basil, Grana Padano

### Quattro Formaggi \$12

Extra-virgin olive oil, smoked mozzarella, fresh mozzarella, gorgonzola, Grana Padano, basil

### Pepperoni \$14

Marinara, mozzarella, pepperoni

### Ham & Pineapple \$14

Mozzarella, smoked ham, pineapple

### Veggie Lovers \$13

Mushrooms, red onions, green peppers, black olives, tomatoes, Parmesan, mozzarella

### Meat Lovers \$16

Sausage, pepperoni, ham, bacon, extra cheese, garlic

### Margherita \$12

Pomodoro, fresh mozzarella, basil, Grana Padano

### Pepperoni \$14

Marinara, mozzarella, pepperoni

### Veggie Lovers \$13

Mushrooms, red onions, green peppers, black olives, tomatoes, Parmesan, mozzarella

## BUILD YOUR OWN

### Choose any toppings \$15

#### Pick your size

7 inch  
12 inch  
14 inch

#### Pick your crust

Hand-tossed  
Thin crust  
Stuffed crust  
Gluten-free

#### Pick your cheese

Mozzarella  
Ricotta  
Parmesan

#### Pick your protein

Beef  
Ham  
Pepperoni  
Bacon  
Chicken  
Italian sausage

#### Pick your vegetables

Black olives  
Mushrooms  
Onions  
Green peppers  
Jalapenos  
Pineapple  
Green olives  
Arugula  
Garlic

# PIZZA DI NAPOLI

## THE CLASSICS

---

### Margherita \$12

Pomodoro, fresh mozzarella, basil,  
Grana Padano

### Quattro Formaggi \$12

Extra-virgin olive oil, smoked mozzarella, fresh  
mozzarella, gorgonzola, Grana Padano, basil

### Pepperoni \$14

Marinara, mozzarella, pepperoni

### Ham & Pineapple \$14

Mozzarella, smoked ham,  
pineapple

### Veggie Lovers \$13

Mushrooms, red onions, green peppers, black  
olives, tomatoes, Parmesan, mozzarella

### Meat Lovers \$16

Sausage, pepperoni, ham, bacon, extra  
cheese, garlic

## BUILD YOUR OWN

---

Choose any toppings for \$15



### Pick your size

7 inch  
12 inch  
14 inch



### Pick your crust

Hand-tossed  
Thin crust  
Stuffed crust  
Gluten-free



### Pick your cheese

Mozzarella  
Ricotta  
Parmesan



### Pick your protein

Beef  
Ham  
Pepperoni  
Bacon  
Chicken  
Italian sausage



### Pick your vegetables

Black olives, mushrooms,  
onions, green peppers, red  
onions, spinach, jalapenos,  
pineapple, pickles, green olives,  
arugula, garlic



**CITY OF PORTLAND**  
Permitting and Inspections Department

**Outdoor Dining Permit on Public Property  
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor  
License Valid April 1-November 30

|                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Legal Advertisement Deposit \$100.00                                                                        |
| <input checked="" type="checkbox"/> Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>130</u> SF = <u>\$260</u> |
| <input type="checkbox"/> Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____         |

|                                       |                                                                                  |
|---------------------------------------|----------------------------------------------------------------------------------|
| <b>Business Information</b>           |                                                                                  |
| Establishment Name (d/b/a):           | <u>Lil Chippy</u> Phone: <u>732-887-4089</u>                                     |
| Location Address:                     | <u>52 Washington Ave Portland ME</u> Zip: <u>04101</u>                           |
| Mailing Address:                      | <u>52 Washington Ave Portland ME</u> Zip: <u>04101</u>                           |
| Contact Person:                       | <u>William Duvit</u> Phone: <u>732-887-4089</u>                                  |
| Contact Person Email:                 | <u>Williamduvit@gmail.com</u>                                                    |
| Manager of Establishment:             | <u>William Duvit</u> Date of Birth: <u>12/12/1990</u> Phone: <u>732-887-4089</u> |
| Owner of Premises (Landlord):         | <u>Pliny Reynolds</u>                                                            |
| Address of Premises Owner (Landlord): | <u>140 Congress St.</u> Zip: <u>04101</u>                                        |

**Owner Information**

|                                 |                      |                                                    |                                         |
|---------------------------------|----------------------|----------------------------------------------------|-----------------------------------------|
| <b>Corporate Name</b>           |                      | <b>Corporate Mailing Address</b>                   |                                         |
| <u>Pork Roll and Cheese LLC</u> |                      | <u>90 Morning St Portland ME</u> Zip: <u>04101</u> |                                         |
| Contact Person:                 | <u>William Duvit</u> | Phone:                                             | <u>732-887-4089</u>                     |
| <b>Principal Officers</b>       | <b>Title</b>         | <b>Date of Birth</b>                               | <b>Residence Address</b>                |
| <u>William Duvit</u>            | <u>owner</u>         | <u>12/12/1990</u>                                  | <u>90 Morning St. Portland ME 04101</u> |
| <u>Ashley Wolf</u>              | <u>owner</u>         | <u>6/29/1991</u>                                   | <u>90 morning st. Portland ME 04101</u> |
|                                 |                      |                                                    |                                         |
|                                 |                      |                                                    |                                         |



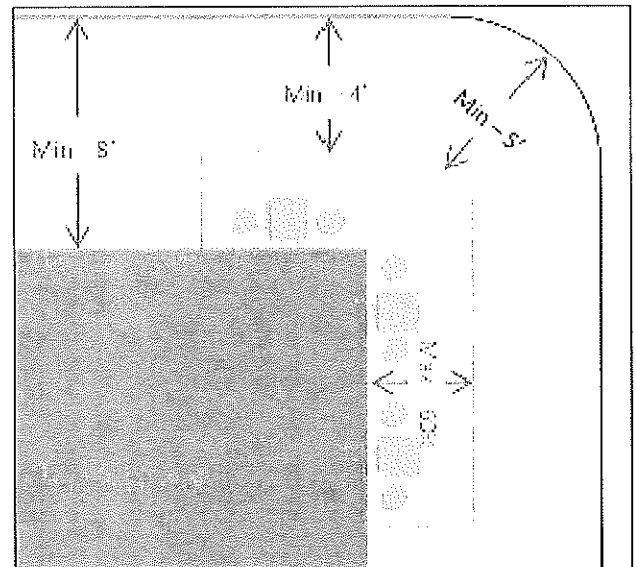


**CITY OF PORTLAND**  
Permitting and Inspections Department

|                                        |                                                                                                                   |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Class of License:                      | FSE with Preparation + Class III and IV liquor license                                                            |
| Type of food served:                   | Fish and Chips                                                                                                    |
| Please circle all that will be served: | Beer <input checked="" type="checkbox"/> Wine <input checked="" type="checkbox"/> Liquor <input type="checkbox"/> |
| Hours & days of operation:             | 12-8pm                                                                                                            |
| Number of Tables                       | 4                                                                                                                 |
| Number of Chairs                       | 16                                                                                                                |

**Design and Construction**

| Existing Sidewalk Width<br>(property line to curb) | Sidewalk Dining Allowed? |
|----------------------------------------------------|--------------------------|
| < 8'0"                                             | No                       |
| ≥ 8'0"                                             | Yes – up to 60% of       |
| Sidewalk Type                                      | Sidewalk Passage Width   |
| Standard sidewalk                                  | 4'0"                     |
| Street corner                                      | 5'0"                     |

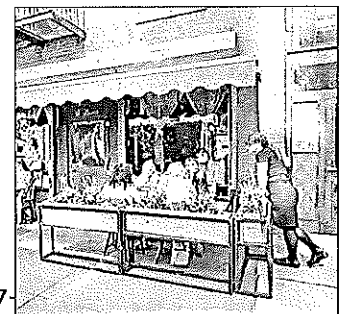
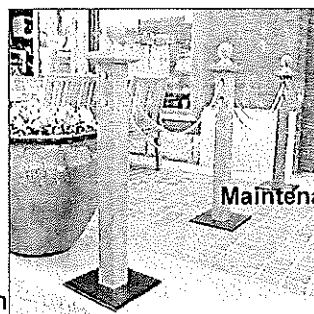
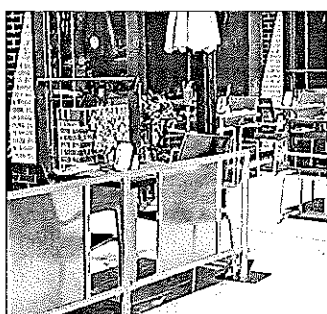


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

**Barriers**

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation





**CITY OF PORTLAND**  
**Permitting and Inspections Department**

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

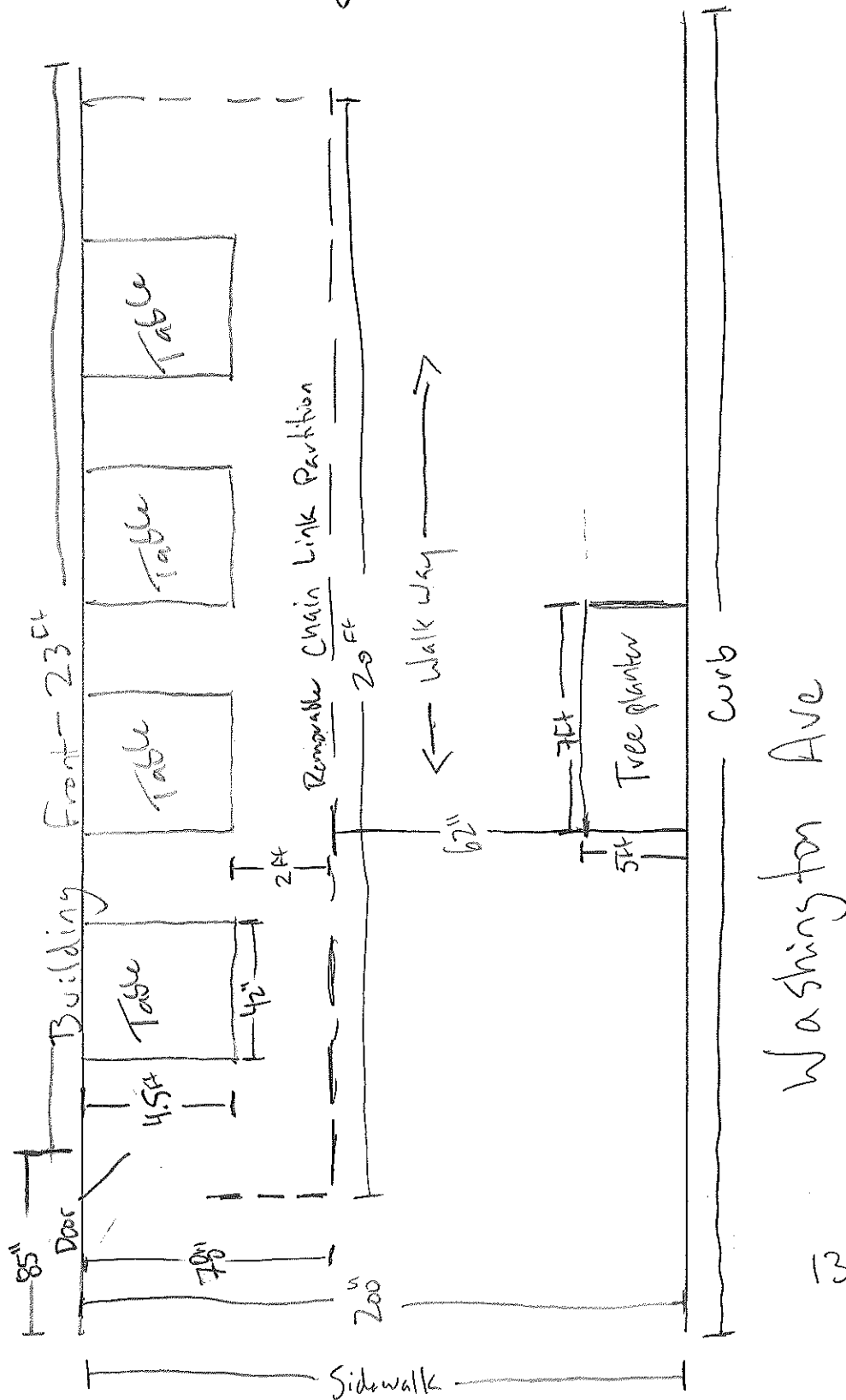
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature  Title Owner Date 5/8/24

**For Administrative Use Only**

|                            |                         |              |
|----------------------------|-------------------------|--------------|
| Amount: _____              | Request Date / Approval | Notes: _____ |
| Date Paid: _____           | FD: _____               | _____        |
| CC _____ CA _____ CK _____ | Health: _____           | _____        |
|                            | PD: _____               | _____        |
| Amount: _____              | Treasury: _____         | _____        |
| Date Paid: _____           | Zoning: _____           | _____        |
| CC _____ CA _____ CK _____ |                         |              |

# Outdoor Dining 52 Washington Ave



130 sq ft proposed Patio.



Zachary Lenhart <zlenhart@portlandmaine.gov>

---

## Lil Chippy - Class 3 and 4 - 52 Washington

---

**Zachary Finley** <zackf@portlandmaine.gov>

Sun, Jun 9, 2024 at 8:22 PM

To: Curt Magnuson <magnusonc@portlandmaine.gov>

Cc: Treasury Division <treasury@portlandmaine.gov>, Zachary Lenhart <zlenhart@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, "Lynch, Kim" <Kim.Lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

PD approves.

[Quoted text hidden]

---

Lieutenant Zack Finley  
Uniformed Patrol Operations  
Portland Police Department



Zachary Lenhert <zlenhert@portlandmaine.gov>

---

## Lil Chippy - Class 3 and 4 - 52 Washington

---

**Zoning** <zoning@portlandmaine.gov>

Mon, Jun 3, 2024 at 10:56 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Hello,

The legal use of 52 Washington Ave (013 E010) is restaurant on the first floor with one dwelling unit on the second floor. Restaurant is a permitted use in the B2b zone. Outdoor dining is permitted.

Zoning approves.

Thank you,  
Will Valentine  
Zoning Specialist  
City of Portland

[Quoted text hidden]

## **Legal Advertisement**

### **Notice of Public Hearing City of Portland**

A Public Hearing will be held on June 17, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of Pork Roll and Cheese LLC, dba Lil Chippy. Application for Class III & IV FSE with Outdoor Dining on Public Property at 52 Washington Avenue - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections  
Zachary Lenhert, Licensing and Housing Safety Manager



June 12, 2024

Pork Roll and Cheese LLC  
52 Washington Avenue  
Portland, Maine 04101

Re: Pork Roll and Cheese LLC, dba Lil Chippy. Application for Class III & IV FSE with Outdoor Dining on Public Property at 52 Washington Avenue

Dear Pork Roll and Cheese LLC:

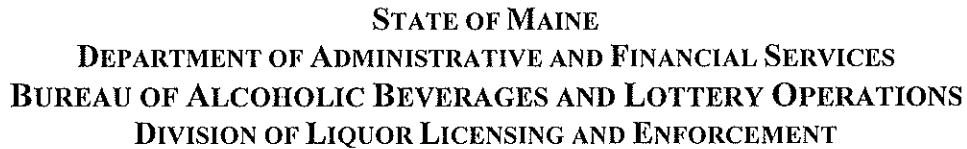
This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday June 17, 2024 at 5:00 p.m., for the review of application for Class III & IV FSE with Outdoor Dining on Public Property at 52 Washington Avenue. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at [bl@portlandmaine.gov](mailto:bl@portlandmaine.gov).

Sincerely,

Zachary J. Lenhert  
Licensing and Housing Safety Manager



All Questions Must Be Answered Completely. Please print legibly.

|                                                                          |     |
|--------------------------------------------------------------------------|-----|
| <b>Division Use Only</b>                                                 |     |
| License No:                                                              |     |
| Class:                                                                   | By: |
| Deposit Date:                                                            |     |
| Amt. Deposited:                                                          |     |
| Payment Type:                                                            |     |
| OK with SOS:    Yes <input type="checkbox"/> No <input type="checkbox"/> |     |

|                                                                                      |                                                                            |
|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Legal Business Entity Applicant Name (corporation, LLC):<br>Pork Roll and Cheese LLC | Business Name (D/B/A):<br>Lil Chippy                                       |
| Individual or Sole Proprietor Applicant Name(s):                                     | Physical Location:<br>52 Washington Ave Portland ME 04101                  |
| Individual or Sole Proprietor Applicant Name(s):                                     | Mailing address, if different:<br>90 Morning Street # 2 Portland, ME 04101 |
| Mailing address, if different from DBA address:                                      | Email Address:<br>williamdurst@gmail.com                                   |
| Telephone #                      Fax #:<br>7328874089                                | Business Telephone #                      Fax #:<br>7328874089             |
| Federal Tax Identification Number:<br>4B31939D5A                                     | Maine Seller Certificate # or Sales Tax #:<br>1189-4087                    |
| Retail Beverage Alcohol Dealers Permit:                                              | Website address:<br>lilchippymaine.com                                     |

1. New license or renewal of existing license? ☒ New Expected Start date: 6/14/2024  
☐ Renewal Expiration Date: \_\_\_\_\_
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:  
Food: ~~34840~~ Beer, Wine or Spirits: ~~17160~~ Guest Rooms: \_\_\_\_\_
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)  
☒ Malt Liquor (beer) ☒ Wine ☐ Spirits



4. Indicate the type of license applying for: (choose only one)

- |                                                                                                                    |                                                                          |                                                       |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> Restaurant<br>(Class I, II, III, IV)                                           | <input type="checkbox"/> Class A Restaurant/Lounge<br>(Class XI)         | <input type="checkbox"/> Class A Lounge<br>(Class X)  |
| <input type="checkbox"/> Hotel<br>(Class I, II, III, IV)                                                           | <input type="checkbox"/> Hotel – Food Optional<br>(Class I-A)            | <input type="checkbox"/> Bed & Breakfast<br>(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)<br>(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary                                       | <input type="checkbox"/> Mobile Cart                  |
| <input type="checkbox"/> Tavern<br>(Class IV)                                                                      | <input type="checkbox"/> Other: _____                                    |                                                       |
| <input type="checkbox"/> Qualified Caterer                                                                         | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) |                                                       |

*Refer to Section V for the License Fee Schedule on page 9*

5. Business records are located at the following address:

52 WASHINGTON AVE PORTLAND ME 04101

---

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If **Yes**, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: \_\_\_\_\_  
 \_\_\_\_\_

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

| Name of Business | License Number | Complete Physical Address |
|------------------|----------------|---------------------------|
|                  |                |                           |
|                  |                |                           |

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

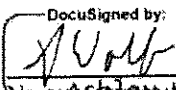
| Full Name                                               | DOB                                      | Place of Birth |
|---------------------------------------------------------|------------------------------------------|----------------|
| WILLIAM G DURST                                         | 12/12/1990                               | NEW YORK CITY  |
| ASHLEY T WOLF                                           | 6/29/1991                                | NEW JERSEY     |
|                                                         |                                          |                |
|                                                         |                                          |                |
| Residence address on all the above for previous 5 years |                                          |                |
| Name                                                    | Address:                                 |                |
| ASHLEY T WOLF                                           | 90 MORNING STREET PORTLAND ME 04101      |                |
| Name                                                    | Address:                                 |                |
| WILLIAM G DURST                                         | 90 MORNING STREET PORTLAND ME 04101      |                |
| Name                                                    | Address:                                 |                |
| William Durst and Ashley Wolf                           | 125 Grant Street #7 Portland Maine 04101 |                |
| Name                                                    | Address:                                 |                |
| William Durst and Ashley Wolf                           | 22 Randall St Waterbury Vermont 05676    |                |

16. **LIMITATION OF LIABILITY** TENANT agrees to look solely to LANDLORD'S interest in the Premises for recovery of any judgment from LANDLORD or any of LANDLORD'S partners, managers, officers, owners, employees, agents, affiliates, or representatives, it being agreed that LANDLORD and any other such party is not personally liable for any such judgment. Under no circumstances shall LANDLORD and such other parties ever be liable for special, punitive, exemplary, incidental, indirect, or consequential damages, lost profits or diminution in value including on any multiple of any financial measure (including earnings, sales or other benchmarks).
17. **LANDLORD DEFAULT** LANDLORD shall in no event be in default in the performance of any of its obligations hereunder unless and until LANDLORD shall have failed to perform such obligations within thirty (30) days or such additional time as is reasonably required to correct any such default after written notice by TENANT to LANDLORD properly specifying wherein LANDLORD has failed to perform any such obligation.
18. **TENANT'S DEFAULT** TENANT shall be in default of this Lease if TENANT fails to make timely payments pursuant to paragraph 5 and 5-A herein, fails to maintain and operate a restaurant on the Premises or otherwise fails to perform any obligations set forth herein. In the event of default, LANDLORD shall have the right to notify TENANT in writing of the default and, if the default is not cured within 30 days of said written notice, to terminate the Lease and take possession of the Premises. Upon such termination of the Lease, LANDLORD would have no further obligations to TENANT.
19. **WAIVER OF RIGHTS** No consent or waiver, express or implied, by either party to or of any breach of any covenant, condition or duty of the other, shall be construed as a consent or waiver to or of any other breach of the same or other covenant, condition or duty.
20. **SUCCESSORS AND ASSIGNS** The covenants and agreements of LANDLORD and TENANT shall run with the land and be binding upon and inure to the benefit of them and their respective heirs, executors, administrators, successors and assigns. TENANT may not assign this Agreement without the prior written consent of LANDLORD. LANDLORD may freely assign this Agreement without the consent of TENANT. Any attempted assignment made TENANT without the required prior written consent of LANDLORD shall be null and void *ab initio* and of no effect.
21. **HOLDOVER** If TENANT fails to vacate the Premises at the termination of this Lease, then the terms of this Lease shall be applicable during said holdover period, except for base rent, which shall be increased to \$5,000 per month, but this provision shall not be interpreted as consent or permission by LANDLORD for TENANT to holdover at the termination of this Lease and the terms of this holdover provision shall not preclude LANDLORD from recovering any other damages which it incurs as a result of TENANT'S failure to vacate the Building at the termination of this Lease.

DISCLAIMER: THIS IS A LEGAL DOCUMENT. IF NOT FULLY UNDERSTOOD, CONSULT AN ATTORNEY.

IN WITNESS WHEREOF, the said parties hereunto set their hands and seals this \_\_\_\_ day of May, 2024

TENANT:  
Pork Roll and Cheese, LLC

DocuSigned by:  
  
\_\_\_\_\_  
Nicholas J. Wolf  
Its: Authorized Signatory

LANDLORD:  
50 Washington, LLC

  
\_\_\_\_\_  
Pliny Reynolds  
Its: Managing Member

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

\_\_\_\_\_

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

PLINY REYNOLDS 140 Congress street Portland Maine 04101

\_\_\_\_\_

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: \_\_\_\_\_

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Counter service fish and chip restaurant serving beer and wine. The dining room will seat around 30

people with a 8 person bar and 4 draft beer options. We plan on having a small patio on the city sidewalk

facing washington ave with 4 picnic tables seating around 16 additional guests in the summer months.

There will be a distinct partitioned area designating the patio area. A small kitchen is located on the same floor as the dining room behind a half wall.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: CHILD AND FAMILY SERVICES EAST END CENTER

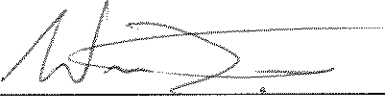
Distance: .2 MILE

## Section II: Signature of Applicant(s)

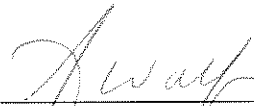
By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 5/9/2024

  
Signature of Duly Authorized Person

William Durst  
Printed Name Duly Authorized Person

  
Signature of Duly Authorized Person

Ashley Wolf  
Printed Name of Duly Authorized Person

**Section III: For use by Municipal Officers and County Commissioners only**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

| Signature of Officials | Printed Name and Title |
|------------------------|------------------------|
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |

**This Application will Expire 60 Days from the date of  
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

**A.** The bureau shall prepare and supply application forms.

**B.** The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

**C.** If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

**D.** If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

**A.** Conviction of the applicant of any Class A, Class B or Class C crime;

**B.** Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

**C.** Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

**D.** Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

**D-1.** Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

**E.** A violation of any provision of this Title;

**F.** A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

**4. Repealed**

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

#### **Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine**

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
  - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.



## Section V: Fee Schedule

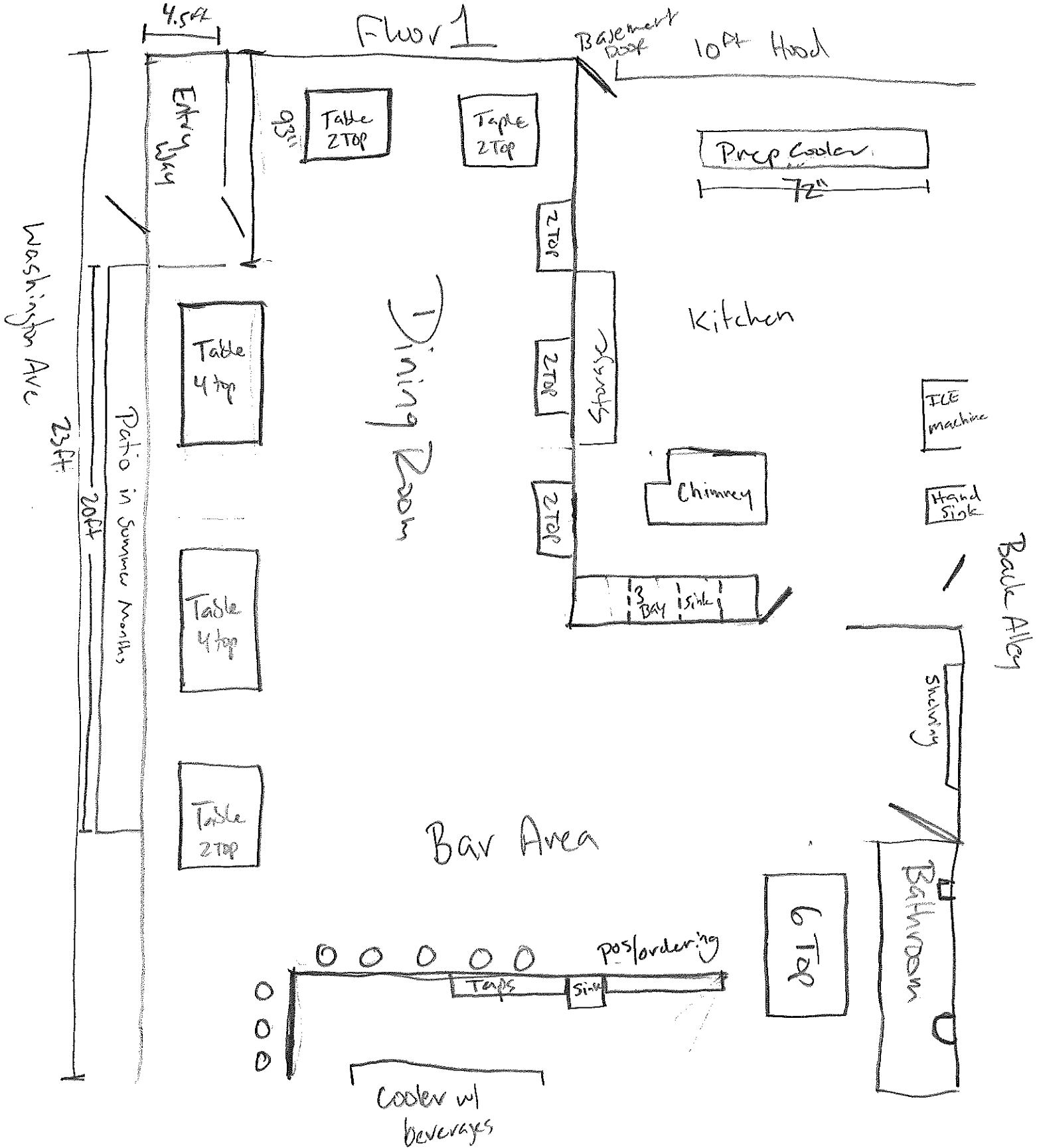
**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

| <b>Class of License</b> | <b>Type of liquor/Establishments included</b>                                                                                                                                                                                                                                                          | <b>Fee</b> |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>Class I</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers                  | \$ 900.00  |
| <b>Class I-A</b>        | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only hotels that do not serve three meals a day.                                                                                                                                                                  | \$1,100.00 |
| <b>Class II</b>         | <b>For the Sale of Spirits Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.                                                           | \$ 550.00  |
| <b>Class III</b>        | <b>For the Sale of Wine Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.                 | \$ 220.00  |
| <b>Class IV</b>         | <b>For the Sale of Malt Liquor Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.          | \$ 220.00  |
| <b>Class III and IV</b> | <b>For the Sale of Malt Liquor and Wine Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. | \$ 440.00  |
| <b>Class V</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Club without catering privileges.                                                                                                                                                                          | \$ 495.00  |
| <b>Class X</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Class A Lounge                                                                                                                                                                                             | \$2,200.00 |
| <b>Class XI</b>         | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Restaurant Lounge                                                                                                                                                                                          | \$1,500.00 |

# Lil Chippy Floor Plan

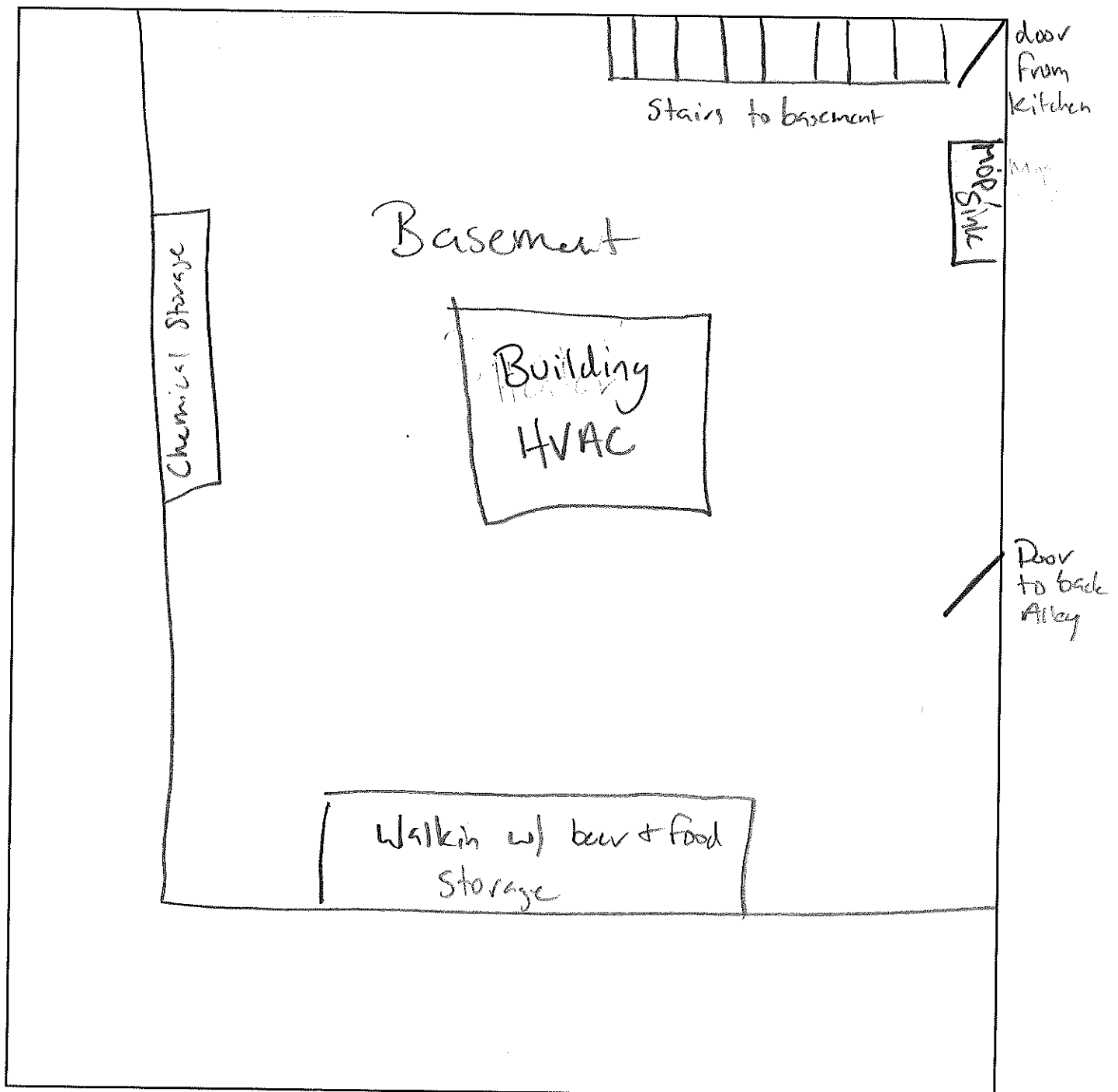
52 Washington Ave Portland Me.



## Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: WILLIAM G DURST
2. Doing Business As, if any: PORK ROLL AND CHEESE LLC
3. Date of filing with Secretary of State: 4/24/24 State in which you are formed: MAINE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

| Name            | Address (5 Years) | Date of Birth | Title     | Percentage of Ownership |
|-----------------|-------------------|---------------|-----------|-------------------------|
| WILLIAM G DURST | 90 MORNING STREET | 12/12/1990    | OWNER 50% | 50                      |
| ASHLEY T WOLF   | 90 MORNING STREET | 6/29/1991     | OWNER 50% | 50                      |
|                 |                   |               |           |                         |
|                 |                   |               |           |                         |
|                 |                   |               |           |                         |
|                 |                   |               |           |                         |

(Ownership in non-publicly traded companies must add up to 100%.)

## City of Portland | Assessor's Office

Elisa A. Marr, CMA-2, Assessor



To: Portland City Council, Mayor Dion

cc: Danielle West, City Manager

Date: May 20, 2024

Re: Revaluation Project Progress Update

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### REVALUATION BACKGROUND AND UPDATE

Information about the revaluation process is now available on the Assessor's web page: <https://www.portlandmaine.gov/218/Revaluation-Info>. Property owners are encouraged to visit the site and contact the Assessor's Office with questions.

The following revaluation timeline has been confirmed:

- **July 2024:** All residential property owners to receive data mailers requesting verification of property information (see attached sample mailer).
- **July 2024:** Anticipated start of personal property revaluation process. (Personal Property tax is a State-imposed tax on business equipment.) For additional information, including information about reimbursement and exemption programs, visit <https://www.portlandmaine.gov/235/Personal-Property-Taxes>
- **January 2025:** Commercial property owners will receive standard income and expense forms.
- **April 2025:** Updated valuation letters will be mailed to all property owners.
- **May 2025:** Informal hearings will be held to address value concerns.
- **August 2025:** Project completion.

On March 18, 2024 the City Council approved funding for a revaluation through the CIP budget. This revaluation complies with a Council Resolution of June 16, 2021 and Maine property tax law.

The City has contracted with Tyler Technologies, Inc. to conduct the real estate portion of the revaluation which will be implemented for FY26. In addition to the contracted service, this work will be accomplished using current staff and updated aerial imagery.

### PREPARED BY

Elisa A. Marr, CMA-2  
City Assessor  
Assessor's Office

Dena Libner  
Assistant City Manager  
Executive Department

### ATTACHMENT(S)

Data mailer sample  
June 16, 2021 Council Resolution





**Tyler Technologies**  
**City of Portland Assessor's Office**  
389 Congress St. – Room 115  
Portland, ME 04101  
(207) 874-8763



Date of Issue: <<DATE>>  
Parcel ID No: <<PARID>>  
Property Location <<LOCATION>>

<<OWNER1>>  
<<OWNER2>>  
<<ADDRESS>>  
<CITY/STATE/ZIP>

Building # <<CARDNO>>

The City of Portland Assessor's Office seeks your assistance in verifying data regarding your property listed above. The Assessor's Office and Tyler Tech staff will use this corrected data as we prepare to update assessed values for the April 1, 2025 property revaluation.

Please review this information carefully. A glossary of terms is included on the reverse side of this letter. If you feel that any of the data is incorrect, cross out and enter the correct information directly on the form. Please fill out the sales questionnaire on the back, sign and return this form to the Assessor's Office at the address above. An alternative method to change property data is to log onto: [XXXXXX@PORTLANDREVAL.com](mailto:XXXXXX@PORTLANDREVAL.com). Your PIN for this web site is: **XXXXXX**.

Prompt attention to this request will help ensure that your assessment is based on the most accurate information available. Thank you for your prompt attention in this important matter. Please return this completed form or visit the web site by **<3 TO 4 WEEKS FROM DOM>**

Respectfully,  
Elisa Marr, City Assessor

**\*\*\* YOU NEED NOT REPLY IF THE INFORMATION IS CORRECT \*\*\***

**Building Information**

|                        |                          |                        |      |
|------------------------|--------------------------|------------------------|------|
| Occupancy              | Single Family            | Total Rooms            | 11   |
| Land-Use               | 101                      | Total Bedrooms         | 4    |
| Style                  | Colonial                 | Total Full Bathrooms   | 2    |
| Approximate Year Built | 2011                     | Total Half Bathrooms   | 2    |
| Story Height           | 2                        | Basement               | Full |
| Attic                  | None                     | Basement Garage Spaces | 0    |
| Heating System         | Gas - Forced Warm Air    | Finished Basement Area | 1453 |
| Heat Type              | Basic, A/C or Mini Split | Finished Rec Room Area | 0    |
| Fireplaces             | 0                        | Total Living Area      | 3261 |

**Sales Information**

Sale Date                      Sale Price

**Detached Structures**

GUNITE POOL                      576  
DETACHED PATIO                      700



If you are returning this mailer with corrections or additional information, please write your name, date, and a daytime phone number as we may need to contact you for clarifications.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

Date: \_\_\_\_\_

## Data Mailer Definition Glossary

**OCCUPANCY:** Each living unit must have a separate cooking area and bathroom.

**APPROXIMATE YEAR BUILT:** The approximate year built, if known.

**STORY HEIGHT:** The number shown reflects the story height for the main section of the dwelling. For example, a Cape Cod style home with a full finished second floor would be 1.0 stories with a finished attic, and 1.5 stories if it has a large dormer(s).

**ATTIC:** The area above the ceiling of the top floor and below or within the pitch of the roof. An attic must have a fixed stairway leading up to it and there must also be adequate headroom at the peak of the roof. Possible attic entries include:

**NONE** - There is no permanent stairway or adequate headroom.

**UNFINISHED** - Has stairs and headroom, but no finished walls or partitions (bare rafters).

**PART FIN** - Some or part of the attic area is finished, or all of the available area is partially finished.

**FULL FIN** - All or most of the area is finished into living space.

**FULL FIN WALL HGT** - Same as Full Finished and the attic area includes one or more dormers.

**HEATING SYSTEM:** Possible choices of fuel source and type of heating system in the dwelling:

| <u>FUEL</u>                         | <u>SYSTEM</u>                                                                                                                                                      | <u>HEAT TYPE</u>              |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| None                                | <i>None</i> - No central heating system.                                                                                                                           | <i>Basic</i> - No A/C         |
| Gas                                 | <i>Warm Air</i> - Central forced or gravity air system.                                                                                                            | <i>A/C</i> - Central A/C      |
| Electric                            | <i>Electric</i> - Radiant Baseboard.                                                                                                                               | <i>Mini Split</i> - Heat Pump |
| Oil                                 | <i>Steam</i> - Baseboard or ribbed radiators with steam valves.                                                                                                    |                               |
| Coal                                | <i>Wood</i> - Central wood burning furnace.                                                                                                                        |                               |
| Solar (Must be primary heat source) | <i>Hot Water</i> - A system where water is heated in a boiler and then pumped into baseboard panels, radiators, or pipes embedded in the walls, ceilings or floor. |                               |
| Wood                                | <i>Floor Furnace</i> - A duct-less hot air furnace located below the floor.                                                                                        |                               |
|                                     | <i>Solar</i> - Solar heat absorbing panels used to produce hot water for heat and domestic use.                                                                    |                               |

**FIREPLACES:** The number of designed or constructed fireplace openings that exist in the dwelling. Include those that exist even if they are not usable. Do not include free-standing wood stoves.

**TOTAL ROOMS:** Total number of separate rooms, including bedrooms. Exclude bathrooms, hallways and closets.

**TOTAL BEDROOMS:** Separate rooms designed to be utilized as bedrooms having a door and closet.

**TOTAL FULL BATHROOMS:** The number of full baths in the residence. FULL BATH refers to the number of three or more fixture bathrooms containing a toilet, sink, and bathtub or shower stall.

**TOTAL HALF BATHROOMS:** The number of half baths in the residence. HALF BATH refers to the number of two fixture bathrooms usually containing just a toilet and sink.

**BASEMENT:** Describes the area found under the first floor of the main part of the dwelling, which is completely or partially below the ground. Possible basement entries include:

**NONE** - Concrete slab construction or no basement

**CRAWL** - Wood joist floor with crawl space.

**PART** - Basement under approximately 1/4 to 3/4 of the main dwelling area.

**FULL** - Basement area exists under the entire main dwelling area.

**BASEMENT GARAGE SPACES:** This item is used to record the number of cars for which a basement garage has been designed.

**FINISHED BASEMENT AREA:** Finished area in the basement or below grade level. Comprised of the same quality materials as the upper floors. Finished lower level area of a raised ranch or split-level home is considered Finished Basement Area.

**REC ROOM AREA:** Finished area in the basement comprised of inexpensive materials. For part-time or occasional use only.

### SALES INFORMATION - IF THE PROPERTY WAS PURCHASED AFTER 1/1/2023, PLEASE COMPLETE THE SECTION BELOW:

Is the listed sale price of your property correct? YES / NO If not, the price was \$ \_\_\_\_\_

Was your property purchased via a short sale or post foreclosure action? YES / NO

Was your property purchased from a family member or estate? YES / NO

Was your property purchased through a real estate agent/broker? YES / NO

Did the purchase price include any additional property or other considerations? YES / NO

If so, please describe the additional property/considerations: \_\_\_\_\_

Have you changed the property in any way since you bought your property? YES / NO

If so, please describe the changes: \_\_\_\_\_

(If necessary, attach an additional piece of paper.)

Is your property currently for sale? YES / NO. If so, what is the asking price? \$ \_\_\_\_\_



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Troy Moon, Sustainability Coordinator

**DATE:** June 5, 2024

**SUBJECT:** Order 225-23/24 Accepting and Appropriating a \$120,000 Maine Infrastructure Adaptation Grant from the Maine Department of Transportation for the Union Branch Pathway Project - Sponsored by Danielle West, City Manager

**SPONSOR:** Danielle West, City Manager  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**  
**1st Reading 6/3/2024**

**Final**  
**Action 6/17/2024**

**Can action be taken at a later date:** Yes While action could be postponed, the project is going out to bid and it would be ideal to have the contract with MDOT approved sooner rather than later.

**Does this item involve a new contract with the City:** Corporation Counsel has approved the grant agreement.

**PRESENTATION:** Sustainability Director Troy Moon will be present to briefly introduce the item and answer questions.

**I. SUMMARY**

The order authorizes the City Manager to sign the State/Local agreement to receive the Maine Infrastructure and Adaptation Grant.

**II. AGENDA DESCRIPTION**

Earlier this year, the City of Portland applied for and was awarded a Maine Infrastructure Adaptation Fund grant from the Maine Department of Transportation to enhance stormwater infrastructure along the Union Branch Pathway. (The Union Branch Pathway is currently funded in the CIP.) The City was eligible to apply for this funding because of its membership in the State's Climate Resilience Partnership. If accepted, the grant will fund the installation of rain gardens and bio-retention cells along the trail. This will increase community resilience by mitigating flooding and reducing the volume of water in the combined sewer system that flows through Bayside.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

The Union Branch Pathway Project will construct an approximately 3,800 LF shared use pathway within an abandoned rail corridor extending from Forest Avenue/State Street to Park Avenue, immediately south of Interstate 295. If accepted, this grant will support the Union Branch Pathway Project by funding necessary stormwater upgrades in the vicinity of Deering Avenue, Deering Oaks Park and I-295 and laying the groundwork for more comprehensive stormwater management solutions in the future. This area is a critical juncture in the combined sewer-stormwater infrastructure serving this area. The drainage area for this project includes the pathway corridor and a sizable section of the Maine DOT I-295 right-of-way between St. John Street and Forest Avenue. During increasingly frequent and intense storm events, the existing combined sewer system in this area contributes to significant downstream flooding in Bayside and in combined sewer overflows



into the Back Cove. This project will mitigate combined sewer overflows, increase stormwater capacity, and improve flood resilience within the system. The proposed stormwater management project will consist of multiple bioretention cells and other stormwater conveyance infrastructure. It will reduce existing stormwater runoff impacts from I-295 and the pathway corridor on the City's combined sewer system, while also making the new pathway corridor more resilient to flooding during significant precipitation events. The green infrastructure systems will treat and attenuate stormwater runoff generated by the existing developed and impervious areas within the project area and slowly release the flows back into the combined sewer system. This will provide combined sewer overflow (CSO) mitigation benefits which will supplement ongoing work by the City as part of its CSO Mitigation Long Term Control Plan. The project will benefit one of the City's largest combined sewer systems, which runs along Deering Oaks Park towards the Bayside neighborhood. Stormwater capacity issues in this combined sewer system contribute to combined sewer overflow discharges into Back Cove and frequent flooding in the Bayside neighborhood.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

Climate resilience and improved stormwater management.

#### **V. FINANCIAL IMPACT**

The grant provides funds necessary to complete the Union Branch Trail Project.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

This project demonstrates the importance of engineering infrastructure projects to address multiple issues, in this case, active transportation and stormwater management to improve community resilience. The grant application is the result of close collaboration between the Sustainability Office, Planning, and Water Resources. The successful application drew heavily on the City's climate action plan, One Climate Future, and our Climate Vulnerability Assessment, underscoring their value as planning resources.

#### **VII. RECOMMENDATION**

Staff recommends accepting the grant.

#### **VIII. LIST ATTACHMENTS**

1. Order - Accepting and Appropriating MDOT Infrastructure Adaptation Grant for 120k
2. 02.02.24 MDOT Maine Infrastructure Adaptation Fund (1)
3. MIAF Grant Agreement Portland 28002.15\_052324

Prepared by:

Troy Moon, Sustainability Coordinator

Date: 06/05/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$120,000 MAINE  
INFRASTRUCTURE ADAPTATION GRANT FROM MAINE DEPARTMENT OF  
TRANSPORTATION FOR THE UNION BRANCH PATHWAY PROJECT**

**ORDERED**, a Maine Infrastructure Adaptation grant in the amount of \$120,000 from the Maine Department of Transportation is hereby accepted and appropriated for the Union Branch Railroad project; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is hereby authorized to execute the Grant Agreement and whatever other documents are necessary to effect the intent and purpose of this order.



Date Application  
Received

(For MaineDOT Use  
Only)

## Maine Infrastructure Adaptation Fund

### Request for Application

#### Overview of the Grant Opportunity

The Maine Department of Transportation (MaineDOT) is seeking applications for the Maine Infrastructure Adaptation Fund (MIAF) to provide direct funding to **public entities enrolled in the Community Resilience Partnership (CRP), including municipal, tribal, and infrastructure districts to adapt their critical infrastructure to reduce vulnerability to climate change** resulting from extreme weather, sea level rise, inland and coastal flooding, severe heat, and other climate impacts. This Request for Application (RFA) document provides instructions for submitting applications. The program is administered by MaineDOT and uses state funding. This program builds on other available funding opportunities, including the capacity building and planning efforts available through the Community Resilience Partnership program administered by the Governor's Office of Policy Innovation and the Future (GOPIF). The CRP and MIAF programs will help develop a pipeline of infrastructure projects that are ready for construction and eligible for future federal support or private investment. Projects that come out of the Community Action Grants of the CRP, such as those identified through a vulnerability assessment, capital plan, watershed plan, or projects that were partially completed, will be priorities for funding awards. Eligible projects include the **scoping, design, and/or construction of specific public infrastructure, including stormwater, wastewater, drinking water, public lands, working waterfronts, or transportation infrastructure.**

The applicant must identify hazards associated with climate change, evaluate their impact on critical assets, identify adaptation practices, and present recommendations that adapt the infrastructure to reduce the vulnerability. The applicant should clearly demonstrate how the projects have been designed to better respond to changing climate conditions and to incorporate new climate change data. Projects should incorporate climate change projections and that align with the lifespan of the project. Final design or construction plan shall be stamped by a Maine Professional Engineer, as the law dictates.

**The Maine Infrastructure Adaptation Fund provides grants to entities participating in the CRP program** to support 1) scoping (problem solving), 2) design planned through the CRP, 3) local match for implementation and construction (following completed design). Applicants may request up to \$50,000 to support scoping and/or design, and \$125,000 to support match for construction. For construction projects, these funds cannot be used to pay more than 30% of total project costs. Applicants are required to provide at least 5% match. All local match must be directly related to the proposed project and tasks, and necessary substantiating documentation must be provided. Costs incurred prior to execution of the grant agreement including application preparation costs will not be considered as part of the match requirements. These funds can be used as state match for federal

grants.

If selected for an award, the applicant will be required to submit annual progress updates and a final project report. Annual updates will include description of progress, any scheduling changes, and invoicing/payments.

The applications will be scored by a select group of MaineDOT staff with input from other relevant agencies, including Maine Department of Environmental Protection and Department of Health and Human Services, as necessary. The MaineDOT Commissioner may use the funds at their discretion to support the efforts of regional significance or emergency exigent circumstances imminent risk to life or property. Entities requesting funds for these efforts must follow the MIAF application process to provide transparency and show how the funds will support the effort.



## Application

### Section 1: General Information

|                                                                                                                                                                                                                                                                                                          |                                     |                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------|
| <b>Applicant Name(s):</b> City of Portland                                                                                                                                                                                                                                                               |                                     |                   |
| <b>Contact Person:</b> Troy Moon                                                                                                                                                                                                                                                                         |                                     |                   |
| <b>Mailing Address:</b> 389 Congress Street                                                                                                                                                                                                                                                              |                                     |                   |
| <b>City:</b> Portland                                                                                                                                                                                                                                                                                    | <b>State:</b> ME                    | <b>Zip:</b> 04101 |
| <b>Daytime Phone No.:</b> 207-756-8362                                                                                                                                                                                                                                                                   | <b>Email:</b> thm@portlandmaine.gov |                   |
| NOTE: The following sections of this application request specific project-related information. If warranted, pictures, maps, exhibits, diagrams, survey summaries, etc., should be included with the application. Please be concise. If additional space is required, please attach supplemental sheets. |                                     |                   |

### Section 2: Project Information

**Note:** Separate complete application(s) are required for each different project application

**Date on Community Resilience Partnership (CRP) Enrollment confirmation letter:** March 18, 2022

#### Location of Project:

Provide abutting street name(s), elevation, and additional project location references. Feel free to attach designs/diagrams, maps, etc. that will help provide a clear description of the proposed scope and location:

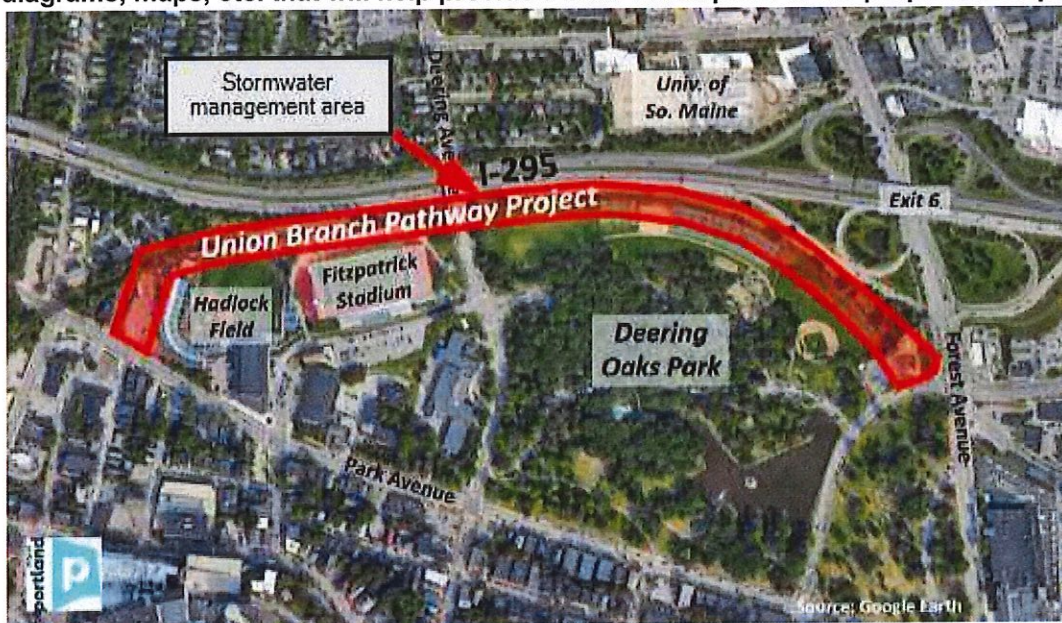


Figure 1: Project area

The Union Branch Pathway Project will construct an approximately 3,800 LF shared use pathway within an abandoned rail corridor extending from Forest Avenue/State Street to Park Avenue, immediately south of Interstate 295 in Portland. The project will complete one of the few remaining missing links within a planned circumferential pathway network around the Portland peninsula.

If awarded, this grant would support the Union Branch Pathway Project by funding necessary stormwater upgrades in the vicinity of Deering Avenue, Deering Oaks Park and I-295 and laying the groundwork for more comprehensive stormwater management solutions in the future. This area is a critical juncture in the currently



combined sewer-stormwater infrastructure serving much of I-295 between Exits 5 and 6 in Portland and a large portion of the surrounding watershed. Note: The Union Branch Pathway Project is a Locally Administered Project supported with MaineDOT funding. (Jerry Dostie is the MaineDOT Project Manager.). The City of Portland has coordinated with MaineDOT staff to design and review drainage and stormwater elements of the project to date.

#### **Project Summary:**

**Describe the proposed climate change adaptation project including vulnerable asset, asset age and condition, as well as the climate change natural hazards, potential risk to system, and proposed improvements (500 words or less)**

The drainage area for this project includes the pathway corridor and a sizable section of the Maine DOT I-295 right-of-way between St. John Street and Forest Avenue (Figure 2). During increasingly frequent and intense storm events, the existing combined sewer system in this area contributes to significant downstream flooding in Bayside and in combined sewer overflows into the Back Cove. This project will provide the City an opportunity to implement stormwater management on City property, which will mitigate combined sewer overflows and increase stormwater capacity and flood resilience within the system.

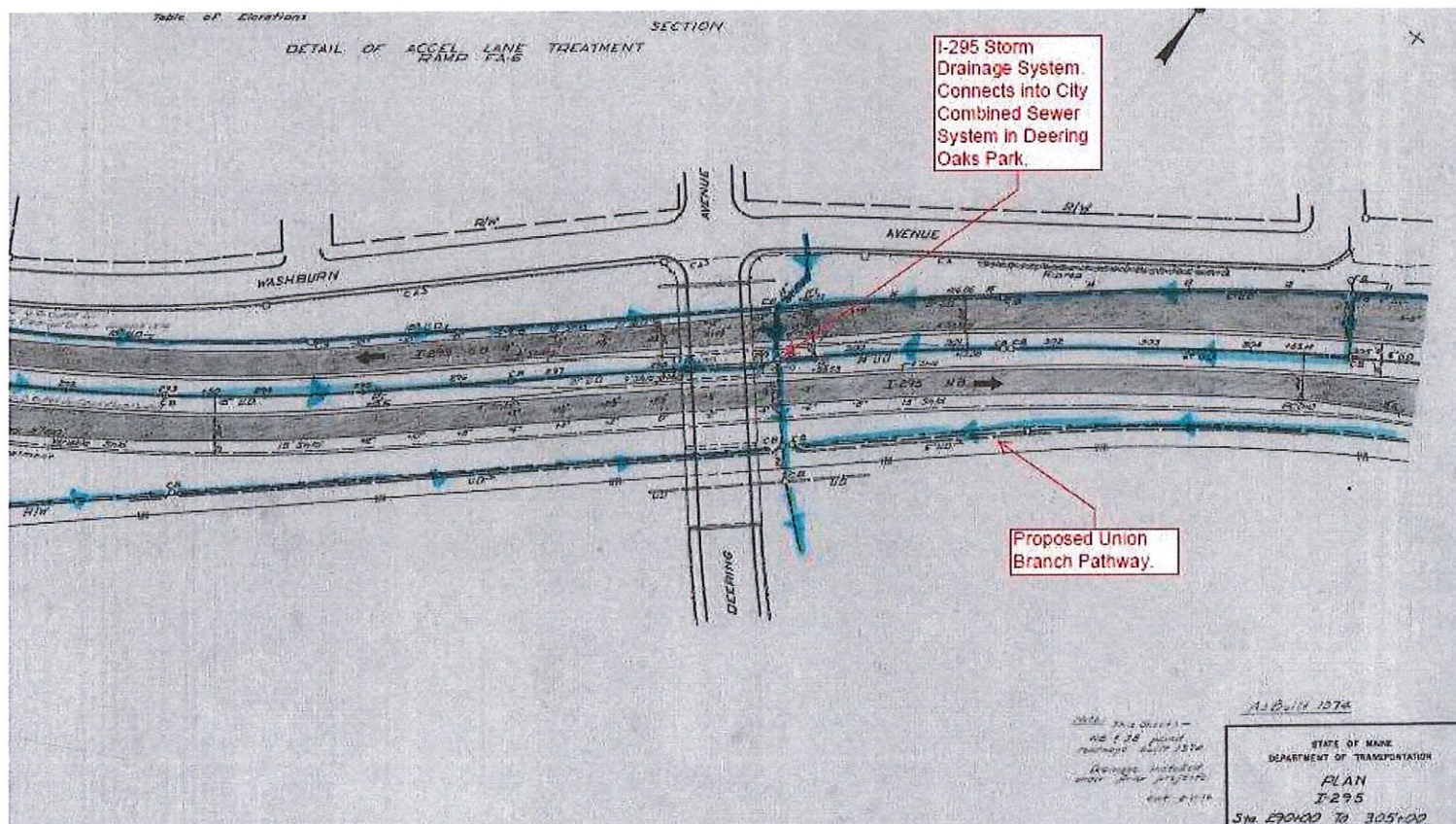


Figure 2: Project area drainage system

The intention of the proposed stormwater management, which will consist of multiple bioretention cells and other stormwater conveyance infrastructure intended to be installed as part of the Union Branch Pathway Project, is to reduce existing stormwater runoff impacts from I-295 and the pathway corridor on the City's combined sewer system, while also making the new pathway corridor more resilient to flooding during significant precipitation events. The green infrastructure systems will treat and attenuate stormwater runoff generated by the existing developed and impervious areas within the project area and slowly release the flows back into the combined



sewer system. This will provide combined sewer overflow (CSO) mitigation benefits which would supplement on-going work by the City as part of its CSO Mitigation Long Term Control Plan.

The proposed green stormwater infrastructure would benefit one of the City's largest combined sewer systems, which runs along Deering Oaks Park towards the Bayside neighborhood. Stormwater capacity issues in this combined sewer system contribute to combined sewer overflow discharges into Back Cove and frequent flooding in the Bayside neighborhood.

The design of this project also takes into account a future opportunity to extend and install a separated storm drain in Deering Oaks Park from State Street to the Deering Avenue overpass. This future separation would provide an opportunity for the City to separate approximately 20 acres of watershed area from the combined sewer system, including the new Union Pathway trail corridor and a significant portion of the I-295 right-of-way. This future work would further enhance the resilience of infrastructure in the area. The stormwater design for the pathway project will be configured to optimize this potential future sewer separation work.

**Vulnerability and Climate Change Adaptation (35 points):**

**Demonstrate climate change impacts or vulnerability to hazards and provide documentation of historic events (500 words or less):**

The [City of Portland's Climate Vulnerability Assessment](#), completed in 2020, provided a comprehensive evaluation of the risks that the City and its residents face from climate change. It noted significant vulnerability to flooding along the I-295 corridor that will affect both transportation infrastructure and stormwater and sewer assets. This impact was assessed based on both projected sea level rise and extreme precipitation events.

The City is currently developing coastal flooding resilience zones, which are based on a new hydrodynamic flood model developed in collaboration with the Maine Silver Jackets group, NOAA, and other partners. It projects a 100 year flood onto a sea level rise of 3.9 feet, the planning threshold for the City of Portland. The new model shows that the pathway and the adjacent Deering Oaks Park would be inundated under this scenario, and underscores the vulnerability of this area (Figure 3).



Figure 3: Map image showing the project area generated using the [City of Portland Coastal Flood Risk Map Viewer](#)



In addition to coastal flooding, the pathway and surrounding areas are susceptible to flooding during high precipitation events. The drainage area for this project includes the pathway corridor and a sizable section of the Maine DOT I-295 right-of-way between St. John Street and Forest Avenue. Currently, stormwater from these areas collects on the roadway surface before draining into the combined sewer system that serves the Bayside neighborhood on the eastern side of State Street. Stormwater capacity issues in this combined sewer system lead to combined sewer overflows and frequent flooding (*Figures 4, 5, and 7*). This project provides the water resources division of DPW a unique opportunity to collaborate with a critical transportation corridor project to increase resilience to flooding by providing stormwater management on City-owned land.



Figure 4: Flooding in Deering Oaks Park adjacent to the Union Pathway Corridor on January 13th, 2024.



Figure 5: Bayside flooding as a result of excess stormwater runoff and record high tidal heights on January 13th, 2024.



The One Climate Future Vulnerability Assessment indicates that Portland will experience more frequent events of heavy precipitation in coming years, which reinforces the need to incorporate stormwater management strategies in areas that feed the Bayside combined sewer system.

**24-Hour Storm Event Precipitation Totals for Historic and Future Recurrence Intervals [Table]**

| Average Recurrence Interval (ARI) (years) | 24-Hour Precipitation Totals (inches) |                 |                  |
|-------------------------------------------|---------------------------------------|-----------------|------------------|
|                                           | Historic                              | Mid-Term (2050) | Long-Term (2100) |
| 1                                         | 2.62                                  | 2.93            | 3.07             |
| 2                                         | 3.23                                  | 3.62            | 3.79             |
| 5                                         | 4.22                                  | 4.73            | 4.95             |
| 10                                        | 5.05                                  | 5.66            | 5.92             |
| 25                                        | 6.19                                  | 6.93            | 7.26             |
| 50                                        | 7.07                                  | 7.92            | 8.29             |
| 100                                       | 7.95                                  | 8.90            | 9.32             |

*Figure 6: Bayside flooding as a result of excess stormwater runoff and record high tidal heights on January 13th, 2024.*

Figure 6, which is excerpted from the vulnerability assessment, provides the historic and projected rainfall totals for a 24-hour storm. It shows that a significant storm with five inches of precipitation within 24-hours has historically been likely to occur every ten years. However, by 2100, a storm of that magnitude is roughly equivalent to the five-year storm. In other words, a storm of that size is likely to occur twice as frequently by 2100. Projects like this one are essential to reducing stormwater flows as heavier precipitation events occur more frequently.



*Figure 7: Bayside Flooding as a result of excess stormwater runoff and record high tidal heights on January 10th, 2024.*



Describe risk to public safety associated with vulnerable infrastructure and which groups (business, general public etc.) will benefit from the project (500 words or less):

The Bayside neighborhood faces regular street flooding events that are exacerbated by the overcharged combined sewer that runs through the neighborhood (as demonstrated in Figures 4, 5, & 7 above). This results in disrupted travel, delayed access to critical resources including medical facilities, and challenges for public safety personnel to emergency services. Businesses impacted include pharmacies, medical offices, and grocery stores.The City of Portland's Climate Vulnerability Assessment, which was adopted in 2020 as part of the One Climate Future Climate Action Plan, inventoried the range of community assets that are impacted by flooding, as demonstrated in Figure 8, which is excerpted from the vulnerability assessment.

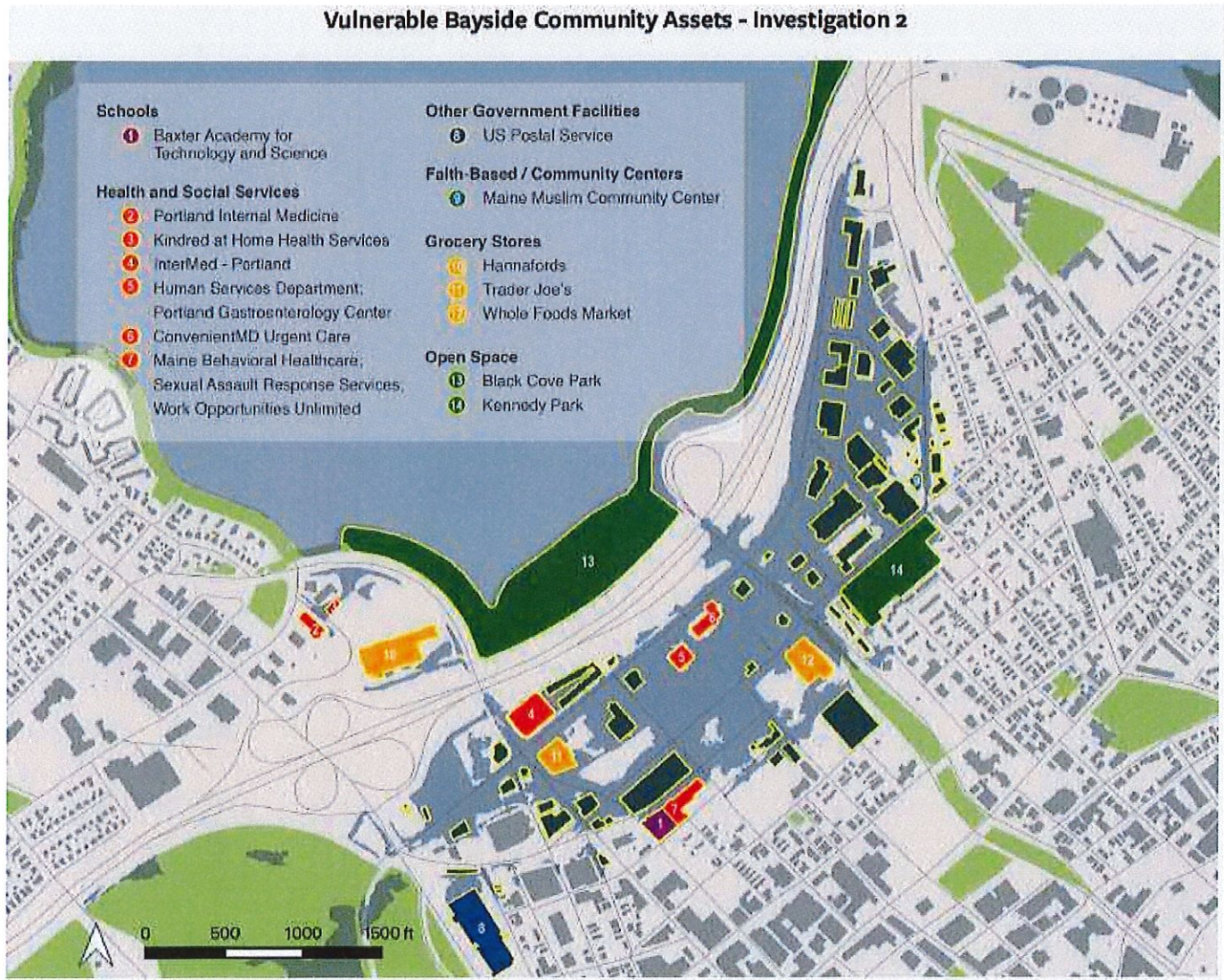


Figure 5.6. Flood vulnerability for a set of community assets in the Bayside area in Portland. Flooding across a neighborhood can have significant repercussions when a number of community resources—such as schools, grocery stores, community centers, health facilities, libraries, and open space—are closed or compromised for an extended period of time.<sup>91</sup>

Figure 8. Excerpt from One Climate Future Climate Vulnerability Assessment, p. 105



Using the Maine Social Vulnerability Index (MSVI), describe how this project will support vulnerable populations. Social vulnerability relates to the circumstance of a person or community that affect their capacity to anticipate, confront, repair, and recover from the effects of a disaster. The MSVI uses 17 socioeconomic and demographic indicators including poverty, minority status, people without vehicles, people with disabilities, older adults, and people with limited English proficiency (500 words or less):

While Portland's overall rating on the MSVI is medium, there are several neighborhoods in the City, including Bayside, that are amongst the most vulnerable in the state. The City of Portland's Climate Vulnerability Assessment (2020) evaluated all of Portland's neighborhoods using the 17 socioeconomic and demographic indicators in the MSV to identify which are most impacted by compounding social vulnerabilities and climate hazards. It indicated that the Bayside neighborhood is home to a wide range of disadvantaged individuals, with 59% of the population living below poverty level, more than half without access to a vehicle, and 46% racial/ethnic minority.

The Nature Conservancy's Coastal Resilience Map Viewer overlays the 17 NSVI categories on census tracts. Zooming into the Bayside provides metrics in each of the categories (Figure 9). It indicates that the neighborhood has an extremely high concentration of residents with a mix of vulnerabilities, from poverty, lack of access to a vehicle, and minority status. This places Bayside amongst the most socially vulnerable census tracts in Maine.

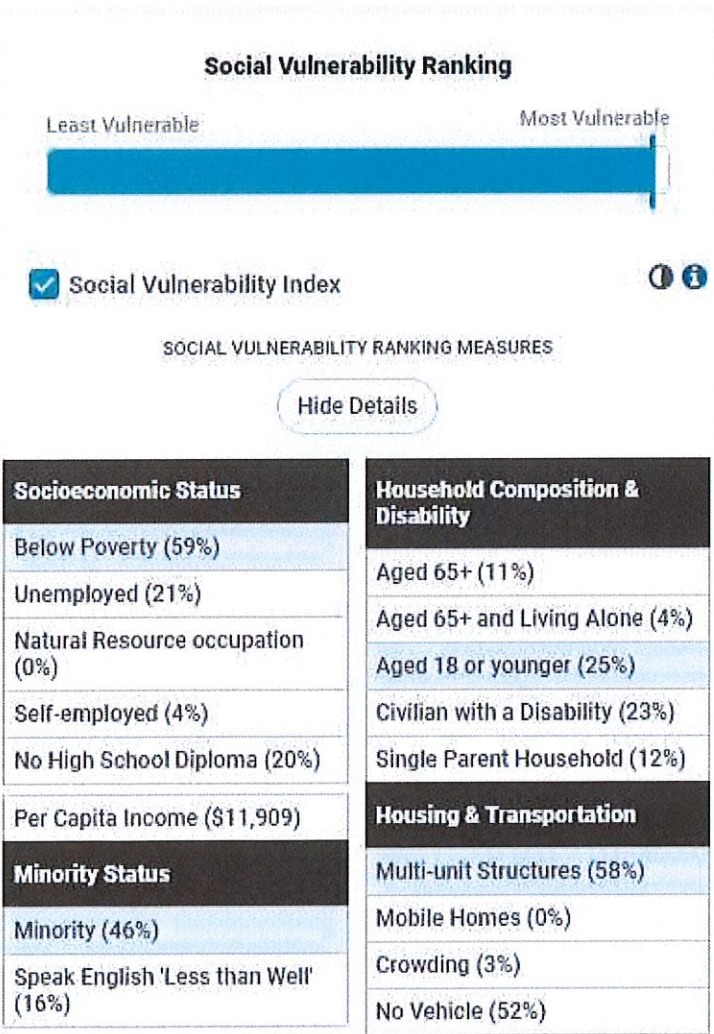


Figure 9: Chart produced using the Nature Conservancy's Coastal Resilience Map Viewer that overlays the MSVI data with geospatial data.



The Biden Administration has committed that at least 40% of funding from certain federal programs will go to disadvantaged communities across the country based on a number of economic and social indicators. These include the percentage of people in poverty, condition of housing, legacy pollution, and proximity to high volumes of traffic. As noted in the excerpt from the Federal screening tool (Figure 10), Bayside is recognized as a disadvantaged, social justice community because it meets four environmental burden thresholds and the economic threshold.

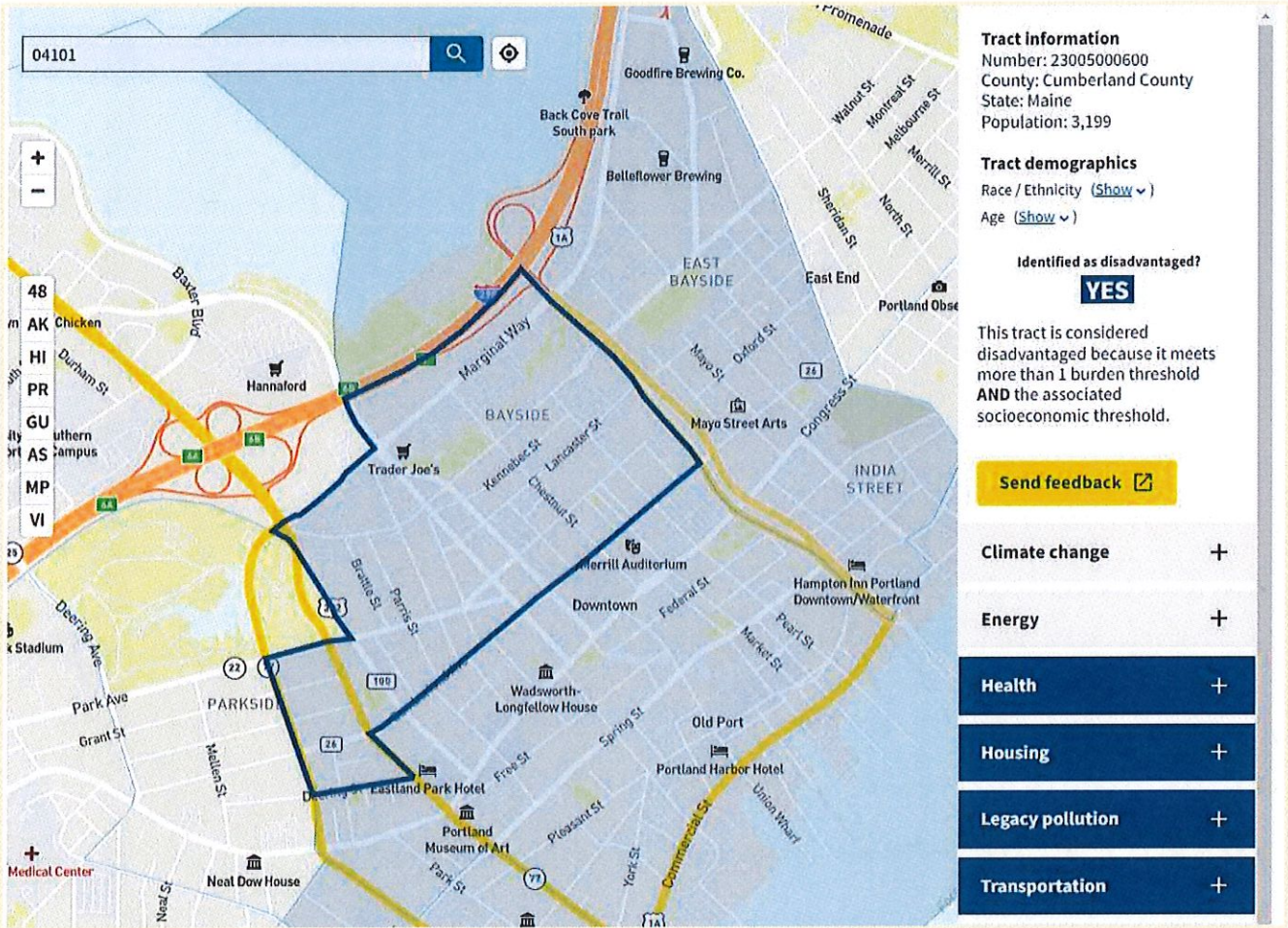


Figure 10: [Climate and Social Justice Screening Tool](#) output demonstrating that Bayside qualifies as a social justice community.

**Project Scoping and Design (30 points):**

Describe whether the project is scoping, design, or implementation/construction (150 words or less):

The Union Branch Pathway Project, including these stormwater infrastructure investments, is in the final design phase now (December 2023 to April 2024).

Provide a bulleted list of proposed specific improvements organized by task, including work to be completed, methodology, deliverables, and project team members (300 words or less):

Proposed MIAF Grant Eligible Stormwater Management Improvements (Construction)

| Union Branch Pathway- Proposed MIAF Grant Stormwater Scope/Estimate |                                                |      |      |                 |               |
|---------------------------------------------------------------------|------------------------------------------------|------|------|-----------------|---------------|
| Item No.                                                            | ITEM DESCRIPTION                               | UNIT | QTY. | UNIT PRICE      | AMT.          |
| 603.15                                                              | 12-inch Diameter Storm Drain Pipe (All Depths) | LF   | 156  | \$ 225.00       | \$ 35,100.00  |
| 603.19                                                              | 24-inch Diameter Storm Drain Pipe (All Depths) | LF   | 457  | \$ 338          | \$ 154,237.50 |
| 604.13                                                              | 4-foot Diameter Catch Basin                    | EA   | 4    | \$ 6,000        | \$ 24,000.00  |
| 604.15                                                              | 4-foot Diameter Manhole                        | EA   | 4    | \$ 6,000        | \$ 24,000.00  |
| 604.16                                                              | Core Existing Structure                        | EA   | 1    | \$ 1,700        | \$ 1,700.00   |
| 604.17                                                              | Alter Catch Basin or Manhole                   | EA   | 1    | \$ 1,900        | \$ 1,900.00   |
| 900.10                                                              | Bio-Retention Cell Construction                | SY   | 291  | \$ 280          | \$ 81,386.67  |
|                                                                     |                                                |      |      | Subtotal        | \$ 322,324    |
|                                                                     |                                                |      |      | 25% Contingency | \$ 80,581     |
|                                                                     |                                                |      |      | Total           | \$ 402,905    |

**Project Team**

LPA Project Manager: Bruce Hyman, Transportation Program Manager, City of Portland  
Stormwater Engineering: Justin Pellerin, PE, City of Portland Water Resources Division  
Troy Moon, Sustainability Director

Describe (if applicable) design efforts that have been completed to date on the proposed project and attach any completed design information, and proposed schedule for design or implementation completion (500 words or less).

The PDR phase of the overall Union Branch Pathway Design was completed in December 2023. During that phase, stormwater issues were identified. In December 2023 and January 2024, two specific meetings were held with MaineDOT and the City's design consultant to focus on addressing identified drainage and stormwater issues within the project area. These are the improvements considered here.

**Schedule (15 points):**

Provide detailed timeline of project tasks with anticipated completion dates for the project, including deliverables, likelihood of project success based on support of landowners and public, funding feasibility, technical, financial, and management capacity, and regulatory hurdles (500 words or less):

*Union Branch Pathway Design Phase:*

Project Kick-off: August 2022  
PDR: August 2022 to December 2023  
Final Design/PS&E: December 2023 to April 2024  
Bid/Advertisement: April/May 2024

*Construction Phase:*

Kick-off: August 2024  
Construction: August 2024 to November 2024; April 2025 to July 2025

It is anticipated that the infrastructure portion of the project funded by the MIAF grant will be constructed in 2024, with the plantings for the rain gardens installed in 2025.



**Provide all applicable public meeting dates including town council/selectboard meeting for the project, for the budgetary approvals of funding and local match (300 words or less):**

The local match will be provided by Water Resources Enterprise Fund Capital Improvement Fund appropriated in Council Order 148-22/23 which occurred on March 20, 2023

**Provide any public engagement activities that have occurred to date (300 words or less):**

The Portland City Council has approved several Council orders authorizing the agreements related to grant and local match funding for the Union Branch Pathway Project. Public meetings were also held for the project in 2016, both with local stakeholder groups and with the broader public. For the Preliminary Design Report phase of the project in 2023, a formal public meeting was held. (See the project page at <https://portland.civilspace.io/en/projects/parkside-to-the-portland-transportation-center-pathways-projects>.) In March 2023, the Council approved supplemental Capital Improvement Program funds for the pathway project's construction phase.

**Budget (20 points):**

**Provide detailed budget by completing table below** (As noted above, Applicants may request up to \$50,000 to support scoping and/or design, and \$125,000 to support match for construction. For construction projects, these funds cannot be used to pay more than 30% of total project costs):

**Project Budget Table**

Estimated Cost of Infrastructure Project

|                                                                                                                                                                                                                                                  |                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>Preliminary/Final Design Engineering/Environmental Permitting:</b>                                                                                                                                                                            | <b>1. \$0</b>              |
| <b>Construction:</b>                                                                                                                                                                                                                             | <b>2. \$ 402,905.00</b>    |
| <b>Construction Oversight/Engineering (CE):</b>                                                                                                                                                                                                  | <b>3. \$ 0</b>             |
| <b>Total Value of Project (add lines 1 through 3):</b>                                                                                                                                                                                           | <b>4. \$ 402,905.00</b>    |
| Local Match/Voluntary Contributions (Note: All match/voluntary contributions must be detailed. Bonus consideration may be given to applications that offer additional match/voluntary contributions beyond any applicable required local match.) |                            |
| <b>Cash (in most instances, cash is the only allowed match):</b>                                                                                                                                                                                 | <b>5. \$ 282,905 (70%)</b> |
| <b>Potential quantifiable labor and/or materials contribution:</b>                                                                                                                                                                               | <b>6. \$ 0</b>             |
| <b>Materials as proposed local match, please provide attachment<br/>With overview detailing how many hours, hourly rates, material quantities and costs, etc.)</b>                                                                               |                            |
| <b>Total Local Match Contributions (minimum 5% of total project required)</b>                                                                                                                                                                    | <b>7. \$ 282,905.00</b>    |
| <b>Funds Requested from MaineDOT</b>                                                                                                                                                                                                             | <b>8. \$ 120,000.00</b>    |

Note: The sum of Lines 7 and 8 should equal Line 4 above.

**Please describe source of local match:**

Local match will be provided by the City of Portland Water Resources Enterprise Capital Improvement Fund.

### Section 3: Authorized Signatures

These signatures indicate that if the municipality is approved for funding, that the municipality will enter into a municipal/state agreement with MaineDOT requiring the municipality/applicant/sponsor to administer the development, design, and construction of the project abiding to federal, state, and local requirements. The signature also indicates that the community understands that it will be entirely responsible for maintenance of the finished project, and that the public will have access to the project for the life of the project.

Note: Information will be available on the Department's grant page

<https://www.maine.gov/mdot/grants/>

*An authorized representative of the city/town*

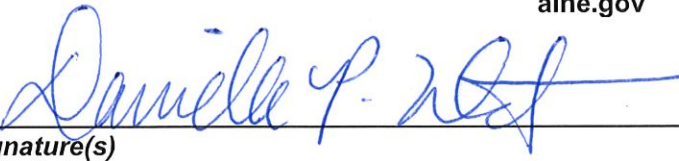
#### Municipal Official:

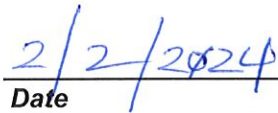
Name(s): Danielle West

Title: City Manager

Phone #: 207-874-8689

Email: dwest@portlandmaine.gov

  
Signature(s)

  
Date

#### Local Project Municipal Contact (likely to be the Local Project Administrator)

Name: Bruce Hyman

Title: Transportation  
Program Manager

Phone #: 207-874-8717

Email: bhyman@portlandmaine.gov

## Section 4: Application Process

MaineDOT issues the RFA for the Maine Infrastructure Adaptation Fund. Applicants must submit a completed PDF application consisted with this RFA and using the space provided.

Applications must be received by **February 2, 2024, at 11:59 p.m.** local time. Applications received after the deadline will be ineligible for award consideration. Submit application by email in accordance with the schedule.

Applications are to be submitted to MaineDOT via [Adaptation.DOT@maine.gov](mailto:Adaptation.DOT@maine.gov). Only applications receive by email will be considered. Applicants are to insert the following into the subject line in their email "RFA Submission – Applicant's Name". Applicants should submit a PDF file with the file name: "TOWN NAME.PDF".

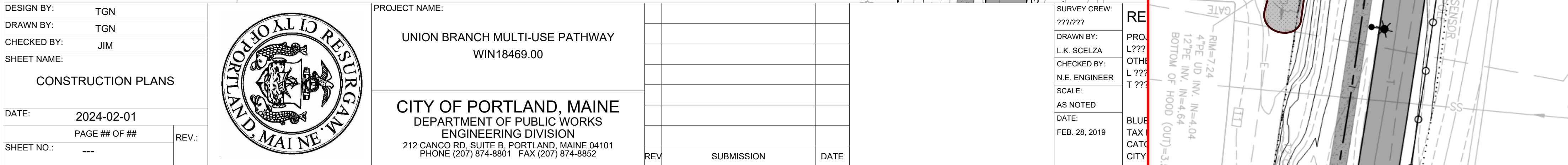
When we receive email, you will receive a response of receipt within one week. If you do not receive a response, call Taylor LaBrecque at 207-441-7696 as soon as possible.

Information will be available on MaineDOT's grant page:  
<https://www.maine.gov/mdot/grants>

### Contact information:

Taylor LaBrecque  
Environmental Office  
Maine Department of Transportation  
16 State House Station  
Augusta, ME 04333







***Maine Infrastructure Adaptation Fund Grant Agreement (State Funds)***

|                                 |                      |
|---------------------------------|----------------------|
| MaineDOT WIN: _____             | Vendor Number: _____ |
| Maximum Grant Funds: \$_____    | Grantee Match: _____ |
| Agreement Effective Date: _____ | Agreement End: _____ |

**NOTE: The information in the table above is for administrative purposes only and is not part of the Maine Infrastructure Adaptation Fund Grant Agreement below.**

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**MAINE INFRASTRUCTURE ADAPTATION FUND  
GRANT AGREEMENT**

**This Maine Infrastructure Adaptation Fund Grant Agreement (the "Agreement")** is entered into by and between the State of Maine, acting by and through its Department of Transportation ("MaineDOT"), and City of Portland (the "Grantee").

**EFFECTIVE DATE:** This Agreement is effective as of the date last signed as indicated on the signature page below (the "Effective Date"), and does not take effect until both MaineDOT and the Grantee have signed. Any commitments made or obligations or expenditures incurred by Grantee prior to the Effective Date of this Agreement are at Grantee's sole risk and may not be reimbursed in whole or in part by MaineDOT in MaineDOT's sole judgment.

**RECITALS**

1. The Maine Infrastructure Adaptation Fund ("MIAF") was established to provide MIAF grant funding ("Grant Funds") to public entities enrolled in the Community Resilience Partnership to adapt their critical infrastructure to reduce vulnerability to climate change resulting from extreme weather, sea level rise, inland and coastal flooding, severe heat, and other climate impacts, which will increase day-to-day functional capacity and improve performance and survivability of these assets during an emergency.
2. MaineDOT is authorized to administer the Grant Funds, which will be State funds, in accordance with the MIAF.

3. MaineDOT has conducted a competitive application process for Grant Funds for infrastructure projects under the MIAF.
4. In reliance on the representations contained in Grantee's application to the MIAF for funding for its infrastructure project (the "Application"), which is incorporated by reference into and made part of this Agreement, MaineDOT has selected Grantee's infrastructure project for Grant Funds subject to the terms and conditions of the MIAF and this Agreement.

In consideration of the foregoing Recitals, which are an integral part of this Agreement, and the mutual covenants and agreements contained herein, MaineDOT and Grantee hereby agree as follows:

**A. Grantee's Infrastructure Project**

1. Grantee will undertake and complete the infrastructure project described in Grantee's Application (the "Infrastructure Project") and referenced in Appendix A hereto, which is incorporated into and made part of this Agreement. The completed Infrastructure Project must conform to the Application. Final design and construction plans for Grantee's Infrastructure Project must be stamped by a Professional Engineer licensed in Maine and evidence thereof must be made available to MaineDOT upon request. Grantee will not make any changes to the Infrastructure Project to a degree that fundamentally alters the Infrastructure Project unless it has received the prior written consent of MaineDOT.
2. Grantee will use qualified contractors and consultants for the design, engineering, and construction of the Infrastructure Project and will have sole responsibility for overseeing and monitoring the Infrastructure Project during its design, engineering, construction and implementation. In addition, Grantee will be solely responsible for ongoing maintenance of the Infrastructure Project at its own cost and expense.
3. Grantee will comply with all applicable federal, Maine, and local laws and regulations, including but not limited to environmental laws and regulations, in connection with the Infrastructure Project. In the event that the Infrastructure Project is required to comply with the National Environmental Policy Act, as amended, and associated regulations (collectively, "NEPA") because it is also funded with funds from a federal financial assistance program or requires a federal permit, Grantee will be solely responsible for ensuring such NEPA compliance.
4. Grantee will obtain and keep in effect all federal, Maine, and local permits required for the Infrastructure Project.
5. Grantee will obtain any necessary property rights for the Infrastructure Project.
6. Grantee will ensure that the Infrastructure Project does not create any safety hazards or undue inconvenience to the public and will take steps to ensure the safety of the

public at all times in connection with the Infrastructure Project. In the event that Grantee's Infrastructure Project affects a public roadway or any associated right-of-way, Grantee must take steps to ensure that the Infrastructure Project does not reduce the safety or structural quality of the roadway or right-of-way, there are no roadway obstructions for the traveling public, and the roadway surface is restored so that it provides a smooth ride.

7. Grantee will adhere to the timelines for development and completion of the Infrastructure Project ("Project Milestones") set forth in Grantee's Application and Appendix A hereto, as may be extended with MaineDOT's consent. If the Infrastructure Project involves construction, Grantee will also ensure that it is fully functional no later than the Project Completion Date set forth in Appendix A, as may be extended with MaineDOT's consent.

**B. Funding of Infrastructure Project**

1. MaineDOT will disburse Grant Funds to Grantee for actual eligible direct costs of the Infrastructure Project in the maximum amount set forth in Appendix A attached hereto. Grantee will use Grant Funds only for eligible costs of the Infrastructure Project as described in its Application. In the event that actual eligible direct costs of the Infrastructure Project are less than the maximum amount of Grant Funds set forth in Appendix A hereto, MaineDOT will disburse Grant Funds only in an amount sufficient to pay actual eligible direct costs of the Infrastructure Project, subject to the requirements of this Section B below.
2. Grantee will provide matching funds for the Infrastructure Project in the amount(s) and from the source(s) identified in Appendix A, which represents the percentage of the maximum amount of Grant Funds set forth in Appendix A ("Match"). Costs incurred by Grantee prior to the Effective Date of this Agreement are not considered part of Grantee's Match requirement.
3. Grantee will pay all costs of the Infrastructure Project that exceed the maximum amount of Grant Funds plus Match under this Agreement. The estimated total cost of the Infrastructure Project is set forth in Appendix A hereto.
4. MaineDOT will make disbursements of Grant Funds in no more than three (3) payments. Grantee may request fewer than three (3) payments.
5. Disbursements of Grant Funds will be made only on a reimbursement basis and each disbursement must be associated with the completion of a specific Project Milestone identified in Appendix A. For purposes of this Agreement, "reimbursement" means that eligible Infrastructure Project costs (i) have been paid by Grantee or (ii) have been incurred by Grantee and payment is due.

6. a. Each request for Grant Funds must be accompanied by all of the following, in the format that may be required by MaineDOT:
  - (i) The Project Milestone set forth in Appendix A for which reimbursement is requested and the start and end dates for that Project Milestone.
  - (ii) A written explanation of any variance of more than thirty (30) days in the schedule set forth in Appendix A in completing the Project Milestone.
  - (iii) An invoice that includes an itemized list of expenses actually incurred by Grantee identifying the services and materials, with amounts, dates, and vendor and contractor names and evidence that such expenses have been paid or that payment is due.
  - (iv) The total amount of Grant Funds being requested, showing the dollar amount deducted for the portion of Match applied to the invoice as specified in Appendix A hereto.
- b. A request for disbursement of Grant Funds may not include any contractor retainage withheld by Grantee. MaineDOT will not disburse Grant Funds for any such retainage.
- c. MaineDOT will review each request for disbursement of Grant Funds and supporting materials to ensure that costs are eligible for reimbursement with Grant Funds in accordance with this Agreement and may request additional information deemed necessary by MaineDOT before disbursing Grant Funds. In the event any additional information requested by MaineDOT is not provided, MaineDOT may withhold all or a portion of the Grant Funds requested by Grantee, as determined by MaineDOT.
- d. Prior to the first disbursement of Grant Funds, Grantee may terminate this Agreement after fifteen (15) days prior written notice to MaineDOT. If Grant Funds become unavailable to fund the Infrastructure Project, MaineDOT will have the right to terminate this Agreement after fifteen (15) days prior written notice to Grantee. In the event of termination of this Agreement by Grantee or MaineDOT, MaineDOT will have no liability for payment of Grant Funds to Grantee.
7. a. Grantee acknowledges and agrees that it may forfeit the undisbursed balance of the Grant Funds if MaineDOT determines that a Project Milestone is significantly behind schedule and Grantee cannot demonstrate to MaineDOT's satisfaction earnest and good faith efforts to complete the Infrastructure Project within a reasonable additional time, as determined by MaineDOT.
- b. In addition, if MaineDOT determines that Grantee has failed to complete the Infrastructure Project in accordance with this Agreement, or has used Grant Funds for any purpose other than as provided in this Agreement, or has failed to submit all

required reports to MaineDOT as provided in this Agreement, MaineDOT will also have the right to terminate this Agreement, withhold all further disbursements of Grant Funds, recoup Grant Funds disbursed to Grantee, set off amounts of Grant Funds payable to Grantee against amounts that Grantee is required to pay or return to MaineDOT under this Agreement or any other arrangement or agreement between MaineDOT and Grantee whether or not related to MIAF, and pursue all other legal remedies that may be available to MaineDOT after written notice of non-compliance is provided to Grantee and Grantee fails to cure the non-compliance within the period specified in the notice, in MaineDOT's judgment. MaineDOT will have the right to recover its attorneys' fees and legal costs in the exercise of its legal remedies.

8. Grantee acknowledges and agrees that MaineDOT's obligations under this Agreement are conditioned on the availability of MIAF funds and on MaineDOT's continued authorization under applicable laws, regulations, or appropriations to use such funds for the purposes described in this Agreement.

**C. Reporting**

1. For each calendar year, or portion of a calendar year, after the Effective Date of this Agreement until completion of the Infrastructure Project, Grantee will submit an annual report to MaineDOT ("Annual Report"), as provided in the MIAF. Each Annual Report will be due not later than fifteen (15) business days after the close of a calendar year. Each Annual Report must include all of the following:
  - (a) A description of the progress of the Infrastructure Project, including percent completed and whether the Infrastructure Project is on track to be completed by the Project Completion Date set forth in Appendix A based on the major activities that remain to be completed.
  - (b) Any scheduling changes and the reasons for any delays.
  - (c) Cumulative costs incurred and expenditures made for the Infrastructure Project for the calendar year.
2. Within thirty (30) days after the completion of the Infrastructure Project, Grantee will also submit a final report on the Infrastructure Project, which must include the following:
  - (a) A summary of the completed Infrastructure Project.
  - (b) A description of the anticipated reduced risk to public safety resulting from the Infrastructure Project, based on the estimated number of individuals and businesses that will no longer suffer from impacts such as service disruption, inoperability, or inaccessibility of a necessary resource.

- (c) The anticipated amount of the avoided cost of damages that results from the Infrastructure Project, based on records of past actual damage costs incurred during failure of similar infrastructure, or in the absence of such records, estimated damage costs.

**D. No Liability**

Notwithstanding MaineDOT's selection of Grantee's Infrastructure Project for an award of Grant Funds or the provision of Grant Funds to Grantee under this Agreement, MaineDOT will have no responsibility or liability to Grantee or its agents or contractors or any other third party for any damages, costs, claims, demands, or causes of action arising from the design, engineering, or construction of Grantee's Infrastructure Project or from any other cause. This Agreement is for the sole benefit of MaineDOT and Grantee and is not intended to benefit any other person or entity, and no such person or entity will be deemed a third-party beneficiary of this Agreement or have any rights under this Agreement, including but not limited to any rights to payment with Grant Funds or any other funds.

Nothing herein will waive any defense, immunity, or limitation of liability that may be available to MaineDOT or its officers, agents or employees under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities as may be provided by law. *This provision will survive any expiration or earlier termination of this Agreement.*

**E. Records**

Grantee must retain full and accurate records of all labor, services and materials obtained, and associated costs and expenditures, with supporting invoices, receipts, and check copies, for the Infrastructure Project for a period of three (3) years after the date of the final disbursement of Grant Funds to Grantee. MaineDOT and any appropriate agency of Maine State government (each, a "Reviewing Agency") will have the right during said three-year period to review, examine, audit, and copy such records during Grantee's normal business hours, and Grantee will cooperate in all respects with each such Reviewing Agency.

**F. Contact Information**

1. MaineDOT's Project Manager for this Agreement is as follows:

Sierra Millay  
Project Manager  
Maine Department of Transportation  
16 State House Station

Augusta, Maine 04333

Tel: (207) 441-6435

Email: [Adaptation.DOT@maine.gov](mailto:Adaptation.DOT@maine.gov)

2. Grantee's Project Manager and related contact information for this Agreement are set forth in Appendix A hereto.
3. Any notice provided for in this Agreement may be sent by email.

**G. Nondiscrimination**

Grantee will not discriminate against any person on the basis of race, color, ethnicity, national origin, sex, sexual orientation, gender identity, religion, disability, age, or familial status. Grantee will comply with all applicable federal, Maine, and local laws and regulations regarding nondiscrimination.

MaineDOT does not and will not exclude from participation in, or deny the benefits of, its programs or activities, or subject anyone to discrimination or treat persons unfavorably based on race, color, religion, national origin, sex (pregnancy, sexual orientation, and gender identity), age, genetic information, disability, veteran status, limited English proficiency, or economic status. In addition, MaineDOT will not retaliate against any person who complains of discrimination or who participates in an investigation of discrimination.

**H. Miscellaneous**

1. This Agreement and its Appendix A may be amended only in a writing signed by MaineDOT and Grantee.
2. Grantee has received all necessary approvals and authorizations by its governing body for the Infrastructure Project, including but not limited to Match, and its entry into this Agreement.
3. Grantee is acting as an independent contractor and not as an agent, representative, or partner of MaineDOT under this Agreement.
4. This Agreement may be executed in counterparts, each of which will be deemed an original, but all of which together will constitute one and the same agreement. Each party agrees that this Agreement and any other documents to be executed in connection with this Agreement may be electronically signed and that any electronic signatures appearing on this Agreement or the associated documents are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.



**In witness whereof**, MaineDOT and Grantee have executed this Maine Infrastructure Adaptation Fund Grant Agreement by their respective duly authorized representatives.

**STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION**

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Joyce Noel Taylor  
Chief Engineer

**GRANTEE**

\_\_\_\_\_  
Date

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**APPENDIX A  
TO  
MAINE INFRASTRUCTURE ADAPTATION FUND GRANT AGREEMENT**

**WIN Number** 28002.15

**Name of Grantee** City of Portland

**Grantee's Contact Information for Infrastructure Project**

**Project Manager** Troy Moon

**Mailing Address** 389 Congress Street, Portland, Maine 04101

**Tel.** 207-756-8362

**Email** thm@portlandmaine.gov

**Name of Grantee's Infrastructure Project** Union Branch Pathway Project

**Physical Location of Infrastructure Project** Union Branch Rail Corridor, Portland

**Project Milestones – description and start and end dates of each**

1. Construction Begin (August 2024)
2. Construction End (July 2025)

**Projected Project Completion Date** 07/31/2025

**Total Maximum Grant Funds** \$120,000.00

## **Funding Match**

**Percentage of Total Grant Funds Amount** 235%

**Dollar Amount** \$282,905.00

**Source** City of Portland Water Resources Enterprise Capital Improvement Fund

**Estimated Total Project Cost** \$402,905.00

**Anticipated number of Disbursements of Grant Funds to be requested (must be 3 or fewer and each must be tied to completion of a specific Project Milestone above)**

1. 1/3 Construction Complete (33%)
2. 2/3 Construction Complete (67%)
3. 3/3 Construction Complete (100%)

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Greg Watson, Director  
**DATE:** June 5, 2024  
**SUBJECT:** Order 226-23/24 Adopting Development Program for Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, Chair  
**SPONSOR:** Councilor Anna Trevorrow, Chair/Finance Committee - Meeting Held on April 30, 2024.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 6/3/2024**

**Final**

**Action 6/17/2024**

**Can action be taken at a later date: No The June 17, 2024, public hearing will be advertised in the *Portland Press Herald* on June 6, 2024.**

**Does this item involve a new contract with the City: Yes and Corporation Counsel has reviewed and approved the Agreement.**

**PRESENTATION:** Greg Watson/3 Minutes

**I. SUMMARY**

Annually, the City Council authorizes the City Manager to execute documents necessary for the continued operation of Portland Downtown (formerly known as Portland's Downtown District).

**II. AGENDA DESCRIPTION**

The PD District was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year starting July 1, City Council authorization of establishing the special assessment and approval of the documents is needed.

For FY2025, City Council authorization is needed for the continued operation of PD, which documents include: (1) Adopting the Development Program for the PD; (2) Assessing Maintenance and Implementation Assessments in the PD District; and, (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

The budget for PD is funded largely from special assessments on all real estate in the current District. The revenue raised through the special assessment will fund the majority of PD development program expenses for FY2025. The proposed mil rate to raise the assessment revenue budget is estimated at \$.71 per \$1,000 of property value in the current district in order to raise the PD Board approved assessment revenue budget of \$1,334,572.

Portland Downtown representatives provided a presentation to the Finance Committee (FC) at its April 30, 2024, meeting.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

See above.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The intended result is for the City Council to accept the FY2025 Development Plan, authorize the annual special assessment levied to property owners in the District in order for the PD to continue its program of services to support downtown cleanliness, safety, and events, and to formalize the Agreement between the PD and the City for services.

#### **V. FINANCIAL IMPACT**

This year's assessment will be funded from special assessments on all real estate in the current district for an estimated FY2025 total of \$1,334,572, an increase of \$85,223 from FY2024 budget of \$1,249,349. The increase is due largely to inflation. This assessment would be for the period July 1, 2024, to June 30, 2025. The proposed mil rate to raise this assessment is currently estimated to be \$.71 cents per \$1,000 of property value in the District. The FY2024 mil rate was \$.67 per \$1,000 of property value in the District; in FY2023 the mil rate was \$.66; in FY2022 the mil rate was \$.57, lower than in previous years due to the Revaluation; in FY2021, the mil rate was \$1.05; in FY2020, the mil rate was \$1.09; in FY2019, the mil rate was \$1.03 cents per \$1,000 of property value in the expanded district. It is noted that for the prior nine (9) years before FY2019, the PD mil rate had been the same rate of \$.92 cents per \$1,000 of property value in the geographic area before the approved FY2019 geographic expansion of the district.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

City staff have reviewed the documents and recommends the City Council vote to approve these items.

#### **VII. RECOMMENDATION**

Portland Downtown representatives provided a presentation to the Finance Committee on April 30, 2024.

#### **VIII. LIST ATTACHMENTS**

1. Order - Approving Agreement between COP and Portland Downtown
2. FY2025 Development Plan and Budget for CC

Prepared by:

Greg Watson, Director

Date: 06/05/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER APPROVING THE AGREEMENT BETWEEN THE CITY OF PORTLAND  
AND PORTLAND DOWNTOWN FOR FISCAL YEAR 2024-2025**

**ORDERED**, that the Agreement between the City of Portland and the Downtown Improvement District, Inc. doing business as Portland Downtown is hereby approved; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is hereby authorized to enter into said Agreement in substantially in the form attached and any other documents necessary to effect the intent of this order, and to carry out the Development Plan for the Downtown Improvement District for the period from and after its Effective Date and ending June 30, 2025.

# FY25 Budget and Development Plan



Portland Downtown stimulates a thriving, vibrant & sustainable downtown community

# FY24 Highlights

- Monument Square Tree Cam
- Mission 3/65
- 2/07 Day
- Increased success in our cadet program
- Graffiti fighting partnership with Audet Enterprises
- Partnered with Milestone HOME Team & CommonSpace
- Public Restroom Advocacy, Placement, Evaluation & continued efforts + Forum & Report
- Hockey Watch Party
- Six (6) Traffic Box murals
- Crosswalk Activation, con't
- Park(ing) Day
- Gorham's Corner Activation
- Mural at Free Street - graffiti management
- Downtown Worker Appreciation Day
- Merry Madness



# Fiscal Year 2025

- FY25 modest increase owing to inflation + CPI growth
- Supplemental Services at \$491,650
- Continued funding for various social service partners
- Increased cadet funding owing to extra impactful 2023 team, need & reassessment of approach
- Continuing our new mural program
- Funding for seasonal restroom

# Notes on FY25 Budget

- Enhanced Space Activation Work
- Continued events calendar
- Visitor Information Booth
- Continued social service partnership
- Continued graffiti efforts
- Focus on empty spaces in Arts District

# FY25 Development Plan

- Strengthen outreach & relationship building
- Grow advocacy efforts
- Continue to expand mural program
- Further engage downtown residential community
- Monument Square efforts continue - Market & produce (?)
- Public Restroom efforts continue
- Age-Friendly Business efforts continue
- Grow Placemaking efforts



# 2020-2025 Strategic Plan Guiding Principles

- Portland Downtown is a community builder
- Portland Downtown is a key advocate for the downtown community
- Portland Downtown is a strong partner & collaborator
- Portland Downtown strives to be increasingly environmentally sustainable
- Portland Downtown believes in organizational sustainability

# PORTLAND'S DOWNTOWN DISTRICT

July 2024 - June 2025

|                                        |                     |
|----------------------------------------|---------------------|
| <b>Income</b>                          |                     |
| ASSESSMENT REVENUE                     | 1,334,572.27        |
| CONTRIBUTIONS INCOME                   | 750.00              |
| EVENT INCOME                           | 39,000.00           |
| INTEREST INCOME                        | 2,643.18            |
| MURAL INCOME                           | 13,125.00           |
| P&W INCOME                             | 2,700.00            |
| <b>Total Income</b>                    | <b>1,392,790.45</b> |
| <b>Expenses</b>                        |                     |
| <b>CLEAN INITIATIVES</b>               |                     |
| ALLEYWAY ACTIVATION EXPENSE            | 250.00              |
| CLEAN & SAFE EXPERIENCE                | 4,800.00            |
| ESTIMATED NONCOLLECTION                | 13,280.28           |
| FIXED FEE FOR DID ADMIN                | 10,550.00           |
| PUBLIC ART                             | 8,625.00            |
| PUBLIC RESTROOM MAINTENANCE, ETC       | 35,000.00           |
| REPAIRS & IMPROVEMENTS                 | 4,980.00            |
| SUPPLEMENTAL SERVICES CONTRACT         | 491,650.00          |
| <b>Total CLEAN INITIATIVES</b>         | <b>569,135.28</b>   |
| <b>DAYS / EVENTS</b>                   |                     |
| 207 DAY                                | 4,500.00            |
| DOWNTOWN WORKER APPR DAY (DWAD)        | 10,000.00           |
| PARK(ING) DAY                          | 1,000.00            |
| POLICE AWARDS BREAKFAST                | 7,000.00            |
| MICRO EVENTS                           | 2,400.00            |
| <b>Total DAYS / EVENTS</b>             | <b>24,900.00</b>    |
| EMPLOYEE COSTS                         | 402,464.03          |
| INSURANCE                              | 4,750.00            |
| LIGHT UP YOUR HOLIDAY EXPENSES         | 41,300.00           |
| MARKETING                              | 35,100.00           |
| OPERATIONS COSTS                       | 37,523.60           |
| ORGANIZATIONAL ACTIVITIES              | 17,100.00           |
| PROFESSIONAL FEES                      | 10,700.00           |
| <b>PROGRAMS AND PARTNERSHIPS</b>       |                     |
| AUDET                                  | 31,500.00           |
| BEHAVIORAL HEALTH                      | 10,000.00           |
| CAMERA PROGRAM                         | 800.00              |
| MILESTONE HOMETEAM                     | 10,000.00           |
| PEER OUTREACH WORKER PROGRAM           | 5,000.00            |
| POLICE CADET PROGRAM EXPENSE           | 51,320.00           |
| VISITOR INFO BOOTH                     | 9,500.00            |
| WINTER LIGHTS                          | 84,000.00           |
| <b>Total PROGRAMS AND PARTNERSHIPS</b> | <b>202,120.00</b>   |
| RENT AND UTILITIES                     | 34,447.54           |
| SPACE ACTIVATION                       | 13,250.00           |
| <b>Total Expenses</b>                  | <b>1,392,790.45</b> |
| <b>Net Income</b>                      | <b>0.00</b>         |

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 5, 2024

**SUBJECT:** Order 227-23/24 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, Chair

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No** If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

**Does this item involve a new contract with the City: No.**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This is a companion Order with the Order above.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Order - Establishing Maintenance and Implementation Assessments for Portland Downtown for FY 25
2. PDD Assessment Listing ao 4-25-2024

Prepared by:

Date: 06/05/2024



MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER ESTABLISHING MAINTENANCE AND IMPLEMENTATION ASSESSMENTS  
FOR PORTLAND DOWNTOWN FOR FISCAL YEAR 2024-2025**

**ORDERED**, pursuant to 30-A M.R.S. § 5228, after public hearing thereon, that the sum of \$1,334,572, be raised and appropriated from the special assessments on all real estate situated within the boundaries of the Downtown Improvement District, Inc. doing business as Portland Downtown, to fund maintenance and implementation costs for such district for the period beginning July 1, 2024 and ending on June 30, 2025; and

**BE IT FURTHER ORDERED**, that the said sum be assessed on all real estate within the Downtown Improvement District, which real estate listing is attached hereto as Exhibit A; and

**BE IT FURTHER ORDERED**, that the said assessments shall be due July 1, 2024 and payable to the City of Portland at the same time that taxes on other real estate are due; and

**BE IT FURTHER ORDERED**, that the interest on unpaid assessments shall be at the same rate as interest on other unpaid real estate taxes; and

**BE IT FURTHER ORDERED**, that the said assessments are hereby committed to the tax collector of the City of Portland for collection, pursuant to 30-A M.R.S. § 5228(5); and

**BE IT FURTHER ORDERED**, that the tax collector is hereby authorized and directed to take all necessary action for the collection of said assessment.



| PARCEL ID   | LAND USE                | NUM | STREET         | OWNER                        | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|----------------|------------------------------|----------------|-------------|
| 021 A001001 | 25:PARKING LOTS         | 119 | PEARL ST       | PEARL CUMBERLAND LLC         | 8,490,000      | \$6,027.90  |
| 021 A012001 | 56:GOVERNMENTAL         | 214 | CUMBERLAND AVE | CITY OF PORTLAND             | -00            | \$0.00      |
| 027 A001001 | 22:OFFICE BUSINESS      | 320 | CUMBERLAND AVE | EAST END CORP                | 10,305,700     | \$7,317.05  |
| 027 A012001 | 56:GOVERNMENTAL         | 5   | MONUMENT SQ    | CITY OF PORTLAND             | -00            | \$0.00      |
| 027 A015001 | 22:OFFICE BUSINESS      | 465 | CONGRESS ST    | CTR CONGRESS LLC             | 9,118,100      | \$6,473.85  |
| 027 B001001 | 56:GOVERNMENTAL         | 284 | CUMBERLAND AVE | CITY OF PORTLAND             | -00            | \$0.00      |
| 027 B002001 | 22:OFFICE BUSINESS      | 443 | CONGRESS ST    | JJR 443 CONGRESS LLC         | 5,851,500      | \$4,154.57  |
| 027 B003001 | 56:GOVERNMENTAL         | 9   | ELM ST         | CITY OF PORTLAND             | -00            | \$0.00      |
| 027 B004001 | 27:MULTI-USE COMMERCIAL | 439 | CONGRESS ST    | METROPOLITAN APARTMENTS LLC  | 8,902,600      | \$6,320.85  |
| 027 B005001 | 53:RELIGIOUS            | 425 | CONGRESS ST    | FIRST PARISH IN PORTLAND     | -00            | \$0.00      |
| 027 B007001 | 22:OFFICE BUSINESS      | 415 | CONGRESS ST    | ASHBY TEAM LLC               | 3,596,900      | \$2,553.80  |
| 027 B008001 | 56:GOVERNMENTAL         | 21  | ELM ST         | CITY OF PORTLAND             | -00            | \$0.00      |
| 027 B009001 | 57:OTHERS EXEMPT BY LAW | 8   | CHESTNUT ST    | MASONIC TRUSTEES OF PORTLAND | -00            | \$0.00      |
| 027 C002001 | 13:THREE FAMILY         | 17  | CHESTNUT ST    | TRIPOD HOLDINGS LLC          | 794,200        | \$563.88    |
| 027 C010001 | 20:COMMERCIAL CONDOS    | 21  | CHESTNUT ST    | HAIR ETC LLC                 | 192,200        | \$136.46    |
| 027 C010002 | 20:COMMERCIAL CONDOS    | 21  | CHESTNUT ST    | CHESTNUT STREET LOFTS LLC    | 233,600        | \$165.86    |
| 027 C01002E | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | JORDAN CARA A                | 344,600        | \$244.67    |
| 027 C01002N | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | SMITH DOUGLAS A &            | 320,600        | \$227.63    |
| 027 C01002S | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | MORREL VICTOR &              | 344,600        | \$244.67    |
| 027 C01002W | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | ANDERSON EVAN                | 403,700        | \$286.63    |
| 027 C01003E | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | CASTANEA PRIME LLC           | 367,100        | \$260.64    |
| 027 C01003N | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | TILTON GARRETT K &           | 381,200        | \$270.65    |
| 027 C01003S | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | SAWYER JESSE                 | 324,500        | \$230.40    |
| 027 C01003W | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | VANHOEWYK JOHN VN VET &      | 375,800        | \$266.82    |
| 027 C01004E | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | BAILEY DONALD B &            | 367,100        | \$260.64    |
| 027 C01004N | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | SEARS STEPHEN D &            | 403,700        | \$286.63    |
| 027 C01004S | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | KAUFMANN CHARLES L           | 344,600        | \$244.67    |
| 027 C01004W | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | NYGAARD DANTON D &           | 381,200        | \$270.65    |
| 027 C01005E | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | FRISONE GIOVANNI &           | 367,100        | \$260.64    |
| 027 C01005N | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | YINDRA SARA R                | 421,500        | \$299.27    |
| 027 C01005S | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | SAVAGE WILLIAM H &           | 367,100        | \$260.64    |
| 027 C01005W | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | CURTIN TERESA ANN            | 444,000        | \$315.24    |
| 027 C01006E | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | HAMM LARRY F &               | 367,100        | \$260.64    |
| 027 C01006N | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | SCOTT AURELIA C WID WWII VET | 416,100        | \$295.43    |
| 027 C01006S | 10:CONDOMINIUMS         | 21  | CHESTNUT ST    | SCHWELLENBACH JAMES C &      | 344,600        | \$244.67    |

| PARCEL ID   | LAND USE                | NUM | STREET       | OWNER                       | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|--------------|-----------------------------|----------------|-------------|
| 027 C01006W | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | BARRY PRUDENCE B            | 421,500        | \$299.27    |
| 027 C01007E | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | HARDING ALICIA &            | 398,000        | \$282.58    |
| 027 C01007N | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | DIXON DENNIS C &            | 389,600        | \$276.62    |
| 027 C01007S | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | KELLY MARILYN E TRUSTEE     | 482,900        | \$342.86    |
| 027 C01007W | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | GUIGLI MICHAEL              | 448,400        | \$318.36    |
| 027 C01008N | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | COTSIROLOS STEPHANIE G      | 552,900        | \$392.56    |
| 027 C01008S | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | WILLIAMS JAN &              | 480,000        | \$340.80    |
| 027 C01008W | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | BUSQUE PETER J              | 462,300        | \$328.23    |
| 027 C0102NW | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | HOBBS JANNA K ETAL JTS      | 388,300        | \$275.69    |
| 027 C0102SE | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | GAULKE JULIA P &            | 321,800        | \$228.48    |
| 027 C0103NW | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | AVIGNON PIERRE &            | 388,300        | \$275.69    |
| 027 C0103SE | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | CASTANEA PRIME LLC          | 357,500        | \$253.83    |
| 027 C0104NW | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | FRAZER LORINDA JANE TRUSTEE | 388,300        | \$275.69    |
| 027 C0104SE | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | DEGRAY EMILY &              | 321,800        | \$228.48    |
| 027 C0105NW | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | FLACH ROSEMARY              | 423,900        | \$300.97    |
| 027 C0105SE | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | MAHON CONOR &               | 352,900        | \$250.56    |
| 027 C0106NW | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | 141 PLEASANT STREET LLC     | 427,100        | \$303.24    |
| 027 C0106SE | 10:CONDOMINIUMS         | 21  | CHESTNUT ST  | EISENBERG AVNER             | 375,400        | \$266.53    |
| 027 C011001 | 27:MULTI-USE COMMERCIAL | 15  | CHESTNUT ST  | BOODILLY LLC                | 3,005,200      | \$2,133.69  |
| 027 C012001 | 56:GOVERNMENTAL         | 389 | CONGRESS ST  | CITY OF PORTLAND            | -00            | \$0.00      |
| 027 D001001 | 27:MULTI-USE COMMERCIAL | 385 | CONGRESS ST  | FATHOM CONGRESS LLC         | 3,772,500      | \$2,678.48  |
| 027 D002001 | 25:PARKING LOTS         | 365 | CONGRESS ST  | 385 CONGRESS LLC            | 5,502,000      | \$3,906.42  |
| 027 F001001 | 22:OFFICE BUSINESS      | 50  | MONUMENT SQ  | THE LANCASTER GROUP LLC     | 9,388,400      | \$6,665.76  |
| 027 F002001 | 10:CONDOMINIUMS         | 28  | MONUMENT SQ  | DONNELLY JON PATRICK        | 1,250,300      | \$887.71    |
| 027 F002002 | 10:CONDOMINIUMS         | 28  | MONUMENT SQ  | STODDARD ROBERT B &         | 1,013,000      | \$719.23    |
| 027 F002003 | 20:COMMERCIAL CONDOS    | 28  | MONUMENT SQ  | 28 MSQ LLC                  | 614,100        | \$436.01    |
| 027 F002004 | 20:COMMERCIAL CONDOS    | 28  | MONUMENT SQ  | 28 MSQ LLC                  | 614,100        | \$436.01    |
| 027 F002005 | 20:COMMERCIAL CONDOS    | 28  | MONUMENT SQ  | 28 MSQ LLC                  | 181,200        | \$128.65    |
| 027 F003001 | 21:RETAIL SERVICES      | 22  | MONUMENT SQ  | STORREY INDUSTRIES LLC      | 2,879,700      | \$2,044.59  |
| 027 F004001 | 25:PARKING LOTS         | 6   | MONUMENT SQ  | PARCHEGGIO LLC              | 324,400        | \$230.32    |
| 027 F005001 | 27:MULTI-USE COMMERCIAL | 18  | MONUMENT SQ  | 18 MONUMENT PLACE LLC       | 1,230,200      | \$873.44    |
| 027 F006001 | 21:RETAIL SERVICES      | 16  | MONUMENT SQ  | 15 MONUMENT SQUARE LLC      | 1,228,200      | \$872.02    |
| 027 F009001 | 21:RETAIL SERVICES      | 121 | CENTER ST    | TEDLUM ASSOCIATES LLC       | 3,934,300      | \$2,793.35  |
| 027 F011001 | 21:RETAIL SERVICES      | 1   | MONUMENT WAY | CF OMW LLC                  | 7,087,600      | \$5,032.20  |
| 027 F014001 | 19:AUXILIARY BUILDINGS  | 0   | MONUMENT SQ  | TWO MONUMENT WAY ASSOCIATES | 202,600        | \$143.85    |

| PARCEL ID   | LAND USE                | NUM | STREET      | OWNER                          | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|-------------|--------------------------------|----------------|-------------|
| 027 F023001 | 27:MULTI-USE COMMERCIAL | 30  | CITY CTR    | RODWAY PETER E &               | 558,800        | \$396.75    |
| 027 F024001 | 21:RETAIL SERVICES      | 28  | CITY CTR    | BROWN J B & SONS               | 558,000        | \$396.18    |
| 027 F026001 | 21:RETAIL SERVICES      | 26  | CITY CTR    | BROWN J B & SONS               | 1,093,900      | \$776.67    |
| 027 F027001 | 22:OFFICE BUSINESS      | 24  | CITY CTR    | BROWN J B & SONS               | 1,510,000      | \$1,072.10  |
| 027 F028001 | 25:PARKING LOTS         | 41  | FREE ST     | TEDLUM ASSOCIATES LLC          | 233,700        | \$165.93    |
| 027 F029001 | 25:PARKING LOTS         | 23  | FREE ST     | ONE CITY CENTER ASSOCIATES LLC | 15,200,000     | \$10,792.00 |
| 027 G001001 | 58:LAND BANKS           | 456 | CONGRESS ST | CITY OF PORTLAND               | -00            | \$0.00      |
| 028 A001001 | 56:GOVERNMENTAL         | 380 | CONGRESS ST | CITY OF PORTLAND               | -00            | \$0.00      |
| 028 B001001 | 58:LAND BANKS           | 350 | CONGRESS ST | CITY OF PORTLAND               | -00            | \$0.00      |
| 028 E001001 | 56:GOVERNMENTAL         | 168 | FEDERAL ST  | UNITED STATES                  | -00            | \$0.00      |
| 028 F001001 | 56:GOVERNMENTAL         | 142 | FEDERAL ST  | CUMBERLAND COUNTY OF           | -00            | \$0.00      |
| 028 K001001 | 21:RETAIL SERVICES      | 77  | MARKET ST   | 85 MARKET STREET LLC           | 2,831,100      | \$2,010.08  |
| 028 K002001 | 22:OFFICE BUSINESS      | 66  | PEARL ST    | LEADER PROPERTIES LLC          | 7,334,300      | \$5,207.35  |
| 028 K003001 | 22:OFFICE BUSINESS      | 75  | MARKET ST   | WHOLLY COW LLC                 | 6,918,400      | \$4,912.06  |
| 028 L002001 | 56:GOVERNMENTAL         | 0   | NEWBURY ST  | CUMBERLAND COUNTY INHABITANTS  | -00            | \$0.00      |
| 028 L005001 | 20:COMMERCIAL CONDOS    | 75  | PEARL ST    | WBFM LLC                       | 2,284,000      | \$1,621.64  |
| 028 L00502A | 20:COMMERCIAL CONDOS    | 75  | PEARL ST    | WOODMAN BUILDING               | 1,045,400      | \$742.23    |
| 028 L00502B | 20:COMMERCIAL CONDOS    | 75  | PEARL ST    | WOODMAN BUILDING               | 821,600        | \$583.34    |
| 028 L00503A | 20:COMMERCIAL CONDOS    | 75  | PEARL ST    | WOODMAN BUILDING               | 644,100        | \$457.31    |
| 028 L00503B | 20:COMMERCIAL CONDOS    | 75  | PEARL ST    | WOODMAN BUILDING               | 845,200        | \$600.09    |
| 028 L00504A | 20:COMMERCIAL CONDOS    | 75  | PEARL ST    | WOODMAN BUILDING               | 644,100        | \$457.31    |
| 028 L00504B | 20:COMMERCIAL CONDOS    | 75  | PEARL ST    | WOODMAN BUILDING               | 1,045,400      | \$742.23    |
| 028 L007001 | 24:WHOLESALE            | 131 | MIDDLE ST   | RACKLEFF BLOCK LLC             | 3,306,100      | \$2,347.33  |
| 028 M001001 | 56:GOVERNMENTAL         | 192 | NEWBURY ST  | CUMBERLAND COUNTY OF           | -00            | \$0.00      |
| 028 M005001 | 21:RETAIL SERVICES      | 121 | MIDDLE ST   | 123 LLC                        | 5,108,500      | \$3,627.04  |
| 028 N001001 | 56:GOVERNMENTAL         | 109 | MIDDLE ST   | CITY OF PORTLAND               | -00            | \$0.00      |
| 028 N009001 | 27:MULTI-USE COMMERCIAL | 115 | MIDDLE ST   | BROTHERS THREE LLC             | 1,273,800      | \$904.40    |
| 028 N010001 | 21:RETAIL SERVICES      | 111 | MIDDLE ST   | VENTURE III HOLDINGS LLC       | 373,600        | \$265.26    |
| 029 A00101A | 20:COMMERCIAL CONDOS    | 150 | MIDDLE ST   | PROSPERITA LLC                 | 901,200        | \$639.85    |
| 029 A00101B | 20:COMMERCIAL CONDOS    | 150 | MIDDLE ST   | PEG REALTY LLC                 | 820,300        | \$582.41    |
| 029 A00101C | 20:COMMERCIAL CONDOS    | 150 | MIDDLE ST   | IN FIRM GROUP THE              | 628,700        | \$446.38    |
| 029 A00101D | 20:COMMERCIAL CONDOS    | 150 | MIDDLE ST   | IN FIRM GROUP THE              | 628,700        | \$446.38    |
| 029 A00102A | 10:CONDOMINIUMS         | 150 | MIDDLE ST   | FRANK PATRICK J JR             | 381,200        | \$270.65    |
| 029 A00102B | 10:CONDOMINIUMS         | 150 | MIDDLE ST   | SAVATTERI SALVATORE JR &       | 345,000        | \$244.95    |
| 029 A00102C | 10:CONDOMINIUMS         | 150 | MIDDLE ST   | MEIL JOAN F &                  | 362,400        | \$257.30    |

| PARCEL ID   | LAND USE             | NUM | STREET    | OWNER                    | NET ASSESSMENT | FEE @.00071 |
|-------------|----------------------|-----|-----------|--------------------------|----------------|-------------|
| 029 A00102D | 10:CONDOMINIUMS      | 150 | MIDDLE ST | ORNETA ANTHONY &         | 350,400        | \$248.78    |
| 029 A00102E | 10:CONDOMINIUMS      | 150 | MIDDLE ST | ERNEST PAUL W &          | 380,100        | \$269.87    |
| 029 A00102F | 10:CONDOMINIUMS      | 150 | MIDDLE ST | MORRISSETTE CAROL ANN    | 379,000        | \$269.09    |
| 029 A00102G | 10:CONDOMINIUMS      | 150 | MIDDLE ST | KIRK CHARLES M           | 306,200        | \$217.40    |
| 029 A00102H | 10:CONDOMINIUMS      | 150 | MIDDLE ST | JOHNS F ARTHUR T         | 400,900        | \$284.64    |
| 029 A00102I | 10:CONDOMINIUMS      | 150 | MIDDLE ST | STERLING JANN D &        | 342,300        | \$243.03    |
| 029 A00102J | 10:CONDOMINIUMS      | 150 | MIDDLE ST | MILLS S PETER            | 315,600        | \$224.08    |
| 029 A00102K | 10:CONDOMINIUMS      | 150 | MIDDLE ST | MILLS S PETER            | 366,600        | \$260.29    |
| 029 A00103A | 10:CONDOMINIUMS      | 150 | MIDDLE ST | NELSON JEANNE            | 423,900        | \$300.97    |
| 029 A00103B | 10:CONDOMINIUMS      | 150 | MIDDLE ST | ZHAO MIN &               | 362,200        | \$257.16    |
| 029 A00103C | 10:CONDOMINIUMS      | 150 | MIDDLE ST | AHP CAMDEN LLC           | 380,500        | \$270.16    |
| 029 A00103D | 10:CONDOMINIUMS      | 150 | MIDDLE ST | AHP CAMDEN LLC           | 367,900        | \$261.21    |
| 029 A00103E | 10:CONDOMINIUMS      | 150 | MIDDLE ST | ROBERTS MATTHEW          | 399,100        | \$283.36    |
| 029 A00103F | 10:CONDOMINIUMS      | 150 | MIDDLE ST | M & B 101 INC            | 397,900        | \$282.51    |
| 029 A00103G | 10:CONDOMINIUMS      | 150 | MIDDLE ST | M & B 101 INC            | 345,200        | \$245.09    |
| 029 A00103H | 10:CONDOMINIUMS      | 150 | MIDDLE ST | HENDERSON HAROLD L &     | 351,100        | \$249.28    |
| 029 A00103I | 10:CONDOMINIUMS      | 150 | MIDDLE ST | HARDING WILLIAM TRUSTEE  | 336,900        | \$239.20    |
| 029 A00103J | 10:CONDOMINIUMS      | 150 | MIDDLE ST | SCHAFER KAREN            | 331,400        | \$235.29    |
| 029 A00103K | 10:CONDOMINIUMS      | 150 | MIDDLE ST | 150 MIDDLE STREET 3K LLC | 384,900        | \$273.28    |
| 029 A00104A | 10:CONDOMINIUMS      | 150 | MIDDLE ST | BIXBY DOUGLAS B &        | 401,400        | \$284.99    |
| 029 A00104B | 10:CONDOMINIUMS      | 150 | MIDDLE ST | TURNER SCOTT H &         | 362,200        | \$257.16    |
| 029 A00104C | 10:CONDOMINIUMS      | 150 | MIDDLE ST | CAMP PETER S             | 380,500        | \$270.16    |
| 029 A00104D | 10:CONDOMINIUMS      | 150 | MIDDLE ST | GUTWIN JOHN D &          | 345,400        | \$245.23    |
| 029 A00104E | 10:CONDOMINIUMS      | 150 | MIDDLE ST | GIUSTRA PETER E TRUSTEE  | 399,100        | \$283.36    |
| 029 A00104F | 10:CONDOMINIUMS      | 150 | MIDDLE ST | WINSLOW DARREN R &       | 411,500        | \$292.17    |
| 029 A00104G | 10:CONDOMINIUMS      | 150 | MIDDLE ST | GIARRAPUTO CYNTHIA R &   | 345,200        | \$245.09    |
| 029 A00104H | 10:CONDOMINIUMS      | 150 | MIDDLE ST | 150 MIDDLE LLC           | 373,600        | \$265.26    |
| 029 A00104I | 10:CONDOMINIUMS      | 150 | MIDDLE ST | GARCIA MELISSA DORA &    | 359,400        | \$255.17    |
| 029 A00104J | 10:CONDOMINIUMS      | 150 | MIDDLE ST | GREENZWEIG NEIL TRUSTEE  | 331,400        | \$235.29    |
| 029 A00104K | 10:CONDOMINIUMS      | 150 | MIDDLE ST | ZANARDI MARIAGRAZIA      | 384,900        | \$273.28    |
| 029 A00105A | 20:COMMERCIAL CONDOS | 150 | MIDDLE ST | MIRS PROPERTIES LLC      | 1,408,900      | \$1,000.32  |
| 029 A00105B | 10:CONDOMINIUMS      | 150 | MIDDLE ST | DUNKERLY ALLAN S TRUSTEE | 1,013,300      | \$719.44    |
| 029 A0010BA | 20:COMMERCIAL CONDOS | 150 | MIDDLE ST | 100 SILVER STREET LLC    | 470,900        | \$334.34    |
| 029 A0010BB | 20:COMMERCIAL CONDOS | 150 | MIDDLE ST | 100 SILVER STREET LLC    | 470,900        | \$334.34    |
| 029 A001P01 | 10:CONDOMINIUMS      | 150 | MIDDLE ST | DUNKERLY MARY V          | 28,500         | \$20.24     |

| PARCEL ID   | LAND USE           | NUM | STREET    | OWNER                   | NET ASSESSMENT | FEE @.00071 |
|-------------|--------------------|-----|-----------|-------------------------|----------------|-------------|
| 029 A001P02 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | GIUSTRA PETER E TRUSTEE | 28,500         | \$20.24     |
| 029 A001P03 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | ROBERTS MATTHEW         | 28,500         | \$20.24     |
| 029 A001P04 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | \$20.24     |
| 029 A001P05 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | \$20.24     |
| 029 A001P06 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | IN FIRM GROUP THE       | 28,500         | \$20.24     |
| 029 A001P07 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | IN FIRM GROUP THE       | 28,500         | \$20.24     |
| 029 A001P08 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | GIARRAPUTO CYNTHIA R &  | 28,500         | \$20.24     |
| 029 A001P09 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | 100 SILVER STREET LLC   | 28,500         | \$20.24     |
| 029 A001P10 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | FRANK PATRICK J JR      | 28,500         | \$20.24     |
| 029 A001P11 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | FRANK PATRICK J JR      | 28,500         | \$20.24     |
| 029 A001P12 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | INFIRM GROUP            | 28,500         | \$20.24     |
| 029 A001P13 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | MILLS S PETER           | 28,500         | \$20.24     |
| 029 A001P14 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | ERNEST PAUL W &         | 28,500         | \$20.24     |
| 029 A001P15 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | BIXBY DOUGLAS B &       | 28,500         | \$20.24     |
| 029 A001P16 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | MACBRIDE JENNIFER L     | 28,500         | \$20.24     |
| 029 A001P17 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | CAMP PETER S            | 28,500         | \$20.24     |
| 029 A001P18 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | PROSPERITA LLC          | 28,500         | \$20.24     |
| 029 A001P19 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | PROSPERITA LLC          | 28,500         | \$20.24     |
| 029 A001P20 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | AHP CAMDEN LLC          | 28,500         | \$20.24     |
| 029 A001P21 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | DUNKERLY ALLAN S &      | 28,500         | \$20.24     |
| 029 A001P22 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | \$20.24     |
| 029 A001P23 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | \$20.24     |
| 029 A001P24 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | \$20.24     |
| 029 A001P25 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | \$20.24     |
| 029 A001P26 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | \$20.24     |
| 029 A001P27 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | HARDING WILLIAM TRUSTEE | 28,500         | \$20.24     |
| 029 A001P28 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | SHIPYARD INC            | 28,500         | \$20.24     |
| 029 A001P29 | 10:CONDOMINIUMS    | 150 | MIDDLE ST | SHIPYARD INC            | 28,500         | \$20.24     |
| 029 A003001 | 22:OFFICE BUSINESS | 5   | MILK ST   | OLYMPIA MILK STREET LLC | 4,510,700      | \$3,202.60  |
| 029 B001001 | 21:RETAIL SERVICES | 37  | SILVER ST | WITT-T LLC              | 923,800        | \$655.90    |
| 029 B002001 | 22:OFFICE BUSINESS | 4   | MILK ST   | 4 MILK MHR LLC          | 2,896,600      | \$2,056.59  |
| 029 B003001 | 25:PARKING LOTS    | 25  | SILVER ST | PORTLAND REGENCY INC    | 901,300        | \$639.92    |
| 029 B004001 | 10:CONDOMINIUMS    | 341 | FORE ST   | JACKSON MICHAEL         | 351,400        | \$249.49    |
| 029 B004002 | 10:CONDOMINIUMS    | 341 | FORE ST   | O'CONNOR DENNIS R III & | 320,700        | \$227.70    |
| 029 B004003 | 10:CONDOMINIUMS    | 341 | FORE ST   | FORE STREET COMMONS LLC | 365,000        | \$259.15    |

| PARCEL ID   | LAND USE                | NUM | STREET        | OWNER                         | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|---------------|-------------------------------|----------------|-------------|
| 029 B004004 | 10:CONDOMINIUMS         | 341 | FORE ST       | CHILDS DONNA W                | 365,800        | \$259.72    |
| 029 B004005 | 10:CONDOMINIUMS         | 341 | FORE ST       | PENDERS JOHN F IV             | 323,600        | \$229.76    |
| 029 B004006 | 10:CONDOMINIUMS         | 341 | FORE ST       | STEPHENSON CHRISTOPHER J      | 363,500        | \$258.09    |
| 029 B004007 | 10:CONDOMINIUMS         | 341 | FORE ST       | ALAGIC SUAD                   | 328,900        | \$233.52    |
| 029 B004008 | 10:CONDOMINIUMS         | 341 | FORE ST       | DALTON JENNIFER L             | 326,100        | \$231.53    |
| 029 B004009 | 10:CONDOMINIUMS         | 341 | FORE ST       | GOODRICH STEPHEN P            | 668,600        | \$474.71    |
| 029 B004010 | 20:COMMERCIAL CONDOS    | 341 | FORE ST       | BRICK & COBBLESTONE LLC       | 452,100        | \$320.99    |
| 029 B004011 | 20:COMMERCIAL CONDOS    | 341 | FORE ST       | MAMI PROPERTIES LLC           | 339,100        | \$240.76    |
| 029 C001001 | 10:CONDOMINIUMS         | 340 | FORE ST       | ADB REALTY LLC                | 229,000        | \$162.59    |
| 029 C001002 | 10:CONDOMINIUMS         | 340 | FORE ST       | HAYEK LEE-ANN COLLINS TRUSTEE | 209,900        | \$149.03    |
| 029 C001003 | 10:CONDOMINIUMS         | 340 | FORE ST       | 207 INVESTS LLC               | 336,700        | \$239.06    |
| 029 C001004 | 20:COMMERCIAL CONDOS    | 340 | FORE ST       | ABD REALTY LLC                | 261,000        | \$185.31    |
| 029 C001005 | 20:COMMERCIAL CONDOS    | 340 | FORE ST       | ADB REALTY LLC                | 152,700        | \$108.42    |
| 029 C002001 | 21:RETAIL SERVICES      | 336 | FORE ST       | DOCK FORE INC                 | 498,500        | \$353.94    |
| 029 C003001 | 21:RETAIL SERVICES      | 334 | FORE ST       | PORT CITY APARTMENTS          | 674,300        | \$478.75    |
| 029 C005001 | 21:RETAIL SERVICES      | 330 | FORE ST       | J & R VENTURES LLC            | 936,000        | \$664.56    |
| 029 C006001 | 20:COMMERCIAL CONDOS    | 3   | GOLD ST       | GOLD STREET PROPERTIES LLC    | 362,600        | \$257.45    |
| 029 C006002 | 20:COMMERCIAL CONDOS    | 1   | GOLD ST       | ADNERB PROPERTIES LLC         | 287,000        | \$203.77    |
| 029 C006003 | 20:COMMERCIAL CONDOS    | 320 | FORE ST       | FORE STREET INVESTMENTS LLC   | 353,200        | \$250.77    |
| 029 C006004 | 20:COMMERCIAL CONDOS    | 320 | FORE ST       | FORE STREET INVESTMENTS LLC   | 365,400        | \$259.43    |
| 029 C006005 | 20:COMMERCIAL CONDOS    | 320 | FORE ST       | FORE STREET INVESTMENTS LLC   | 243,600        | \$172.96    |
| 029 C006006 | 20:COMMERCIAL CONDOS    | 320 | FORE ST       | FORE STREET INVESTMENTS LLC   | 275,400        | \$195.53    |
| 029 C006007 | 20:COMMERCIAL CONDOS    | 320 | FORE ST       | FORE STREET INVESTMENTS LLC   | 652,800        | \$463.49    |
| 029 D001001 | 21:RETAIL SERVICES      | 129 | COMMERCIAL ST | RSB LIMITED LIABILITY COMPANY | 1,399,600      | \$993.72    |
| 029 D002001 | 22:OFFICE BUSINESS      | 121 | COMMERCIAL ST | MAD COW LLC                   | 579,800        | \$411.66    |
| 029 D003001 | 22:OFFICE BUSINESS      | 111 | COMMERCIAL ST | BLANCHARD BLOCK LLC           | 2,854,900      | \$2,026.98  |
| 029 E001001 | 22:OFFICE BUSINESS      | 130 | MIDDLE ST     | ELC LIMITED LIABILITY COMPANY | 6,980,700      | \$4,956.30  |
| 029 E006001 | 22:OFFICE BUSINESS      | 100 | MIDDLE ST     | ALBANY ROAD-PORTLAND LLC      | 23,139,700     | \$16,429.19 |
| 029 E007001 | 21:RETAIL SERVICES      | 291 | FORE ST       | 291 FORE STREET LLC           | 1,863,200      | \$1,322.87  |
| 029 E009001 | 27:MULTI-USE COMMERCIAL | 25  | PEARL ST      | 25 PEARL MHR LLC              | 23,040,000     | \$16,358.40 |
| 029 E012001 | 25:PARKING LOTS         | 277 | FORE ST       | 287 FORE STREET LLC           | 634,700        | \$450.64    |
| 029 E016001 | 22:OFFICE BUSINESS      | 31  | PEARL ST      | 130 LIMITED LIABILITY COMPANY | 7,440,900      | \$5,283.04  |
| 029 E019001 | 56:GOVERNMENTAL         | 0   | FRANKLIN ST   | CITY OF PORTLAND              | -00            | \$0.00      |
| 029 E026001 | 22:OFFICE BUSINESS      | 100 | MIDDLE ST     | ALBANY ROAD-PORTLAND LLC      | 21,860,300     | \$15,520.81 |
| 029 G001001 | 56:GOVERNMENTAL         | 99  | COMMERCIAL ST | UNITED STATES                 | -00            | \$0.00      |

| PARCEL ID   | LAND USE                 | NUM | STREET          | OWNER                          | NET ASSESSMENT | FEE @.00071 |
|-------------|--------------------------|-----|-----------------|--------------------------------|----------------|-------------|
| 029 K001001 | 22:OFFICE BUSINESS       | 7   | CUSTOM HOUSE ST | OLYMPIA EQUITY                 | 8,203,000      | \$5,824.13  |
| 029 K002001 | 21:RETAIL SERVICES       | 288 | FORE ST         | EAST BROWN COW LIMITED         | 1,753,200      | \$1,244.77  |
| 029 K003001 | 23:HOTEL & MOTEL         | 65  | COMMERCIAL ST   | OLYMPIA EQUITY INVESTORS V LLC | 31,863,200     | \$22,622.87 |
| 029 K005001 | 22:OFFICE BUSINESS       | 280 | FORE ST         | BANGOR SAVINGS BANK            | 16,039,500     | \$11,388.05 |
| 029 K006001 | 40:VACANT LAND           | 300 | FORE ST         | OLYMPIA EQUITY                 | 995,500        | \$706.81    |
| 029 K006002 | 55:LITERARY & SCIENTIFIC | 300 | FORE ST         | COUNCIL INTERNATIONAL STUDY    | -00            | \$0.00      |
| 029 K00601A | 55:LITERARY & SCIENTIFIC | 300 | FORE ST         | COUNCIL INTERNATIONAL STUDY    | -00            | \$0.00      |
| 029 K00601B | 55:LITERARY & SCIENTIFIC | 300 | FORE ST         | CIEE INC                       | -00            | \$0.00      |
| 029 K0060B2 | 20:COMMERCIAL CONDOS     | 300 | FORE ST         | OLYMPIA EQUITY                 | 98,000         | \$69.58     |
| 029 K0060B3 | 20:COMMERCIAL CONDOS     | 300 | FORE ST         | OLYMPIA EQUITY                 | 70,000         | \$49.70     |
| 029 O001011 | 10:CONDOMINIUMS          | 99  | SILVER ST       | SANDLER AUSTIN NICHOLAS        | 274,600        | \$194.97    |
| 029 O001012 | 10:CONDOMINIUMS          | 99  | SILVER ST       | TOZESKI DAVID P                | 273,800        | \$194.40    |
| 029 O001013 | 10:CONDOMINIUMS          | 99  | SILVER ST       | HOLSTEIN ERIC B                | 276,100        | \$196.03    |
| 029 O001021 | 10:CONDOMINIUMS          | 99  | SILVER ST       | THOMS DEBORAH L                | 268,000        | \$190.28    |
| 029 O001023 | 10:CONDOMINIUMS          | 99  | SILVER ST       | ANYA ROSE LLC                  | 347,700        | \$246.87    |
| 029 O001024 | 10:CONDOMINIUMS          | 99  | SILVER ST       | MARTIN BRIAN DAVID &           | 262,800        | \$186.59    |
| 029 O001025 | 10:CONDOMINIUMS          | 99  | SILVER ST       | SAJDAK KEVIN W &               | 246,000        | \$174.66    |
| 029 O001026 | 10:CONDOMINIUMS          | 99  | SILVER ST       | GOMES ERIN ELIZABETH           | 230,400        | \$163.58    |
| 029 O001028 | 10:CONDOMINIUMS          | 99  | SILVER ST       | ORNE KATHERINE W               | 295,500        | \$209.81    |
| 029 O001029 | 10:CONDOMINIUMS          | 99  | SILVER ST       | COUSINS DAVID A                | 267,700        | \$190.07    |
| 029 O001031 | 10:CONDOMINIUMS          | 99  | SILVER ST       | AH CHU RAUL &                  | 281,400        | \$199.79    |
| 029 O001032 | 10:CONDOMINIUMS          | 99  | SILVER ST       | LOPEZ STEVEN &                 | 285,200        | \$202.49    |
| 029 O001033 | 10:CONDOMINIUMS          | 99  | SILVER ST       | FUEGAN STACY &                 | 285,200        | \$202.49    |
| 029 O001034 | 10:CONDOMINIUMS          | 99  | SILVER ST       | BERG HENRY T TRUSTEE           | 262,700        | \$186.52    |
| 029 O001035 | 10:CONDOMINIUMS          | 99  | SILVER ST       | HIGGINS HELENA C &             | 313,700        | \$222.73    |
| 029 O001036 | 10:CONDOMINIUMS          | 99  | SILVER ST       | MCGUIRE ANNE                   | 296,100        | \$210.23    |
| 029 O001037 | 10:CONDOMINIUMS          | 99  | SILVER ST       | LUTKOFF ISAAC E                | 230,000        | \$163.30    |
| 029 O001038 | 10:CONDOMINIUMS          | 99  | SILVER ST       | ZURKAN WILLIAM K               | 249,400        | \$177.07    |
| 029 O001039 | 10:CONDOMINIUMS          | 99  | SILVER ST       | SOREL-LEDUC SANDRA J &         | 258,200        | \$183.32    |
| 029 O001041 | 10:CONDOMINIUMS          | 99  | SILVER ST       | HUBER SARAH                    | 270,300        | \$191.91    |
| 029 O001042 | 10:CONDOMINIUMS          | 99  | SILVER ST       | STEBBINS NOAH P                | 292,800        | \$207.89    |
| 029 O001043 | 10:CONDOMINIUMS          | 99  | SILVER ST       | HIGGINS CHRISTOPHER S          | 312,200        | \$221.66    |
| 029 O001044 | 10:CONDOMINIUMS          | 99  | SILVER ST       | LITTLEJOHN CLIFTON T           | 265,400        | \$188.43    |
| 029 O001045 | 10:CONDOMINIUMS          | 99  | SILVER ST       | STANHOPE JORDAN                | 285,200        | \$202.49    |
| 029 O001046 | 10:CONDOMINIUMS          | 99  | SILVER ST       | VAN PEURSEM CORINNE M          | 285,200        | \$202.49    |

| PARCEL ID   | LAND USE                | NUM | STREET             | OWNER                         | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|--------------------|-------------------------------|----------------|-------------|
| 029 0001047 | 10:CONDOMINIUMS         | 99  | SILVER ST          | NIKAZMERAD ELIZABETH          | 213,800        | \$151.80    |
| 029 0001048 | 10:CONDOMINIUMS         | 99  | SILVER ST          | LOBOZZO NICHOLAS PETER &      | 237,600        | \$168.70    |
| 029 0001049 | 10:CONDOMINIUMS         | 99  | SILVER ST          | CHISHOLM ADAM C               | 226,600        | \$160.89    |
| 029 0001210 | 10:CONDOMINIUMS         | 99  | SILVER ST          | HEYMAN ANTHONY &              | 243,300        | \$172.74    |
| 029 0001211 | 10:CONDOMINIUMS         | 99  | SILVER ST          | GINTER DAVID R &              | 235,000        | \$166.85    |
| 029 0001212 | 10:CONDOMINIUMS         | 99  | SILVER ST          | SILVER VICTORIA J             | 223,500        | \$158.69    |
| 029 0001213 | 10:CONDOMINIUMS         | 99  | SILVER ST          | PROSSER JAMES G               | 243,700        | \$173.03    |
| 029 0001310 | 10:CONDOMINIUMS         | 99  | SILVER ST          | HEALY ROBERT E &              | 263,500        | \$187.09    |
| 029 0001410 | 10:CONDOMINIUMS         | 99  | SILVER ST          | FILMER STEVEN S               | 290,700        | \$206.40    |
| 029 0001501 | 10:CONDOMINIUMS         | 99  | SILVER ST          | KATZ JAMES &                  | 471,000        | \$334.41    |
| 029 0001502 | 20:COMMERCIAL CONDOS    | 99  | SILVER ST          | 154 ART VENTURES LLC          | 651,400        | \$462.49    |
| 029 0001B01 | 10:CONDOMINIUMS         | 99  | SILVER ST          | CHANDLER BENJAMIN P           | 247,400        | \$175.65    |
| 029 0001B02 | 10:CONDOMINIUMS         | 99  | SILVER ST          | JOHNSON BEN A                 | 269,900        | \$191.63    |
| 029 0002001 | 21:RETAIL SERVICES      | 164 | MIDDLE ST          | CF 164 LLC                    | 1,926,000      | \$1,367.46  |
| 029 0003001 | 25:PARKING LOTS         | 43  | MARKET ST          | PORTLAND REGENCY INC          | 550,100        | \$390.57    |
| 029 0004001 | 25:PARKING LOTS         | 11  | MILK ST            | PORTLAND REGENCY INC          | 219,300        | \$155.70    |
| 029 R001001 | 23:HOTEL & MOTEL        | 20  | MILK ST            | PORTLAND REGENCY INC          | 21,189,300     | \$15,044.40 |
| 029 S001001 | 22:OFFICE BUSINESS      | 145 | COMMERCIAL ST      | FLEMING CREEK LLC ETALS       | 10,705,900     | \$7,601.19  |
| 029 S002001 | 56:GOVERNMENTAL         | 145 | COMMERCIAL ST      | CITY OF PORTLAND              | -00            | \$0.00      |
| 030 A005001 | 21:RETAIL SERVICES      | 94  | COMMERCIAL ST      | BMC INC                       | 2,040,000      | \$1,448.40  |
| 030 A101001 | 21:RETAIL SERVICES      | 90  | COMMERCIAL ST      | CUSTOM HOUSE HOLDINGS LLC &   | 472,600        | \$335.55    |
| 030 C001001 | 27:MULTI-USE COMMERCIAL | 100 | COMMERCIAL ST      | SOLEY WHARF LLC               | 11,797,700     | \$8,376.37  |
| 030 D001001 | 22:OFFICE BUSINESS      | 68  | COMMERCIAL ST      | MAINE WHARF LLC               | 6,961,500      | \$4,942.67  |
| 030 D003001 | 22:OFFICE BUSINESS      | 70  | COMMERCIAL ST      | FLATBREAD WHARF LLC           | 2,545,100      | \$1,807.02  |
| 030 D005001 | 21:RETAIL SERVICES      | 84  | COMMERCIAL ST      | 84 COMMERCIAL STREET LLC      | 776,800        | \$551.53    |
| 030 H001001 | 27:MULTI-USE COMMERCIAL | 180 | COMMERCIAL ST      | DIMILLO ARLENE ETALS TRUSTEES | 2,875,900      | \$2,041.89  |
| 030 H004001 | 24:WHOLESALE            | 136 | COMMERCIAL ST      | CARROLL BLOCK LLC             | 3,763,300      | \$2,671.94  |
| 030 H011001 | 25:PARKING LOTS         | 9   | PORTLAND PIER      | CARROLL BLOCK LLC             | 32,800         | \$23.29     |
| 030 X001001 | 56:GOVERNMENTAL         | 0   | COMMERCIAL ST REAR | CITY OF PORTLAND              | -00            | \$0.00      |
| 031 H001001 | 25:PARKING LOTS         | 158 | COMMERCIAL ST      | DIMILLO STEVEN ETAL TRUSTEES  | 979,800        | \$695.66    |
| 031 H003001 | 25:PARKING LOTS         | 144 | COMMERCIAL ST      | DIMILLO STEVEN ETAL TRUSTEES  | 928,400        | \$659.16    |
| 031 H004001 | 27:MULTI-USE COMMERCIAL | 164 | COMMERCIAL ST      | DIMILLO ARLENE ETALS TRUSTEES | 1,405,200      | \$997.69    |
| 031 J030001 | 21:RETAIL SERVICES      | 184 | COMMERCIAL ST      | GEF LLC                       | 2,150,900      | \$1,527.14  |
| 031 L034001 | 31:MANUFACTURING        | 250 | COMMERCIAL ST      | CM WATERFRONT PROPERTIES LLC  | 2,552,100      | \$1,811.99  |
| 032 C001001 | 23:HOTEL & MOTEL        | 390 | CONGRESS ST        | HTLV PORTLAND LLC             | 30,535,600     | \$21,680.28 |



| PARCEL ID   | LAND USE                | NUM | STREET      | OWNER                     | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|-------------|---------------------------|----------------|-------------|
| 032 D001001 | 22:OFFICE BUSINESS      | 107 | EXCHANGE ST | TOP OF EXCHANGE LLC       | 1,412,200      | \$1,002.66  |
| 032 D002001 | 22:OFFICE BUSINESS      | 97  | EXCHANGE ST | TOP OF EXCHANGE LLC       | 2,941,200      | \$2,088.25  |
| 032 D003001 | 22:OFFICE BUSINESS      | 93  | EXCHANGE ST | TOP OF EXCHANGE LLC       | 2,920,300      | \$2,073.41  |
| 032 D004001 | 22:OFFICE BUSINESS      | 85  | EXCHANGE ST | TOP OF EXCHANGE LLC       | 3,734,400      | \$2,651.42  |
| 032 D005001 | 58:LAND BANKS           | 167 | MIDDLE ST   | CITY OF PORTLAND          | -00            | \$0.00      |
| 032 E001001 | 22:OFFICE BUSINESS      | 57  | EXCHANGE ST | FINIAL LLC                | 3,815,900      | \$2,709.29  |
| 032 E002001 | 21:RETAIL SERVICES      | 53  | EXCHANGE ST | PALACCI JOSEPH A TRUSTEE  | 1,480,100      | \$1,050.87  |
| 032 E004001 | 21:RETAIL SERVICES      | 49  | EXCHANGE ST | PALACCI JOSEPH A TRUSTEE  | 763,700        | \$542.23    |
| 032 E005001 | 22:OFFICE BUSINESS      | 45  | EXCHANGE ST | COW BELLA LLC             | 2,999,100      | \$2,129.36  |
| 032 E008001 | 22:OFFICE BUSINESS      | 39  | EXCHANGE ST | PALACCI JOSEPH A TRUSTEE  | 1,623,000      | \$1,152.33  |
| 032 E009001 | 21:RETAIL SERVICES      | 31  | EXCHANGE ST | B & C LIMITED             | 1,879,800      | \$1,334.66  |
| 032 E010001 | 21:RETAIL SERVICES      | 46  | MARKET ST   | MARKET MILK PARTNERS LLC  | 1,920,400      | \$1,363.48  |
| 032 F001001 | 21:RETAIL SERVICES      | 42  | MARKET ST   | OCEAN BLOCK ASSOCIATES    | 1,339,400      | \$950.97    |
| 032 F002001 | 24:WHOLESALE            | 36  | MARKET ST   | 36 MARKET ST              | 894,100        | \$634.81    |
| 032 F003001 | 21:RETAIL SERVICES      | 30  | MARKET ST   | 30 MARKET ASSOCIATES LLC  | 866,800        | \$615.43    |
| 032 F005001 | 22:OFFICE BUSINESS      | 363 | FORE ST     | ELEVEN EXCHANGE LLC       | 1,284,400      | \$911.92    |
| 032 F007001 | 21:RETAIL SERVICES      | 375 | FORE ST     | ELEVEN EXCHANGE LLC       | 737,500        | \$523.63    |
| 032 F008001 | 21:RETAIL SERVICES      | 375 | FORE ST     | ELEVEN EXCHANGE LLC       | 762,900        | \$541.66    |
| 032 F009001 | 22:OFFICE BUSINESS      | 30  | MILK ST     | OCEAN BLOCK ASSOCIATES    | 1,862,700      | \$1,322.52  |
| 032 F010001 | 21:RETAIL SERVICES      | 9   | EXCHANGE ST | ELEVEN EXCHANGE LLC       | 2,727,200      | \$1,936.31  |
| 032 F012001 | 21:RETAIL SERVICES      | 5   | EXCHANGE ST | ELEVEN EXCHANGE LLC       | 1,198,100      | \$850.65    |
| 032 F013001 | 22:OFFICE BUSINESS      | 379 | FORE ST     | ELEVEN EXCHANGE LLC       | 1,026,700      | \$728.96    |
| 032 F014001 | 21:RETAIL SERVICES      | 1   | EXCHANGE ST | ELEVEN EXCHANGE LLC       | 830,600        | \$589.73    |
| 032 G001001 | 22:OFFICE BUSINESS      | 396 | CONGRESS ST | PO SQUARE BUILDING LLC    | 15,661,500     | \$11,119.67 |
| 032 G002001 | 27:MULTI-USE COMMERCIAL | 201 | FEDERAL ST  | REDFERN DOWNTOWN LLC      | 41,699,300     | \$29,606.50 |
| 032 H001001 | 22:OFFICE BUSINESS      | 110 | EXCHANGE ST | ONETEN EXCHANGE LLC       | 1,803,300      | \$1,280.34  |
| 032 H002001 | 21:RETAIL SERVICES      | 106 | EXCHANGE ST | RICH BUILDING LLC         | 951,000        | \$675.21    |
| 032 H003001 | 22:OFFICE BUSINESS      | 102 | EXCHANGE ST | PALACCI JOSEPH            | 1,088,800      | \$773.05    |
| 032 H004001 | 56:GOVERNMENTAL         | 15  | TEMPLE ST   | CITY OF PORTLAND          | -00            | \$0.00      |
| 032 H005001 | 56:GOVERNMENTAL         | 1   | TEMPLE ST   | CITY OF PORTLAND          | -00            | \$0.00      |
| 032 H005002 | 22:OFFICE BUSINESS      | 1   | TEMPLE ST   | 11 TEMPLE MHR LLC         | 3,157,900      | \$2,242.11  |
| 032 H006001 | 22:OFFICE BUSINESS      | 92  | EXCHANGE ST | MAINESCAPE PROPERTIES LLC | 1,043,100      | \$740.60    |
| 032 H007001 | 27:MULTI-USE COMMERCIAL | 88  | EXCHANGE ST | RIVENDALL REAL ESTATE LLC | 1,437,000      | \$1,020.27  |
| 032 H008001 | 22:OFFICE BUSINESS      | 80  | EXCHANGE ST | 80 EXCHANGE LLC           | 3,155,700      | \$2,240.55  |
| 032 H009001 | 58:LAND BANKS           | 70  | EXCHANGE ST | CITY OF PORTLAND          | -00            | \$0.00      |

| PARCEL ID   | LAND USE                | NUM | STREET      | OWNER                             | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|-------------|-----------------------------------|----------------|-------------|
| 032 H016001 | 20:COMMERCIAL CONDOS    | 183 | MIDDLE ST   | Q STREET REAL ESTATE              | 796,800        | \$565.73    |
| 032 H016002 | 20:COMMERCIAL CONDOS    | 183 | MIDDLE ST   | Q STREET REAL ESTATE              | 872,800        | \$619.69    |
| 032 H016003 | 20:COMMERCIAL CONDOS    | 183 | MIDDLE ST   | Q STREET REAL ESTATE THIRD        | 872,800        | \$619.69    |
| 032 H01604A | 20:COMMERCIAL CONDOS    | 183 | MIDDLE ST   | ITM REALTY II LLC                 | 287,900        | \$204.41    |
| 032 H01604B | 20:COMMERCIAL CONDOS    | 183 | MIDDLE ST   | ITM REALTY II LLC                 | 325,900        | \$231.39    |
| 032 H022001 | 22:OFFICE BUSINESS      | 193 | MIDDLE ST   | SAVI REALTY LLC                   | 4,495,000      | \$3,191.45  |
| 032 I001001 | 22:OFFICE BUSINESS      | 178 | MIDDLE ST   | FRESNEL LLC                       | 2,693,400      | \$1,912.31  |
| 032 I002001 | 21:RETAIL SERVICES      | 52  | EXCHANGE ST | OLD PORT ARMS LLC                 | 3,103,500      | \$2,203.49  |
| 032 I006001 | 20:COMMERCIAL CONDOS    | 50  | EXCHANGE ST | SANTANA LLC                       | 392,600        | \$278.75    |
| 032 I006002 | 20:COMMERCIAL CONDOS    | 50  | EXCHANGE ST | FIFTY EXCHANGE LLC                | 391,900        | \$278.25    |
| 032 I006003 | 10:CONDOMINIUMS         | 50  | EXCHANGE ST | FIFTY EXCHANGE LLC                | 334,300        | \$237.35    |
| 032 I006004 | 10:CONDOMINIUMS         | 50  | EXCHANGE ST | FIFTY EXCHANGE LLC                | 295,400        | \$209.73    |
| 032 I006005 | 10:CONDOMINIUMS         | 50  | EXCHANGE ST | FIFTY EXCHANGE LLC                | 482,000        | \$342.22    |
| 032 I006006 | 10:CONDOMINIUMS         | 50  | EXCHANGE ST | FIFTY EXCHANGE LLC                | 480,100        | \$340.87    |
| 032 I007001 | 27:MULTI-USE COMMERCIAL | 0   | CANAL PLAZA | COW PLAZA 1 LLC                   | 605,900        | \$430.19    |
| 032 I008001 | 21:RETAIL SERVICES      | 44  | EXCHANGE ST | COW EXCHANGE LLC                  | 2,706,400      | \$1,921.54  |
| 032 I010001 | 21:RETAIL SERVICES      | 34  | EXCHANGE ST | PALACCI SION &                    | 1,296,300      | \$920.37    |
| 032 I011001 | 21:RETAIL SERVICES      | 30  | EXCHANGE ST | 30 EXCHANGE STREET LLC            | 1,160,400      | \$823.88    |
| 032 I012100 | 20:COMMERCIAL CONDOS    | 10  | EXCHANGE ST | 10 EXCHANGE PROPERTIES LLC        | 1,651,300      | \$1,172.42  |
| 032 I012200 | 20:COMMERCIAL CONDOS    | 10  | EXCHANGE ST | 10 EXCHANGE PROPERTIES LLC        | 1,360,200      | \$965.74    |
| 032 I012301 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | FUEGEN STACY &                    | 321,500        | \$228.27    |
| 032 I012302 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | CURRAN JENNIFER A                 | 306,000        | \$217.26    |
| 032 I012303 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | CULPOVICH ANDREW J &              | 202,300        | \$143.63    |
| 032 I012304 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | RICH CURTIS P &                   | 310,000        | \$220.10    |
| 032 I012305 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | DRISCOLL ROBERT E &               | 254,700        | \$180.84    |
| 032 I012306 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | EASTON THORA                      | 300,200        | \$213.14    |
| 032 I012307 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | 10 EXCHANGE ME LLC                | 267,100        | \$189.64    |
| 032 I012308 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | EVANS SHERI CHRISTIENNE           | 320,700        | \$227.70    |
| 032 I012309 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | SHEPHERD THOMAS A &               | 300,000        | \$213.00    |
| 032 I012310 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | ECHM REALTY LLC                   | 329,100        | \$233.66    |
| 032 I012311 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | FECTEAU JANIS                     | 205,900        | \$146.19    |
| 032 I012312 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | EESI LLC                          | 344,000        | \$244.24    |
| 032 I012313 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | HANSON CARL F                     | 276,600        | \$196.39    |
| 032 I012314 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | GORDON ABIGAIL                    | 287,000        | \$203.77    |
| 032 I012401 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | MOON HILL PROPERTY MANAGEMENT LLC | 316,800        | \$224.93    |

| PARCEL ID   | LAND USE                | NUM | STREET      | OWNER                       | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|-------------|-----------------------------|----------------|-------------|
| 032 I012402 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | ARDAIOLO MICHAEL PALMA &    | 330,800        | \$234.87    |
| 032 I012404 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | BURNS THOMAS                | 364,800        | \$259.01    |
| 032 I012405 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | DOYLE KEVIN F &             | 249,600        | \$177.22    |
| 032 I012406 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | JULASA INVESTMENTS LLC      | 381,500        | \$270.87    |
| 032 I012407 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | GILMORE RICHARD S JR &      | 330,300        | \$234.51    |
| 032 I012408 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | WALTERS BRETT D &           | 301,700        | \$214.21    |
| 032 I012409 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | SAHA DEBASMITA &            | 351,700        | \$249.71    |
| 032 I012410 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | THOMAS ALISA G &            | 365,200        | \$259.29    |
| 032 I012411 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | SPANNAUS MICHAELA LILY      | 338,600        | \$240.41    |
| 032 I012412 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | URBANEK NICHOLAS P          | 259,500        | \$184.25    |
| 032 I012413 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | WHEELWRIGHT HENRY J TRUSTEE | 317,200        | \$225.21    |
| 032 I012414 | 10:CONDOMINIUMS         | 10  | EXCHANGE ST | DEPALMA CHRISTOPHER R &     | 290,500        | \$206.26    |
| 032 I018001 | 21:RETAIL SERVICES      | 395 | FORE ST     | 395 FORE STREET LLC         | 1,491,100      | \$1,058.68  |
| 032 I021001 | 21:RETAIL SERVICES      | 188 | MIDDLE ST   | COW PLAZA 4 LLC             | 4,907,500      | \$3,484.33  |
| 032 I022001 | 21:RETAIL SERVICES      | 184 | MIDDLE ST   | ABATSOBE LLC                | 779,200        | \$553.23    |
| 032 I023001 | 22:OFFICE BUSINESS      | 3   | CANAL PLAZA | COW PLAZA 3 LLC             | 11,805,100     | \$8,381.62  |
| 032 I033001 | 22:OFFICE BUSINESS      | 2   | CANAL PLAZA | COW PLAZA 2 LLC             | 7,318,600      | \$5,196.21  |
| 032 I036001 | 22:OFFICE BUSINESS      | 1   | CANAL PLAZA | COW PLAZA 1 LLC             | 24,122,300     | \$17,126.83 |
| 032 I039001 | 33:TRANSPORTATION       | 40  | UNION ST    | CENTRAL MAINE POWER CO      | 1,490,600      | \$1,058.33  |
| 032 I040001 | 25:PARKING LOTS         | 44  | EXCHANGE ST | KOWTOWER LLC                | 451,800        | \$320.78    |
| 032 I041001 | 27:MULTI-USE COMMERCIAL | 425 | FORE ST     | COW PLAZA GARAGE LLC        | 12,300,000     | \$8,733.00  |
| 032 I042001 | 23:HOTEL & MOTEL        | 433 | FORE ST     | COW PLAZA HOTEL LLC         | 29,811,400     | \$21,166.09 |
| 032 I043001 | 25:PARKING LOTS         | 45  | UNION ST    | COW PLAZA 1 LLC             | 108,700        | \$77.18     |
| 032 J001001 | 21:RETAIL SERVICES      | 386 | FORE ST     | 386 FORE STREET LLC         | 1,734,200      | \$1,231.28  |
| 032 J002001 | 21:RETAIL SERVICES      | 392 | FORE ST     | BEER GUYS LLC               | 1,504,400      | \$1,068.12  |
| 032 J004001 | 20:COMMERCIAL CONDOS    | 396 | FORE ST     | BEER GUYS LLC               | 477,200        | \$338.81    |
| 032 J004002 | 20:COMMERCIAL CONDOS    | 396 | FORE ST     | BEER GUYS LLC               | 284,300        | \$201.85    |
| 032 J004003 | 10:CONDOMINIUMS         | 396 | FORE ST     | BEER GUYS LLC               | 356,700        | \$253.26    |
| 032 J00400B | 20:COMMERCIAL CONDOS    | 396 | FORE ST     | BEER GUYS LLC               | 267,600        | \$190.00    |
| 032 J005001 | 20:COMMERCIAL CONDOS    | 398 | FORE ST     | FORE STREET PARTNERSHIP     | 883,000        | \$626.93    |
| 032 J005002 | 20:COMMERCIAL CONDOS    | 398 | FORE ST     | FORE STREET PROPERTIES      | 706,400        | \$501.54    |
| 032 J005003 | 20:COMMERCIAL CONDOS    | 398 | FORE ST     | INGALLS ROGER E             | 371,200        | \$263.55    |
| 032 J005004 | 20:COMMERCIAL CONDOS    | 398 | FORE ST     | INGALLS ROGER E             | 371,200        | \$263.55    |
| 032 K001001 | 22:OFFICE BUSINESS      | 2   | MONUMENT SQ | 800 NORTHERN CORP           | 22,515,900     | \$15,986.29 |
| 032 K012001 | 22:OFFICE BUSINESS      | 1   | MONUMENT SQ | FINARD MURRAY W TR          | 24,500,800     | \$17,395.57 |

| PARCEL ID   | LAND USE             | NUM | STREET             | OWNER                          | NET ASSESSMENT | FEE @.00071 |
|-------------|----------------------|-----|--------------------|--------------------------------|----------------|-------------|
| 032 L001001 | 56:GOVERNMENTAL      | 234 | FEDERAL ST W       | CITY OF PORTLAND               | -00            | \$0.00      |
| 032 L002001 | 22:OFFICE BUSINESS   | 1   | CITY CTR           | ONE CITY CENTER ASSOCIATES LLC | 42,589,800     | \$30,238.76 |
| 032 N009001 | 21:RETAIL SERVICES   | 414 | FORE ST            | GOULD COMPANY LLC              | 948,900        | \$673.72    |
| 032 N010001 | 21:RETAIL SERVICES   | 416 | FORE ST            | 416 FORE STREET HOLDINGS LLC   | 1,512,100      | \$1,073.59  |
| 032 N011001 | 21:RETAIL SERVICES   | 422 | FORE ST            | HARDING RICHARD B ETAL         | 683,800        | \$485.50    |
| 032 N012001 | 21:RETAIL SERVICES   | 424 | FORE ST            | SOLETSKY LIMITED LIABILITY CO  | 1,290,700      | \$916.40    |
| 032 P001001 | 22:OFFICE BUSINESS   | 2   | CITY CTR           | TWO CITY CENTER LLC            | 4,291,700      | \$3,047.11  |
| 032 P003001 | 21:RETAIL SERVICES   | 4   | CITY CTR           | WIRELESS PARTNERS II LLC ETAL  | 2,379,800      | \$1,689.66  |
| 032 P004001 | 20:COMMERCIAL CONDOS | 6   | CITY CTR           | SIX CITY CENTER LLC            | 2,966,200      | \$2,106.00  |
| 032 P004002 | 20:COMMERCIAL CONDOS | 6   | CITY CTR           | H & A PROPERTY GROUP LLC       | 611,900        | \$434.45    |
| 032 P005001 | 56:GOVERNMENTAL      | 0   | SPRING ST ARTERIAL | CITY OF PORTLAND               | -00            | \$0.00      |
| 032 P017001 | 22:OFFICE BUSINESS   | 10  | CITY CTR           | MINA BUILDING LLC              | 1,135,000      | \$805.85    |
| 032 R001001 | 21:RETAIL SERVICES   | 428 | FORE ST            | 428 FORE STREET LLC            | 1,256,800      | \$892.33    |
| 032 R003001 | 21:RETAIL SERVICES   | 432 | FORE ST            | TERRAPIN PROPERTIES LLC        | 757,000        | \$537.47    |
| 032 R004001 | 21:RETAIL SERVICES   | 434 | FORE ST            | TERRAPIN PROPERTIES LLC        | 715,200        | \$507.79    |
| 032 R007001 | 21:RETAIL SERVICES   | 436 | FORE ST            | FORE STREET PARTNERS LLC       | 2,309,500      | \$1,639.75  |
| 032 R008001 | 21:RETAIL SERVICES   | 446 | FORE ST            | ORANGE CRUSH LLC               | 2,090,300      | \$1,484.11  |
| 032 S001001 | 21:RETAIL SERVICES   | 366 | FORE ST            | CF MARINERS LLC                | 3,765,400      | \$2,673.43  |
| 032 S003001 | 21:RETAIL SERVICES   | 7   | MOULTON ST         | 7-9 MOULTON LLC                | 642,100        | \$455.89    |
| 032 S004001 | 21:RETAIL SERVICES   | 161 | COMMERCIAL ST      | 161 COMMERCIAL STREET LLC      | 2,445,400      | \$1,736.23  |
| 032 S005001 | 22:OFFICE BUSINESS   | 5   | MOULTON ST         | MOULTON STREET REALTY LLC      | 3,719,000      | \$2,640.49  |
| 032 T004001 | 21:RETAIL SERVICES   | 4   | MOULTON ST         | ADRIENNE-JANE INCORPORATED     | 5,031,800      | \$3,572.58  |
| 032 U003001 | 25:PARKING LOTS      | 185 | COMMERCIAL ST      | 185 COMMERCIAL STREET LLC      | 432,100        | \$306.79    |
| 032 U004001 | 22:OFFICE BUSINESS   | 1   | DANA ST            | ONE DANA LLC                   | 1,892,500      | \$1,343.68  |
| 032 U005001 | 21:RETAIL SERVICES   | 7   | DANA ST            | TRANSMINE                      | 1,040,900      | \$739.04    |
| 032 V001001 | 21:RETAIL SERVICES   | 10  | DANA ST            | IVY HOLDINGS LLC               | 2,111,800      | \$1,499.38  |
| 032 V002001 | 21:RETAIL SERVICES   | 205 | COMMERCIAL ST      | LANDFALL LLC                   | 829,200        | \$588.73    |
| 032 V004001 | 22:OFFICE BUSINESS   | 211 | COMMERCIAL ST      | GRANITE FACE LLC               | 3,353,400      | \$2,380.91  |
| 032 V005001 | 22:OFFICE BUSINESS   | 217 | COMMERCIAL ST      | CHASE BLOCK LLC                | 5,531,000      | \$3,927.01  |
| 032 V008001 | 24:WHOLESALE         | 225 | COMMERCIAL ST      | 225 COMMERCIAL ST ASSOC INC    | 3,062,300      | \$2,174.23  |
| 032 V012001 | 22:OFFICE BUSINESS   | 1   | UNION ST           | 237 COMMERCIAL STREET LLC      | 2,613,100      | \$1,855.30  |
| 032 V014001 | 21:RETAIL SERVICES   | 50  | WHARF ST           | DEERING AVE ASSOCIATES INC &   | 1,315,300      | \$933.86    |
| 032 V015001 | 24:WHOLESALE         | 42  | WHARF ST           | DEERING AVE ASSOCIATES INC &   | 767,100        | \$544.64    |
| 032 V016001 | 21:RETAIL SERVICES   | 34  | WHARF ST           | IVY HOLDINGS LLC               | 747,900        | \$531.01    |
| 037 A001001 | 33:TRANSPORTATION    | 55  | FOREST AVE         | NORTHERN NEW ENGLAND           | 18,460,700     | \$13,107.10 |

| PARCEL ID   | LAND USE                 | NUM | STREET         | OWNER                    | NET ASSESSMENT | FEE @.00071 |
|-------------|--------------------------|-----|----------------|--------------------------|----------------|-------------|
| 037 A002001 | 17:21 PLUS FAMILY        | 45  | FOREST AVE     | REDFERN 45 LLC           | 13,013,200     | \$9,239.37  |
| 037 A009001 | 17:21 PLUS FAMILY        | 104 | OAK ST         | PARK STREET PROPERTY LLC | 2,429,200      | \$1,724.73  |
| 037 A011001 | 22:OFFICE BUSINESS       | 92  | OAK ST         | 84 OAK STREET LLC        | 500,200        | \$355.14    |
| 037 A012001 | 22:OFFICE BUSINESS       | 39  | FOREST AVE     | 39 LLC                   | 3,947,800      | \$2,802.94  |
| 037 A022001 | 21:RETAIL SERVICES       | 25  | FOREST AVE     | PORTLAND STAGE COMPANY   | 1,655,200      | \$1,175.19  |
| 037 A023001 | 25:PARKING LOTS          | 84  | OAK ST         | 84 OAK STREET LLC        | 582,500        | \$413.58    |
| 037 A033001 | 25:PARKING LOTS          | 11  | FOREST AVE     | PACHIOS BROTHERS I LLC & | 746,200        | \$529.80    |
| 037 A035001 | 17:21 PLUS FAMILY        | 72  | OAK ST         | AVESTA OAK STREET LP     | 3,333,700      | \$2,366.93  |
| 037 A038001 | 21:RETAIL SERVICES       | 565 | CONGRESS ST    | PACHIOS BROTHERS I LLC & | 3,436,900      | \$2,440.20  |
| 037 A042001 | 27:MULTI-USE COMMERCIAL  | 559 | CONGRESS ST    | HER LLC                  | 633,100        | \$449.50    |
| 037 A043001 | 21:RETAIL SERVICES       | 555 | CONGRESS ST    | CORRYMORE ZELLERTON LLC  | 556,400        | \$395.04    |
| 037 A044001 | 21:RETAIL SERVICES       | 553 | CONGRESS ST    | ROCCO HOLDINGS LLC       | 1,316,300      | \$934.57    |
| 037 A045001 | 21:RETAIL SERVICES       | 575 | CONGRESS ST    | 571 ENTERPRISES LLC      | 747,500        | \$530.73    |
| 037 A046001 | 22:OFFICE BUSINESS       | 7   | FOREST AVE     | LOA PROPERTY LLC         | 710,100        | \$504.17    |
| 037 B001001 | 22:OFFICE BUSINESS       | 380 | CUMBERLAND AVE | SWEETWATER PARTNERS LLC  | 3,518,300      | \$2,497.99  |
| 037 B013001 | 25:PARKING LOTS          | 95  | OAK ST         | NORTHERN NEW ENGLAND     | 375,100        | \$266.32    |
| 037 B014001 | 55:LITERARY & SCIENTIFIC | 15  | SHEPLEY ST     | MAINE COLLEGE OF ART     | -00            | \$0.00      |
| 037 B015001 | 17:21 PLUS FAMILY        | 11  | SHEPLEY ST     | 11 SHEPLEY STREET        | 5,233,100      | \$3,715.50  |
| 037 C001001 | 25:PARKING LOTS          | 0   | SHEPLEY ST     | CITY OAK LLC             | 574,400        | \$407.82    |
| 037 C004001 | 25:PARKING LOTS          | 0   | SHEPLEY ST     | CITY OAK LLC             | 364,600        | \$258.87    |
| 037 C006001 | 17:21 PLUS FAMILY        | 18  | CASCO ST       | SHEPLEY LLC              | 6,187,100      | \$4,392.84  |
| 037 C008001 | 25:PARKING LOTS          | 83  | OAK ST         | HEGA REALTY LLC          | 576,800        | \$409.53    |
| 037 C010001 | 22:OFFICE BUSINESS       | 16  | CASCO ST       | SHEEPDOG LLC             | 952,700        | \$676.42    |
| 037 C014100 | 20:COMMERCIAL CONDOS     | 531 | CONGRESS ST    | HEGA REALTY LLC          | 3,402,200      | \$2,415.56  |
| 037 C014200 | 20:COMMERCIAL CONDOS     | 531 | CONGRESS ST    | HEGA REALTY LLC          | 3,648,400      | \$2,590.36  |
| 037 C014300 | 20:COMMERCIAL CONDOS     | 531 | CONGRESS ST    | HEGA REALTY LLC          | 2,211,000      | \$1,569.81  |
| 037 C014400 | 20:COMMERCIAL CONDOS     | 531 | CONGRESS ST    | HEGA REALTY LLC          | 2,065,900      | \$1,466.79  |
| 037 C014501 | 10:CONDOMINIUMS          | 531 | CONGRESS ST    | WILLIAMS DEBORAH J &     | 602,900        | \$428.06    |
| 037 C014502 | 10:CONDOMINIUMS          | 531 | CONGRESS ST    | HEGA REALTY LLC          | 519,000        | \$368.49    |
| 037 C014503 | 10:CONDOMINIUMS          | 531 | CONGRESS ST    | SHOREY LINDA J &         | 696,500        | \$494.52    |
| 037 C014504 | 10:CONDOMINIUMS          | 531 | CONGRESS ST    | HEGA REALTY LLC          | 933,900        | \$663.07    |
| 037 C014505 | 10:CONDOMINIUMS          | 531 | CONGRESS ST    | WALBRIDGE HOYT &         | 898,200        | \$637.72    |
| 037 C014506 | 10:CONDOMINIUMS          | 531 | CONGRESS ST    | HEGA REALTY LLC          | 653,900        | \$464.27    |
| 037 C014507 | 10:CONDOMINIUMS          | 531 | CONGRESS ST    | HEGA REALTY LLC          | 582,400        | \$413.50    |
| 037 C014508 | 10:CONDOMINIUMS          | 531 | CONGRESS ST    | HEGA REALTY LLC          | 755,600        | \$536.48    |

| PARCEL ID   | LAND USE                   | NUM | STREET         | OWNER                           | NET ASSESSMENT | FEE @.00071 |
|-------------|----------------------------|-----|----------------|---------------------------------|----------------|-------------|
| 037 C014509 | 10:CONDOMINIUMS            | 531 | CONGRESS ST    | HEGA REALTY LLC                 | 487,600        | \$346.20    |
| 037 C014510 | 10:CONDOMINIUMS            | 531 | CONGRESS ST    | PIETSCH BRENDAN                 | 615,300        | \$436.86    |
| 037 C016001 | 21:RETAIL SERVICES         | 551 | CONGRESS ST    | BENTLEY BUILDING LLC            | 1,631,400      | \$1,158.29  |
| 037 C017006 | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | PALMER ANDREW H TRUSTEE         | 637,100        | \$452.34    |
| 037 C01701A | 20:COMMERCIAL CONDOS       | 547 | CONGRESS ST    | DICE AND DRAFTS LLC             | 356,400        | \$253.04    |
| 037 C01701B | 20:COMMERCIAL CONDOS       | 547 | CONGRESS ST    | R & J 545 PARTNERS LLC          | 371,000        | \$263.41    |
| 037 C01701C | 20:COMMERCIAL CONDOS       | 547 | CONGRESS ST    | R & J 545 PARTNERS LLC          | 397,300        | \$282.08    |
| 037 C01702A | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | HENAUT DOUGLAS S &              | 247,400        | \$175.65    |
| 037 C01702B | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | SCULLY JOHN M                   | 206,800        | \$146.83    |
| 037 C01702C | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | FRIEL LESLIE R                  | 233,100        | \$165.50    |
| 037 C01702D | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | WHEELER-BERTA FRANCES H TRUSTEE | 262,000        | \$186.02    |
| 037 C01702E | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | SCHREIBER REBECCA ANN           | 236,400        | \$167.84    |
| 037 C01703A | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | YANG DAVID I                    | 284,700        | \$202.14    |
| 037 C01703B | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | BEISEL NICOLA K TRUSTEE         | 302,800        | \$214.99    |
| 037 C01703C | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | PACKARD JEFFREY G &             | 320,800        | \$227.77    |
| 037 C01704A | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | BARRETT MARY E &                | 299,000        | \$212.29    |
| 037 C01704B | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | GRANO ROBERT C TRUSTEE          | 263,900        | \$187.37    |
| 037 C01704C | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | TYSON BRUCE &                   | 369,200        | \$262.13    |
| 037 C01705A | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | HENRY MICHAEL T &               | 526,800        | \$374.03    |
| 037 C01705B | 10:CONDOMINIUMS            | 547 | CONGRESS ST    | PALMER ANDREW H TRUSTEE         | 290,200        | \$206.04    |
| 037 D001001 | 21:RETAIL SERVICES         | 45  | CASCO ST       | FORTY FIVE CASCO STREET LLC     | 1,646,700      | \$1,169.16  |
| 037 D002001 | 22:OFFICE BUSINESS         | 511 | CONGRESS ST    | OCEAN GATE LLC                  | 13,540,000     | \$9,613.40  |
| 037 D003001 | 27:MULTI-USE COMMERCIAL    | 360 | CUMBERLAND AVE | STARK INDUSTRIES LLC            | 951,800        | \$675.78    |
| 037 D004001 | 27:MULTI-USE COMMERCIAL    | 48  | BROWN ST       | OCEAN GATE LLC                  | 6,101,300      | \$4,331.92  |
| 037 D005001 | 25:PARKING LOTS            | 25  | CASCO ST       | EQUALITY COMMUNITY CENTER       | 752,100        | \$533.99    |
| 037 D007001 | 17:21 PLUS FAMILY          | 37  | CASCO ST       | AMBASSADOR LLC                  | 9,893,500      | \$7,024.39  |
| 037 D023001 | 54:BENEVOLENT & CHARITABLE | 15  | CASCO ST       | EQUALITY COMMUNITY CENTER       | -00            | \$0.00      |
| 037 D024001 | 21:RETAIL SERVICES         | 519 | CONGRESS ST    | MAINE CHARITABLE MECHANIC       | 1,189,900      | \$844.83    |
| 037 E001001 | 58:LAND BANKS              | 595 | CONGRESS ST    | CITY OF PORTLAND                | -00            | \$0.00      |
| 037 E002001 | 20:COMMERCIAL CONDOS       | 585 | CONGRESS ST    | HAMMOND HEIRS LLC               | 263,800        | \$187.30    |
| 037 E002002 | 20:COMMERCIAL CONDOS       | 585 | CONGRESS ST    | HAMMOND HEIRS LLC               | 272,200        | \$193.26    |
| 037 E002003 | 20:COMMERCIAL CONDOS       | 585 | CONGRESS ST    | PAUL'S BOUTIQUE LLC             | 1,080,900      | \$767.44    |
| 037 E002004 | 20:COMMERCIAL CONDOS       | 585 | CONGRESS ST    | VERDANT REALTY I LLC &          | 1,341,500      | \$952.47    |
| 037 E003001 | 27:MULTI-USE COMMERCIAL    | 10  | CONGRESS SQ    | PLAZA ASSOCIATES AT CONGRESS    | 19,409,300     | \$13,780.60 |
| 037 E004001 | 25:PARKING LOTS            | 28  | FOREST AVE     | PLAZA ASSOCIATES AT CONGRESS    | 347,300        | \$246.58    |

| PARCEL ID   | LAND USE             | NUM | STREET     | OWNER                        | NET ASSESSMENT | FEE @.00071 |
|-------------|----------------------|-----|------------|------------------------------|----------------|-------------|
| 037 E005001 | 40:VACANT LAND       | 32  | FOREST AVE | RB PORTLAND LLC              | 351,800        | \$249.78    |
| 037 E005002 | 25:PARKING LOTS      | 32  | FOREST AVE | PLAZA ASSOCIATES AT CONGRESS | 312,300        | \$221.73    |
| 037 E006001 | 20:COMMERCIAL CONDOS | 173 | HIGH ST    | 420 CUMBERLAND AVE LLC       | 1,117,700      | \$793.57    |
| 037 E006002 | 20:COMMERCIAL CONDOS | 173 | HIGH ST    | 420 CUMBERLAND AVE LLC       | 417,400        | \$296.35    |
| 037 E006003 | 20:COMMERCIAL CONDOS | 173 | HIGH ST    | 420 CUMBERLAND AVE LLC       | 956,100        | \$678.83    |
| 037 E006004 | 20:COMMERCIAL CONDOS | 173 | HIGH ST    | LUDWIG ROBERT C              | 1,163,200      | \$825.87    |
| 037 E006005 | 20:COMMERCIAL CONDOS | 173 | HIGH ST    | CAPITAL AREA PROPERTIES LLC  | 439,600        | \$312.12    |
| 037 E006006 | 20:COMMERCIAL CONDOS | 173 | HIGH ST    | 185 HIGH STREET LLC          | 456,400        | \$324.04    |
| 037 E006007 | 20:COMMERCIAL CONDOS | 173 | HIGH ST    | 177 HIGH LLC                 | 669,000        | \$474.99    |
| 037 E006008 | 20:COMMERCIAL CONDOS | 173 | HIGH ST    | 6 EAST OXFORD ST LLC         | 338,600        | \$240.41    |
| 037 E006009 | 20:COMMERCIAL CONDOS | 173 | HIGH ST    | 181 HIGH STREET LLC          | 18,500,000     | \$13,135.00 |
| 037 E006010 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CML LLC                      | 28,500         | \$20.24     |
| 037 E006011 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CML LLC                      | 28,500         | \$20.24     |
| 037 E006012 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CML LLC                      | 28,500         | \$20.24     |
| 037 E006013 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CML LLC                      | 28,500         | \$20.24     |
| 037 E006014 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CML LLC                      | 28,500         | \$20.24     |
| 037 E006015 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CML LLC                      | 28,500         | \$20.24     |
| 037 E006016 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CML LLC                      | 28,500         | \$20.24     |
| 037 E006017 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CML LLC                      | 28,500         | \$20.24     |
| 037 E006018 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CML LLC                      | 28,500         | \$20.24     |
| 037 E006019 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CML LLC                      | 28,500         | \$20.24     |
| 037 E006020 | 10:CONDOMINIUMS      | 173 | HIGH ST    | 420 CUMBERLAND AVE LLC       | 28,500         | \$20.24     |
| 037 E006021 | 10:CONDOMINIUMS      | 173 | HIGH ST    | 420 CUMBERLAND AVE LLC       | 28,500         | \$20.24     |
| 037 E006022 | 10:CONDOMINIUMS      | 173 | HIGH ST    | 420 CUMBERLAND AVE LLC       | 28,500         | \$20.24     |
| 037 E006023 | 10:CONDOMINIUMS      | 173 | HIGH ST    | 420 CUMBERLAND AVE LLC       | 28,500         | \$20.24     |
| 037 E006024 | 10:CONDOMINIUMS      | 173 | HIGH ST    | 420 CUMBERLAND AVE LLC       | 28,500         | \$20.24     |
| 037 E006025 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CAPITAL AREA PROPERTIES LLC  | 28,500         | \$20.24     |
| 037 E006026 | 10:CONDOMINIUMS      | 173 | HIGH ST    | CAPITAL AREA PROPERTIES LLC  | 28,500         | \$20.24     |
| 037 E006027 | 10:CONDOMINIUMS      | 173 | HIGH ST    | LUDWIG ROBERT C &            | 28,500         | \$20.24     |
| 037 E006028 | 10:CONDOMINIUMS      | 173 | HIGH ST    | LUDWIG ROBERT C &            | 28,500         | \$20.24     |
| 037 E006029 | 10:CONDOMINIUMS      | 173 | HIGH ST    | LUDWIG ROBERT C &            | 28,500         | \$20.24     |
| 037 E006030 | 10:CONDOMINIUMS      | 173 | HIGH ST    | LUDWIG ROBERT C &            | 28,500         | \$20.24     |
| 037 E006031 | 10:CONDOMINIUMS      | 173 | HIGH ST    | 420 CUMBERLAND AVE LLC       | 28,500         | \$20.24     |
| 037 E006032 | 10:CONDOMINIUMS      | 173 | HIGH ST    | 420 CUMBERLAND AVE LLC       | 28,500         | \$20.24     |
| 037 E006033 | 10:CONDOMINIUMS      | 173 | HIGH ST    | 420 CUMBERLAND AVE LLC       | 28,500         | \$20.24     |

| PARCEL ID   | LAND USE                   | NUM | STREET         | OWNER                          | NET ASSESSMENT | FEE @.00071 |
|-------------|----------------------------|-----|----------------|--------------------------------|----------------|-------------|
| 037 E006034 | 10:CONDOMINIUMS            | 173 | HIGH ST        | 420 CUMBERLAND AVE LLC         | 28,500         | \$20.24     |
| 037 E006035 | 10:CONDOMINIUMS            | 173 | HIGH ST        | 420 CUMBERLAND AVE LLC         | 28,500         | \$20.24     |
| 037 E006036 | 10:CONDOMINIUMS            | 173 | HIGH ST        | LUDWIG ROBERT C                | 28,500         | \$20.24     |
| 037 E006037 | 10:CONDOMINIUMS            | 173 | HIGH ST        | LUDWIG ROBERT C                | 28,500         | \$20.24     |
| 037 E006038 | 10:CONDOMINIUMS            | 173 | HIGH ST        | 420 CUMBERLAND AVE LLC         | 28,500         | \$20.24     |
| 037 E006039 | 10:CONDOMINIUMS            | 173 | HIGH ST        | 177 HIGH LLC                   | 28,500         | \$20.24     |
| 037 E006040 | 10:CONDOMINIUMS            | 173 | HIGH ST        | 177 HIGH LLC                   | 28,500         | \$20.24     |
| 037 E006041 | 10:CONDOMINIUMS            | 173 | HIGH ST        | LUDWIG ROBERT C &              | 28,500         | \$20.24     |
| 037 E006042 | 10:CONDOMINIUMS            | 173 | HIGH ST        | LUDWIG ROBERT C &              | 28,500         | \$20.24     |
| 037 E007001 | 23:HOTEL & MOTEL           | 157 | HIGH ST        | RB PORTLAND LLC                | 56,649,300     | \$40,221.00 |
| 037 F002001 | 27:MULTI-USE COMMERCIAL    | 45  | BROWN ST       | BROWN TOWER LLC                | 1,567,100      | \$1,112.64  |
| 037 F005001 | 27:MULTI-USE COMMERCIAL    | 28  | PREBLE ST      | EARL APARTMENTS LLC            | 7,075,600      | \$5,023.68  |
| 037 F007001 | 22:OFFICE BUSINESS         | 24  | PREBLE ST      | PREBLE STREET ACQUISITIONS LLC | 2,132,900      | \$1,514.36  |
| 037 F009001 | 32:WAREHOUSE & STORAGE     | 338 | CUMBERLAND AVE | CADC PORTLAND 340 LLC          | 3,681,900      | \$2,614.15  |
| 037 F012001 | 55:LITERARY & SCIENTIFIC   | 41  | BROWN ST       | MHS INC                        | -00            | \$0.00      |
| 037 F014001 | 54:BENEVOLENT & CHARITABLE | 483 | CONGRESS ST    | MAINE HISTORICAL SOCIETY       | -00            | \$0.00      |
| 037 F017001 | 55:LITERARY & SCIENTIFIC   | 489 | CONGRESS ST    | MHS INC                        | -00            | \$0.00      |
| 037 F020001 | 54:BENEVOLENT & CHARITABLE | 38  | PREBLE ST      | PREBLE STREET                  | -00            | \$0.00      |
| 037 F022001 | 27:MULTI-USE COMMERCIAL    | 477 | CONGRESS ST    | TT MAINE VENTURE LLC           | 5,636,500      | \$4,001.92  |
| 037 G001001 | 21:RETAIL SERVICES         | 594 | CONGRESS ST    | HIGH POINT REALTY LLC          | 1,293,600      | \$918.46    |
| 037 G004001 | 21:RETAIL SERVICES         | 582 | CONGRESS ST    | 582-584 CONGRESS STREET LLC    | 758,500        | \$538.54    |
| 037 G005001 | 21:RETAIL SERVICES         | 580 | CONGRESS ST    | BBB INC                        | 1,138,100      | \$808.05    |
| 037 G006001 | 27:MULTI-USE COMMERCIAL    | 578 | CONGRESS ST    | 578 CONGRESS LLC               | 438,300        | \$311.19    |
| 037 G007001 | 27:MULTI-USE COMMERCIAL    | 576 | CONGRESS ST    | 576 CONGRESS LLC               | 420,600        | \$298.63    |
| 037 G008001 | 27:MULTI-USE COMMERCIAL    | 574 | CONGRESS ST    | 576 CONGRESS LLC               | 449,100        | \$318.86    |
| 037 G009001 | 22:OFFICE BUSINESS         | 570 | CONGRESS ST    | PRIDE RALPH H TRUSTEE          | 712,900        | \$506.16    |
| 037 G010001 | 27:MULTI-USE COMMERCIAL    | 133 | FREE ST        | HUBBARD'S APTS INC             | 1,085,300      | \$770.56    |
| 037 G012001 | 21:RETAIL SERVICES         | 584 | CONGRESS ST    | 582-584 CONGRESS STREET LLC    | 468,700        | \$332.78    |
| 037 G014001 | 22:OFFICE BUSINESS         | 562 | CONGRESS ST    | TERBAX REALTY INC              | 7,947,200      | \$5,642.51  |
| 037 H001001 | 27:MULTI-USE COMMERCIAL    | 550 | CONGRESS ST    | 550 CONGRESS STREET LLC        | 1,015,800      | \$721.22    |
| 037 H002001 | 55:LITERARY & SCIENTIFIC   | 540 | CONGRESS ST    | MAINE COLLEGE OF ART           | -00            | \$0.00      |
| 037 H002002 | 20:COMMERCIAL CONDOS       | 540 | CONGRESS ST    | 540 CONGRESS STREET LLC        | 2,795,600      | \$1,984.88  |
| 037 H002003 | 10:CONDOMINIUMS            | 540 | CONGRESS ST    | 540 CONGRESS STREET LLC        | 259,400        | \$184.17    |
| 037 H002004 | 10:CONDOMINIUMS            | 540 | CONGRESS ST    | 540 CONGRESS STREET LLC        | 264,500        | \$187.80    |
| 037 H002005 | 10:CONDOMINIUMS            | 540 | CONGRESS ST    | 540 CONGRESS STREET LLC        | 259,400        | \$184.17    |



| PARCEL ID   | LAND USE                   | NUM | STREET      | OWNER                      | NET ASSESSMENT | FEE @.00071 |
|-------------|----------------------------|-----|-------------|----------------------------|----------------|-------------|
| 037 H002006 | 10:CONDOMINIUMS            | 540 | CONGRESS ST | 540 CONGRESS STREET LLC    | 290,300        | \$206.11    |
| 037 H005001 | 54:BENEVOLENT & CHARITABLE | 536 | CONGRESS ST | SPACE GALLERY              | -00            | \$0.00      |
| 037 H005003 | 20:COMMERCIAL CONDOS       | 536 | CONGRESS ST | SPACE GALLERY              | 785,400        | \$557.63    |
| 037 H006001 | 55:LITERARY & SCIENTIFIC   | 522 | CONGRESS ST | MAINE COLLEGE OF ART       | -00            | \$0.00      |
| 037 H009001 | 21:RETAIL SERVICES         | 516 | CONGRESS ST | PACHIOS BROTHERS II LLC    | 1,634,400      | \$1,160.42  |
| 037 H010001 | 21:RETAIL SERVICES         | 510 | CONGRESS ST | CENTER CITY PLAZA ASSOC    | 4,126,700      | \$2,929.96  |
| 037 H011001 | 20:COMMERCIAL CONDOS       | 500 | CONGRESS ST | MATERIAL OBJECTS           | 491,800        | \$349.18    |
| 037 H011002 | 20:COMMERCIAL CONDOS       | 500 | CONGRESS ST | 500 CONGRESS TOP FLOOR LLC | 357,500        | \$253.83    |
| 037 H013001 | 21:RETAIL SERVICES         | 504 | CONGRESS ST | KAPLAN 504 LLC             | 1,528,400      | \$1,085.16  |
| 037 H014001 | 20:COMMERCIAL CONDOS       | 51  | OAK ST      | MAINE COLLEGE OF ART       | 318,000        | \$225.78    |
| 037 H014002 | 55:LITERARY & SCIENTIFIC   | 51  | OAK ST      | MAINE COLLEGE OF ART       | -00            | \$0.00      |
| 037 H014003 | 20:COMMERCIAL CONDOS       | 51  | OAK ST      | MAINE COLLEGE OF ART       | 319,000        | \$226.49    |
| 037 H014004 | 55:LITERARY & SCIENTIFIC   | 51  | OAK ST      | MAINE COLLEGE OF ART       | -00            | \$0.00      |
| 037 H014005 | 20:COMMERCIAL CONDOS       | 51  | OAK ST      | MAINE COLLEGE OF ART       | 217,800        | \$154.64    |
| 037 H025001 | 21:RETAIL SERVICES         | 57  | OAK ST      | NEKOE BAHMAN &             | 316,800        | \$224.93    |
| 037 I001001 | 21:RETAIL SERVICES         | 498 | CONGRESS ST | 498 CONGRESS LLC           | 1,690,900      | \$1,200.54  |
| 037 I002101 | 20:COMMERCIAL CONDOS       | 490 | CONGRESS ST | GRACE LLC                  | 647,800        | \$459.94    |
| 037 I002102 | 20:COMMERCIAL CONDOS       | 492 | CONGRESS ST | DJ HOLDINGS LLC            | 512,000        | \$363.52    |
| 037 I002103 | 20:COMMERCIAL CONDOS       | 15  | BROWN ST    | THE DOROTHEA &             | 239,500        | \$170.05    |
| 037 I002104 | 10:CONDOMINIUMS            | 15  | BROWN ST    | O'SULLIVAN MICHAEL &       | 651,500        | \$462.57    |
| 037 I002105 | 10:CONDOMINIUMS            | 15  | BROWN ST    | ADLER JANICE B             | 620,100        | \$440.27    |
| 037 I002201 | 10:CONDOMINIUMS            | 15  | BROWN ST    | PYE JOHN F &               | 374,000        | \$265.54    |
| 037 I002202 | 10:CONDOMINIUMS            | 15  | BROWN ST    | SAUCEDO CHRISTIAN MANUEL   | 426,400        | \$302.74    |
| 037 I002203 | 10:CONDOMINIUMS            | 15  | BROWN ST    | CARUSO PHILIP &            | 497,500        | \$353.23    |
| 037 I002204 | 10:CONDOMINIUMS            | 15  | BROWN ST    | MARCUS PETER H TRUSTEE     | 416,500        | \$295.72    |
| 037 I002205 | 10:CONDOMINIUMS            | 15  | BROWN ST    | 207 INVESTS I LLC          | 406,800        | \$288.83    |
| 037 I002206 | 10:CONDOMINIUMS            | 15  | BROWN ST    | MONTMINY SHANE ALBERT      | 320,400        | \$227.48    |
| 037 I002207 | 10:CONDOMINIUMS            | 15  | BROWN ST    | SOULE GEORGE &             | 239,100        | \$169.76    |
| 037 I002208 | 10:CONDOMINIUMS            | 15  | BROWN ST    | DOCTOROFF MARK G           | 454,100        | \$322.41    |
| 037 I002301 | 10:CONDOMINIUMS            | 15  | BROWN ST    | BERZON TODD S              | 438,400        | \$311.26    |
| 037 I002302 | 10:CONDOMINIUMS            | 15  | BROWN ST    | ANDREOLI HELEN L           | 423,400        | \$300.61    |
| 037 I002303 | 10:CONDOMINIUMS            | 15  | BROWN ST    | BAUMAN PATRICIA J TRUSTEE  | 499,400        | \$354.57    |
| 037 I002304 | 10:CONDOMINIUMS            | 15  | BROWN ST    | MOORE BRIAN D              | 443,000        | \$314.53    |
| 037 I002305 | 10:CONDOMINIUMS            | 15  | BROWN ST    | COFFIN KATHLEEN M          | 354,600        | \$251.77    |
| 037 I002306 | 10:CONDOMINIUMS            | 15  | BROWN ST    | HUNT RYAN ETAL             | 406,500        | \$288.62    |

| PARCEL ID   | LAND USE                | NUM | STREET      | OWNER                       | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|-------------|-----------------------------|----------------|-------------|
| 037 I002307 | 10:CONDOMINIUMS         | 15  | BROWN ST    | DOCTOROFF MARK G            | 442,100        | \$313.89    |
| 037 I002401 | 10:CONDOMINIUMS         | 15  | BROWN ST    | ANDONE PROPERTIES LLC       | 537,100        | \$381.34    |
| 037 I002402 | 10:CONDOMINIUMS         | 15  | BROWN ST    | JONES RUSSELL J             | 540,800        | \$383.97    |
| 037 I002403 | 10:CONDOMINIUMS         | 15  | BROWN ST    | QUADRI SYED M &             | 579,900        | \$411.73    |
| 037 I002404 | 10:CONDOMINIUMS         | 15  | BROWN ST    | RICCI MICHAEL &             | 536,600        | \$380.99    |
| 037 I002405 | 10:CONDOMINIUMS         | 15  | BROWN ST    | MARCUS PETER H TRUSTEE &    | 479,900        | \$340.73    |
| 037 I002406 | 10:CONDOMINIUMS         | 15  | BROWN ST    | SANTORO DAVID M             | 508,900        | \$361.32    |
| 037 I003001 | 21:RETAIL SERVICES      | 482 | CONGRESS ST | CENTER CONGRESS LLC         | 5,784,100      | \$4,106.71  |
| 037 I004001 | 22:OFFICE BUSINESS      | 480 | CONGRESS ST | ASHBY TEAM LLC              | 2,250,900      | \$1,598.14  |
| 037 I005001 | 27:MULTI-USE COMMERCIAL | 486 | CONGRESS ST | BARTHE DONNA                | 607,700        | \$431.47    |
| 037 I00701A | 20:COMMERCIAL CONDOS    | 11  | BROWN ST    | PHELPS CRAIG REAL           | 806,200        | \$572.40    |
| 037 I00702A | 10:CONDOMINIUMS         | 9   | BROWN ST    | WADDELL CHRISTOPHER &       | 391,800        | \$278.18    |
| 037 I00702B | 10:CONDOMINIUMS         | 9   | BROWN ST    | BUKER MAILE E               | 514,100        | \$365.01    |
| 037 I00703A | 10:CONDOMINIUMS         | 9   | BROWN ST    | D'APOLONIA JOHN S           | 677,100        | \$480.74    |
| 037 I00704A | 10:CONDOMINIUMS         | 9   | BROWN ST    | THORNDIKE WILLIAM N JR &    | 841,700        | \$597.61    |
| 037 I009001 | 25:PARKING LOTS         | 59  | FREE ST     | JBG & H ASSOCIATES          | 887,700        | \$630.27    |
| 037 I012001 | 25:PARKING LOTS         | 104 | CENTER ST   | CENTER CONGRESS LLC         | 734,300        | \$521.35    |
| 038 A001001 | 20:COMMERCIAL CONDOS    | 10  | FREE ST     | JBG&H ASSOCIATES            | 4,140,500      | \$2,939.76  |
| 038 A001002 | 20:COMMERCIAL CONDOS    | 10  | FREE ST     | BROWN J B & SONS            | 2,150,300      | \$1,526.71  |
| 038 A005001 | 22:OFFICE BUSINESS      | 22  | FREE ST     | BROWN J B & SONS            | 4,293,000      | \$3,048.03  |
| 038 B001001 | 20:COMMERCIAL CONDOS    | 1   | PORTLAND SQ | NORTH RIVER IV LLC          | 29,724,300     | \$21,104.25 |
| 038 B001007 | 20:COMMERCIAL CONDOS    | 1   | PORTLAND SQ | PS ONE REALTY LLC           | 18,566,400     | \$13,182.14 |
| 038 B002001 | 22:OFFICE BUSINESS      | 2   | PORTLAND SQ | NORTH RIVER IV LLC          | 34,048,300     | \$24,174.29 |
| 038 B003001 | 25:PARKING LOTS         | 481 | FORE ST     | NORTH RIVER IV LLC          | 5,103,400      | \$3,623.41  |
| 038 C008001 | 56:GOVERNMENTAL         | 28  | COTTON ST   | CITY OF PORTLAND            | -00            | \$0.00      |
| 038 C009001 | 25:PARKING LOTS         | 24  | COTTON ST   | CASCO VIEW HOLDINGS III LLC | 1,459,000      | \$1,035.89  |
| 038 C012001 | 27:MULTI-USE COMMERCIAL | 8   | COTTON ST   | CASCO VIEW HOLDINGS III LLC | 2,630,900      | \$1,867.94  |
| 038 C030001 | 21:RETAIL SERVICES      | 59  | CENTER ST   | CASCO VIEW HOLDINGS III LLC | 687,200        | \$487.91    |
| 038 D015001 | 56:GOVERNMENTAL         | 82  | FREE ST     | CUMBERLAND COUNTY MAINE     | -00            | \$0.00      |
| 038 E009105 | 20:COMMERCIAL CONDOS    | 70  | CENTER ST   | 105 STAPLES SCHOOL LLC      | 375,000        | \$266.25    |
| 038 E009106 | 20:COMMERCIAL CONDOS    | 70  | CENTER ST   | APPLE REAL ESTATE           | 342,900        | \$243.46    |
| 038 E009204 | 20:COMMERCIAL CONDOS    | 70  | CENTER ST   | 70 CENTER LLC               | 372,300        | \$264.33    |
| 038 E009205 | 20:COMMERCIAL CONDOS    | 70  | CENTER ST   | 70 CENTER LLC               | 387,000        | \$274.77    |
| 038 E009304 | 20:COMMERCIAL CONDOS    | 70  | CENTER ST   | EAST COAST CONSTRUCTION AND | 390,100        | \$276.97    |
| 038 E009305 | 20:COMMERCIAL CONDOS    | 70  | CENTER ST   | MCKERSIE FAMILY LLC         | 388,200        | \$275.62    |

| PARCEL ID   | LAND USE                | NUM | STREET        | OWNER                           | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|---------------|---------------------------------|----------------|-------------|
| 038 E009401 | 20:COMMERCIAL CONDOS    | 70  | CENTER ST     | ALDER RUN DEVELOPMENT           | 673,900        | \$478.47    |
| 038 E009G07 | 20:COMMERCIAL CONDOS    | 70  | CENTER ST     | 70 CENTER STREET BASEMENT LLC   | 353,800        | \$251.20    |
| 038 E009G08 | 20:COMMERCIAL CONDOS    | 70  | CENTER ST     | MAINE BUSINESS SERVICES INC     | 347,600        | \$246.80    |
| 038 E010001 | 20:COMMERCIAL CONDOS    | 17  | SOUTH ST      | LEVINE ROBERT A &               | 228,900        | \$162.52    |
| 038 E010002 | 20:COMMERCIAL CONDOS    | 17  | SOUTH ST      | SOUTH STREET PARTNERS 2 LLC     | 228,900        | \$162.52    |
| 038 E010003 | 20:COMMERCIAL CONDOS    | 17  | SOUTH ST      | PRESTIGE WORLD-WIDE             | 371,200        | \$263.55    |
| 038 E012001 | 21:RETAIL SERVICES      | 52  | CENTER ST     | PICTURE ISLAND INC              | 683,300        | \$485.14    |
| 038 E019001 | 21:RETAIL SERVICES      | 1   | PLEASANT ST   | ZENITH OPERATING GROUP LLC      | 1,669,000      | \$1,184.99  |
| 038 E020001 | 27:MULTI-USE COMMERCIAL | 7   | PLEASANT ST   | 7-19 PLEASANT STREET LLC        | 783,100        | \$556.00    |
| 038 E021001 | 25:PARKING LOTS         | 9   | PLEASANT ST   | 7-19 PLEASANT STREET LLC        | 156,800        | \$111.33    |
| 038 E022001 | 25:PARKING LOTS         | 9   | PLEASANT ST   | 7-19 PLEASANT STREET LLC        | 22,800         | \$16.19     |
| 038 E023001 | 27:MULTI-USE COMMERCIAL | 15  | PLEASANT ST   | 7-19 PLEASANT STREET LLC        | 1,506,700      | \$1,069.76  |
| 038 E024001 | 27:MULTI-USE COMMERCIAL | 21  | PLEASANT ST   | ANADILYA PROPERTIES LLC         | 1,190,500      | \$845.26    |
| 038 E025001 | 13:THREE FAMILY         | 11  | SOUTH ST      | AMORY JONATHAN &                | 861,000        | \$611.31    |
| 038 E026001 | 12:TWO FAMILY           | 9   | SOUTH ST      | HANSON ANJA-BRITT &             | 834,300        | \$592.35    |
| 038 E027001 | 27:MULTI-USE COMMERCIAL | 5   | SOUTH ST      | FIVE SOUTH STREET LLC           | 729,000        | \$517.59    |
| 038 E029001 | 27:MULTI-USE COMMERCIAL | 19  | SOUTH ST      | 19 SOUTH STREET DEVELOPMENT LLC | 1,535,200      | \$1,089.99  |
| 038 E030001 | 25:PARKING LOTS         | 58  | CENTER ST     | STEELE DANIEL L                 | 984,700        | \$699.14    |
| 038 F004001 | 24:WHOLESALE            | 241 | COMMERCIAL ST | SLM PROPERTIES INC              | 3,049,400      | \$2,165.07  |
| 038 F006001 | 22:OFFICE BUSINESS      | 245 | COMMERCIAL ST | CASCO VIEW HOLDINGS LLC         | 6,931,500      | \$4,921.37  |
| 038 F008001 | 22:OFFICE BUSINESS      | 470 | FORE ST       | DICTAR ASSOCIATES II            | 2,958,500      | \$2,100.54  |
| 038 F009001 | 23:HOTEL & MOTEL        | 468 | FORE ST       | HARBOR PLAZA ASSOCIATES II      | 25,990,300     | \$18,453.11 |
| 038 F009002 | 22:OFFICE BUSINESS      | 468 | FORE ST       | DICTAR ASSOCIATES II            | 5,400,000      | \$3,834.00  |
| 038 F019001 | 22:OFFICE BUSINESS      | 19  | CROSS ST      | CASCO VIEW HOLDINGS II LLC      | 8,755,900      | \$6,216.69  |
| 038 G001001 | 25:PARKING LOTS         | 486 | FORE ST       | NORTH RIVER IV LLC              | 4,151,800      | \$2,947.78  |
| 038 G00202A | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | GOSSELIN EUGENE D &             | 244,100        | \$173.31    |
| 038 G00202B | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | POE MAXWELL                     | 248,200        | \$176.22    |
| 038 G00202C | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | SCHNEIDER PAUL                  | 247,000        | \$175.37    |
| 038 G00202D | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | CUMMING JEAN S &                | 258,400        | \$183.46    |
| 038 G00202E | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | DEVILLIER JACQUES K             | 229,600        | \$163.02    |
| 038 G00202F | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | MCKENZIE ANNE-MARIE &           | 265,000        | \$188.15    |
| 038 G00203A | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | SHULTZ RICHARD H &              | 253,600        | \$180.06    |
| 038 G00203B | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | RICE LEE PRISCILLA TRUSTEE      | 241,900        | \$171.75    |
| 038 G00203C | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | NORCHI CHARLES H &              | 271,100        | \$192.48    |
| 038 G00203D | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | DODGE MEREDITH                  | 252,700        | \$179.42    |

| PARCEL ID   | LAND USE                | NUM | STREET        | OWNER                      | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|---------------|----------------------------|----------------|-------------|
| 038 G00203E | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | CONKLIN HENRY C            | 254,900        | \$180.98    |
| 038 G00203F | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | TUCKER HAROLD W III        | 258,700        | \$183.68    |
| 038 G00204A | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | ROUSSEAU GREGORY M TRUSTEE | 254,000        | \$180.34    |
| 038 G00204B | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | 269 COMMERCIAL LLC         | 268,800        | \$190.85    |
| 038 G00204C | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | GIOBBI ARCHIE &            | 314,300        | \$223.15    |
| 038 G00204D | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | KIMBLE ELLEN SUE           | 230,800        | \$163.87    |
| 038 G00204E | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | LAINEY CONNOR D            | 255,200        | \$181.19    |
| 038 G00204F | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | WONG ROCKET &              | 244,400        | \$173.52    |
| 038 G00205A | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | BERG ERIC O JR TRUSTEE     | 285,600        | \$202.78    |
| 038 G00205B | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | GLENNON THOMAS J           | 309,700        | \$219.89    |
| 038 G00205C | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | O'SULLIVAN JACLYN &        | 277,100        | \$196.74    |
| 038 G00205D | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | DAVIS DONALD A             | 315,800        | \$224.22    |
| 038 G00205E | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | FLAHERTY CHRISTOPHER F     | 308,500        | \$219.04    |
| 038 G00205F | 10:CONDOMINIUMS         | 269 | COMMERCIAL ST | FOSTER ANTHONY W           | 269,500        | \$191.35    |
| 038 G002267 | 20:COMMERCIAL CONDOS    | 269 | COMMERCIAL ST | TEEDUCFRATAY LLC           | 671,800        | \$476.98    |
| 038 G002271 | 20:COMMERCIAL CONDOS    | 269 | COMMERCIAL ST | JKC LLC                    | 604,700        | \$429.34    |
| 038 G005001 | 23:HOTEL & MOTEL        | 9   | CENTER ST     | FATHOM CC LLC              | 37,475,500     | \$26,607.61 |
| 038 I001001 | 27:MULTI-USE COMMERCIAL | 28  | FREE ST       | 40 FREE LLC                | 10,102,200     | \$7,172.56  |
| 038 I003001 | 25:PARKING LOTS         | 15  | SPRING ST     | BROWN J B & SONS           | 1,783,900      | \$1,266.57  |
| 038 I018001 | 21:RETAIL SERVICES      | 46  | FREE ST       | BROWN J B & SONS           | 4,542,400      | \$3,225.10  |
| 039 A001001 | 21:RETAIL SERVICES      | 626 | CONGRESS ST   | PARK WONBAE &              | 1,844,400      | \$1,309.52  |
| 039 A002001 | 21:RETAIL SERVICES      | 622 | CONGRESS ST   | WAYNE ENTERPRISES LLC      | 2,298,400      | \$1,631.86  |
| 039 A005001 | 21:RETAIL SERVICES      | 616 | CONGRESS ST   | 614 CONGRESS STREET LLC    | 2,113,000      | \$1,500.23  |
| 039 A006001 | 25:PARKING LOTS         | 143 | PARK ST       | 614 CONGRESS STREET LLC    | 154,500        | \$109.70    |
| 039 A007001 | 25:PARKING LOTS         | 612 | CONGRESS ST   | RICE GEOFFREY I            | 108,100        | \$76.75     |
| 039 A008001 | 21:RETAIL SERVICES      | 610 | CONGRESS ST   | 19 SOUTH STREET LLC        | 735,600        | \$522.28    |
| 039 A009001 | 21:RETAIL SERVICES      | 608 | CONGRESS ST   | 19 SOUTH STREET LLC        | 732,400        | \$520.00    |
| 039 A010001 | 21:RETAIL SERVICES      | 606 | CONGRESS ST   | 602 CONGRESS LLC           | 623,100        | \$442.40    |
| 039 A011001 | 25:PARKING LOTS         | 141 | PARK ST       | WAYNE ENTERPRISES LLC      | 272,800        | \$193.69    |
| 039 A013001 | 22:OFFICE BUSINESS      | 600 | CONGRESS ST   | 602 CONGRESS LLC           | 2,909,500      | \$2,065.75  |
| 039 A016001 | 40:VACANT LAND          | 122 | HIGH ST       | TEGNA EAST COAST           | 139,100        | \$98.76     |
| 039 A016002 | 25:PARKING LOTS         | 122 | HIGH ST       | PACIFIC AND SOUTHERN LLC   | 1,349,600      | \$958.22    |
| 039 A017001 | 22:OFFICE BUSINESS      | 128 | HIGH ST       | TEGNA EAST COAST           | 4,173,000      | \$2,962.83  |
| 039 A027001 | 26:PRIVATE CLUBS        | 116 | HIGH ST       | CUMBERLAND CLUB            | 3,745,400      | \$2,659.23  |
| 039 A028001 | 04:BED & BREAKFAST      | 135 | SPRING ST     | THE WREN LLC               | 1,202,000      | \$853.42    |

| PARCEL ID   | LAND USE                   | NUM | STREET             | OWNER                  | NET ASSESSMENT | FEE @.00071 |
|-------------|----------------------------|-----|--------------------|------------------------|----------------|-------------|
| 039 A029001 | 27:MULTI-USE COMMERCIAL    | 133 | SPRING ST          | STADLER CECILE         | 652,000        | \$462.92    |
| 039 A030001 | 27:MULTI-USE COMMERCIAL    | 131 | SPRING ST          | NOUVEAU-NE LLC         | 570,600        | \$405.13    |
| 039 A031001 | 27:MULTI-USE COMMERCIAL    | 129 | SPRING ST          | 129 SPRING STREET LLC  | 678,900        | \$482.02    |
| 039 A032001 | 25:PARKING LOTS            | 127 | SPRING ST          | CUMBERLAND CLUB        | 325,600        | \$231.18    |
| 039 A035001 | 27:MULTI-USE COMMERCIAL    | 110 | HIGH ST            | TILLER ROBIN B &       | 578,700        | \$410.88    |
| 039 A037001 | 21:RETAIL SERVICES         | 106 | HIGH ST            | M2BM LLC               | 1,041,200      | \$739.25    |
| 039 A038001 | 21:RETAIL SERVICES         | 612 | CONGRESS ST        | BLUE BAY LLC           | 768,500        | \$545.64    |
| 039 B001001 | 55:LITERARY & SCIENTIFIC   | 97  | SPRING ST          | PORTLAND MUSEUM OF ART | -00            | \$0.00      |
| 039 B003001 | 55:LITERARY & SCIENTIFIC   | 142 | FREE ST            | PORTLAND MUSEUM OF ART | -00            | \$0.00      |
| 039 B004001 | 25:PARKING LOTS            | 130 | FREE ST            | MAINEHEALTH            | 1,447,600      | \$1,027.80  |
| 039 B007001 | 21:RETAIL SERVICES         | 128 | FREE ST            | MAINEHEALTH            | 590,200        | \$419.04    |
| 039 B008001 | 25:PARKING LOTS            | 120 | FREE ST            | MAINEHEALTH            | 1,145,200      | \$813.09    |
| 039 B011001 | 20:COMMERCIAL CONDOS       | 44  | OAK ST             | EVERYTHING LLC         | 921,200        | \$654.05    |
| 039 B011002 | 20:COMMERCIAL CONDOS       | 44  | OAK ST             | EVERYTHING LLC         | 497,000        | \$352.87    |
| 039 B011003 | 20:COMMERCIAL CONDOS       | 44  | OAK ST             | 44 OAK UNIT THREE LLC  | 486,900        | \$345.70    |
| 039 B011004 | 10:CONDOMINIUMS            | 44  | OAK ST             | KEON MICHAEL P         | 1,030,400      | \$731.58    |
| 039 B013001 | 55:LITERARY & SCIENTIFIC   | 148 | FREE ST            | PORTLAND MUSEUM OF ART | -00            | \$0.00      |
| 039 B015001 | 55:LITERARY & SCIENTIFIC   | 87  | SPRING ST          | PORTLAND MUSEUM OF ART | -00            | \$0.00      |
| 039 C001002 | 54:BENEVOLENT & CHARITABLE | 110 | FREE ST            | MAINEHEALTH            | -00            | \$0.00      |
| 039 C00101A | 54:BENEVOLENT & CHARITABLE | 110 | FREE ST            | MAINEHEALTH            | -00            | \$0.00      |
| 039 C00101B | 20:COMMERCIAL CONDOS       | 110 | FREE ST            | MAINEHEALTH            | 1,428,700      | \$1,014.38  |
| 039 C00101C | 20:COMMERCIAL CONDOS       | 110 | FREE ST            | MAINEHEALTH            | 2,019,400      | \$1,433.77  |
| 039 C0010GB | 54:BENEVOLENT & CHARITABLE | 110 | FREE ST            | MAINEHEALTH            | -00            | \$0.00      |
| 039 C0010GC | 54:BENEVOLENT & CHARITABLE | 110 | FREE ST            | MAINEHEALTH            | -00            | \$0.00      |
| 039 C001301 | 54:BENEVOLENT & CHARITABLE | 110 | FREE ST            | MAINEHEALTH            | -00            | \$0.00      |
| 039 C001302 | 54:BENEVOLENT & CHARITABLE | 110 | FREE ST            | MAINEHEALTH            | -00            | \$0.00      |
| 039 C001GA1 | 54:BENEVOLENT & CHARITABLE | 110 | FREE ST            | MAINEHEALTH            | -00            | \$0.00      |
| 039 C001GA2 | 54:BENEVOLENT & CHARITABLE | 110 | FREE ST            | MAINEHEALTH            | -00            | \$0.00      |
| 039 C002001 | 56:GOVERNMENTAL            | 0   | FREE ST            | CITY OF PORTLAND       | -00            | \$0.00      |
| 039 D005001 | 56:GOVERNMENTAL            | 98  | HIGH ST            | CITY OF PORTLAND       | -00            | \$0.00      |
| 039 E001001 | 56:GOVERNMENTAL            | 94  | SPRING ST ARTERIAL | CITY OF PORTLAND       | -00            | \$0.00      |
| 039 E008001 | 22:OFFICE BUSINESS         | 93  | HIGH ST            | SAFFORD HOUSE LLC      | 1,092,900      | \$775.96    |
| 039 E009001 | 54:BENEVOLENT & CHARITABLE | 87  | HIGH ST            | ST ELIZABETH'S ROMAN   | -00            | \$0.00      |
| 039 E010001 | 23:HOTEL & MOTEL           | 88  | SPRING ST          | LAFAYETTE PORTLAND LLC | 22,546,500     | \$16,008.02 |
| 039 F001001 | 25:PARKING LOTS            | 40  | SPRING ST ARTERIAL | LAFAYETTE PORTLAND LLC | 7,953,500      | \$5,646.99  |

| PARCEL ID   | LAND USE                | NUM | STREET      | OWNER                          | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|-------------|--------------------------------|----------------|-------------|
| 039 F013001 | 32:WAREHOUSE & STORAGE  | 59  | PLEASANT ST | BAKERY LIMITED LIABILITY CO    | 2,121,300      | \$1,506.12  |
| 039 F017001 | 12:TWO FAMILY           | 22  | SOUTH ST    | LOMBARDI BRIAN D               | 594,900        | \$422.38    |
| 039 F018001 | 12:TWO FAMILY           | 20  | SOUTH ST    | SCHMIDT REMINGTON O            | 415,900        | \$295.29    |
| 039 F019001 | 11:SINGLE FAMILY        | 18  | SOUTH ST    | LEWIS CLARENCE MICHAEL &       | 621,800        | \$441.48    |
| 039 F020001 | 12:TWO FAMILY           | 14  | SOUTH ST    | MCLAUGHLIN KATHERINE A TRUSTEE | 622,400        | \$441.90    |
| 039 F021001 | 25:PARKING LOTS         | 10  | SOUTH ST    | BROWN J B & SONS               | 27,500         | \$19.53     |
| 039 F022001 | 10:CONDOMINIUMS         | 37  | PLEASANT ST | SWEENEY HILARY &               | 337,100        | \$239.34    |
| 039 F022002 | 10:CONDOMINIUMS         | 37  | PLEASANT ST | WEATHERFORD CLAUDINE &         | 334,700        | \$237.64    |
| 039 F022003 | 10:CONDOMINIUMS         | 37  | PLEASANT ST | WATSON MICHAEL P &             | 337,100        | \$239.34    |
| 039 F022004 | 10:CONDOMINIUMS         | 37  | PLEASANT ST | HOLT MYRA FUJIMOTO TRUSTEE     | 334,700        | \$237.64    |
| 039 F022005 | 10:CONDOMINIUMS         | 37  | PLEASANT ST | COMEAU PETER W &               | 337,100        | \$239.34    |
| 039 F022006 | 10:CONDOMINIUMS         | 37  | PLEASANT ST | HAAS JOHN E &                  | 334,700        | \$237.64    |
| 039 F023001 | 20:COMMERCIAL CONDOS    | 35  | PLEASANT ST | 35 PLEASANT ST LLC             | 299,500        | \$212.65    |
| 039 F023002 | 10:CONDOMINIUMS         | 35  | PLEASANT ST | REITER LAUREN J &              | 801,300        | \$568.92    |
| 039 F025001 | 58:LAND BANKS           | 24  | SOUTH ST    | CITY OF PORTLAND               | -00            | \$0.00      |
| 039 F026001 | 40:VACANT LAND          | 22  | SOUTH ST    | LOMBARDI DEBRA &               | 70,100         | \$49.77     |
| 040 A001001 | 16:11 TO 20 FAMILY      | 79  | HIGH ST     | VICKERY PLEASANT LLC           | 972,540        | \$690.50    |
| 040 A002001 | 14:FOUR FAMILY          | 98  | PLEASANT ST | O'SULLIVAN PATRICIA &          | 905,200        | \$642.69    |
| 040 A003001 | 12:TWO FAMILY           | 92  | PLEASANT ST | MCLARNON STEPHEN R JR &        | 725,400        | \$515.03    |
| 040 A004001 | 15:5 TO 10 FAMILY       | 88  | PLEASANT ST | C M SCRIBNER & CO LIMITED      | 1,366,900      | \$970.50    |
| 040 A005001 | 25:PARKING LOTS         | 76  | PLEASANT ST | LAFAYETTE PORTLAND LLC         | 423,200        | \$300.47    |
| 040 A008001 | 25:PARKING LOTS         | 74  | PLEASANT ST | BROWN J B & SONS               | 100,900        | \$71.64     |
| 040 A009001 | 14:FOUR FAMILY          | 68  | PLEASANT ST | SCHWARTZ DONNA L               | 915,400        | \$649.93    |
| 040 A010001 | 27:MULTI-USE COMMERCIAL | 54  | MAPLE ST    | AXE CAP LLC                    | 558,200        | \$396.32    |
| 040 A011001 | 11:SINGLE FAMILY        | 67  | HIGH ST     | BOURNE KATHERINE L &           | 751,400        | \$533.49    |
| 040 A013001 | 17:21 PLUS FAMILY       | 53  | DANFORTH ST | 53 DANFORTH STREET LP          | 5,255,000      | \$3,731.05  |
| 040 A014001 | 11:SINGLE FAMILY        | 52  | MAPLE ST    | ADLER BRENT                    | 514,400        | \$365.22    |
| 040 A015001 | 15:5 TO 10 FAMILY       | 65  | HIGH ST     | BRICKLIGHT PROPERTIES LLC      | 1,107,600      | \$786.40    |
| 040 A016001 | 17:21 PLUS FAMILY       | 81  | DANFORTH ST | DANFORTH ON HIGH LP            | 3,379,900      | \$2,399.73  |
| 040 A017001 | 15:5 TO 10 FAMILY       | 77  | DANFORTH ST | COLONEL FORBIN LLC             | 1,044,300      | \$741.45    |
| 040 A018001 | 15:5 TO 10 FAMILY       | 75  | DANFORTH ST | COLONEL FORBIN LLC             | 987,300        | \$700.98    |
| 040 A019001 | 15:5 TO 10 FAMILY       | 71  | DANFORTH ST | TELA LLC                       | 1,230,300      | \$873.51    |
| 040 A021001 | 19:AUXILIARY BUILDINGS  | 100 | PLEASANT ST | VICKERY PLEASANT LLC           | 66,500         | \$47.22     |
| 040 A022001 | 15:5 TO 10 FAMILY       | 67  | DANFORTH ST | HARPUA LLC                     | 1,101,400      | \$781.99    |
| 040 A024001 | 15:5 TO 10 FAMILY       | 63  | DANFORTH ST | POSTER NUTBAG LLC              | 721,000        | \$511.91    |

| PARCEL ID   | LAND USE                | NUM | STREET      | OWNER                       | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|-------------|-----------------------------|----------------|-------------|
| 040 A027001 | 11:SINGLE FAMILY        | 50  | MAPLE ST    | MEADE TRACY &               | 623,000        | \$442.33    |
| 040 A028001 | 25:PARKING LOTS         | 46  | MAPLE ST    | BROWN J B & SONS            | 96,100         | \$68.23     |
| 040 A030001 | 16:11 TO 20 FAMILY      | 69  | HIGH ST     | BRICKLIGHT PROPERTIES LLC   | 1,301,300      | \$923.92    |
| 040 B001001 | 25:PARKING LOTS         | 55  | MAPLE ST    | BAKERY LIMITED LIABILITY CO | 119,200        | \$84.63     |
| 040 B002001 | 25:PARKING LOTS         | 58  | PLEASANT ST | BROWN J B & SONS            | 89,200         | \$63.33     |
| 040 B003001 | 13:THREE FAMILY         | 54  | PLEASANT ST | JR SAPPERSTEIN HOLDINGS LLC | 795,000        | \$564.45    |
| 040 B004001 | 27:MULTI-USE COMMERCIAL | 44  | PLEASANT ST | 44 PLEASANT STREET LLC      | 1,528,400      | \$1,085.16  |
| 040 B006001 | 11:SINGLE FAMILY        | 40  | PLEASANT ST | SPERRY ELISABETH &          | 972,600        | \$690.55    |
| 040 B007001 | 27:MULTI-USE COMMERCIAL | 23  | DANFORTH ST | SCHWARTZ DONNA L            | 682,100        | \$484.29    |
| 040 B008001 | 10:CONDOMINIUMS         | 32  | PLEASANT ST | JOSEPH JOEY P               | 312,800        | \$222.09    |
| 040 B008002 | 10:CONDOMINIUMS         | 32  | PLEASANT ST | BROME CHRISTINE             | 327,300        | \$232.38    |
| 040 B008003 | 10:CONDOMINIUMS         | 32  | PLEASANT ST | CARLEY TESS &               | 475,000        | \$337.25    |
| 040 B009001 | 10:CONDOMINIUMS         | 30  | PLEASANT ST | LEVANDOSKI THERESE M        | 312,000        | \$221.52    |
| 040 B009002 | 10:CONDOMINIUMS         | 30  | PLEASANT ST | HANSON JUNE ANDREA          | 325,900        | \$231.39    |
| 040 B009003 | 10:CONDOMINIUMS         | 30  | PLEASANT ST | HOULE RONALD J &            | 400,800        | \$284.57    |
| 040 B010001 | 12:TWO FAMILY           | 20  | PLEASANT ST | WEST ERIK MARK              | 553,300        | \$392.84    |
| 040 B012001 | 22:OFFICE BUSINESS      | 18  | PLEASANT ST | 18 PLEASANT ST ASSOC        | 250,500        | \$177.86    |
| 040 B013001 | 11:SINGLE FAMILY        | 14  | PLEASANT ST | GIOBBI CARLO A JR &         | 638,700        | \$453.48    |
| 040 B015001 | 25:PARKING LOTS         | 10  | PLEASANT ST | GIOBBI CARLO A JR &         | 43,100         | \$30.60     |
| 040 B017001 | 21:RETAIL SERVICES      | 4   | PLEASANT ST | SANTE LLC                   | 114,300        | \$81.15     |
| 040 B018001 | 40:VACANT LAND          | 51  | MAPLE ST    | MEADE TRACY &               | 16,100         | \$11.43     |
| 040 B020001 | 21:RETAIL SERVICES      | 35  | DANFORTH ST | TOBEY LINDA W               | 689,100        | \$489.26    |
| 040 B021001 | 13:THREE FAMILY         | 33  | DANFORTH ST | FOX STEPHEN H               | 574,600        | \$407.97    |
| 040 B022001 | 40:VACANT LAND          | 29  | DANFORTH ST | SCHAIR-CARDONA ERICA &      | 298,000        | \$211.58    |
| 040 B023001 | 25:PARKING LOTS         | 13  | DANFORTH ST | WRIGHT-RYAN REAL ESTATE LLC | 200,800        | \$142.57    |
| 040 B028001 | 21:RETAIL SERVICES      | 1   | DANFORTH ST | SANTE LLC                   | 652,500        | \$463.28    |
| 040 B032001 | 21:RETAIL SERVICES      | 45  | DANFORTH ST | CIGRI & DENG PROPERTIES LLC | 506,200        | \$359.40    |
| 040 B033001 | 10:CONDOMINIUMS         | 56  | PLEASANT ST | O'BRIEN KAYLYN SHAY         | 364,000        | \$258.44    |
| 040 B033002 | 10:CONDOMINIUMS         | 56  | PLEASANT ST | MARCOUX VANESSA L &         | 374,800        | \$266.11    |
| 040 B033003 | 10:CONDOMINIUMS         | 56  | PLEASANT ST | RUNNING SALLY               | 360,800        | \$256.17    |
| 040 C001001 | 16:11 TO 20 FAMILY      | 51  | HIGH ST     | GILLIS PETER J              | 1,374,800      | \$976.11    |
| 040 C002001 | 15:5 TO 10 FAMILY       | 78  | DANFORTH ST | WEST COMPANY                | 1,124,800      | \$798.61    |
| 040 C005001 | 20:COMMERCIAL CONDOS    | 101 | YORK ST     | BROWN J B & SONS            | 2,962,000      | \$2,103.02  |
| 040 C005201 | 10:CONDOMINIUMS         | 25  | HIGH ST     | VEALE PATRICK J &           | 482,400        | \$342.50    |
| 040 C005202 | 10:CONDOMINIUMS         | 25  | HIGH ST     | ESCHBACH KELLY S &          | 340,500        | \$241.76    |

| PARCEL ID   | LAND USE        | NUM | STREET  | OWNER                       | NET ASSESSMENT | FEE @.00071 |
|-------------|-----------------|-----|---------|-----------------------------|----------------|-------------|
| 040 C005203 | 10:CONDOMINIUMS | 25  | HIGH ST | KLEINLERER MICHAL FRED A    | 465,200        | \$330.29    |
| 040 C005204 | 10:CONDOMINIUMS | 25  | HIGH ST | PARK KYUNG SAM              | 389,800        | \$276.76    |
| 040 C005206 | 10:CONDOMINIUMS | 25  | HIGH ST | MYS A RENTALS LLC           | 341,800        | \$242.68    |
| 040 C005207 | 10:CONDOMINIUMS | 25  | HIGH ST | CARRAHER DARIN L            | 337,900        | \$239.91    |
| 040 C005208 | 10:CONDOMINIUMS | 25  | HIGH ST | LAGHAEI FARID &             | 452,200        | \$321.06    |
| 040 C005209 | 10:CONDOMINIUMS | 25  | HIGH ST | GATOS PAMELA &              | 452,200        | \$321.06    |
| 040 C005210 | 10:CONDOMINIUMS | 25  | HIGH ST | HEYMAN ADAM &               | 458,200        | \$325.32    |
| 040 C005211 | 10:CONDOMINIUMS | 25  | HIGH ST | LIEBERMAN KYLE A ETAL JTS   | 457,300        | \$324.68    |
| 040 C005212 | 10:CONDOMINIUMS | 25  | HIGH ST | WEATHERILL CAROLINE AVERY   | 434,800        | \$308.71    |
| 040 C005213 | 10:CONDOMINIUMS | 25  | HIGH ST | PRICE JASON LLOYD &         | 457,300        | \$324.68    |
| 040 C005214 | 10:CONDOMINIUMS | 25  | HIGH ST | DIRECTOR STEVEN &           | 457,300        | \$324.68    |
| 040 C005215 | 10:CONDOMINIUMS | 25  | HIGH ST | CUSHMAN ROBIN MARI TRUSTEE  | 515,300        | \$365.86    |
| 040 C005216 | 10:CONDOMINIUMS | 25  | HIGH ST | CHADBOURNE DENNIS S         | 458,700        | \$325.68    |
| 040 C005301 | 10:CONDOMINIUMS | 25  | HIGH ST | LYONS THOMAS W &            | 459,900        | \$326.53    |
| 040 C005302 | 10:CONDOMINIUMS | 25  | HIGH ST | HARROW DAVID                | 340,500        | \$241.76    |
| 040 C005303 | 10:CONDOMINIUMS | 25  | HIGH ST | SMITH TEALE &               | 465,200        | \$330.29    |
| 040 C005304 | 10:CONDOMINIUMS | 25  | HIGH ST | BROWN LAUREN HINSON &       | 389,800        | \$276.76    |
| 040 C005305 | 10:CONDOMINIUMS | 25  | HIGH ST | DETER AMY &                 | 471,200        | \$334.55    |
| 040 C005306 | 10:CONDOMINIUMS | 25  | HIGH ST | LACOGNATA STUART A          | 341,800        | \$242.68    |
| 040 C005307 | 10:CONDOMINIUMS | 25  | HIGH ST | GRIFFIN ALEXANDER &         | 337,900        | \$239.91    |
| 040 C005308 | 10:CONDOMINIUMS | 25  | HIGH ST | MARTINEZ DANIEL M &         | 452,200        | \$321.06    |
| 040 C005309 | 10:CONDOMINIUMS | 25  | HIGH ST | ADLER SUSAN                 | 429,700        | \$305.09    |
| 040 C005310 | 10:CONDOMINIUMS | 25  | HIGH ST | ROTH MICHAEL D &            | 458,200        | \$325.32    |
| 040 C005311 | 10:CONDOMINIUMS | 25  | HIGH ST | LAMPNER GLENNA H &          | 434,800        | \$308.71    |
| 040 C005312 | 10:CONDOMINIUMS | 25  | HIGH ST | DICKERSON NORVIN KENNEDY IV | 457,300        | \$324.68    |
| 040 C005313 | 10:CONDOMINIUMS | 25  | HIGH ST | GRIDLEY GUY G               | 457,300        | \$324.68    |
| 040 C005314 | 10:CONDOMINIUMS | 25  | HIGH ST | PROFESSIONAL PROPERTIES LLC | 457,300        | \$324.68    |
| 040 C005315 | 10:CONDOMINIUMS | 25  | HIGH ST | INKOULOVA POLINA &          | 515,300        | \$365.86    |
| 040 C005316 | 10:CONDOMINIUMS | 25  | HIGH ST | MILLER DEREK                | 436,200        | \$309.70    |
| 040 C005401 | 10:CONDOMINIUMS | 25  | HIGH ST | SKACEL LAURA E              | 506,600        | \$359.69    |
| 040 C005402 | 10:CONDOMINIUMS | 25  | HIGH ST | ROULE MICHELLE A &          | 357,500        | \$253.83    |
| 040 C005403 | 10:CONDOMINIUMS | 25  | HIGH ST | WOON ASHLEY HARDI           | 488,400        | \$346.76    |
| 040 C005404 | 10:CONDOMINIUMS | 25  | HIGH ST | MORSE KRISTY M              | 386,800        | \$274.63    |
| 040 C005405 | 10:CONDOMINIUMS | 25  | HIGH ST | CHEUNG PATRICIA K           | 494,800        | \$351.31    |
| 040 C005406 | 10:CONDOMINIUMS | 25  | HIGH ST | THYSSEN MICHAEL &           | 358,900        | \$254.82    |



| PARCEL ID   | LAND USE                | NUM | STREET      | OWNER                      | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|-------------|----------------------------|----------------|-------------|
| 040 C005407 | 10:CONDOMINIUMS         | 25  | HIGH ST     | SHELLEY W KIRBY &          | 332,300        | \$235.93    |
| 040 C005408 | 10:CONDOMINIUMS         | 25  | HIGH ST     | BAZINET JAYDE &            | 474,800        | \$337.11    |
| 040 C005409 | 10:CONDOMINIUMS         | 25  | HIGH ST     | PIASIO GEOFF B             | 474,800        | \$337.11    |
| 040 C005410 | 10:CONDOMINIUMS         | 25  | HIGH ST     | SADLER CLIFFORD H &        | 458,600        | \$325.61    |
| 040 C005411 | 10:CONDOMINIUMS         | 25  | HIGH ST     | SCHAFER MORGAN &           | 480,200        | \$340.94    |
| 040 C005412 | 10:CONDOMINIUMS         | 25  | HIGH ST     | KRONENBERG MARIANNE L &    | 480,200        | \$340.94    |
| 040 C005413 | 10:CONDOMINIUMS         | 25  | HIGH ST     | DORNEMAN PENELOPE LEE &    | 480,200        | \$340.94    |
| 040 C005414 | 10:CONDOMINIUMS         | 25  | HIGH ST     | MANSOURI ROZHIN YOUSEFVAND | 480,200        | \$340.94    |
| 040 C005415 | 10:CONDOMINIUMS         | 25  | HIGH ST     | REILLY KATHLEEN E          | 542,200        | \$384.96    |
| 040 C005416 | 10:CONDOMINIUMS         | 25  | HIGH ST     | ROSS NATHAN T &            | 481,600        | \$341.94    |
| 040 C005501 | 10:CONDOMINIUMS         | 25  | HIGH ST     | SCHOLL STEVEN B &          | 554,800        | \$393.91    |
| 040 C005502 | 10:CONDOMINIUMS         | 25  | HIGH ST     | JOHNSTON EDWARD R &        | 391,500        | \$277.97    |
| 040 C005503 | 10:CONDOMINIUMS         | 25  | HIGH ST     | BERRY RICHARD A            | 512,400        | \$363.80    |
| 040 C005504 | 10:CONDOMINIUMS         | 25  | HIGH ST     | FREEDMAN PAUL R TRUSTEE    | 448,300        | \$318.29    |
| 040 C005505 | 10:CONDOMINIUMS         | 25  | HIGH ST     | HIGH QUALITY RENTALS LLC   | 541,900        | \$384.75    |
| 040 C005506 | 10:CONDOMINIUMS         | 25  | HIGH ST     | MARSDEN DAVID &            | 393,000        | \$279.03    |
| 040 C005507 | 10:CONDOMINIUMS         | 25  | HIGH ST     | LADAN LUKA                 | 388,500        | \$275.84    |
| 040 C005508 | 10:CONDOMINIUMS         | 25  | HIGH ST     | CARTER DONALD D JR &       | 497,500        | \$353.23    |
| 040 C005509 | 10:CONDOMINIUMS         | 25  | HIGH ST     | BROWN SARA J HUTCHINSON &  | 520,000        | \$369.20    |
| 040 C005510 | 10:CONDOMINIUMS         | 25  | HIGH ST     | LARLEE BRENT A &           | 504,500        | \$358.20    |
| 040 C005511 | 10:CONDOMINIUMS         | 25  | HIGH ST     | OSTERGAARD LLC             | 526,000        | \$373.46    |
| 040 C005512 | 10:CONDOMINIUMS         | 25  | HIGH ST     | DANIELSEN KERRY E          | 526,000        | \$373.46    |
| 040 C005513 | 10:CONDOMINIUMS         | 25  | HIGH ST     | CONRAD ERIC &              | 526,000        | \$373.46    |
| 040 C005514 | 10:CONDOMINIUMS         | 25  | HIGH ST     | SHAW DAVID E &             | 526,000        | \$373.46    |
| 040 C005515 | 10:CONDOMINIUMS         | 25  | HIGH ST     | PARK MIRI                  | 618,500        | \$439.14    |
| 040 C005516 | 10:CONDOMINIUMS         | 25  | HIGH ST     | BLOOM RYAN M ETAL JTS      | 527,500        | \$374.53    |
| 040 C009001 | 31:MANUFACTURING        | 50  | DANFORTH ST | BROWN J B & SONS           | 1,234,700      | \$876.64    |
| 040 C014001 | 14:FOUR FAMILY          | 41  | HIGH ST     | SACRE LINDA &              | 675,000        | \$479.25    |
| 040 C015001 | 10:CONDOMINIUMS         | 37  | HIGH ST     | MYBURGH ANDREW C &         | 272,600        | \$193.55    |
| 040 C015002 | 10:CONDOMINIUMS         | 37  | HIGH ST     | SOLSTICE INVESTMENTS LLC   | 161,200        | \$114.45    |
| 040 C015003 | 10:CONDOMINIUMS         | 37  | HIGH ST     | VADLA RAVI-KUMAR           | 312,400        | \$221.80    |
| 040 C015004 | 10:CONDOMINIUMS         | 37  | HIGH ST     | THIS THYME AROUND LLC      | 216,900        | \$154.00    |
| 040 C016001 | 12:TWO FAMILY           | 31  | HIGH ST     | BERNOTAVICZ JARAD          | 606,400        | \$430.54    |
| 040 C021001 | 27:MULTI-USE COMMERCIAL | 27  | HIGH ST     | BROWN J B & SONS           | 6,330,000      | \$4,494.30  |
| 040 C026001 | 24:WHOLESALE            | 75  | YORK ST     | YORKSHIRE LLC              | 1,328,500      | \$943.24    |

| PARCEL ID   | LAND USE                | NUM | STREET        | OWNER                       | NET ASSESSMENT | FEE @.00071 |
|-------------|-------------------------|-----|---------------|-----------------------------|----------------|-------------|
| 040 C030001 | 21:RETAIL SERVICES      | 53  | YORK ST       | CASTINE 53 LLC              | 2,133,900      | \$1,515.07  |
| 040 D001001 | 22:OFFICE BUSINESS      | 20  | DANFORTH ST   | BROWN J B & SONS            | 6,121,100      | \$4,345.98  |
| 040 D002001 | 22:OFFICE BUSINESS      | 10  | DANFORTH ST   | WRIGHT-RYAN REAL ESTATE LLC | 1,667,900      | \$1,184.21  |
| 040 E001001 | 25:PARKING LOTS         | 40  | YORK ST       | BROWN J B & SONS            | 1,176,500      | \$835.32    |
| 040 E003001 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | SAMBATAKOS JOHN P &         | 537,700        | \$381.77    |
| 040 E003002 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | HIGONNET CAMILLE            | 437,900        | \$310.91    |
| 040 E003003 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | CUNHA GEORGE AYERS &        | 375,000        | \$266.25    |
| 040 E003004 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | KASUBA PAUL F &             | 541,200        | \$384.25    |
| 040 E003005 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | TAYLOR-CHIARELLO ROBIN      | 593,500        | \$421.39    |
| 040 E003006 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | DODGE MEREDITH A &          | 532,300        | \$377.93    |
| 040 E003007 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | KRUIHOFF CATHERINE H &      | 389,200        | \$276.33    |
| 040 E003008 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | DODGE MEREDITH A &          | 453,300        | \$321.84    |
| 040 E003009 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | KROON THOMAS J &            | 474,500        | \$336.90    |
| 040 E00300H | 20:COMMERCIAL CONDOS    | 311 | COMMERCIAL ST | JBB HOSPITALITY I LLC       | 31,863,200     | \$22,622.87 |
| 040 E00300R | 20:COMMERCIAL CONDOS    | 311 | COMMERCIAL ST | TIQA LEGACY LLC             | 1,315,000      | \$933.65    |
| 040 E003010 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | GRIMM KRISTY &              | 714,000        | \$506.94    |
| 040 E003011 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | CLANCY PAUL                 | 498,500        | \$353.94    |
| 040 E003012 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | AGUINAGA GARY S &           | 532,300        | \$377.93    |
| 040 E003013 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | SNITE DEBORAH               | 428,000        | \$303.88    |
| 040 E003014 | 10:CONDOMINIUMS         | 311 | COMMERCIAL ST | HOBBS JANNA &               | 513,700        | \$364.73    |
| 040 F009001 | 27:MULTI-USE COMMERCIAL | 305 | COMMERCIAL ST | BAXTER PLACE LLC            | 12,695,800     | \$9,014.02  |
| 040 F011001 | 22:OFFICE BUSINESS      | 14  | YORK ST       | BROWN J B & SONS            | 4,195,700      | \$2,978.95  |
| 041 A015001 | 24:WHOLESALE            | 260 | COMMERCIAL ST | WATERFRONT MAINE BT LLC     | 2,270,600      | \$1,612.13  |
| 041 A016001 | 22:OFFICE BUSINESS      | 252 | COMMERCIAL ST | WATERFRONT MAINE            | 22,937,700     | \$16,285.77 |
| 042 A001001 | 23:HOTEL & MOTEL        | 379 | COMMERCIAL ST | APPLE NINE HOSPITALITY      | 42,168,900     | \$29,939.92 |
| 042 A002140 | 20:COMMERCIAL CONDOS    | 383 | COMMERCIAL ST | CENTRAL STREET STUDIOS LLC  | 595,200        | \$422.59    |
| 042 A002141 | 20:COMMERCIAL CONDOS    | 383 | COMMERCIAL ST | CENTRAL STREET STUDIOS LLC  | 304,100        | \$215.91    |
| 042 A002143 | 20:COMMERCIAL CONDOS    | 383 | COMMERCIAL ST | ROHSHABRO CO LLC            | 202,500        | \$143.78    |
| 042 A002144 | 20:COMMERCIAL CONDOS    | 383 | COMMERCIAL ST | DEERING PROPERTY            | 239,500        | \$170.05    |
| 042 A002145 | 20:COMMERCIAL CONDOS    | 383 | COMMERCIAL ST | DEERING PROPERTY            | 85,500         | \$60.71     |
| 042 A002146 | 20:COMMERCIAL CONDOS    | 383 | COMMERCIAL ST | DEERING PROPERTY            | 1,140,000      | \$809.40    |
| 042 A002200 | 10:CONDOMINIUMS         | 383 | COMMERCIAL ST | MCCONAGHA MEGAN &           | 595,000        | \$422.45    |
| 042 A002201 | 10:CONDOMINIUMS         | 383 | COMMERCIAL ST | LANDRY GAIL                 | 362,600        | \$257.45    |
| 042 A002202 | 10:CONDOMINIUMS         | 383 | COMMERCIAL ST | JOHNSON SANDRA W &          | 415,600        | \$295.08    |
| 042 A002203 | 10:CONDOMINIUMS         | 383 | COMMERCIAL ST | ALEXANDER LORI &            | 411,200        | \$291.95    |

| PARCEL ID   | LAND USE        | NUM | STREET        | OWNER                     | NET ASSESSMENT | FEE @.00071 |
|-------------|-----------------|-----|---------------|---------------------------|----------------|-------------|
| 042 A002204 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | YOUNG BRADLEY S &         | 435,900        | \$309.49    |
| 042 A002300 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | STINSON MARTHA            | 691,800        | \$491.18    |
| 042 A002301 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | GEOGHEGAN WILLIAM D       | 739,600        | \$525.12    |
| 042 A002302 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | GALVIN ANDREW D &         | 542,400        | \$385.10    |
| 042 A002303 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | LANE RYAN S               | 423,900        | \$300.97    |
| 042 A002304 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | SKELLY ABIGAIL M &        | 538,300        | \$382.19    |
| 042 A002305 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | THOMAS KYLE               | 423,900        | \$300.97    |
| 042 A002306 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | LEE FRANK                 | 395,400        | \$280.73    |
| 042 A002307 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | HURST KATHRYN NICOLE      | 835,300        | \$593.06    |
| 042 A002308 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | KAUFFMAN JENNIFER LOUISE  | 423,400        | \$300.61    |
| 042 A002309 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | CHASE MARK C TRUSTEE      | 621,100        | \$440.98    |
| 042 A002310 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | MUMME YVONNE B &          | 540,400        | \$383.68    |
| 042 A002311 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | DIRKMAAT ERIK L &         | 814,900        | \$578.58    |
| 042 A002312 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | SJY LLC                   | 410,300        | \$291.31    |
| 042 A002313 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | VAN BRAMER JAYNE MARIE    | 419,700        | \$297.99    |
| 042 A002314 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | DEVLIN ELIZABETH &        | 539,400        | \$382.97    |
| 042 A002315 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | REISS GEORGE E &          | 431,500        | \$306.37    |
| 042 A002316 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | DEXTER AMY S &            | 537,300        | \$381.48    |
| 042 A002317 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | KENNEDY TODD M            | 379,500        | \$269.45    |
| 042 A002318 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | FAVREAU SCOTT A &         | 514,400        | \$365.22    |
| 042 A002319 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | UZEE JOHN H               | 668,900        | \$474.92    |
| 042 A002320 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | KALM HARBOUR LLC          | 440,800        | \$312.97    |
| 042 A002321 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | HALLOCK BRADLEY L &       | 743,600        | \$527.96    |
| 042 A002400 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | BRUENJES MICHAEL &        | 719,100        | \$510.56    |
| 042 A002401 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | COOK RICHARD F JR         | 647,800        | \$459.94    |
| 042 A002402 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | CARAMANDO ANTHONY N       | 593,000        | \$421.03    |
| 042 A002403 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | TIDD PAULETTE S           | 490,300        | \$348.11    |
| 042 A002404 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | EHLER MARLA G &           | 552,000        | \$391.92    |
| 042 A002405 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | CHRIST GUS D &            | 435,400        | \$309.13    |
| 042 A002406 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | ARENSBERG LEE C TRUSTEE   | 435,400        | \$309.13    |
| 042 A002407 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | ENRIGHT SARA &            | 911,900        | \$647.45    |
| 042 A002408 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | RUGGLES PATRICIA WELLS    | 455,400        | \$323.33    |
| 042 A002409 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | HOWARD PROPERTY GROUP LLC | 756,800        | \$537.33    |
| 042 A002410 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | HOLMES JOANNE C TRUSTEE   | 574,500        | \$407.90    |
| 042 A002411 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | TOPPER DAVID C &          | 892,800        | \$633.89    |

| PARCEL ID   | LAND USE        | NUM | STREET        | OWNER                     | NET ASSESSMENT | FEE @.00071 |
|-------------|-----------------|-----|---------------|---------------------------|----------------|-------------|
| 042 A002412 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | DARBY DOUGLAS M           | 463,400        | \$329.01    |
| 042 A002413 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | DERRIEY LIONEL H          | 470,800        | \$334.27    |
| 042 A002414 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | HINKLE THOMAS L &         | 719,100        | \$510.56    |
| 042 A002415 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | O'NEIL TAMATHA SARCHI     | 435,400        | \$309.13    |
| 042 A002416 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | SIMONDS MELISSA G         | 599,300        | \$425.50    |
| 042 A002417 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | CEFALO KYLE J             | 490,900        | \$348.54    |
| 042 A002419 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | PRATT CAROLYN R           | 647,900        | \$460.01    |
| 042 A002420 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | PARK DIANA L &            | 1,031,400      | \$732.29    |
| 042 A002421 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | DARBY CORINN A            | 783,500        | \$556.29    |
| 042 A002500 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | CHILDRESS JAMES WOODROW & | 786,100        | \$558.13    |
| 042 A002501 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | CHAMPAGNE HELEN L TRUSTEE | 675,000        | \$479.25    |
| 042 A002502 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | BRIKIATIS SYLVIE &        | 648,800        | \$460.65    |
| 042 A002503 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | KOZLOWSKI BENJAMIN        | 542,900        | \$385.46    |
| 042 A002504 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | GRADY JANET M             | 657,400        | \$466.75    |
| 042 A002505 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | BEST MANIJEH DELALAT      | 493,300        | \$350.24    |
| 042 A002506 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | BOCIAN THOMAS E &         | 495,300        | \$351.66    |
| 042 A002507 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | DILLON DENIS P TRUSTEE    | 966,000        | \$685.86    |
| 042 A002509 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | NIERMAN MERYL E           | 1,135,600      | \$806.28    |
| 042 A002510 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | NGUYEN DOUGLAS            | 603,500        | \$428.49    |
| 042 A002511 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | DI RE BERNADETTE          | 909,800        | \$645.96    |
| 042 A002512 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | BURSAW MARGARET S         | 529,100        | \$375.66    |
| 042 A002513 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | ROWLINGSON JACK           | 514,900        | \$365.58    |
| 042 A002514 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | GLOVER DAWSON COLEMAN IV  | 724,400        | \$514.32    |
| 042 A002515 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | DEERING PROPERTY          | 493,300        | \$350.24    |
| 042 A002516 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | RITTENBERG RHONDA L &     | 650,900        | \$462.14    |
| 042 A002517 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | HART JESSE P              | 512,800        | \$364.09    |
| 042 A002519 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | FISH MICHAEL J &          | 693,600        | \$492.46    |
| 042 A002520 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | OTTOLINI MARY C &         | 1,121,800      | \$796.48    |
| 042 A002521 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | DAVIN CHRISTOPHER P &     | 865,400        | \$614.43    |
| 042 A002600 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | ANDERSON MARK C &         | 1,327,500      | \$942.53    |
| 042 A002601 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | WOODS STEPHEN &           | 1,364,300      | \$968.65    |
| 042 A002602 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | SCHAFER PAUL A &          | 719,800        | \$511.06    |
| 042 A002603 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | LEIBOWITZ SHELLEY         | 1,375,500      | \$976.61    |
| 042 A002604 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | ANDERSON MARK C &         | 911,500        | \$647.17    |
| 042 A002605 | 10:CONDOMINIUMS | 383 | COMMERCIAL ST | BIT OF PORTLAND LLC       | 706,100        | \$501.33    |

| PARCEL ID   | LAND USE                 | NUM | STREET        | OWNER                        | NET ASSESSMENT | FEE @.00071 |
|-------------|--------------------------|-----|---------------|------------------------------|----------------|-------------|
| 042 A002606 | 10:CONDOMINIUMS          | 383 | COMMERCIAL ST | DRIZLIKH NIMROD E            | 606,100        | \$430.33    |
| 042 A002607 | 10:CONDOMINIUMS          | 383 | COMMERCIAL ST | COSTELLO KARIN F &           | 1,080,500      | \$767.16    |
| 042 A002608 | 10:CONDOMINIUMS          | 383 | COMMERCIAL ST | SIMON GRANT F &              | 588,400        | \$417.76    |
| 042 A002609 | 10:CONDOMINIUMS          | 383 | COMMERCIAL ST | STAVISKY PETER &             | 1,519,300      | \$1,078.70  |
| 042 A002610 | 10:CONDOMINIUMS          | 383 | COMMERCIAL ST | SCHEINDEL MARILYS C &        | 1,282,500      | \$910.58    |
| 042 A002611 | 10:CONDOMINIUMS          | 383 | COMMERCIAL ST | HEARST JUDITH S TRUSTEE      | 2,114,600      | \$1,501.37  |
| 042 A002701 | 10:CONDOMINIUMS          | 383 | COMMERCIAL ST | ARROW-YASKO AMY S            | 2,806,300      | \$1,992.47  |
| 042 A002702 | 10:CONDOMINIUMS          | 383 | COMMERCIAL ST | WILLIAMS WAYNE COLBY &       | 2,112,000      | \$1,499.52  |
| 042 A002704 | 10:CONDOMINIUMS          | 383 | COMMERCIAL ST | CAIAZZO GREG &               | 2,140,100      | \$1,519.47  |
| 042 A002705 | 10:CONDOMINIUMS          | 383 | COMMERCIAL ST | CRAWFORD MARK G &            | 1,192,800      | \$846.89    |
| 042 A002706 | 10:CONDOMINIUMS          | 383 | COMMERCIAL ST | SNELL EUGENE BRYAN &         | 2,754,900      | \$1,955.98  |
| 042 A003001 | 17:21 PLUS FAMILY        | 387 | COMMERCIAL ST | DPD LOT 3 LLC                | 17,364,400     | \$12,328.72 |
| 042 A007001 | 22:OFFICE BUSINESS       | 54  | YORK ST       | 54 YORK LLC                  | 2,859,300      | \$2,030.10  |
| 042 C001110 | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C001120 | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C001130 | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C00114A | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C00114B | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C00114C | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C00114D | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C001150 | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C001160 | 20:COMMERCIAL CONDOS     | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 38,500         | \$27.34     |
| 042 C001170 | 20:COMMERCIAL CONDOS     | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 38,200         | \$27.12     |
| 042 C00118A | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C00118B | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C001190 | 20:COMMERCIAL CONDOS     | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 58,800         | \$41.75     |
| 042 C001210 | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C001310 | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C001320 | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C001330 | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 042 C001CCL | 55:LITERARY & SCIENTIFIC | 344 | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | \$0.00      |
| 045 A001001 | 27:MULTI-USE COMMERCIAL  | 660 | CONGRESS ST   | A K LONGFELLOW LLC           | 578,400        | \$410.66    |
| 045 A002001 | 27:MULTI-USE COMMERCIAL  | 656 | CONGRESS ST   | RICE GEOFFREY I              | 2,155,300      | \$1,530.26  |
| 045 A003001 | 27:MULTI-USE COMMERCIAL  | 638 | CONGRESS ST   | 638 CONGRESS STREET          | 14,389,400     | \$10,216.47 |
| 045 A033001 | 15:5 TO 10 FAMILY        | 177 | STATE ST      | RANS LLC                     | 968,600        | \$687.71    |

| PARCEL ID   | LAND USE                | NUM | STREET        | OWNER                            | NET ASSESSMENT | FEE @.00071    |
|-------------|-------------------------|-----|---------------|----------------------------------|----------------|----------------|
| 045 A034001 | 21:RETAIL SERVICES      | 664 | CONGRESS ST   | RANS LLC                         | 919,900        | \$653.13       |
| 045 A035001 | 21:RETAIL SERVICES      | 670 | CONGRESS ST   | LONGFELLOW SQUARE                | 896,300        | \$636.37       |
| 046 C011001 | 27:MULTI-USE COMMERCIAL | 675 | CONGRESS ST   | RITA LINDA LLC                   | 693,000        | \$492.03       |
| 046 C012001 | 21:RETAIL SERVICES      | 673 | CONGRESS ST   | DOUKAS ANDREW J                  | 345,000        | \$244.95       |
| 046 C013001 | 21:RETAIL SERVICES      | 671 | CONGRESS ST   | DOUKAS ANDREW J &                | 342,100        | \$242.89       |
| 046 C019001 | 27:MULTI-USE COMMERCIAL | 667 | CONGRESS ST   | REDFERN LONGFELLOW LLC           | 31,567,000     | \$22,412.57    |
| 046 D008001 | 11:SINGLE FAMILY        | 15  | AVON ST       | WIEDERKEHR RYAN A                | 553,300        | \$392.84       |
| 046 D017001 | 53:RELIGIOUS            | 156 | HIGH ST       | WILLISTON-IMMANUEL UNITED CHURCH | -00            | \$0.00         |
| 046 D018001 | 21:RETAIL SERVICES      | 653 | CONGRESS ST   | RICE GEOFFREY TRUSTEE            | 437,500        | \$310.63       |
| 046 D021001 | 27:MULTI-USE COMMERCIAL | 655 | CONGRESS ST   | TRELAWNY 657 LLC                 | 14,931,300     | \$10,601.22    |
| 046 D022001 | 27:MULTI-USE COMMERCIAL | 645 | CONGRESS ST   | GASTONIA LLC                     | 7,816,700      | \$5,549.86     |
| 046 D026001 | 27:MULTI-USE COMMERCIAL | 633 | CONGRESS ST   | BURNHAM ARMS LLC                 | 5,907,100      | \$4,194.04     |
| 046 D027001 | 40:VACANT LAND          | 629 | CONGRESS ST   | BURNHAM ARMS ANNEX LLC           | 301,800        | \$214.28       |
| 046 D028001 | 21:RETAIL SERVICES      | 625 | CONGRESS ST   | BURNHAM ARMS ANNEX LLC           | 568,500        | \$403.64       |
| 046 D029001 | 22:OFFICE BUSINESS      | 619 | CONGRESS ST   | BAXTER BUILDING LLC              | 5,069,200      | \$3,599.13     |
| 046 D031001 | 22:OFFICE BUSINESS      | 142 | HIGH ST       | CROSTONE PORTLAND LLC            | 5,438,500      | \$3,861.34     |
| 055 E037001 | 27:MULTI-USE COMMERCIAL | 190 | STATE ST      | HUCKSTER'S ROW PROPERTIES LLC    | 1,208,900      | \$858.32       |
| 055 E039001 | 27:MULTI-USE COMMERCIAL | 188 | STATE ST      | LONGFELLOW SQUARE                | 1,701,600      | \$1,208.14     |
| 444 A001001 | 56:GOVERNMENTAL         | 54  | COMMERCIAL ST | CITY OF PORTLAND                 | -00            | \$0.00         |
| 444 A00500A | 56:GOVERNMENTAL         | 46  | COMMERCIAL ST | CITY OF PORTLAND                 | -00            | \$0.00         |
| 444 A00500B | 20:COMMERCIAL CONDOS    | 46  | COMMERCIAL ST | CASCO BAY MHR LLC                | 6,240,000      | \$4,430.40     |
| 444 A011001 | 58:LAND BANKS           | 54  | COMMERCIAL ST | CITY OF PORTLAND                 | -00            | \$0.00         |
|             |                         |     |               |                                  | 1,888,513,040  | \$1,340,844.26 |

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 5, 2024

**SUBJECT:** Order 228-23/24 Approving the Agreement between the City of Portland and Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, Chair

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No** If action cannot be taken at a later date, please explain why. **Do NOT** write yes or no; that will be automatically generated by the checkbox.

**Does this item involve a new contract with the City: No.**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This is a companion Order with the two Orders above.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Order - Approving Agreement between COP and Portland Downtown
2. PDD Agreement FY2025 - 5172024 for CC

Prepared by:

Date: 06/05/2024



MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER APPROVING THE AGREEMENT BETWEEN THE CITY OF PORTLAND  
AND PORTLAND DOWNTOWN FOR FISCAL YEAR 2024-2025**

**ORDERED**, that the Agreement between the City of Portland and the Downtown Improvement District, Inc. doing business as Portland Downtown is hereby approved; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is hereby authorized to enter into said Agreement in substantially in the form attached and any other documents necessary to effect the intent of this order, and to carry out the Development Plan for the Downtown Improvement District for the period from and after its Effective Date and ending June 30, 2025.

**AGREEMENT BETWEEN  
THE CITY OF PORTLAND  
AND  
DOWNTOWN IMPROVEMENT DISTRICT, INC.  
d/b/a PORTLAND DOWNTOWN**

**AGREEMENT** made as of the 1st day of July, 2024, (the “Effective Date”) by and between the **CITY OF PORTLAND**, a municipal corporation of the State of Maine, (the “City”) and **DOWNTOWN IMPROVEMENT DISTRICT, INC., d/b/a PORTLAND DOWNTOWN**, a Maine non-profit corporation, having its office and place of business at Portland, Maine (“**Portland Downtown**” or “**PD**”).

**WHEREAS**, by Council Orders 306-91/92 dated March 16, 1992, 185-94/95 dated February 22, 1995, 158-03/04 dated March 1, 2004, and 242-18/19 dated June 18, 2018, the City has approved an economic development district designated as the “Downtown Improvement District” (hereinafter, the “District”), a description and map of which are attached hereto as Exhibits A and B respectively and incorporated herein; and

**WHEREAS**, in 1992 the private sector formed an independent, non-profit corporation that has since managed Portland Downtown in fulfilling its mission, which includes, in part, the administration of the provision of supplemental services to the District, as described herein; and

**WHEREAS**, Portland Downtown is in need of services within the District which supplement the baseline services provided by the City (“Supplemental Services”) and the City is willing to provide Supplemental Services pursuant to the terms and conditions set forth in this Agreement.

**NOW, THEREFORE**, in consideration of the covenants herein contained, the parties hereto mutually agree as follows:

**ARTICLE I. Term**

- a. The term of this Agreement shall commence on the Effective Date and expire on June 30, 2025 (the “Term”).

**ARTICLE II. Financial Considerations**

- a. The City will levy development district assessments (“Development District Assessments”) on property in the District as authorized by the City Council and permitted by law. City-owned property, as well as property which is tax exempt under Maine law, shall not be assessed by the City.

- b. For the period commencing on the Effective Date and ending June 30, 2025, the City will pay Portland Downtown in monthly installments, to reflect the Development District Assessments collected by the City net of the all-inclusive administrative fee defined below. Installment payments will be made on the 1<sup>st</sup> of each month beginning July 2024 through and including June 1, 2025. Portland Downtown agrees to an all-inclusive administrative fee, defined as direct and indirect costs, of Ten Thousand Five Hundred Fifty Dollars (\$10,550.00). In addition, the City is entitled to withhold an estimate of uncollected development district assessments from payment to Portland Downtown. The estimate will be provided to Portland Downtown by 2/15/2024. Any difference between estimated and actual uncollected Development District Assessments will be trued up in the next fiscal year pursuant to subsection c below.
- c. In addition to the foregoing, the City will pay in a lump sum, within sixty (60) days from the close of the fiscal year, any amount assessed in a prior year, but collected in a subsequent year. Said payment by City shall be in the amount of the net assessment collected as provided herein, less any amounts remaining to be reimbursed under a prior year Agreement with the City, and considering any prior payments made as per Section b. City will provide Portland Downtown with written detail as to any deductions taken from payments under this paragraph.
- d. Notwithstanding the foregoing, Portland Downtown agrees that it will neither encumber funds which it anticipates receiving from development district assessments nor incur expenditures in anticipation of receipt of such funds except in accord with the line items in the budget attached hereto as Exhibit C, or any subsequent amendments thereto approved by the City.
- e. Portland Downtown has approved Portland Downtown's budget and Development Program in Exhibit C, covering the period beginning on July 1, 2024, and ending on June 30, 2025, and the City Council has approved the special assessment mil rate that provides funding to support the Portland Downtown's budget and Development Program.
- f. Portland Downtown will provide the Director of Finance with an annual certified financial statement, including, but not limited to, a statement of its cash position. At a minimum, the statement shall list all income and expenses, and shall be provided to the Finance Director within six (6) months after the fiscal year ends.
- g. Portland Downtown shall have reasonable access to the City's assessment collection records, and the City shall have reasonable access to the Portland Downtown's books and records.

### **Article III. Baseline Services To be Provided By City**

- a. The City will provide, at no expense to Portland Downtown, all of the services included on the list entitled Baseline City Services that is attached hereto as Exhibit D and made a part hereof (the “Baseline City Services”). The specific nature and amount of such Baseline City Services shall be determined in the City’s reasonable discretion.
- b. The City may reduce the Baseline City Services in its discretion at any time, but only as part of a City-wide reduction in such services.

### **Article IV. Supplemental Downtown District Services To Be Provided By City For A Fee**

- a. The City will provide all of the services included on the list entitled Supplemental Downtown District Services that is attached hereto as Exhibit E and made a part hereof. In consideration of the City’s provision of the Supplemental Downtown District Services, Portland Downtown shall pay the City the total amount set forth in Exhibit F, Public Works Budget, in equal monthly installments during the term of this Agreement.
- b. The City shall endeavor to assign the following City staff (the “City Downtown Staff”) to perform the Supplemental Downtown District Services weekly during the term of this Agreement:

- 1 Public Works Supervisor – Daytime
  - 1 Portland Downtown Steward – Daytime
  - 4 Maintenance Workers – 3 Daytime and 1 Overnight
  - 1 Seasonal Laborer, April 15 – October 31 - Days

The City Downtown Staff shall either be employees of or contractors for the City and shall not be considered to be employees of Portland Downtown. The City reserves the right to increase or decrease the number of City Downtown Staff and to change their hours and schedules if it determines that such increase or decrease is in the City’s best interests, provided that any decrease in such staff shall not result in a material decrease in the Supplemental Downtown District Services.

- c. The City’s Public Works Director and/or designee (the “City Director”) and Portland Downtown’s Executive Director and/or designee (the “PD Director”) agree to meet and communicate on a monthly basis with meeting agendas to ensure quality control in service delivery is meeting expectations and to share updated information on service activities, programs and projects.
  - d. Portland Downtown and City Manager will meet annually on or around April of each year to discuss prioritization of larger projects within the District generally included in baseline services or CIP and managed by other City teams or departments. These include, but are

not limited to, major sidewalk repairs, tree well rehabilitation, landscape installations and other reconstruction projects.

- e. In the event Portland Downtown requests services from City in addition to those included herein, City shall have the option, in its sole discretion, to provide such services with payment to be made by Portland Downtown for any such services on a time and materials basis, or such other basis as the parties may agree in writing. The budget for additional services must be agreed to in advance by the parties. "Time" as used herein shall mean all of the City's employee costs, i.e. hourly wages or salary, and "materials" as used herein shall mean the actual cost to the City of equipment, materials and/or supplies provided or used in connection with such services, with no additional markup. In such cases the City shall provide a detailed and itemized invoice of the individuals providing the service, the time spent by the individuals and the volume and unit cost of materials expended.
- f. It is understood and agreed by the parties that City will adopt an expenditure budget, Exhibit F, which shall be provided to Portland Downtown for preliminary review no later than March 20, 2025, and which will include the cost of the Supplemental Downtown District Services, and that the City will adopt a revenue budget that will provide for the reimbursement of such costs by Portland Downtown as provided hereunder. In the event that either Portland Downtown or the City anticipates that there will be insufficient revenues to pay for such Supplemental Downtown District Services, said party will notify the other party of the anticipated shortfall, and the parties agree to meet promptly and confer to modify the level of Supplemental Downtown District Services that the City is able to provide. It shall be the responsibility of PD to notify City as soon as reasonably possible if such Supplemental Downtown District Services need to be modified or adjusted for anticipated revenue shortfalls or modifications. In the event of a revenue shortfall, the City will have no obligation to provide Supplemental Downtown District Services in excess of PD funds available to reimburse City. The City will have the right, but not the obligation, to continue to provide such Supplemental Downtown District Services to the extent provided in the City budget even in the event of a revenue shortfall. The parties agree to memorialize in writing any changes in the monthly payments due under this Agreement.
- g. In addition to any required City work uniforms, City Downtown Staff will wear vests already purchased by the City, which include the Portland Downtown logo.
- h. Prior to any discussion of modifying, adjusting or terminating this Agreement, Portland Downtown shall invite the City Manager or his designee to a meeting of the Board to discuss such contemplated modification, adjustment or termination.

**Article V. Services To Be Provided By Portland Downtown.**

- a. Except for the Supplemental Services, which shall be provided by the City and paid for by Portland Downtown in accordance with Article IV, Portland Downtown, shall provide the services described in Exhibit C, Portland Downtown's Budget and Development Plan.
- b. In addition to the services described in Exhibit C, Portland Downtown may, at its own expense:
  - i. Provide staff and administrative services for supervision of the daily activities and public space management of the District.
  - ii. Establish positions for administration and management of its programs;
  - iii. Recruit, hire, and pay and otherwise supervise its work force necessary such that it can successfully fulfill its responsibilities.
  - iv. Establish a corporate Board of Directors whose members fairly represent a cross section of taxpayers in the District.
  - v. Establish a mechanism for resolving any dispute to the kind and level of services which may arise between Portland Downtown and persons subject to development district assessments regarding the kind and level of services provided by Portland Downtown. As such time, a dispute cannot be resolved the City Manager will be notified.
  - vi. Provide liaison between the City, the District, property owners, civic groups, interested persons, and other groups and individuals, as necessary to carry out the mission of the Portland Downtown.
  - vii. Maintain all minutes and records of Portland Downtown proceedings as may be required.
  - viii. Participate in decoration, activation, and beautification of public places in the District.
  - ix. Sponsor and promote public events to take place on or in public places in the District, subject to the provisions in Exhibit E.
  - x. Provide advice or feedback to City staff about proposed events in public spaces within the District by sharing various permits the City approves in the District.
  - xi. Advertise and promote non-profit, cultural, educational and commercial business activities in the District.
  - xii. Maintain existing pedestrian way finding signage for the District in accordance with applicable City codes and ordinances.
  - xiii. Conduct public relations, generating favorable publicity for, and enhancing economic growth in, the District.
  - xiv. Facilitate management of the Visitor Information Booth in Tommy's Park.
  - xv. Engage in partnerships with other organizations to provide programs and services.
  - xvi. Install pole banners in the District, provided that Portland Downtown shall obtain the consent of the City's Director of Parks, Recreation and Facilities, or his or her designee, in consultation with Public Works crew, prior to the installation of any banners.
  - xvii. Monitor performance of City Downtown Staff through specific PD access to "See, Click, Fix" software. PD may also track and evaluate outcomes to ensure alignment with this Agreement. Data will be reported to the City's Director of

Public Works by PD's staff during the monthly meeting as designated in Article IV, Section c.

Nothing in this Agreement is intended to or shall be construed to limit Portland Downtown's general powers, as set forth in the Maine Nonprofit Corporation Act, Title 13-B of the Maine Revised Statutes Annotated.

#### **ARTICLE VI. Termination.**

- a. This Agreement may be terminated by either party for good cause. Good cause shall be deemed to be found by the City at such time as Portland Downtown's performance under this Agreement has been determined in the exclusive judgment of the City Manager to be unsatisfactory, which determination shall not be unreasonable.
- b. If Portland Downtown should fail to perform any material covenant, obligation or agreement hereunder for a period of thirty (30) days after written notice from the City Manager specifying such failure, then, upon expiration of the thirty (30) day period, the City Manager may provide Portland Downtown with notice of his intention to terminate the Agreement as provided herein. Portland Downtown shall have a ninety (90) day period, computed from the date of receipt of the notice of intent to terminate, within which to provide satisfactory service. In the event the City Manager should determine, at the expiration of the ninety (90) day period, that Portland Downtown's performance is still unsatisfactory and declare that the Agreement is terminated, the City Manager shall provide Portland Downtown with a written notice of termination. Portland Downtown shall have the right to appeal his decision to the City Council. PD shall file such appeal with the City Manager within seven (7) business days from the date Portland Downtown receives the notice of termination. The terms and conditions of this Agreement shall remain in full force and effect and binding on both parties until the City Council has acted on the appeal.
- c. Portland Downtown shall be deemed to have good cause to terminate this Agreement if (i) the City, pursuant to the provisions of Article II, should reduce its anticipated payments by more than 20% of the amount it would otherwise have paid during the periods from the Effective Date to December 31, 2024, and January 1, 2025 to June 30, 2025; (ii) if the City should be more than 30 days in arrears in any payment due hereunder; or (iii) the City should fail to provide the Supplemental Downtown District Services in a material and substantial way. In the event Portland Downtown should have "good cause" to terminate this Agreement, its relief shall be limited solely to termination of this Agreement, and it shall not be entitled to damages of any kind nor to equitable relief.
- d. Nothing herein shall be construed as giving Portland Downtown the right to perform the work contemplated under this Agreement beyond the time when Portland Downtown's

services become unsatisfactory as determined by the City Manager, following the ninety (90) day notice period, or, in the event of an appeal, beyond the time the City Council has affirmed the City Manager's decision. In case Portland Downtown should be discharged before all the services contemplated hereunder have been completed, or the services for any reason should be stopped, either because of the expiration of the term hereof or because of the inability of Portland Downtown to fulfill its obligations under this Agreement, Portland Downtown shall be reimbursed for all services satisfactorily performed to the date of termination in accordance with Article II hereof. After notice of termination and completion of the appeal process, Portland Downtown shall:

1. With respect to existing activities, take only such actions as the City Manager shall direct;
  2. Upon City's request, assign to the City in the manner, at the times and only to the extent the City, acting by and through its City Manager, may direct it to do so, all the rights, title and interest of Portland Downtown in and to all existing orders and agreements.
  3. To the extent rights, title and interests of Portland Downtown in and to existing orders and agreements may be assigned to the City and accepted by it; obligations incurred on or after such assignment will be assumed by the City. Otherwise, Portland Downtown shall settle all outstanding liabilities and all claims arising out of any terminated orders or agreements.
  4. Deliver to the City, in the manner, at the times and to the extent directed by the City Manager, all documents and data produced by Portland Downtown as part of or in connection with the work.
- e. Either party may terminate or modify this Agreement in the event of a budget shortfall upon no less than Sixty (60) days prior written notice to the other party.
- f. In the event Supplemental Downtown District Services are terminated for any reason by either party, it shall be in City's discretion as to whether it will continue or resume providing such Supplemental Downtown District Services.

#### **ARTICLE VII. Assignment**

Portland Downtown covenants and agrees that it will neither assign nor transfer any rights hereunder, either in whole or in part, without first obtaining the prior written consent of the City.

#### **ARTICLE VIII. Performance of Services**

All services performed under this Agreement shall be performed in a good, workmanlike fashion.



## **ARTICLE IX. Compliance with Law**

Portland Downtown will comply with all applicable provisions of Federal, State, and local law, including, but not limited to, the Civil Rights Act of 1964, in its performance under this Agreement. Portland Downtown shall include a similar provision in each of its subcontracts.

## **ARTICLE X. Indemnification**

- a. Portland Downtown shall, at its own cost and expense, defend, indemnify, and hold harmless the City, its officers, agents, and employees, from and against the following:
  1. to the fullest extent permitted by law, Portland Downtown shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees, arising out of or resulting from the performance of this Agreement, provided that any such claims, damage, loss or expense is (1) attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property, including the loss or use thereof; and (2) is caused in whole or in part by any negligent act or omission of Portland Downtown, anyone directly or indirectly employed by it, or anyone for whose act it may be liable;
  2. all claims and liens of Portland Downtown's consultants, subcontractors, and their laborers, mechanics, material, and/or suppliers. Such obligation shall not be construed either to negate or abridge any other obligation of indemnification, and shall not be limited by any provision for insurance contained in this Agreement.
  3. Notwithstanding the foregoing, nothing herein shall be construed as waiving or otherwise voiding the City's right to all protections under the Maine Tort Claims Act, 14 M.R.S. §§ 8101 et. seq., as the same may be amended from time to time.

## **ARTICLE XI. Insurance**

- a. Neither Portland Downtown nor any of its subcontractors shall commence work under this Agreement until they have provided the insurance coverage required by this Agreement and such coverage has been approved by the City.
- b. Prior to the execution of this Agreement, the Portland Downtown will procure and maintain:
  - Occurrence based Commercial General Liability Insurance coverage in amounts of not less than One Million Dollars (\$1,000,000.00) per occurrence for

bodily injury, death and property damage, including completed operations coverage for no less than two years following completion of the Work;

- Occurrence-based Automobile Liability Insurance coverage in amounts of not less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury, death and property damage;
- Workers' Compensation Insurance coverage to the extent required by law, which shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees;

With respect to the Commercial General Liability and Automobile Liability Insurance, the Portland Downtown shall name the CITY as an additional insured for coverage for claims for which the City does not have governmental immunity, including, without limitation, those areas where government immunity has been expressly waived as set forth in 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the CITY. Policies required herein shall be primary and noncontributory. Prior to execution of this Agreement, the Portland Downtown shall furnish the CITY and thereafter maintain certificates evidencing all such coverages, which certificates shall guarantee thirty (30) days' notice to the CITY of termination of insurance from the insurance provider or agent. Portland Downtown shall also provide a copy of any endorsement naming the CITY as additional insured. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. Upon CITY'S request, Portland Downtown shall provide CITY with a complete copy of any of the above-referenced policies. Portland Downtown shall be responsible for any and all deductibles and/or self-insured retentions (not to exceed \$10,000.00 without prior written approval of Corporation Counsel). CITY's acceptance or lack of acceptance of Portland Downtown's Certificate of Insurance or other evidence of insurance shall not be construed as a waiver of the Portland Downtown's obligation to obtain and maintain such insurance as required by this agreement. If the Portland Downtown maintains broader coverage and/or higher limits than the minimum shown above, the CITY requires and shall be entitled to the broader coverage and/or higher limits maintained by the Portland Downtown.

## **Article XII. No Joint Venture; Independent Contractors**

- a. Nothing contained in this Agreement will constitute or be construed to be or create a partnership or joint venture between the parties or any of their respective officers, directors, employees, affiliates, successors or assigns. The parties understand and agree that this

Agreement does not make either of them an agent or legal representative of the other for any purpose whatsoever. No party is granted, by this Agreement or otherwise, any right or authority to assume or create any obligation or responsibilities, express or implied, on behalf of or in the name of any other party, or to bind any other party in any manner whatsoever.

- b. Each party will secure, at its own expense, all personnel, materials, and equipment required to perform its obligations under this Agreement. Each party, in accordance with its status as an independent contractor, covenants and agrees that its employees shall be regarded for all legal and tax purposes as its own employees during the term of this Agreement, and each party shall govern and supervise the work of its own employees. Each party shall discharge all applicable obligations imposed upon employers under the law, including without limitation payment of wages, social security taxes, withholding taxes, unemployment taxes and worker's compensation. Both parties' employees shall not be considered employees of the other party for any purpose and shall not be entitled to any retirement benefits, social security benefits, unemployment benefits, group health or life insurance, vacation, personal, or sick leave, worker's compensation, or any other similar benefits ("Employment Benefits") from the other party. Each party further covenants and agrees that its employees will conduct themselves consistent with such status, that they will neither hold themselves out as, nor claim to be, officers or employees of the other party by reason of this Agreement, and that its employees will not, by reason of this Agreement, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the other party, including but not limited to the Employment Benefits.
- c. Nothing in this Agreement is intended to or does prohibit Portland Downtown or the City from entering into any other contractual relationship with each other or any third party.

***Signature page follows.***

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**WITNESS**

**CITY OF PORTLAND**

\_\_\_\_\_

By: \_\_\_\_\_  
Danielle P. West  
Its City Manager

**WITNESS**

**DOWNTOWN IMPROVEMENT  
DISTRICT, INC.  
d/b/a PORTLAND DOWNTOWN**

\_\_\_\_\_

By: \_\_\_\_\_  
Dawn Homa  
Its Board Chair

Approved as to Form:

\_\_\_\_\_  
City Corporation Counsel

Approved as to Funds:

\_\_\_\_\_  
City Finance Department

**EXHIBIT A**

(Insert Map of District)

**EXHIBIT B**

(Insert Legal Description of District)

# Portland Downtown District Boundary Map

June 18, 2018

EXHIBIT A

0 500 1,000 2,000 Feet

**Legend**  
Portland Downtown District a/o 7/1/2018

**The following is a description of the boundary of Portland Downtown as of July 1, 2018:**

Beginning at the intersection of the easterly side of State Street and the northerly side of Congress Street;

Thence easterly along the northerly side of Congress Street to the southwesterly side of High Street;

Thence northwesterly along the southwesterly side of High Street to the southerly side of Deering Street;

Thence northeasterly perpendicular to and crossing High Street to the northeasterly side of High Street;

Thence northwesterly along the northeasterly side of High Street to the southeasterly side of Cumberland Avenue;

Thence northeasterly along the southeasterly side of Cumberland Avenue to the southwesterly side of Franklin Street;

Thence southeasterly along the southwesterly side of Franklin Street to the northwesterly side of Commercial Street;

Thence easterly and diagonally across Commercial Street to the intersection of the southeasterly side of Commercial Street with the northeasterly boundary line of the Maine State Pier;

Thence southwesterly along the southeasterly side of Commercial Street to its intersection with the northeasterly side of the road to Wright's Wharf;

Thence northwesterly perpendicular to and crossing Commercial Street to the northwesterly side of Commercial Street;

Thence southwesterly along the northwesterly side of Commercial Street to the northeasterly side of High Street;

Thence northwesterly along the northeasterly side of High Street to the northwesterly side of Spring Street;

Thence southwesterly along the northwesterly side of Spring Street to the northeasterly side of Park Street;



Thence northwesterly along the northeasterly side of Park Street to the southerly side of Congress Street;

Thence westerly along the southerly side of Congress Street to the easterly side of State Street;

Thence northerly along the easterly side of State Street to the northerly side of Congress Street and the Point of Beginning.

Meaning and intending to include all parcels fronting on the streets and contained within the perimeter of the figure as described.

All as shown on a map dated 6/18/2018 entitled Portland Downtown District Boundary Map on file in the City of Portland's Assessor Office and the Economic Development Office. Any inconsistencies between this description and the boundary map shall be controlled by the boundary map.

**EXHIBIT C**

(Insert Portland Downtown Budget)

# PORTLAND'S DOWNTOWN DISTRICT

July 2024 - June 2025

|                                        |                     |
|----------------------------------------|---------------------|
| <b>Income</b>                          |                     |
| ASSESSMENT REVENUE                     | 1,334,572.27        |
| CONTRIBUTIONS INCOME                   | 750.00              |
| EVENT INCOME                           | 39,000.00           |
| INTEREST INCOME                        | 2,643.18            |
| MURAL INCOME                           | 13,125.00           |
| P&W INCOME                             | 2,700.00            |
| <b>Total Income</b>                    | <b>1,392,790.45</b> |
| <b>Expenses</b>                        |                     |
| <b>CLEAN INITIATIVES</b>               |                     |
| ALLEYWAY ACTIVATION EXPENSE            | 250.00              |
| CLEAN & SAFE EXPERIENCE                | 4,800.00            |
| ESTIMATED NONCOLLECTION                | 13,280.28           |
| FIXED FEE FOR DID ADMIN                | 10,550.00           |
| PUBLIC ART                             | 8,625.00            |
| PUBLIC RESTROOM MAINTENANCE, ETC       | 35,000.00           |
| REPAIRS & IMPROVEMENTS                 | 4,980.00            |
| SUPPLEMENTAL SERVICES CONTRACT         | 491,650.00          |
| <b>Total CLEAN INITIATIVES</b>         | <b>569,135.28</b>   |
| <b>DAYS / EVENTS</b>                   |                     |
| 207 DAY                                | 4,500.00            |
| DOWNTOWN WORKER APPR DAY (DWAD)        | 10,000.00           |
| PARK(ING) DAY                          | 1,000.00            |
| POLICE AWARDS BREAKFAST                | 7,000.00            |
| MICRO EVENTS                           | 2,400.00            |
| <b>Total DAYS / EVENTS</b>             | <b>24,900.00</b>    |
| EMPLOYEE COSTS                         | 402,464.03          |
| INSURANCE                              | 4,750.00            |
| LIGHT UP YOUR HOLIDAY EXPENSES         | 41,300.00           |
| MARKETING                              | 35,100.00           |
| OPERATIONS COSTS                       | 37,523.60           |
| ORGANIZATIONAL ACTIVITIES              | 17,100.00           |
| PROFESSIONAL FEES                      | 10,700.00           |
| <b>PROGRAMS AND PARTNERSHIPS</b>       |                     |
| AUDET                                  | 31,500.00           |
| BEHAVIORAL HEALTH                      | 10,000.00           |
| CAMERA PROGRAM                         | 800.00              |
| MILESTONE HOMETEAM                     | 10,000.00           |
| PEER OUTREACH WORKER PROGRAM           | 5,000.00            |
| POLICE CADET PROGRAM EXPENSE           | 51,320.00           |
| VISITOR INFO BOOTH                     | 9,500.00            |
| WINTER LIGHTS                          | 84,000.00           |
| <b>Total PROGRAMS AND PARTNERSHIPS</b> | <b>202,120.00</b>   |
| RENT AND UTILITIES                     | 34,447.54           |
| SPACE ACTIVATION                       | 13,250.00           |
| <b>Total Expenses</b>                  | <b>1,392,790.45</b> |
| <b>Net Income</b>                      | <b>0.00</b>         |

## **EXHIBIT D**

### **BASELINE CITY SERVICES**

**(To be provided City-wide by the City at no cost to Portland Downtown)**

#### ***Capital Improvements and Maintenance***

- Streetscape Amenity Maintenance - The City will repair and correct any defects, deficiencies or problems in the district as necessary. Items of focus include light and utility poles, sidewalks, curbstones, trash cans, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that is now or at some point in the future may be installed. All repairs, etc., will take place within a reasonable time after notice of need.
- Sidewalks - To the extent it is funded, the City will undertake an on-going sidewalk maintenance program to repair existing sidewalks and replace bituminous repairs with permanent repairs.
- Lighting, maintenance, and replacement of all street lights and traffic signals and payment for necessary electrical energy.
- Parks, playgrounds, and trails.

#### ***Beautification***

- Horticulture and tree care in parks, squares and streets.
  - In all public areas, the City will maintain and improve the condition of flowerbeds, trees, tree wells, bushes, plantings and other like horticultural amenities. Such activities shall include the initial planting, timely and appropriate maintenance, preventative and otherwise, and expeditious replacement of any damaged, destroyed or diseased horticultural products, including grass, flowers, and trees.
- Green space maintenance.
  - The City shall maintain and mow all public grassed areas.
- Holiday Decorations. The City will install and remove downtown Holiday decorations throughout the District to include Holiday trees at Monument Square and City Hall Plaza, and provide for electrical energy related costs. This paragraph does not include installation or removal of, or any costs associated with, any of Pandora Lacasse's Winter Lights, which shall be installed and removed at Portland Downtown's sole expense.

#### ***Cleanliness***

- Street sweeping - All streets or parts thereof included in the downtown improvement district zone will be swept from curb line to curb line on an as needed basis.
- Trash removal – Daily and when necessary emptying of all trash and recycling receptacles in the downtown improvement district zone and disposal of resulting waste.
- Street snow plowing and removal - The City will plow and remove snow as necessary from all streets and parts thereof in the downtown improvement district zone.

- Graffiti removal on public property.
- Downtown Blitz - This is a two-week program for time duration. Each year the City shall undertake a dedicated effort to repair, repaint, replace and correct any defects, deficiencies or problems in the district. Items of focus shall include light and utility poles, sidewalks, curbstones, trash cans, benches, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that is now or at some point in the future may be installed. This program will be undertaken as early as possible each Spring and conclude as rapidly as possible. Performance of some activities, i.e. painting, will take place annually as conditions permit. Major capital activity or the reconstruction and/or repair of significant infrastructure (street paving, sewer work, etc.) would not be considered part of this blitz program.

### ***Safety***

- Police protection.
  - A minimum of 4 uniformed patrol officers will intersect all or part of the downtown improvement district area. The actual number of officers will vary depending upon time of day and day of week. During periods when calls for service are typically at their peak, the number of officers assigned will increase significantly, for example during weekend evenings and the summer months. This increase will include foot and bicycle patrols. Officers will be supported with additional personnel (supervisors, detectives, evidence technicians) as necessary.
  - As long as the Community Policing Officer Program is in effect, at least one Community Police Officer will be assigned to the Downtown Improvement District area.
  - Holiday Patrol—from the Friday following Thanksgiving to New Year's Day, patrol efforts will be supplemented by use of a foot patrol. The number of officers and hours of the assignment is dependent upon staffing levels.
- Fire protection.

## **EXHIBIT E**

### **SUPPLEMENTAL DOWNTOWN DISTRICT SERVICES**

**(To be provided in the District by City at an annual fixed fee)**

#### ***Cleanliness, Maintenance, Snow Removal***

- Litter patrol, collection, and disposal on streets, sidewalks, tree wells and public areas within the District.
- Graffiti removal from City property within 5 days of notification.
- Removal of posters from PD poster boards.
- Check condition, catalog, and if necessary paint or clean all public furniture and fixtures twice a year, at minimum. Furniture and fixtures shall include (but not be limited to) the following items:
  - Benches;
  - Trash/recycling receptacles;
  - Light pole bases; and,
  - Planters.
- Sidewalks will be cleaned on a daily basis, weather and season permitting.
- Sidewalk snow removal: All property owners in the District are responsible for maintaining their sidewalks and property in the winter pursuant to Portland City Code §§25-171 to 25-180. Following a snowstorm, the City will provide a clear walkway no less than the width of a sidewalk tractor's capability. To the extent reasonable, the City will clear the sidewalk area, but it is not the intent of the parties that the City will clear the snow from the full width of the sidewalk area. The City will provide ice control to the extent possible. If weather conditions are so severe that the area cannot be plowed due to equipment capability, the City, in its discretion, may choose to delay clearing of the sidewalks but must complete the work within 24 hours of the storm being complete.
- Maintenance and cleaning of Visitor Information Booth in Tommy's Park at least once per month during season (May-October). "Quick response" repairs, such as missing bricks or landscaping damage shall be performed by City Downtown Staff as soon as possible.

#### ***Beautification***

- In addition to horticultural obligations of the City under Exhibit D, the City shall plant flowers and other plants in all flower urns in the District, regularly remove weeds from tree wells, and improve and maintain the same. In performing such services, the City shall pay particular attention to Longfellow Square, Congress Square, Monument Square, Tommy's Park, Post Office Park, Boothby Square, Lincoln Park, Pleasant Street Park, and Bell Buoy Park.

### ***Events in the District***

- Portland Downtown provides events as described in its Budget and Development Program attached as Exhibit C.
- In connection with these events, the City will provide, at no expense to Portland Downtown, the following:
  - Waived event permit fees.
  - “No Parking” signs, wooden barricades, recycling services.
  - Access to City electricity service in public spaces.
  - Police and Fire Department services for Portland Downtown’s annual Tree Lighting event.
  - Support for the Monumental Market in Monument Square, Fridays, June - October, including but not limited to permitting to allow vendors/growers to sell their wares in-line with all appropriate laws of Portland and Maine related to selling Maine-grown produce.
- Notwithstanding the above, Portland Downtown shall be required to comply with all Public Assembly Facilities Division permit requirements and shall be responsible for the City’s costs of the following services at the City’s standard rates:
  - Street closure expenses, including threat prevention;
  - Event personnel, including staff and managers;
  - Police and Fire personnel directly related to an event.
- The City will invoice Portland Downtown for all such services at its then current rates, and Portland Downtown shall pay the City all amounts due within 30 days after receipt of such invoices. Portland Downtown shall also be responsible for paying the City’s Permitting and Inspections Department for any applicable fees associated with licenses required for its events, including, without limitation, licenses for temporary food service, street goods, and liquor.

**Exhibit F**  
**Public Works Budget**



**CITY OF PORTLAND, ME**  
**FY25 DEPARTMENT ANALYSIS WORKSHEET ORG LINE DETAIL w/ CY ACTIVITY EXPENDITURE REPORT**

| ACCOUNT DESCRIPTION                        | FY23<br>ACTUALS | FY24<br>REVISED<br>APPRO<br>(12/31/23) | FY24<br>CY ACTUALS<br>*PER. 1-13 | FY24<br>TOTAL<br>PROJECTION | FY25<br>DEPT<br>REQUEST | INCR<br>(DECR)<br>FY25 / FY24 | APPRO<br>% CHG<br>FY25 / FY24 | FY24-PROJ<br>/<br>FY24-APPRO | FY25-DR<br>/<br>FY24-PROJ |
|--------------------------------------------|-----------------|----------------------------------------|----------------------------------|-----------------------------|-------------------------|-------------------------------|-------------------------------|------------------------------|---------------------------|
| <b>General Fund (100 &amp; 107):</b>       |                 |                                        |                                  |                             |                         |                               |                               |                              |                           |
| <b>PW Operations</b>                       |                 |                                        |                                  |                             |                         |                               |                               |                              |                           |
| <b>Portland Downtown District 10031205</b> |                 |                                        |                                  |                             |                         |                               |                               |                              |                           |
| 10031205 400110 Salaries & Wages           | \$296,221       | \$342,086                              | \$248,489.96                     | \$344,084                   | \$356,988               | \$14,902                      | 4.36%                         | \$1,998.00                   | \$12,904.00               |
| 10031205 400130 Temporary Help             | \$0             | \$0                                    | \$0.00                           | \$0                         | \$0                     | \$0                           | ---                           | \$0.00                       | \$0.00                    |
| 10031205 400140 Overtime Payments          | \$56,145        | \$60,713                               | \$35,221.83                      | \$60,713                    | \$63,112                | \$2,399                       | 3.95%                         | \$0.00                       | \$2,399.00                |
| <b>* Payroll</b>                           | \$352,366       | \$402,799                              | \$283,711.79                     | \$404,797                   | \$420,100               | \$17,301                      | 4.30%                         | \$1,998.00                   | \$15,303.00               |
| 10031205 400260 Workers' Compensation      | \$5,192         | \$0                                    | \$0.00                           | \$0                         | \$0                     | \$0                           | ---                           | \$0.00                       | \$0.00                    |
| 10031205 400271 Wearing Apparel            | \$2,111         | \$2,850                                | \$1,149.60                       | \$2,850                     | \$2,850                 | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 400274 Cellular Phones (EE Reimb) | \$564           | \$600                                  | \$250.00                         | \$600                       | \$600                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| <b>* Benefits</b>                          | \$7,867         | \$3,450                                | \$1,399.60                       | \$3,450                     | \$3,450                 | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 402000 Administrative Services    | \$190           | \$400                                  | \$0.00                           | \$400                       | \$400                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| <b>* Administrative Svcs</b>               | \$190           | \$400                                  | \$0.00                           | \$400                       | \$400                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 403500 Contractual Services       | \$0             | \$0                                    | \$0.00                           | \$0                         | \$0                     | \$0                           | ---                           | \$0.00                       | \$0.00                    |
| 10031205 403510 Advertising                | \$25            | \$100                                  | \$0.00                           | \$100                       | \$100                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 403550 Lab & Medical Services     | \$505           | \$250                                  | \$0.00                           | \$250                       | \$250                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 403560 Printing                   | \$0             | \$50                                   | \$0.00                           | \$50                        | \$50                    | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 403570 Temporary Services         | \$53,582        | \$39,440                               | \$35,932.78                      | \$49,312                    | \$39,440                | \$0                           | 0.00%                         | \$9,872.00                   | (\$9,872.00)              |
| <b>* Contractual Services</b>              | \$54,113        | \$39,840                               | \$35,932.78                      | \$49,712                    | \$39,840                | \$0                           | 0.00%                         | \$9,872.00                   | (\$9,872.00)              |
| 10031205 404010 M&R Buildings              | \$0             | \$0                                    | \$0.00                           | \$0                         | \$0                     | \$0                           | ---                           | \$0.00                       | \$0.00                    |
| 10031205 404020 M&R Other Equipment        | \$0             | \$300                                  | \$0.00                           | \$300                       | \$300                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 404030 M&R Vehicles               | \$0             | \$0                                    | \$0.00                           | \$0                         | \$0                     | \$0                           | ---                           | \$0.00                       | \$0.00                    |
| <b>* Maintenance &amp; Repair</b>          | \$0             | \$300                                  | \$0.00                           | \$300                       | \$300                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 404530 Office Equipment Rental    | \$90            | \$360                                  | \$351.52                         | \$360                       | \$360                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |

CITY OF PORTLAND, ME  
FY25 DEPARTMENT ANALYSIS WORKSHEET ORG LINE DETAIL w/ CY ACTIVITY EXPENDITURE REPORT

| ACCOUNT DESCRIPTION                    | FY23<br>ACTUALS | FY24<br>REVISED<br>APPRO<br>(12/31/23) | FY24<br>CY ACTUALS<br>*PER. 1-13 | FY24<br>TOTAL<br>PROJECTION | FY25<br>DEPT<br>REQUEST | INCR<br>(DECR)<br>FY25 / FY24 | APPRO<br>% CHG<br>FY25 / FY24 | FY24-PROJ<br>/<br>FY24-APPRO | FY25-DR<br>/<br>FY24-PROJ |
|----------------------------------------|-----------------|----------------------------------------|----------------------------------|-----------------------------|-------------------------|-------------------------------|-------------------------------|------------------------------|---------------------------|
| * <b>Rentals</b>                       | \$90            | \$360                                  | \$351.52                         | \$360                       | \$360                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 405510 Agricultural Supplies  | \$0             | \$400                                  | \$0.00                           | \$400                       | \$400                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 405520 Supplies - All Other   | \$10,153        | \$12,550                               | \$5,181.55                       | \$12,550                    | \$12,550                | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 405530 Construction Supplies  | \$501           | \$1,000                                | \$64.92                          | \$750                       | \$1,000                 | \$0                           | 0.00%                         | (\$250.00)                   | \$250.00                  |
| 10031205 405535 Cleaning Supplies      | \$680           | \$1,000                                | \$221.44                         | \$750                       | \$1,000                 | \$0                           | 0.00%                         | (\$250.00)                   | \$250.00                  |
| 10031205 405550 Medical Supplies       | \$208           | \$450                                  | \$169.37                         | \$450                       | \$450                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 405560 Minor Equipment        | \$3,038         | \$2,600                                | \$555.50                         | \$2,600                     | \$2,600                 | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| 10031205 405565 Computers & Technology | \$0             | \$0                                    | \$0.00                           | \$0                         | \$0                     | \$0                           | ---                           | \$0.00                       | \$0.00                    |
| 10031205 405570 Office Supplies        | \$384           | \$600                                  | \$74.48                          | \$600                       | \$600                   | \$0                           | 0.00%                         | \$0.00                       | \$0.00                    |
| * <b>Supplies</b>                      | \$14,965        | \$18,600                               | \$6,267.26                       | \$18,100                    | \$18,600                | \$0                           | 0.00%                         | (\$500.00)                   | \$500.00                  |
| 10031205 405600 Minor Capital Items    | \$0             | \$6,600                                | \$6,462.00                       | \$6,462                     | \$6,600                 | \$0                           | 0.00%                         | (\$138.00)                   | \$138.00                  |
| * <b>Minor Capital Items</b>           | \$0             | \$6,600                                | \$6,462.00                       | \$6,462                     | \$6,600                 | \$0                           | 0.00%                         | (\$138.00)                   | \$138.00                  |
| 10031205 406310 Gas Service            | \$0             | \$0                                    | \$0.00                           | \$0                         | \$0                     | \$0                           | ---                           | \$0.00                       | \$0.00                    |
| 10031205 406320 Electricity            | \$310           | \$2,000                                | \$319.45                         | \$1,000                     | \$2,000                 | \$0                           | 0.00%                         | (\$1,000.00)                 | \$1,000.00                |
| 10031205 406340 Telephone              | \$0             | \$0                                    | \$0.00                           | \$0                         | \$0                     | \$0                           | ---                           | \$0.00                       | \$0.00                    |
| * <b>Utilities</b>                     | \$310           | \$2,000                                | \$319.45                         | \$1,000                     | \$2,000                 | \$0                           | 0.00%                         | (\$1,000.00)                 | \$1,000.00                |
| ** <b>Portland Downtown District</b>   | \$429,900       | \$474,349                              | \$334,444.40                     | \$484,581                   | \$491,650               | \$17,301                      | 3.65%                         | \$10,232.00                  | \$7,069.00                |
| *** <b>PW Operations</b>               | \$429,900       | \$474,349                              | \$334,444.40                     | \$484,581                   | \$491,650               | \$17,301                      | 3.65%                         | \$10,232.00                  | \$7,069.00                |
| **** <b>Public Works</b>               | \$429,900       | \$474,349                              | \$334,444.40                     | \$484,581                   | \$491,650               | \$17,301                      | 3.65%                         | \$10,232.00                  | \$7,069.00                |
| ***** <b>General Fund (0100):</b>      | \$429,900       | \$474,349                              | \$334,444.40                     | \$484,581                   | \$491,650               | \$17,301                      | 3.65%                         | \$10,232.00                  | \$7,069.00                |
| ***** <b>GF Total (100 &amp; 107):</b> | \$429,900       | \$474,349                              | \$334,444.40                     | \$484,581                   | \$491,650               | \$17,301                      | 3.65%                         | \$10,232.00                  | \$7,069.00                |
| Report Total                           | \$429,900       | \$474,349                              | \$334,444.40                     | \$484,581                   | \$491,650               | \$17,301                      | 3.65%                         | \$10,232.00                  | \$7,069.00                |

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Greg Watson, Director

**DATE:** June 5, 2024

**SUBJECT:** Order 229-23/24 Adopting the Development Program for the Portland Tourism Municipal Development District for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

**SPONSOR:** Housing and Economic Development Committee, Councilor Pious Ali/Chair, April 29, 2024, meeting and the vote was 4-0 to recommend approval to the City Council.  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 6/3/2024**

**Final  
Action 6/17/2024**

**Can action be taken at a later date: No** The June 17, 2024, public hearing will be advertised in the *Portland Press Herald* on June 6, 2024.

**Does this item involve a new contract with the City: Yes** and Corporation Counsel has reviewed and approved the Agreement for FY2025.

**PRESENTATION:** Greg Watson/3 Minutes

**I. SUMMARY**

On September 18, 2023, the City Council passed Orders to create the Portland Tourism Development District starting the first half of FY2024 – terminating June 30, 2024, and this item, and the companion items, would approve the District for FY2025.

**II. AGENDA DESCRIPTION**

The Housing and Economic Development Committee reviewed this item at its April 29, 2024 and voted 4-0 to forward this to the City Council with a recommendation to approve the District.

The Portland Tourism Development District ("District") was originally established by the City Council September 18, 2023 for the second half of FY2024 – from January 1, 2024, through June 30, 2024. To continue the District, City Council authorization of establishing the special assessment and approval of the documents is needed.

For FY2025, City Council authorization is needed for the continued operation of the District, which includes: (1) Adopting the Development Program; (2) Establishing Assessments for the District; and, (3) Authorizing the Agreement.

The revenue raised through the special assessment will fund the District's development program expenses for FY2025. The proposed assessment formula is detailed in the Staff Analysis section of this memo.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

To create and start the District, the Housing and Economic Development Committee (HEDC) held several meetings over the course of a couple of years to get to the point of a recommendation to the City Council to create and start this District beginning with the second half of FY2024 – January 1, 2024, through June 30, 2024.

In consultation with Corporation Counsel's office and outside counsel, it was determined that the District could be established using assessments similar to Portland Downtown District (PDD). An assessment would be placed on non-seasonal lodging houses with 40 or more rooms, making up the District, at 1.5% per room sold. The larger lodging houses in the District were identified due to the programming that would occur through the District for leisure, meetings, and conferences.

Using data from 2023, it is estimated that an assessment rate of 1.5% per rooms sold would bring in an estimated \$1.4 Million in assessments for FY2025. The City's administrative fee is 10% of assessments collected, which would net VP an estimated \$1.3 Million for FY2025.

With the District in place, VP has indicated it would have sustainable funding to keep Portland competitive as a tourist and convention destination and provide assurances for additional marketing efforts needed during seasonal or economic downturns. VP would target national audiences and capitalize on growth markets to drive high value, overnight, shoulder season travel to the area, and solidify Portland as a year-round destination. This, in turn, would bolster hotels, restaurants, and retail establishments, their employees, and the multitude of local business contracts needed to run these establishments.

VP indicated that it would be able to track results and show a return on investment as a result of the District.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The intended result would be for the Portland City Council to approve the District in a similar fashion as it does annually for the PDD, which would include approving the Development Program, Assessment Fee, and Agreement.

#### **V. FINANCIAL IMPACT**

Because of the 10% administrative fee to be retained by the City, negotiated and agreed upon by both parties, there is no financial impact to the City. Administrative fees are intended to cover staff costs associated with the administration of the program, as well as provide funding for City infrastructure needs impacted by increased tourism, including but not limited to, new public restrooms and maintenance, new trash receptacles and maintenance, public benches, and transportation.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

Based upon meetings and discussions, terms for the FY2025 District are recommended by staff as follows:

**Agreement Period:** Term of the agreement would be one year based on Fiscal Year, and approved annually by the City Council, similar as to how the PDD is approved annually.

**Assessment Rate and City's Administrative Fee:** The assessment rate will be one and one-half percent (1.5%). Assessments for each individual lodging house would be established based on the following formula:

Number of Rooms x 365 = Number of Rooms/Year x Occupancy % x Average Daily Room Rate Per Hotel Class x 1.5% Assessment Rate.

Example:

125 Rooms x 365 = 45,625

45,625 x 50% = 22,813

22,813 x \$132.00 = \$3,011,250  
\$3,011,250 x 1.5% = \$45,168.75  
\$45,168.75 Assessment to Hotel  
City 10% Admin = \$4,516.88

Please see attached listing of non-seasonal lodging houses with 40 or more rooms, and, with an assessment fee of 1.5% per room sold, it is estimated that the FY2025 assessment would bring in just under \$1.45 Million. With the City's 10% administrative fee of assessments collected, this would yield \$145,012 to the City, and net VP just over \$1.3 Million for FY2025.

The estimated assessment fees are based on the estimated number of rooms sold. VP estimated the occupancy percentage of 50% and the Average Daily Room Rate in these estimates was determined using data from the Smith Travel Research (STR) 2023 Report based on hotel class.

**Annual Reporting:** VP will provide the Director of Finance with an annual certified financial statement for expenses related to the District and the programs and services outlined in the Development Program. The statement shall list all income and expenses related to the District and shall be provided to the Director of Finance within six (6) months after the fiscal year ends.

Visit Portland will produce an annual report to the City reflecting all projects, expenses, and returns on investment of the District.

The City will complete financial reporting on the 10% administrative fee at the same intervals.

## **VII. RECOMMENDATION**

The Housing and Economic Development Committee reviewed this at their April 29, 2024, meeting and voted 4-0 to forward this to the City Council for approval.

## **VIII. LIST ATTACHMENTS**

1. Order - Adopting Development Program for Portland Tourism
2. FY2025 Dev Program
3. Hotel & Assessment Listing
4. FY2024 Tourism District Annual Report

Prepared by:

Greg Watson, Director

Date: 06/05/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER ADOPTING THE DEVELOPMENT PROGRAM FOR THE PORTLAND  
TOURISM MUNICIPAL DEVELOPMENT DISTRICT FOR FISCAL YEAR 2024-2025**

**ORDERED**, that pursuant to 30-A M.R.S. Section 5224, after public hearing, the City Council of the City of Portland hereby adopts the Development Program submitted by the City Manager, a copy of which is attached hereto, for the Portland Tourism Municipal Development District for fiscal year 2024-2025.

**ECONOMIC DEVELOPMENT PROJECT**

**CITY OF PORTLAND, MAINE**

*A Municipal Development District*

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**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT  
DEVELOPMENT PROGRAM**

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*Presented to:*

**City Council  
City of Portland  
June 3, 2024**

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## **Exhibit List**

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| <b>Exhibit A</b> | City of Portland Property Map Showing District Property Relative to City Boundaries |
| <b>Exhibit B</b> | Notice of Public Hearing                                                            |
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| <b>Exhibit D</b> | City Council Order                                                                  |
| <b>Exhibit E</b> | Statutory Requirements and Thresholds Form                                          |

# Development Program

## I. Introduction

The City of Portland (the “City”) seeks to establish a Municipal Development District to be known as the “**Portland Tourism Municipal Development District**” (the “District”), located throughout the City of Portland.

The District includes 23 non-seasonal hotels with 40 rooms or more to be assessed for the District to provide programs, services and improvements as described in this Development Program.

In designating the proposed District and adopting this Development Program, the City can accomplish the following goals:

- Maintain and ideally expand the existing tax revenues flowing from the District properties;
- Enable the investment of assessment payments made by properties uniformly and proportionally benefitting from the Development Program in strategic sales, marketing, promotions, destination development and special events;
- Maintain and create long-term, stable employment opportunities for area residents; and
- Improve the overall economy of the City, the Cumberland County region, and the State of Maine.

## II. Development Program Narrative

### A. The Development District

The District will encompass approximately 42.1269 acres of real property, and includes the following\ City Tax Map/Lots/Blocks: 019-B020001 (0.6552 acres), 042-A001001 (0.807 acres), 20-C009001 (0.7983 acres), 038-G005001 (0.5462 acres), 054-G001001 (.2459 acres), 189-A014001 (4.8057 acres), 040-E00300H (0.767 acres), 210A-A005001 (2.78 acres), 266-A002001 (5.3691), 029-L00100H (0.5829 acres), 265-A001001 (2.9256 acres), 029-K003001 (0.3866 acres), 209A-A016002 (2.2107 acres), 039-E010001 (2.3018 acres), 032-I042001 (0.4392 acres), 065-A003001 (2.007 acres), 266-A001001 (3.0384 acres), 038-F009001 (0.6505 acres), 029-R001001 (0.5596 acres), 267-B001001 (8.173 acres), 020- C010001 (0.7821 acres), 032-C001001 (0.2304 acres), 037-E007001 (1.0647 acres) (each a “District Property”). The District is shown in **Exhibit A** attached hereto.

### B. The Development Program

The City’s designation of the District and adoption of this Development Program allows for the City to fund activities and projects to be supported by the District Property owners, and also coordinate services to ensure effective delivery and proper support for tourism promotion while building on existing revitalization efforts and protection of public and private investment. The travel industry is a major economic driver for the City and Maine. Visitor spending not only

supports tourism-related businesses but also the local artists, lobster/fishing community, cultural institutions, food & beverage establishments, and small businesses that residents alone could not support year-round. Therefore, it is in the public interest of the City, and vital to the welfare of the City's economy, to facilitate and encourage cooperating public-private partnerships where lodging properties become partners with the City for the enhancement and expansion of the travel economy and to provide for increased business activity, tourism, economic development and job creation throughout the District.

The term of the District will commence when established by the City Council and continue indefinitely, subject to annual budget approvals by the City Council, until the Council takes action to terminate or amend the District. District Property owners may submit a petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law.

Under this Development Program, projects as listed below in Table 1 will be executed through an agreement with a development program manager (the "Development Program Manager").

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Statute"). The designation of the District and adoption of the Development Program are effective upon approval by the City Council, evidenced by Exhibit C and Exhibit D hereto.

### **C. The Projects**

District Property owners will pay assessments on an annual basis to support the program. The formation of the District is intended to contribute to the economic growth and wellbeing of the City, and to the betterment of the health, welfare or safety of the inhabitants of the City. To accomplish this intention, the City desires to support the costs described below using District revenues. The City shall not reduce services to the District Properties because of the implementation of the District. Projects and services approved and executed by the District shall be in addition to and not in the place, of municipal projects and services. Assessment revenues must be spent in accordance with the financial plan.

The annual project costs presented in the annual Financial Plan shall be approved by the City Council and must be contained within the project descriptions below and identified in the Order Establishing the Portland Tourism Development District. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates for the second half of the 2024 fiscal year. Future cost estimates for the projects will be approved on an annual basis and will serve as the basis for the assessment calculation.

**TABLE 1**  
**Municipal Projects**

| Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | FY 2025<br>Cost<br>Estimate* |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <ul style="list-style-type: none"> <li>• <b><u>Sales, Marketing, Promotions, Destination Development and Special Events.</u></b></li> </ul> <p>Marketing efforts will reach markets such as Leisure Travelers, Meetings &amp; Conferences, Sporting Events, Destination Weddings and Social Events, International Travelers, Motorcoaches, Cruise Passengers, and Media/Influencers.</p> <p>Marketing messaging will reach all ages of travelers and target all demographics including BIPOC and LGBTQ+.</p> <p>Ten percent (10%) of the Sales, Marketing, Promotions, Destination Development, and Special Events budget shall be allotted specifically to reach the BIPOC, LGBTQ+ markets, and community DEI efforts.</p> <p>Projects may include:</p> <ul style="list-style-type: none"> <li>• Promoting and marketing tourism in different periods (for example out of season or shoulder seasons);</li> <li>• Research &amp; Development of a marketing plan designed to outline a strategy for attracting potential visitors and expand programs to attract diverse visitors at the right time with the right message;</li> <li>• Regional and national leisure marketing and convention trade marketing programs inclusive of broadcast, social, digital, audio, print, pay-per-click and out-of-home channels, designed to increase awareness of and drive overnight traffic to the destination – in turn, benefitting the assessed lodging properties through increased consumer demand and increased year-round room night bookings.;</li> <li>• Public Relations and media programs that enhance the profile of Portland as a visitor, meetings and event destination – in turn, benefitting the assessed lodging properties through increased consumer demanded increased room night bookings;</li> <li>• Dedicated funds to support incentives, hosting fees and other offsetting costs associated with securing strategic industry events, incremental group and convention business, and/or large-scale events for the destination that generate room nights for the assessed lodging properties;</li> <li>• Strategic partnerships, sponsorships, or other alliances that reinforce the City of Portland as a destination of choice within the travel marketplace</li> </ul> | \$745,000                    |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>for meetings, events and leisure travel – in turn, generating greater room night sales to the assessed lodging properties;</p> <ul style="list-style-type: none"> <li>• Attendance at tradeshow, conferences, and professional industry/partner events to promote the destination and the assessed lodging properties;</li> <li>• Sales missions, client events, site inspections, and familiarization tours showcasing the destination and the assessed lodging properties;</li> <li>• Visitor services programs designed to extend stays at assessed lodging properties and increase visitor spending;</li> <li>• Preparation, production, mailing, and distribution of collateral promotional materials such as brochures, flyers, maps, and videos featuring assessed lodging properties;</li> <li>• Research on current and new markets that would result in additional room night sales to assessed lodging properties_</li> </ul> |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

|                |                                       |
|----------------|---------------------------------------|
| <b>Project</b> | <b>FY 2025<br/>Cost<br/>Estimate*</b> |
|----------------|---------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <p><b>B. Business Practices &amp; Workforce Initiatives</b></p> <p>Work with lodging partners, attractions, restaurants, venues and other tourism-related entities to support programs that encourage sustainable visitation. Services <b>may</b> include:</p> <ul style="list-style-type: none"> <li>• Programs to combat congestion at specific locations and reduce pressure on infrastructure and resources that have a negative impact on the quality of life for residents;</li> <li>• Programming to sustain demand and undertaking activities that balance the livability of the destination in popular tourism periods and generating overnight stays from leisure travelers especially during need periods;</li> <li>• Infrastructure or capital improvements, including maintenance activities, that enhance Portland's competitive position to attract desirable special events year around and attract overnight visitors including payment of debt service on such expenditures;</li> <li>• Funds may be deployed to build programs to support a sustainable workforce. Programming may include destination wide workforce assessment, cost analysis and investment strategy, and apprenticeship/educational programming as seasonality requires.</li> </ul> | \$100,000 |
| <p><b>C. <u>District Administration</u></b> The administration portion of the budget shall be utilized for the costs of forming the District shall be repaid to the Development Program Manager from District assessment revenues, as well as administrative costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees incurred by the City and the Development Program Manager.. A portion of the budget will be allocated to a contingency fund. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program or administration costs at the discretion of the Development Program Manager board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Board, subject to approval by the City.</p>                                                                                                                                                                                                                                                                                                                                                           | \$585,120 |
| <p><b>D. <u>Return on Investment/ Quarterly and Annual Reporting</u></b><br/>The Development Program Manager will account for the expenses of the District specific to the services and programming and the return on investment to be recorded in room nights sold, lodging properties occupancy percentages, and revenues generated.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$20,000  |

| Project      | FY 2025<br>Cost<br>Estimate* |
|--------------|------------------------------|
| <b>Total</b> | <b>\$1,450,120</b>           |

\* These are estimates only. The City may approve different budgeted amounts for the listed projects each year.

#### **D. Strategic Growth and Development**

By creating and designating the District, the City can achieve the appropriate level of programs, services and improvements described in this Development Program as well as a fair and appropriate financial contribution from each party benefitting from such activities. Establishing the public private partnership to fund our local tourism industry will pave the way for an engaged community that will be invested in efforts to stabilize and sustain a year-round balanced visitor demand, local workforce development and support, creating a new platform for Portland to elevate the accessibility to its diverse community, support residents and business development, and maintain and evolve experiences for visitors.

In addition, by providing additional services for assessed lodging properties in the City of Portland, the District will ease the burden on local government, which faces constrained budgets, while under obligation to provide equivalent levels of service throughout the entire community.

The City's designation of the District and pursuit of this Development Program constitute a good and valid public purpose described in Chapter 206 of Title 30-A of Maine Revised Statutes because it represents a substantial contribution to the economic well-being of both the City and the region, by supporting surrounding businesses which provide jobs and contribute to property taxes.

#### **E. Improvements to the Public Infrastructure**

As further set forth in Table 1, the City will undertake a variety of operations and maintenance activities, including potential public infrastructure improvements.

#### **F. Operational Components**

##### **1. Public Facilities**

As further set forth in Table 1, the City may undertake public capital improvement projects and maintenance activities.

##### **2. Commercial Improvements Financed Through Development Program**

No commercial improvements will be financed through the District or assessments.

##### **3. Relocation of Displaced Persons**

No persons will be displaced.

#### **4. Transportation Improvements**

No transportation improvements will be financed through the District or Assessments.

#### **5. Environmental Controls**

The improvements made under the proposed Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements for the City.

#### **6. Plan of Operation**

During the term of the District, the City Manager or designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District, including the imposition and collection of implementation assessments.

Pursuant to the Development Districts Law, the City will enter into a contractual arrangement with the Development Program Manager to perform the Projects outlined in Table 1 above and all administrative matters associated with the Development Program other than those matters within the purview of the City. The Development Program Manager shall establish a corporate Board of Directors whose members fairly represent a cross section of assessed property owners or their designees in the District and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.

### **III. Physical Description**

Municipal documents relating to the District's physical description attached as: City of Portland property map showing the District relative to City boundaries. **Exhibit A**

### **IV. Financial Plan**

The District will encompass approximately 42.1269 acres of property and will begin for the 2025 fiscal year July 1, 2024 – June 30, 2025, with subsequent fiscal years with an indefinite term of years to be terminated only upon Council action.

#### **A. Cost Estimate and Sources of Revenues**

All non-seasonal lodging properties with forty (40) or more rooms within the boundaries of the City of Portland that meet the assessed property criteria shall be assessed. The assessment is based upon the benefits received from the district programming, derived from the business activity related to the parcel. The fiscal year method and assessment rate is based on short term room rental using the US Average, Average Daily Rate (ADR) multiplied by fifty-percent (50%) occupancy as reported by STR year or, when unavailable, as reported by the District Property, for the previous year, multiplied by one and one-half percent (1.5%) which is also equal to one and one-half percent (1.5%) of annual gross short-term room rental revenue.



With a July 1, 2024, District begin date, the budget is based on July 1, 2024, to June 30, 2025, business activity as reported by STR as outlined above, or when unavailable as reported by District Property owners. The subsequent annual assessment will be calculated in a similar manner to the initial assessment using the most recent available previous fiscal year data as reported by STR as outlined above, or when unavailable by District Property Owners.

Assuming a July 1, 2024 District begin date, the District is expected to have a budget (FY2025) of approximately \$1,450,119, based on the assessment rate described above and the cost of programs detailed in the attached budget and as described in Table 1.

#### **B. Collections and Remittance**

Pursuant to the Development Districts Law, assessments must be collected by the City at the same time and in the same manner as municipal taxes, following municipal procedures as outlined by the City of Portland. The City shall forward to the Development Program Manager all District assessment funds collected within thirty (30) days of collection, less a ten (10) percent City administrative fee as authorized in the District Development Program. The City tax collector has all the authority and powers by law to collect the assessments. If any District Property owner fails to pay any assessment or part of an assessment on or before the dates required, the City has all the authority and powers to collect the delinquent assessments vested in the City by law to collect delinquent municipal taxes. Penalties for nonpayment of assessments shall be equivalent to penalties for nonpayment of property taxes. Assessments may be remitted on a monthly basis in advance of the municipal tax billing. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district. The City may require reporting and conduct an audit without cause no more than once every year to verify remittance in accordance with the assessment formula.

#### **C. Municipal Indebtedness**

The City reserves the right to issue municipal bonds in order to pay for costs of maintenance and operations costs. Any municipal bond issued for such project would require City Council approval and follow Charter required process.

#### **D. Related Contract, Agreements, and Obligations**

There are no existing terms and conditions of any agreements, contracts, or other obligations related to this Program, other than the anticipated contract with the Development Program Manager to implement the Projects outlined in Table 1 above and all other administrative matters concerning the implementation and operation of the District, other than those matters within the purview of the City.

#### **E. Rollover Funds**

Any and all unused fee funds collected during a year may be rolled over to the subsequent year to be used for programs detailed in the Financial Plan. In the event of termination of the

District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be appropriated for the purposes of this Development Program.

#### **F. Reserve Policy**

The District's Development Program Manager may develop a Reserve Policy to establish minimum levels for designated funds to ensure stable program and project execution, meet future needs, and protect against financial instability, subject to approval by the City.

### **V. Financial Data**

Please find attached as **Exhibit E** the Statutory Requirements and Thresholds Form required by the Maine Department of Economic and Community Development.

### **VI. Municipal Approvals**

#### **A. Notice of Public Hearing**

Attached as **Exhibit A** is a copy of the Notice of Public Hearing held on June 17, 2024, in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The notice was published in the Portland Press Herald, a newspaper of general circulation in the City on a date at least ten (10) days prior to the public hearing.

#### **B. Minutes of Public Hearing**

Attached as **Exhibit C** is a certified copy of the minutes of the public hearing held on June 17, 2024, at which time the proposed District was discussed by the public.

#### **C. City Council Order**

Attached as **Exhibit D** is an attested copy of the City Council Order adopted by the Portland City Council at a Council Meeting duly called and held on June 17, 2024, designating the District and adopting the Development Program.

EXHIBIT A

CITY OF PORTLAND PROPERTY MAP SHOWING DISTRICT PROPERTY  
RELATIVE TO CITY BOUNDARIES

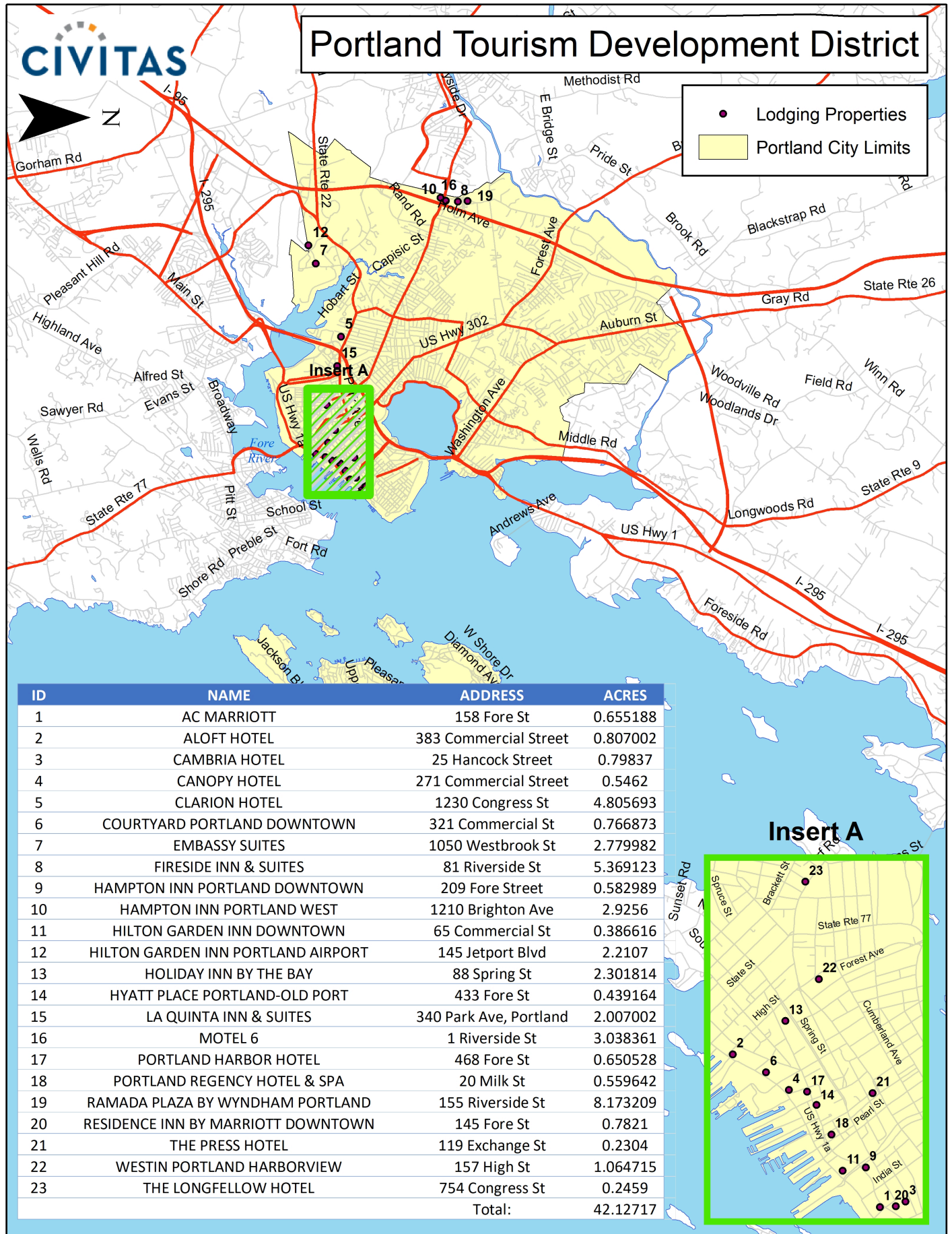


EXHIBIT B  
NOTICE OF PUBLIC HEARING

EXHIBIT C  
MINUTES OF PUBLIC HEARING

EXHIBIT D  
CITY COUNCIL ORDER

EXHIBIT E  
STATUTORY REQUIREMENTS AND THRESHOLDS FORM



**EXHIBIT E**  
**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/FY2025**

| <b>SECTION A.   Acreage Caps</b>                                                                                                                                                                                                                                                                                                                                                                |          |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------|
| 1. Total <b>municipal</b> acreage;                                                                                                                                                                                                                                                                                                                                                              | 13,785.6 |               |
| 2. Acreage of <b>proposed</b> Municipal Development District;                                                                                                                                                                                                                                                                                                                                   | 42.1269  |               |
| 3. <b>Downtown-designation</b> <sup>1</sup> acres in proposed Municipal Development District;                                                                                                                                                                                                                                                                                                   | 0        |               |
| 4. <b>Transit-Oriented Development</b> <sup>2</sup> acres in proposed Municipal Development District;                                                                                                                                                                                                                                                                                           | 0        |               |
| 5. <b>Total acreage</b> [=A2-A3-A4] of proposed Municipal Development District counted toward 2% limit;                                                                                                                                                                                                                                                                                         | 42.1269  |               |
| 6. <b>Percentage</b> [=A5÷A1] of total acreage in proposed Municipal Development District (CANNOT EXCEED 2%).                                                                                                                                                                                                                                                                                   | .3056%   |               |
| 7. <b>Total acreage</b> of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>including</b> Municipal Affordable Housing Development districts: <sup>3</sup> <a href="#">SEE ATTACHED LISTING</a> .<br>District Name/Acreage      District Name/Acreage      District Name/Acreage<br>District Name/Acreage      District Name/Acreage      District Name/Acreage          | Existing | 847.5118      |
|                                                                                                                                                                                                                                                                                                                                                                                                 | Proposed | 42.1269       |
|                                                                                                                                                                                                                                                                                                                                                                                                 | Total:   | 889.6387      |
| <b>30-A § 5223(3) EXEMPTIONS<sup>4</sup></b>                                                                                                                                                                                                                                                                                                                                                    |          |               |
| 8. Acreage of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district;                                                                                                                                                                                                                                                                                                               | 416.7288 |               |
| 9. Acreage of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts:<br>District Name/Acreage      District Name/Acreage                                                                                                                                                                                                                                     | 30.00    |               |
| 10. Acreage of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts:<br>District Name/Acreage      District Name/Acreage                                                                                                                                                                                                                                            | 0        |               |
| 11. Acreage in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> <sup>5</sup> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such acreage also factored in Exemptions 8-10 above:<br>District Name/Acreage      District Name/Acreage      District Name/Acreage<br>District Name/Acreage      District Name/Acreage      District Name/Acreage | 0        |               |
| 12. <b>Total acreage</b> [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;                                                                                                                                                                                                                                                                   | 442.910  |               |
| 13. <b>Percentage of total acreage</b> [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).                                                                                                                                                                                                                                                                    | 3.2128%  |               |
| 14. <b>Real property</b> in proposed Municipal Development District that is:                                                                                                                                                                                                                                                                                                                    | ACRES    | % [=Acres÷A2] |
| a. A blighted area;                                                                                                                                                                                                                                                                                                                                                                             |          |               |
| b. In need of rehabilitation, redevelopment or conservation;                                                                                                                                                                                                                                                                                                                                    |          |               |
| c. Suitable for commercial or arts district uses.                                                                                                                                                                                                                                                                                                                                               | 42.1269  | 100%          |
| <b>TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)</b>                                                                                                                                                                                                                                                                                                               |          |               |

<sup>1</sup> Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

<sup>2</sup> For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

<sup>3</sup> For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

<sup>4</sup> Downtown/TOD overlap nets single acreage/valuation caps exemption.

<sup>5</sup> PTZ districts approved through December 31, 2008.

**EXHIBIT E**  
**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/FY2025**

| SECTION B.   Valuation Cap       |                                                                                                                                                                                                                                                                                                                                                       |          |     |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----|
| 1.                               | Total TAXABLE municipal valuation—use most recent April 1;                                                                                                                                                                                                                                                                                            | N/A      |     |
| 2.                               | Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;                                                                                                                                                                                       | N/A      |     |
| 3.                               | Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>excluding</b> Municipal Affordable Housing Development districts:<br><br>District Name/OAV      District Name/OAV      District Name/OAV<br>District Name/OAV      District Name/OAV      District Name/OAV                                                    | Existing | N/A |
|                                  |                                                                                                                                                                                                                                                                                                                                                       | Proposed | N/A |
|                                  |                                                                                                                                                                                                                                                                                                                                                       | Total:   | N/A |
| <b>30-A § 5223(3) EXEMPTIONS</b> |                                                                                                                                                                                                                                                                                                                                                       |          |     |
| 4.                               | Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;                                                                                                                                                                                                                                                                           | N/A      |     |
| 5.                               | Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:<br>District Name/OAV      District Name/OAV                                                                                                                                                                                                         | N/A      |     |
| 6.                               | Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:<br>District Name/OAV      District Name/OAV                                                                                                                                                                                                                 | N/A      |     |
| 7.                               | Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation <sup>6</sup> Municipal TIF districts:<br>District Name/OAV      District Name/OAV                                                                                                                                                                                          | N/A      |     |
| 8.                               | Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such OAV also factored in Exemptions 4-7 above:<br>District Name/OAV      District Name/OAV      District Name/OAV<br>District Name/OAV      District Name/OAV      District Name/OAV | N/A      |     |
| 9.                               | Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;                                                                                                                                                                                                                               | N/A      |     |
| 10.                              | Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).                                                                                                                                                                                                                                  | N/A      |     |

| COMPLETED BY                                                                                                                                                                                                                                                                                                       |               |      |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------|-----------|
| PRINT NAME                                                                                                                                                                                                                                                                                                         | Lori Paulette |      |           |
| SIGNATURE                                                                                                                                                                                                                                                                                                          |               | DATE | 4/26/2024 |
| If this form has <b><u>not be completed by the municipal or plantation assessor</u></b> , the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District. |               |      |           |
| PRINT NAME                                                                                                                                                                                                                                                                                                         | Elisa Marr    |      |           |
| SIGNATURE                                                                                                                                                                                                                                                                                                          |               | DATE |           |

<sup>6</sup> For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

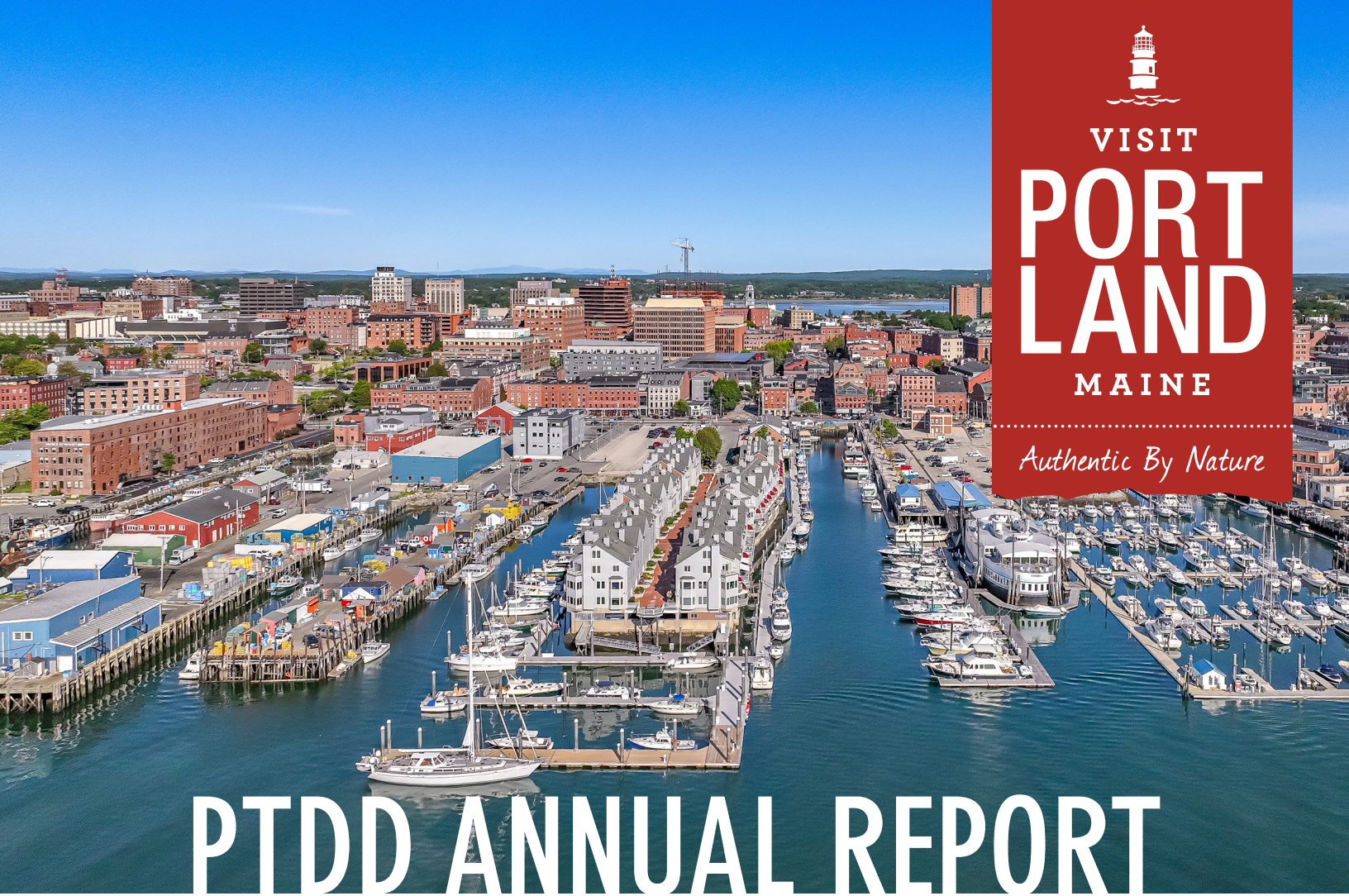
**Listing of Existing TIF Districts for Proposed Tourism Development District for FY2025**

4/23/2024

| <b>Active TIFs</b>                                           |                       |                                      |                 |
|--------------------------------------------------------------|-----------------------|--------------------------------------|-----------------|
| <b>TIF District</b>                                          | <b>FY Start/End</b>   | <b>Original Assessed Value (OAV)</b> | <b>Acres</b>    |
| Waterfront/and W Maine Sub District/Added March 2018 Parcels | FY2002-03/FY2031-32   | \$8,283,740                          | 6.625           |
| - WTIF 9/2018 Added Parcels                                  |                       | \$20,076,870                         | 77.560          |
| - WTIF 5/2019 Added Parcels                                  |                       | \$5,938,400                          | 13.430          |
| Bayside Expanded TIF District                                | FY2003-04/FY2032-33   | \$121,639,640                        | 128.728         |
| Pearl Place/Avesta-AH TIF                                    | FY2007-08/FY2035-36   | \$0                                  | 1.035           |
| Public Market/Power Pay                                      | FY2010-11/FY2039-40   | \$1,862,600                          | 1.070           |
| McAuley Place                                                | FY2009-10/FY2038-39   | \$0                                  | 5.320           |
| Avesta/409 Cumberland Ave-AH TIF                             | FY2013-14/FY2034-35   | \$0                                  | 0.410           |
| Thompson's Pt TOD/TIF II                                     | FY2014-15/FY2043-44   | \$4,970,470                          | 30.000          |
| 134 Washington Avenue/AH TIF                                 | FY2014-15/FY2033-34   | \$0                                  | 0.230           |
| 17 Carleton St/AH TIF                                        | FY2015-16/FY2036-37   | \$0                                  | 0.572           |
| Downtown TOD TIF                                             | FY2015-16/FY2044-45   | \$964,702,263                        | 416.7288        |
| ImmuCell TIF                                                 | FY2017-18/FY2028-29   | \$52,600                             | 1.110           |
| 58 Boyd Street/AH TIF                                        | FY2018-19/FY2047-48   | \$0                                  | 0.480           |
| 178 Kennebec St/AH TIF                                       | FY2019-20/FY2048-49   | \$0                                  | 0.220           |
| Deering Place/AHTIF                                          | FY2018-19/FY2047-48   | \$0                                  | 1.090           |
| 977 Brighton Avenue/AHTIF                                    | FY2019-20/FY2048-49   | \$0                                  | 0.730           |
| 66 State Street AHTIF                                        | FY2020-2021/FY2049-50 | \$0                                  | 0.509           |
| PHA Front Street AHTIF                                       | FY2020-2021/FY2049-50 | \$0                                  | 3.487           |
| 200 Valley Street AHTIF                                      | FY2020-2021/FY2049-50 | \$0                                  | 0.344           |
| 577 Washington Avenue AHTIF                                  | FY2020-2021/FY2049-50 | \$0                                  | 3.610           |
| 337 Cumberland Avenue AHTIF                                  | FY2020-2021/FY2049-50 | \$0                                  | 0.452           |
| 104 Grant Street AHTIF                                       | FY2020-2021/FY2049-50 | \$0                                  | 0.330           |
| 83 Middle Street AHTIF                                       | FY2020-2021/FY2049-50 | \$0                                  | 0.285           |
| 91 Winter Street AHTIF                                       | FY2021-2022/FY2050-51 | \$0                                  | 0.0000          |
| 73 Winter Street AHTIF                                       | FY2021-2022/FY2050-51 | \$0                                  | 0.3941          |
| 45 Dougherty Street AHTIF                                    | FY2023/2024/FY2052-53 | \$0                                  | 1.6750          |
| 25 Casco Street AHTIF                                        | FY2024-2025/FY2053-54 | \$0                                  | 0.312           |
| Riverton Park                                                | FY2024-2025/FY2043-44 | \$0                                  | 19.8649         |
| Portland Tourism Dev. District                               | n/a                   | n/a                                  | 42.1269         |
| Portland Downtown Munic. Dev. Dist.                          | n/a                   | n/a                                  | 130.9100        |
| <b>Sub-Total:</b>                                            |                       | <b>\$1,127,526,583</b>               | <b>889.6387</b> |
| <b>Less Exempt:</b>                                          |                       |                                      |                 |
| Thompson's Point (TOD TIF)                                   | FY2014-15/FY2043-44   | -\$4,970,470                         | -30.000         |
| Downtown TOD District                                        | FY2015-16/FY2044-45   | -\$964,702,263                       | -416.7288       |
| <b>Totals for Caps:</b>                                      |                       | <b>\$157,853,850</b>                 | <b>442.910</b>  |
|                                                              |                       |                                      |                 |
| <b>FY2023 Aggregate Total Value:</b>                         |                       | \$14,872,866,446                     |                 |
| <b>Total Acreage for Ptd:</b>                                |                       |                                      | 13,785.600      |
| <b>5% Allowed to be TIF'd:</b>                               |                       | \$743,643,322                        | 689.280         |
| <b>Current Amounts TIF'd:</b>                                |                       | \$157,853,850                        | 442.910         |
| <b>Amount Remaining that can be TIF'd:</b>                   |                       | <b>\$585,789,472</b>                 | <b>246.370</b>  |

| NON-SEASONAL LODGING PROPERTIES<br>OF 40 ROOMS OR MORE TO BE<br>ASSESSED FOR PROPOSED PORTLAND<br>TOURISM DEVELOPMENT DISTRICT-<br>FY2025 AS OF 4/25/2024 | Address                   | Chart-Block-Lot | Acreage        |  | Number of<br>Rooms | Number of<br>Rooms per year | Rooms<br>Rented at<br>Annual<br>Average Rate<br>of 50% Per<br>Class | Est. Room<br>Revenue Per Hotel<br>Class Using US<br>Average Daily<br>Rate (ADR)<br>(YEAR-TO-DATE<br>JUNE 2023) | Estimated<br>Assessment for<br>FY2025, Based<br>on 50% ADR *<br>1.5%<br>Assessment | 10% of<br>Assesment Fee<br>to City Adm. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------|----------------|--|--------------------|-----------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------------------|
| <b>Hotel Name</b>                                                                                                                                         |                           |                 |                |  |                    |                             |                                                                     |                                                                                                                |                                                                                    |                                         |
| <b>- Economy Class</b>                                                                                                                                    |                           |                 |                |  |                    |                             | <b>50.0%</b>                                                        | <b>\$77.00</b>                                                                                                 | <b>1.50%</b>                                                                       | <b>10%</b>                              |
| Motel 6 Portland ME                                                                                                                                       | 1 Riverside St            | 266 A001001     | 3.0384         |  | 128                | 46,720                      | 23,360                                                              | \$1,798,720.00                                                                                                 | \$26,980.80                                                                        | \$2,698.08                              |
| <b>- Midscale Class</b>                                                                                                                                   |                           |                 |                |  |                    |                             | <b>50.0%</b>                                                        | <b>\$99.00</b>                                                                                                 | <b>1.50%</b>                                                                       | <b>10%</b>                              |
| Ramada Plaza By Wyndham<br>Portland                                                                                                                       | 155 Riverside St          | 267 B001001     | 8.173          |  | 119                | 43,435                      | 21,718                                                              | \$2,150,032.50                                                                                                 | \$32,250.49                                                                        | \$3,225.05                              |
| <b>- Upper Midscale Class</b>                                                                                                                             |                           |                 |                |  |                    |                             | <b>50.0%</b>                                                        | <b>\$132.00</b>                                                                                                | <b>1.50%</b>                                                                       | <b>10%</b>                              |
| La Quinta Inn & Suites by<br>Wyndham Portland                                                                                                             | 340 Park Ave,<br>Portland | 065 A003001     | 2.007          |  | 105                | 38,325                      | 19,163                                                              | \$2,529,450.00                                                                                                 | \$37,941.75                                                                        | \$3,794.18                              |
| Clarion Hotel Airport                                                                                                                                     | 1230 Congress St          | 189 A014001     | 4.8057         |  | 149                | 54,385                      | 27,193                                                              | \$3,589,410.00                                                                                                 | \$53,841.15                                                                        | \$5,384.12                              |
| Hampton Inn Portland Downtown<br>- Waterfront                                                                                                             | 209 Fore Street           | 029 L00100H     | 0.5829         |  | 125                | 45,625                      | 22,813                                                              | \$3,011,250.00                                                                                                 | \$45,168.75                                                                        | \$4,516.88                              |
| Holiday Inn By The Bay                                                                                                                                    | 88 Spring St              | 039 E010001     | 2.3018         |  | 239                | 87,235                      | 43,618                                                              | \$5,757,510.00                                                                                                 | \$86,362.65                                                                        | \$8,636.27                              |
| Hampton Inn & Suites Portland<br>West                                                                                                                     | 1210 Brighton Ave         | 265 A001001     | 2.9256         |  | 86                 | 31,390                      | 15,695                                                              | \$2,071,740.00                                                                                                 | \$31,076.10                                                                        | \$3,107.61                              |
| Fireside Inn & Suites Portland                                                                                                                            | 81 Riverside St           | 266 A002001     | 5.3691         |  | 200                | 73,000                      | 36,500                                                              | \$4,818,000.00                                                                                                 | \$72,270.00                                                                        | \$7,227.00                              |
| <b>- Upscale Class</b>                                                                                                                                    |                           |                 |                |  |                    |                             | <b>50%</b>                                                          | <b>\$163.00</b>                                                                                                | <b>1.5%</b>                                                                        | <b>10%</b>                              |
| Residence Inn By Marriott<br>Portland Downtown/Waterfront                                                                                                 | 145 Fore St               | 020 C010001     | 0.7821         |  | 179                | 65,335                      | 32,668                                                              | \$5,324,802.50                                                                                                 | \$79,872.04                                                                        | \$7,987.20                              |
| Hilton Garden Inn Portland<br>Downtown Waterfront                                                                                                         | 65 Commercial St          | 029 K003001     | 0.3866         |  | 120                | 43,800                      | 21,900                                                              | \$3,569,700.00                                                                                                 | \$53,545.50                                                                        | \$5,354.55                              |
| AC Hotel by Marriott Portland<br>Downtown/Waterfront                                                                                                      | 158 Fore St               | 019 B020001     | 0.6552         |  | 178                | 64,970                      | 32,485                                                              | \$5,295,055.00                                                                                                 | \$79,425.83                                                                        | \$7,942.58                              |
| Courtyard by Marriott Portland<br>Downtown/Waterfront                                                                                                     | 321 Commercial St         | 040 E00300H     | 0.767          |  | 132                | 48,180                      | 24,090                                                              | \$3,926,670.00                                                                                                 | \$58,900.05                                                                        | \$5,890.01                              |
| Hyatt Place Portland-Old Port                                                                                                                             | 433 Fore St               | 032 I042001     | 0.4392         |  | 130                | 47,450                      | 23,725                                                              | \$3,867,175.00                                                                                                 | \$58,007.63                                                                        | \$5,800.76                              |
| Cambria Hotel Portland<br>Downtown / Old Port                                                                                                             | 25 Hancock Street         | 020 C009001     | 0.7983         |  | 102                | 37,230                      | 18,615                                                              | \$3,034,245.00                                                                                                 | \$45,513.68                                                                        | \$4,551.37                              |
| Aloft Portland Maine                                                                                                                                      | 379 Commercial<br>Street  | 042 A001001     | 0.807          |  | 157                | 57,305                      | 28,653                                                              | \$4,670,357.50                                                                                                 | \$70,055.36                                                                        | \$7,005.54                              |
| Hilton Garden Inn Portland Airport                                                                                                                        | 145 Jetport Blvd          | 209A A016002    | 2.2107         |  | 76                 | 27,740                      | 13,870                                                              | \$2,260,810.00                                                                                                 | \$33,912.15                                                                        | \$3,391.22                              |
| <b>- Upper Upscale Class</b>                                                                                                                              |                           |                 |                |  |                    |                             | <b>50%</b>                                                          | <b>\$222.00</b>                                                                                                | <b>1.5%</b>                                                                        | <b>10%</b>                              |
| The Press Hotel, Autograph<br>Collection                                                                                                                  | 119 Exchange St           | 032 C001001     | 0.2304         |  | 110                | 40,150                      | 20,075                                                              | \$4,456,650.00                                                                                                 | \$66,849.75                                                                        | \$6,684.98                              |
| Portland Regency Hotel & Spa                                                                                                                              | 20 Milk St                | 029 R001001     | 0.5596         |  | 95                 | 34,675                      | 17,338                                                              | \$3,848,925.00                                                                                                 | \$57,733.88                                                                        | \$5,773.39                              |
| The Westin Portland Harborview                                                                                                                            | 157 High St               | 037 E007001     | 1.0647         |  | 289                | 105,485                     | 52,743                                                              | \$11,708,835.00                                                                                                | \$175,632.53                                                                       | \$17,563.25                             |
| Canopy by Hilton Portland<br>Waterfront                                                                                                                   | 9 Center Street           | 038 G005001     | 0.5462         |  | 135                | 49,275                      | 24,638                                                              | \$5,469,525.00                                                                                                 | \$82,042.88                                                                        | \$8,204.29                              |
| Embassy Suites by Hilton Portland<br>Maine                                                                                                                | 1050 Westbrook St         | 210A A005001    | 2.78           |  | 120                | 43,800                      | 21,900                                                              | \$4,861,800.00                                                                                                 | \$72,927.00                                                                        | \$7,292.70                              |
| The Longfellow Hotel                                                                                                                                      | 754 Congress St.          | 054 G001001     | 0.2459         |  | 48                 | 17,520                      | 8,760                                                               | \$1,944,720.00                                                                                                 | \$29,170.80                                                                        | \$2,917.08                              |
| <b>- Luxury Class</b>                                                                                                                                     |                           |                 |                |  |                    |                             | <b>50%</b>                                                          | <b>\$379.00</b>                                                                                                | <b>1.50%</b>                                                                       | <b>10%</b>                              |
| Portland Harbor Hotel                                                                                                                                     | 468 Fore St               | 038 F009001     | 0.6505         |  | 97                 | 35,405                      | 17,703                                                              | \$6,709,247.50                                                                                                 | \$100,638.71                                                                       | \$10,063.87                             |
| <b>Totals:</b>                                                                                                                                            |                           |                 | <b>42.1269</b> |  |                    |                             |                                                                     | <b>\$94,729,910.00</b>                                                                                         | <b>\$1,450,119.45</b>                                                              | <b>\$145,011.95</b>                     |





VISIT  
**PORT  
LAND**  
MAINE

*Authentic By Nature*

# PTDD ANNUAL REPORT

PGM Photography

## LETTER FROM THE BOARD CHAIR

*On behalf of the Portland Tourism Development District and Visit Portland, I am pleased to share the progress we have made in the last few months.*

As the Chair of Visit Portland, I am proud to present this Annual Report. Over the past six months, our dedicated board members and organizational team have engaged in rigorous discussions and strategic planning to shape the trajectory of Portland's tourism landscape. At the heart of our efforts lies a commitment to promote our city such that we ensure sustainable growth that benefits both our vibrant community and the tourism industry.

Central to our mission is the recognition that successful tourism development must be inclusive and responsive to the diverse interests and voices within our city. As such, we have conducted extensive outreach efforts to engage with local businesses, community leaders, and residents so our initiatives reflect the values and aspirations of all Portlanders.

By fostering open dialogue and collaboration, we strive to build a tourism ecosystem that fosters economic prosperity, cultural enrichment, and environmental stewardship.

We're grateful for your support and partnership. Together, we'll continue to develop tourism strategies that reflect the essence of Portland and chart a course toward a future where our city shines as a beacon of hospitality, creativity, and inclusivity.

Thank you for your dedication to our city's prosperity.

*John Schultzel*



John Schultzel  
Olympia Companies  
Chair

FY 2024



# MEET THE REST OF THE BOARD

*At the onset of the district formation, the current Visit Portland board of 31 voted to relinquish their seats for the organization to establish a new board that oversees both the Visit Portland organization and the management of the Portland Tourism Development District. The newly formed board includes representatives from district hotels and is balanced with representatives from a restaurant, attraction, transportation, arts/culture, marketing, and the City of Portland.*



Matthew Nolan, General Manager  
Press Hotel  
*Vice Chair*



Sam Brown, CFO  
Portland Regency  
*Treasurer*



Michael Erickson, General Manager  
Holiday Inn by the Bay  
*Secretary*



Casey Oakes, Deputy Director  
Portland Ovations



David Turin, Owner  
David's Restaurant



Jeff Lidinsky, General Manager  
Westin Harborview



Kevin Pagnano, Director of Operations  
Maine Course Hospitality



Pam Laskey, Owner  
Maine Day Ventures



Natalie Bogart, Deputy Director  
Amtrak Downeaster



Sarah Dobbins, Market President  
Townsquare Media



Gerard Kiladjian, Consultant  
Principal Hospitality



Greg Watson, Director HEDC  
City of Portland





## DATES OF PROGRESS

*The Portland Tourism Development District mirrors the structure of the Portland Downtown District. Since its establishment in 1992, the downtown district has brought about transformative success for the City of Portland. Consequently, Visit Portland recognized the importance of dedicating the initial six months to laying the groundwork, believing that this foundational period is crucial for establishing a thriving program in the years ahead.*

.....

**September 18, 2023:** The Portland City Council passes Maine's first Tourism Development District.

**October 11, 2023:** All district hotels were informed of the processes moving forward to prepare for the district's start on January 1, 2024.

**October 19, 2023:** Visit Portland holds its last board meeting with its 31-member board. The existing board voted to establish a new governance structure to oversee the Visit Portland and Development District budgets and all programming. The new 13-member board is comprised primarily of PTDD hoteliers along with a City of Portland representative.

**November 20, 2023:** The newly formed Board of Directors held its first meeting. The board meets monthly on the 3rd Thursday of each month.

**February 12, 2024:** The City of Portland's Financial Department sends hotel assessment invoices.

**March 14, 2024:** Hotel assessment invoices due to the city.

**April 14, 2024:** Assessment revenues, less 10%, should be directed to Visit Portland to begin programming.\*

**April 29, 2024:** Presentation on progress to Housing & Economic Development Committee.

**June 17, 2024:** Presentation to the City Council for the FY25.

\* As of April 26, 2024, funds have not been transferred from the City of Portland to the Development District. Therefore, Visit Portland has begun some programming out-of-pocket with the anticipation of district funding.





Greg Premru

## PARTICIPATING HOTELS + FINANCIALS

*The district includes non-seasonal hotels with 40 rooms or more within the City of Portland. In FY24, the following 22 properties were identified as participants.*

- ▶ AC Hotel by Marriott Portland Downtown/Waterfront
- ▶ Aloft
- ▶ Cambria Hotel Portland Downtown / Old Port
- ▶ Canopy by Hilton Portland Waterfront
- ▶ Clarion Hotel Airport
- ▶ Courtyard by Marriott Portland Downtown/Waterfront
- ▶ Embassy Suites by Hilton Portland
- ▶ Fireside Inn & Suites
- ▶ Hampton Inn & Suites Portland West
- ▶ Hampton Inn Portland Downtown - Waterfront
- ▶ Hilton Garden Inn Portland Airport
- ▶ Hilton Garden Inn Portland Downtown Waterfront
- ▶ Holiday Inn By The Bay
- ▶ Hyatt Place Portland-Old Port
- ▶ La Quinta Inn & Suites by Wyndham
- ▶ Motel 6
- ▶ Portland Harbor Hotel
- ▶ Portland Regency Hotel & Spa
- ▶ Ramada Plaza By Wyndham
- ▶ Residence Inn By Marriott Portland Downtown
- ▶ The Press Hotel, Autograph Collection
- ▶ The Westin Portland Harborview

**FY24 PTDD budget from assessment invoices:** The total assessment amount from the combined 22 hotels equaled \$710,580. The City of Portland received a 10% administration fee for FY24, \$71,058.

**Visit Portland budget:** Visit Portland is the contracted Development Program Manager and fiscal agent for the district with an operating budget of \$800,000 and 8 full-time employees to manage and facilitate the programming.

**No negative financial impact on the city:** There is no negative financial impact on the City. The City receives a 10% administrative fee intended to cover staff costs associated with the program's administration and provide funding for City infrastructure needs impacted by increased tourism, including new public restrooms and maintenance, new trash receptacles and maintenance, public benches, and transportation.

**Moving forward into FY25,** the total assessment amount from a combined 23 hotels will equal \$1.4m. The City of Portland will receive \$140,000.





## COMMUNITY ENGAGEMENT

*As we establish the Portland Tourism Development District, we must engage with community members to identify shared concerns and aspirations that intersect between the community and the tourism industry.*

*Visit Portland and its Board of Directors have placed a high priority on outreach to community leaders. By fostering dialogue and seeking common ground, we've initiated a collaborative process that has sparked fruitful discussions and generated promising ideas for collaborative progress in areas of mutual interest.*

.....

City Councilor Pious Ali  
City Councilor Anna Bullet  
City Councilor April Fournier  
City Councilor Regina Phillips  
City Councilor Kate Sykes  
City of Portland Office of Economic Opportunity  
Creative Portland  
Greater Portland Council of Governments  
Maine Immigrant Welcome Center  
Mayor Mark Dion  
Portland Downtown  
Portland Regional Chamber of Commerce  
Roux Institute  
The Third Place  
United Way: Greater Portland Workforce Initiative  
University of Southern Maine  
USL Soccer

## AREAS OF COMMONALITY

*We eagerly anticipate further dialogue and collaboration as we move forward.*

Community Connections for New Mainers  
Cultural Awareness  
Diversity Training  
Diversity Marketing  
Equitable Opportunity  
Public Restrooms  
Student Engagement  
Sustainability  
Workforce Development  
Workforce Housing  
Working Waterfront

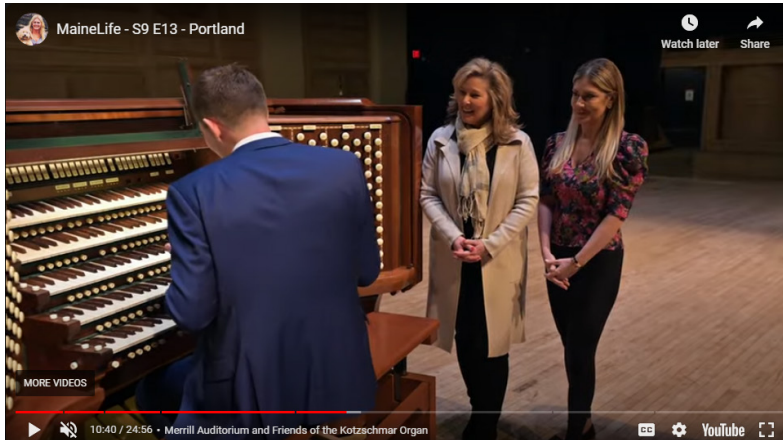


## PROJECT HIGHLIGHTS

*Although district funding has yet to be turned around by the city's financial department, Visit Portland has been able to conduct a few marketing initiatives in anticipation of district funding.*

.....

### MAINE LIFE: HIDDEN GEMS OF PORTLAND



Now in its ninth season, MaineLife takes you around the state with host Erin Ovalle to meet fascinating locals, explore new places to visit and uncover the positive stories you won't hear anywhere else. Visit Portland took Erin throughout the city to explore some hidden gems. The show aired in Maine on WCSH6 TV in March and will air again in October in the Boston market to encourage visitation to Portland for the holiday 2024 and winter 2025 seasons.

[https://youtu.be/oynxJ-gR8K4?si=UjB1HudGmZeX\\_dF-](https://youtu.be/oynxJ-gR8K4?si=UjB1HudGmZeX_dF-)

### SEGMENTS + GUESTS

#### Segment 1:

- Lisa Jones, owner of Black Travel Maine
- Abyssinian Meeting House
- Portland Freedom Trail

#### Segment 2:

- Andre Nzeyimana and Jocelyne Kamikaz, owners of Burundi Star Coffee
- Stella Hernandez, Business Hub Director from the Greater Portland Immigrant Welcome Center

#### Segment 3:

- Andrew Downs, City of Portland's Director of Public Assembly Facilities
- Merrill Auditorium
- Ashley O'Brien, Executive Director of the Friends of the Kotschmar Organ
- James Kennerley, the Portland Municipal Organist

#### Segment 4:

- Joel Mahaffey and John Bonney, co-founders of Foundation Brewing
- Foundation Brewing Manager, Tina Booney

#### Segment 5:

- Portland Harbor Hotel's Sales & Events Manager, Colleen O'Connell
- Chef Trent Seib, Portland Harbor Hotel
- Cary Tyson, Executive Director of Portland Downtown
- Pandora Lights



## BLACK TRAVEL MAINE: MLK WEEKEND



Black Travel Maine’s mission is to expose Black and multiethnic travelers and organizations to the cultural beauty, richness, and delightfully friendly people of the gorgeous State of Maine. Their custom-curated cultural tours highlight everything from the arts to entertainment to the spectacular food Maine has to offer visitors from around the World in hopes of helping dispel the age-old myth of, ‘Why go there? It is too cold and too white.’

Lynn Tillotson met Lisa Jones, owner of Black Travel Maine, at the Governor’s Conference on Tourism in the winter of 2023. From there, Visit Portland has been proud to assist Lisa with her mission. The MLK Weekend Ski Trip was the second trip Visit Portland sponsored. Lisa feels strongly that no matter where she brings groups throughout the state, the tour must start and highlight the City of Portland.

The group experienced:

- The Francis Hotel
- Tandem Coffee
- City Tour with Genius Black
- Boone’s Fish & Oyster House
- Becky’s Diner
- Yardie Ting Restaurant
- Leonardo’s Pizza
- and used VIP Tour & Charter to take them to Sugarloaf.

Posts and reviews of the trip can be found here:

<https://www.instagram.com/blacktravelmaine/>  
<https://www.facebook.com/groups/790168818833154/>



Photos courtesy of Black Travel Maine

Lisa Jones  
Owner  
Black Travel Maine

Tanisha Arena  
Executive Director  
Arise for Social Justice





# INTERNATIONAL TOUR OPERATOR FAMILIARIZATION TOUR



Photo courtesy of Maine Office of Tourism

Discover New England is an organization comprised of all 6 New England states working together to promote New England to the international market. In April, after attending the Discover New England Summit in Bretton Woods, NH, Visit Portland worked alongside the Maine Office of Tourism to host 23 representatives from Italy, France, Germany, and the Netherlands.

Delegates were in Maine for 2.5 days and visited Portland businesses such as Ballast, Boone's Fish House & Oyster Room, Old Port Sea Grill, Hyatt Portland Old Port, Maine Day Ventures, and the Portland Head Light.

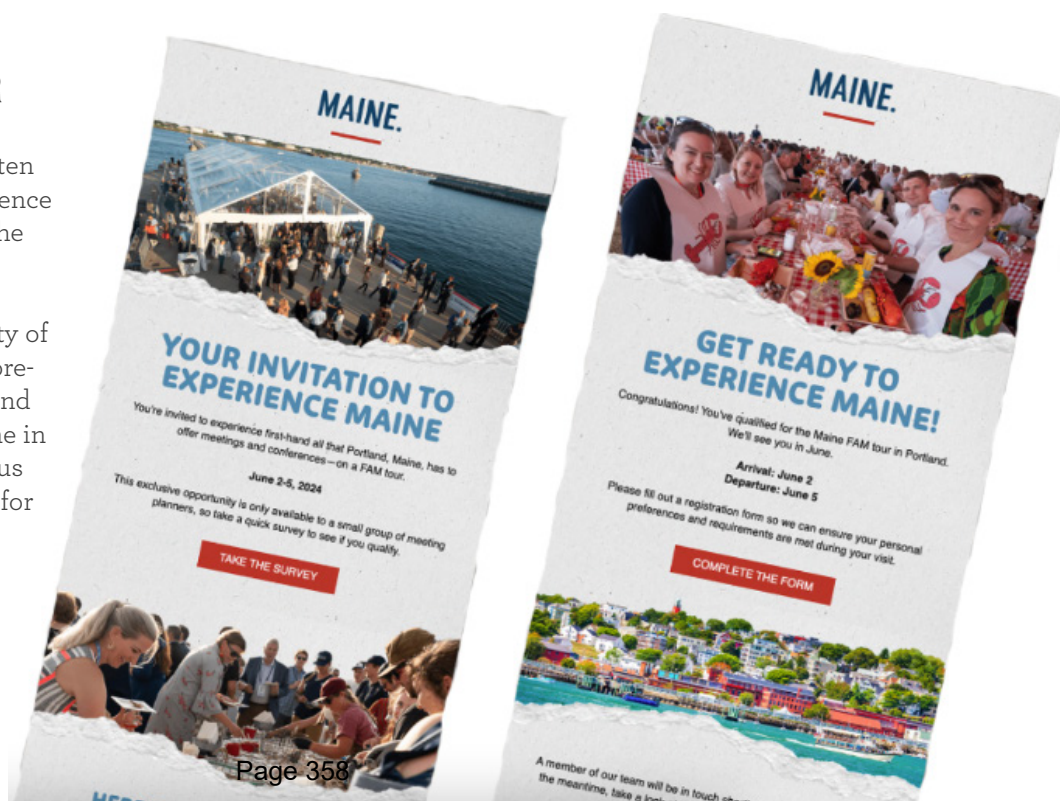
Visit Portland welcomed the delegates to the region with gift bags and to fully connect with the operators while they were in Maine. Additionally, Visit Portland facilitated a sponsored welcome reception at Boone's Fish House & Oyster Room.

## MEETING PLANNER FAMILIARIZATION TOUR

June 2-4, 2024, Visit Portland will host ten meeting planners in Portland to experience the various opportunities we offer for the meeting and conference market.

This is a unique opportunity for the City of Portland. The planners will conduct a pre-perception survey before their arrival and a post-perception survey after their time in Portland. This information will inform us on what works well and where to focus for improvement.

In addition, a videographer and photographer will be with the team to capture the tour, which we will use for future marketing efforts.



# MOVING FORWARD

*As we move forward, Visit Portland remains dedicated to three essential pillars: strategic planning, workforce development, and year-round marketing. Through strategic planning, we navigate towards sustainable growth, fostering community engagement and preserving Portland's unique character. Our workforce development initiatives aim to cultivate a diverse and skilled workforce, championing inclusivity and empowerment within the tourism and hospitality industry. Concurrently, by focusing on year-round marketing, we strive to bolster business during shoulder months, contributing to a less seasonal and more stable workforce.*

*We are looking forward to moving out of the administrative portion and into the actual work.*

## WORKFORCE COLLABORATIONS

In our pursuit of a workforce development strategy, Visit Portland has engaged in numerous discussions with industry leaders and organizations dedicated to this cause. Through these dialogues, we've discovered shared interests and cultivated several collaborative ideas to bolster the tourism and hospitality sector. Central to our vision is the imperative to involve students, adult education programs, and immigrant communities, introducing them to the wealth of opportunities within our industry. We're enthusiastic about furthering these conversations, nurturing innovative ideas, and forging partnerships that will drive success and empowerment within our workforce.

## COMMUNITY AWARENESS

Visit Portland aims to create a community-centered website showcasing the diverse job opportunities in the tourism industry. This platform will offer engaging video profiles featuring current employees, detailed listings of job openings, and information on career growth pathways, including degree and certificate programs. Moreover, the website will spotlight businesses committed to sustainable practices, highlighting their contributions to our community and emphasizing the importance of sustainability alongside visitation in safeguarding our shared environment.

## DEI TRAINING

To ensure inclusivity and embrace the diversity of our workforce and visitor base, Visit Portland recognizes the importance of providing Diversity, Equity, and Inclusion (DEI) training to all hospitality businesses and their staff. By offering comprehensive DEI training, we empower businesses to create welcoming environments that embrace individuals from all backgrounds. This initiative strengthens our commitment to diversity and enhances the overall visitor experience by fostering a culture of respect and understanding. Through DEI training, we pave the way for a more inclusive tourism industry that celebrates the richness of our community and welcomes individuals of diverse cultures and backgrounds with open arms.

## STRATEGIC PLANNING

At Visit Portland, we know that having a solid plan is critical to balancing our tourism goals with the well-being of our community. We want to grow responsibly while keeping Portland's character front and center. Integrating our marketing efforts into this strategy, ensures that tourism benefits everyone while minimizing any negative impacts. Whether managing visitor numbers or preserving our local vibe, our strategy guides our decisions. So, when we talk about strategic planning—it's our commitment to keeping Portland thriving for locals and visitors alike.

## RESIDENT SENTIMENT STUDY

Keeping in touch with our community is essential, so conducting a resident sentiment survey is vital to our strategic planning process. We want to ensure that our tourism efforts align with the values and concerns of our residents. By gathering feedback from our neighbors, we gain valuable insights into their perspectives and priorities. This enhances our strategic approach and ensures that our initiatives are tailored to the needs and aspirations of our community. Resident sentiment surveys will help us navigate our path, ensuring that our efforts contribute positively to the well-being of Portland.

## VISITOR DATA RESEARCH

Alongside our strategic plan and resident sentiment study, thorough research and data collection on visitor demographics, behaviors, and spending habits are essential components of our approach. By delving into who our visitors are, where they come from, what they do during their stay, and how much they spend, we gain invaluable insights that inform our decision-making and shape our tourism initiatives. This data not only helps us tailor our marketing efforts but also allows us to allocate resources effectively and ensure that our tourism development benefits both our visitors and our local community alike. In essence, by combining strategic planning, resident sentiment analysis, and visitor research, we're able to create a holistic approach that fosters sustainable tourism growth while preserving the unique character of Portland, Maine.



[VisitPortland.com](http://VisitPortland.com)

.....  
1375 Congress Street  
Portland, Maine 04102  
207.772.4994

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 5, 2024

**SUBJECT:** Order 230-23/24 Establishing Implementation Assessments for the Portland Tourism Municipal Development District for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No** If action cannot be taken at a later date, please explain why. **Do NOT** write yes or no; that will be automatically generated by the checkbox.

**Does this item involve a new contract with the City: No.**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This is a companion Order to the above Order.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Order - Establishing Implementation Assessments for Portland Tourism
2. Hotel & Assessment Listing

Prepared by:

Date: 06/05/2024



MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER ESTABLISHING IMPLEMENTATION ASSESSMENTS FOR THE  
PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT FOR FISCAL  
YEAR 2024-2025**

**ORDERED**, pursuant to 30-A M.R.S. § 5228, after public hearing thereon, that the sum of \$1,450,119.45 be raised and appropriated from the special assessments on all real estate situated within the boundaries of the Portland Tourism Municipal Development District, to fund implementation costs for such district for the period beginning July 1, 2024 and ending on June 30, 2025; and

**BE IT FURTHER ORDERED**, that the said sum be assessed on all real estate within the Portland Tourism Municipal Development, which real estate listing is attached hereto as Exhibit A; and

**BE IT FURTHER ORDERED**, that the said assessments shall be due July 1, 2024 and payable to the City of Portland at the same time that taxes on other real estate are due; and

**BE IT FURTHER ORDERED**, that the interest on unpaid assessments shall be at the same rate as interest on other unpaid real estate taxes; and

**BE IT FURTHER ORDERED**, that the said assessments are hereby committed to the tax collector of the City of Portland for collection, pursuant to 30-A M.R.S. § 5228(5); and

**BE IT FURTHER ORDERED**, that the tax collector is hereby authorized and directed to take all necessary action for the collection of said assessment.

| NON-SEASONAL LODGING PROPERTIES<br>OF 40 ROOMS OR MORE TO BE<br>ASSESSED FOR PROPOSED PORTLAND<br>TOURISM DEVELOPMENT DISTRICT-<br>FY2025 AS OF 4/25/2024 | Address                   | Chart-Block-Lot | Acreage |  | Number of<br>Rooms | Number of<br>Rooms per year | Rooms<br>Rented at<br>Annual<br>Average Rate<br>of 50% Per<br>Class | Est. Room<br>Revenue Per Hotel<br>Class Using US<br>Average Daily<br>Rate (ADR)<br>(YEAR-TO-DATE<br>JUNE 2023) | Estimated<br>Assessment for<br>FY2025, Based<br>on 50% ADR *<br>1.5%<br>Assessment | 10% of<br>Assesment Fee<br>to City Adm. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------|---------|--|--------------------|-----------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------------------|
| <b>Hotel Name</b>                                                                                                                                         |                           |                 |         |  |                    |                             |                                                                     |                                                                                                                |                                                                                    |                                         |
| <b>- Economy Class</b>                                                                                                                                    |                           |                 |         |  |                    |                             | <b>50.0%</b>                                                        | <b>\$77.00</b>                                                                                                 | <b>1.50%</b>                                                                       | <b>10%</b>                              |
| Motel 6 Portland ME                                                                                                                                       | 1 Riverside St            | 266 A001001     | 3.0384  |  | 128                | 46,720                      | 23,360                                                              | \$1,798,720.00                                                                                                 | \$26,980.80                                                                        | \$2,698.08                              |
| <b>- Midscale Class</b>                                                                                                                                   |                           |                 |         |  |                    |                             | <b>50.0%</b>                                                        | <b>\$99.00</b>                                                                                                 | <b>1.50%</b>                                                                       | <b>10%</b>                              |
| Ramada Plaza By Wyndham<br>Portland                                                                                                                       | 155 Riverside St          | 267 B001001     | 8.173   |  | 119                | 43,435                      | 21,718                                                              | \$2,150,032.50                                                                                                 | \$32,250.49                                                                        | \$3,225.05                              |
| <b>- Upper Midscale Class</b>                                                                                                                             |                           |                 |         |  |                    |                             | <b>50.0%</b>                                                        | <b>\$132.00</b>                                                                                                | <b>1.50%</b>                                                                       | <b>10%</b>                              |
| La Quinta Inn & Suites by<br>Wyndham Portland                                                                                                             | 340 Park Ave,<br>Portland | 065 A003001     | 2.007   |  | 105                | 38,325                      | 19,163                                                              | \$2,529,450.00                                                                                                 | \$37,941.75                                                                        | \$3,794.18                              |
| Clarion Hotel Airport                                                                                                                                     | 1230 Congress St          | 189 A014001     | 4.8057  |  | 149                | 54,385                      | 27,193                                                              | \$3,589,410.00                                                                                                 | \$53,841.15                                                                        | \$5,384.12                              |
| Hampton Inn Portland Downtown<br>- Waterfront                                                                                                             | 209 Fore Street           | 029 L00100H     | 0.5829  |  | 125                | 45,625                      | 22,813                                                              | \$3,011,250.00                                                                                                 | \$45,168.75                                                                        | \$4,516.88                              |
| Holiday Inn By The Bay                                                                                                                                    | 88 Spring St              | 039 E010001     | 2.3018  |  | 239                | 87,235                      | 43,618                                                              | \$5,757,510.00                                                                                                 | \$86,362.65                                                                        | \$8,636.27                              |
| Hampton Inn & Suites Portland<br>West                                                                                                                     | 1210 Brighton Ave         | 265 A001001     | 2.9256  |  | 86                 | 31,390                      | 15,695                                                              | \$2,071,740.00                                                                                                 | \$31,076.10                                                                        | \$3,107.61                              |
| Fireside Inn & Suites Portland                                                                                                                            | 81 Riverside St           | 266 A002001     | 5.3691  |  | 200                | 73,000                      | 36,500                                                              | \$4,818,000.00                                                                                                 | \$72,270.00                                                                        | \$7,227.00                              |
| <b>- Upscale Class</b>                                                                                                                                    |                           |                 |         |  |                    |                             | <b>50%</b>                                                          | <b>\$163.00</b>                                                                                                | <b>1.5%</b>                                                                        | <b>10%</b>                              |
| Residence Inn By Marriott<br>Portland Downtown/Waterfront                                                                                                 | 145 Fore St               | 020 C010001     | 0.7821  |  | 179                | 65,335                      | 32,668                                                              | \$5,324,802.50                                                                                                 | \$79,872.04                                                                        | \$7,987.20                              |
| Hilton Garden Inn Portland<br>Downtown Waterfront                                                                                                         | 65 Commercial St          | 029 K003001     | 0.3866  |  | 120                | 43,800                      | 21,900                                                              | \$3,569,700.00                                                                                                 | \$53,545.50                                                                        | \$5,354.55                              |
| AC Hotel by Marriott Portland<br>Downtown/Waterfront                                                                                                      | 158 Fore St               | 019 B020001     | 0.6552  |  | 178                | 64,970                      | 32,485                                                              | \$5,295,055.00                                                                                                 | \$79,425.83                                                                        | \$7,942.58                              |
| Courtyard by Marriott Portland<br>Downtown/Waterfront                                                                                                     | 321 Commercial St         | 040 E00300H     | 0.767   |  | 132                | 48,180                      | 24,090                                                              | \$3,926,670.00                                                                                                 | \$58,900.05                                                                        | \$5,890.01                              |
| Hyatt Place Portland-Old Port                                                                                                                             | 433 Fore St               | 032 I042001     | 0.4392  |  | 130                | 47,450                      | 23,725                                                              | \$3,867,175.00                                                                                                 | \$58,007.63                                                                        | \$5,800.76                              |
| Cambria Hotel Portland<br>Downtown / Old Port                                                                                                             | 25 Hancock Street         | 020 C009001     | 0.7983  |  | 102                | 37,230                      | 18,615                                                              | \$3,034,245.00                                                                                                 | \$45,513.68                                                                        | \$4,551.37                              |
| Aloft Portland Maine                                                                                                                                      | 379 Commercial<br>Street  | 042 A001001     | 0.807   |  | 157                | 57,305                      | 28,653                                                              | \$4,670,357.50                                                                                                 | \$70,055.36                                                                        | \$7,005.54                              |
| Hilton Garden Inn Portland Airport                                                                                                                        | 145 Jetport Blvd          | 209A A016002    | 2.2107  |  | 76                 | 27,740                      | 13,870                                                              | \$2,260,810.00                                                                                                 | \$33,912.15                                                                        | \$3,391.22                              |
| <b>- Upper Upscale Class</b>                                                                                                                              |                           |                 |         |  |                    |                             | <b>50%</b>                                                          | <b>\$222.00</b>                                                                                                | <b>1.5%</b>                                                                        | <b>10%</b>                              |
| The Press Hotel, Autograph<br>Collection                                                                                                                  | 119 Exchange St           | 032 C001001     | 0.2304  |  | 110                | 40,150                      | 20,075                                                              | \$4,456,650.00                                                                                                 | \$66,849.75                                                                        | \$6,684.98                              |
| Portland Regency Hotel & Spa                                                                                                                              | 20 Milk St                | 029 R001001     | 0.5596  |  | 95                 | 34,675                      | 17,338                                                              | \$3,848,925.00                                                                                                 | \$57,733.88                                                                        | \$5,773.39                              |
| The Westin Portland Harborview                                                                                                                            | 157 High St               | 037 E007001     | 1.0647  |  | 289                | 105,485                     | 52,743                                                              | \$11,708,835.00                                                                                                | \$175,632.53                                                                       | \$17,563.25                             |
| Canopy by Hilton Portland<br>Waterfront                                                                                                                   | 9 Center Street           | 038 G005001     | 0.5462  |  | 135                | 49,275                      | 24,638                                                              | \$5,469,525.00                                                                                                 | \$82,042.88                                                                        | \$8,204.29                              |
| Embassy Suites by Hilton Portland<br>Maine                                                                                                                | 1050 Westbrook St         | 210A A005001    | 2.78    |  | 120                | 43,800                      | 21,900                                                              | \$4,861,800.00                                                                                                 | \$72,927.00                                                                        | \$7,292.70                              |
| The Longfellow Hotel                                                                                                                                      | 754 Congress St.          | 054 G001001     | 0.2459  |  | 48                 | 17,520                      | 8,760                                                               | \$1,944,720.00                                                                                                 | \$29,170.80                                                                        | \$2,917.08                              |
| <b>- Luxury Class</b>                                                                                                                                     |                           |                 |         |  |                    |                             | <b>50%</b>                                                          | <b>\$379.00</b>                                                                                                | <b>1.50%</b>                                                                       | <b>10%</b>                              |
| Portland Harbor Hotel                                                                                                                                     | 468 Fore St               | 038 F009001     | 0.6505  |  | 97                 | 35,405                      | 17,703                                                              | \$6,709,247.50                                                                                                 | \$100,638.71                                                                       | \$10,063.87                             |
| <b>Totals:</b>                                                                                                                                            |                           |                 | 42.1269 |  |                    |                             |                                                                     | <b>\$94,729,910.00</b>                                                                                         | <b>\$1,450,119.45</b>                                                              | <b>\$145,011.95</b>                     |

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 5, 2024

**SUBJECT:** Order 240-23/24 Approving the Development Program Manager Agreement Between the City of Portland and Convention and Visitors' Bureau of Greater Portland, Doing Business as Visit Portland for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: No.**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This is a companion Order to the above two Orders.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Order - Approving the Development Program Manager Agreement between COP and the Convention and Visitors' Bureau
2. PTDD Agreement for CC Approval

Prepared by:

Date: 06/05/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER APPROVING THE DEVELOPMENT PROGRAM MANAGER AGREEMENT  
BETWEEN THE CITY OF PORTLAND AND CONVENTION AND VISITORS'  
BUREAU OF GREATER PORTLAND, DOING BUSINESS AS VISIT PORTLAND FOR  
FISCAL YEAR 2024-2025**

**ORDERED**, that the Agreement between the City of Portland and the Convention and Visitors' Bureau of Greater Portland doing business as Visit Portland is hereby approved; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is hereby authorized to enter into said Agreement in substantially in the form attached, and any other documents necessary to effect the intent of this Order, to carry out the Development Plan for the Portland Tourism Municipal Development District for the period from and after its Effective Date and ending June 30, 2025.

**AGREEMENT  
BETWEEN THE CITY  
OF PORTLAND AND  
VISIT PORTLAND**

This AGREEMENT made as of the 1st day of July, 2024, (the “Effective Date”) is by and between the CITY OF PORTLAND, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine 04101 (the “City”) and the CONVENTION AND VISITORS’ BUREAU OF GREATER PORTLAND, doing business as VISIT PORTLAND, a Maine non-profit corporation with a mailing address of 1375 Congress Street, Portland, Maine 04102 (“Visit Portland”) (collectively referred to as (the “Parties”).

WHEREAS, by Council Orders \_\_\_\_\_, and dated \_\_\_\_\_, 2024, the City has approved a tourism economic development district designated as the ***Portland Tourism Municipal Development District*** (the “District”), the Development Program (defined below) including a map of the District, is attached hereto as Exhibit A and incorporated herein; and

WHEREAS, Visit Portland has been designated as the independent, non-profit corporation that shall manage the District as the Development Program Manager; and

NOW, THEREFORE, in consideration of the covenants herein contained, the Parties hereby mutually agree as follows:

**ARTICLE I. Term**

The term of this Agreement shall commence with the establishment of the District, and shall expire on June 30, 2025 (“the Term”).

**ARTICLE II. Financial Considerations**

- a. The City Council has approved the Portland Tourism Municipal Development District Development Program for the District (“the Development Program”) and the special assessment rate that provides funding to support the Development Program.
- b. The City shall make assessments (the “Assessments”) on all non-seasonal lodging properties with forty (40) rooms or more located within the boundaries of the District (each a “District Property”) in accordance with the Development Program as authorized by the City Council and permitted by law.

- c. The City shall remit the Assessments to Visit Portland within thirty (30) days of collection, less the administrative fee of ten percent (10%) of District revenue as described in the Development Program. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district.
- d. In addition to the foregoing, the City will pay in a lump sum, within thirty (30) days from the close of the fiscal year, any amount assessed in a prior year, but collected in a subsequent year. Said payment by City shall be subject to the City's administrative fee described in the Development Plan and less any amounts remaining to be reimbursed under a prior year Agreement with the City. City will provide Visit Portland with written detail as to any deductions taken from payments under this paragraph.
- e. Notwithstanding the foregoing, Visit Portland agrees that it will neither encumber funds that it anticipates receiving from the District Assessments nor incur expenditures in anticipation of receipt of such funds except in accordance with the Development Program.
- f. Visit Portland has approved Visit Portland's budget and Development Program in, covering the period beginning on July 1, 2024, and ending on June 30, 2025, and the City Council has approved the assessment that provides funding to support Visit Portland's budget and Development Program.
- g. Any penalties and interest collected by the City for nonpayment of assessments shall be retained by the City. Such penalties and interest shall be equivalent to penalties and interest for nonpayment of property taxes.
- h. Visit Portland will provide the Director of Finance with an annual certified financial statement for expenses related to the District and the programs and services outlined in the Development Program. The statement shall list all income and expenses related to the District and shall be provided to the Finance Director within six (6) months after the fiscal year ends.
- i. Visit Portland will produce an annual report to be submitted to the City reflecting all projects, expenses, and returns on investments of the District. Any audits

needed to verify collection assessment will be paid for by Visit Portland. The City may require reporting and conduct an audit without cause no more than once during the Term to verify remittance in accordance with the assessment formula.

Visit Portland shall have reasonable access to the City's assessment collection records, and the City shall have reasonable access to the Visit Portland's books and records particular to the District expenditures.

### **ARTICLE III. Services To Be Provided By Visit Portland.**

During the Term, Visit Portland shall:

- a. Provide the services described herein and in the Development Program.
- b. Provide staff and administrative services sufficient for the performance of the services described herein and in the Development Program.
- c. Establish a corporate Board of Directors whose members fairly represent a cross section of District Property owners or their designees in the District, and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.
- d. Establish a mechanism for resolving any dispute to the kind and level of services which may arise between Portland Downtown and persons subject to development district assessments regarding the kind and level of services provided by Visit Portland.
- e. Provide liaison between the City, the District property owners, civic groups, interested persons, and other groups and individuals, as necessary to carry out the mission of the District.
- f. Maintain all minutes and records of Visit Portland proceedings as may be required.
- g. Nothing in this Agreement is intended to or shall be construed to limit Visit Portland's general powers, as set forth in the Maine Non-profit Corporation Act, Title 13-B of the Maine Revised Statutes Annotated.

### **ARTICLE IV. Termination.**

- a. The District will commence upon the date of its establishment by the City Council and continue indefinitely in accordance with applicable law until the Council takes action to terminate or amend the District. District Property owners may submit a petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law. The City has and reserves the right to suspend, terminate or abandon the execution of any work by Visit Portland upon receipt of a petition dissolving the District.



- b. This Agreement may be terminated by either Party for good cause. If Visit Portland or the City should fail to perform any material covenant, obligation or agreement hereunder for a period of thirty (30) days after written notice of complaint from the City Manager or Visit Portland specifying such failure, either Party may provide the other with notice of failure to perform the Agreement as provided herein. Upon receipt of notice, Visit Portland or the City shall have a ninety (90) day period, computed from the date of delivery of the notice of failure to perform, within which the affected Party may provide a written plan to remedy the complaint. In the event that a determination is made at the expiration of the ninety (90) day period that the complaint is unresolved, either Party may declare their intent to terminate the Agreement and identify the specific date of termination with a written notice. Either Party shall have the right to appeal the decision to the other. Either Party shall file such appeal within seven (7) business days from the date the Party receives the notice of termination. If such appeal does not remedy the complaint, consideration for termination of this Agreement would be subject to a vote of the City Council.
- c. Nothing herein shall be construed as giving Visit Portland the right to perform the work contemplated under this Agreement beyond the time that the City Council terminates this Agreement. In case Visit Portland should be discharged before all the services contemplated in this Agreement have been completed, or the services for any reason should be stopped, either because of the expiration of the Term or because of the inability of Visit Portland to fulfill its obligations under this Agreement, Visit Portland shall be reimbursed for all services satisfactorily performed prior to the effective date of termination in accordance with Article II hereof, but only to the extent that sufficient Assessments have been received by the City to make such reimbursement. After termination of the Agreement, Visit Portland shall:
  - 1. With respect to existing activities, take only such actions as the City Manager shall direct;
  - 2. Upon City's request, assign to the City in the manner, at the times and only to the extent the City, acting by and through its City Manager, may direct it to do so, all the rights, title and interest of Visit Portland in and to all existing orders and agreements.
  - 3. To the extent rights, title and interests of Visit Portland in and to existing orders and agreements may be assigned to the City and accepted by it; obligations incurred on or after such assignment will be assumed by the City. Otherwise, Visit Portland shall settle all outstanding liabilities and all claims arising out of any terminated orders or agreements.
  - 4. Deliver to the City, in the manner, at the times and to the extent directed by the City Manager, all documents and data produced by Visit Portland as part

of or in connection with the work.

5. In the event of termination of the District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be returned to the City and appropriated for the purposes of the Development Program, subject to the approval of the City Council.

#### **ARTICLE V. Assignment**

Visit Portland covenants and agrees that it will neither assign nor transfer any rights here under, either in whole or in part, without first obtaining the prior written consent of the City.

#### **ARTICLE VI. Performance of Services**

All services performed by Visit Portland under this Agreement, or by third parties paid with funds provided under this Agreement, shall be performed in a good, workman like fashion and in accordance with all applicable professional and industry standards.

#### **ARTICLE VII. Compliance with Law**

Visit Portland will comply with all provisions of Federal, State, and local law, applicable to the services provided under this Agreement. Visit Portland further agrees to adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. This shall include compliance with all applicable provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37 and all other applicable laws, including the Maine Human Rights Act, ordinances and regulations regarding equal opportunity and equal treatment. Visit Portland specifically agrees that all employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job opportunities, and wage and salary levels) will be made without discrimination based on an individual's race or color, religion, age, sex (including pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as

defined by applicable law. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by Visit Portland where appropriate.

#### **ARTICLE VIII. Indemnification**

- a. Visit Portland shall, at its own cost and expense, defend, indemnify, and hold harmless the City, its officers, agents, and employees, from and against the following:
  1. To the fullest extent permitted by law, Visit Portland shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees, arising out of or resulting from the performance of this Agreement, provided that any such claims, damage, loss or expense is (1) attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property, including the loss or use thereof; and (2) is caused in whole or in part by any negligent act or omission of Visit Portland, anyone directly or indirectly employed by it, or anyone for whose act it may be liable;
  2. All claims and liens of Visit Portland's consultants, subcontractors, and their laborers, mechanics, material men, and/or suppliers. Such obligation shall not be construed either to negate or abridge any other obligation of indemnification and shall not be limited by any provision for insurance contained in this Agreement.
- b. Notwithstanding the foregoing, nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the City or their respective officers, agents and employees, under the Maine Tort Claims Act or any other privileges and/or immunities provided by law.

#### **ARTICLE IX. Insurance**

- a. Neither Visit Portland nor any of its subcontractors shall commence work under this Agreement until they have provided the insurance coverage required by this Agreement and such coverage has been approved by the City.
- b. Prior to the execution of this Agreement, Visit Portland shall, at its own expense, procure and maintain:

- Occurrence-based Professional Liability Insurance for errors, omissions and negligence, in the amount of One Million Dollars (\$1,000,000.00) per claim.
- Occurrence based Commercial General Liability Insurance coverage in amounts of not less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury, death and property damage;
- Workers' Compensation Insurance coverage to the extent required by law, which shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees;

With respect to the Commercial General Liability, Visit Portland shall name the City as an additional insured for coverage for claims for which the City does not have governmental immunity, including, without limitation, those areas where government immunity has been expressly waived as set forth in 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the City under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. Prior to execution of this Agreement, Visit Portland shall furnish the City and thereafter maintain certificates evidencing all such coverages, which certificates shall guarantee thirty (30) days' notice to the City of termination of insurance from the insurance provider or agent. Visit Portland shall also provide a copy of any endorsement naming the City as additional insured. A certificate that merely has a box checked under "Addl Insr," or the like, or that merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. Upon City's request, Visit Portland shall provide City with a complete copy of any of the above-referenced policies. Visit Portland shall be responsible for any and all deductibles and/or self-insured retentions (not to exceed \$10,000.00 without prior written approval of Corporation Counsel). City's acceptance or lack of acceptance of Visit Portland's Certificate of Insurance or other evidence of insurance shall not be construed as a waiver of the Visit Portland's obligation to obtain and maintain such insurance as required by this agreement.

#### **Article X. No Joint Venture; Independent Contractors**

- a. Nothing contained in this Agreement will constitute or be construed to be or create a partnership or joint venture between the parties or any of their respective officers, directors, employees, affiliates, successors or assigns. The parties understand and agree that this Agreement does not make either of them an agent or legal

representative of the other for any purpose whatsoever. No party is granted, by this Agreement or otherwise, any right or authority to assume or create any obligation or responsibilities, express or implied, on behalf of or in the name of any other party, or to bind any other party in any manner whatsoever.

- b. Each party will secure, at its own expense, all personnel, materials, and equipment required to perform its obligations under this Agreement. Each party, in accordance with its status as an independent contractor, covenants and agrees that its employees shall be regarded for all legal and tax purposes as its own employees during the term of this Agreement, and each party shall govern and supervise the work of its own employees. Each party shall discharge all applicable obligations imposed upon employers under the law, including without limitation payment of wages, social security taxes, withholding taxes, unemployment taxes and worker's compensation. Both parties' employees shall not be considered employees of the other party for any purpose and shall not be entitled to any retirement benefits, social security benefits, unemployment benefits, group health or life insurance, vacation, personal, or sick leave, worker's compensation, or any other similar benefits ("Employment Benefits") from the other party. Each party further covenants and agrees that its employees will conduct themselves consistent with such status, that they will neither hold themselves out as, nor claim to be, officers or employees of the other party by reason of this Agreement, and that its employees will not, by reason of this Agreement, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the other party, including but not limited to the Employment Benefits.
- c. Nothing in this Agreement is intended to or does prohibit Visit Portland or the City from entering into any other contractual relationship with each other or any third party.

#### **Article XI. Miscellaneous Provisions**

- a. This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court.

- b. This Agreement and its attachments represents the entire and complete agreement and understanding between the parties and supersedes any prior agreement or understanding, written or oral, between the parties with respect to the subject matter of this Agreement. This Agreement cannot be amended except by written instrument executed by the City and Visit Portland.
- c. Visit Portland warrants and represents that it has the full right and authority to enter into this Agreement, that there is no impediment that would inhibit its ability to perform their respective obligations under this Agreement, and that the person signing this Agreement on behalf of Visit Portland has the authority to do so.
- d. This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a pdf or electronic document shall be considered the equivalent of an original signature.

*(Signature page follows)*

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**WITNESS**

\_\_\_\_\_

**CITY OF PORTLAND**

By: \_\_\_\_\_  
Danielle P. West  
Its City Manager

**WITNESS**

\_\_\_\_\_

**CONVENTION AND VISITORS'  
BUREAU OF GREATER  
PORTLAND**

By: \_\_\_\_\_  
Print Name:  
Its: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
City Corporation Counsel

Approved as to Funds:

\_\_\_\_\_  
City Finance Department

**ECONOMIC DEVELOPMENT PROJECT**

**CITY OF PORTLAND, MAINE**

*A Municipal Development District*

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**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT  
DEVELOPMENT PROGRAM**

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*Presented to:*

**City Council  
City of Portland  
June 3, 2024**



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## **Exhibit List**

|                  |                                                                                     |
|------------------|-------------------------------------------------------------------------------------|
| <b>Exhibit A</b> | City of Portland Property Map Showing District Property Relative to City Boundaries |
| <b>Exhibit B</b> | Notice of Public Hearing                                                            |
| <b>Exhibit C</b> | Minutes of Public Hearing                                                           |
| <b>Exhibit D</b> | City Council Order                                                                  |
| <b>Exhibit E</b> | Statutory Requirements and Thresholds Form                                          |

# Development Program

## I. Introduction

The City of Portland (the “City”) seeks to establish a Municipal Development District to be known as the “**Portland Tourism Municipal Development District**” (the “District”), located throughout the City of Portland.

The District includes 23 non-seasonal hotels with 40 rooms or more to be assessed for the District to provide programs, services and improvements as described in this Development Program.

In designating the proposed District and adopting this Development Program, the City can accomplish the following goals:

- Maintain and ideally expand the existing tax revenues flowing from the District properties;
- Enable the investment of assessment payments made by properties uniformly and proportionally benefitting from the Development Program in strategic sales, marketing, promotions, destination development and special events;
- Maintain and create long-term, stable employment opportunities for area residents; and
- Improve the overall economy of the City, the Cumberland County region, and the State of Maine.

## II. Development Program Narrative

### A. The Development District

The District will encompass approximately 42.1269 acres of real property, and includes the following\ City Tax Map/Lots/Blocks: 019-B020001 (0.6552 acres), 042-A001001 (0.807 acres), 20-C009001 (0.7983 acres), 038-G005001 (0.5462 acres), 054-G001001 (.2459 acres), 189-A014001 (4.8057 acres), 040-E00300H (0.767 acres), 210A-A005001 (2.78 acres), 266-A002001 (5.3691), 029-L00100H (0.5829 acres), 265-A001001 (2.9256 acres), 029-K003001 (0.3866 acres), 209A-A016002 (2.2107 acres), 039-E010001 (2.3018 acres), 032-I042001 (0.4392 acres), 065-A003001 (2.007 acres), 266-A001001 (3.0384 acres), 038-F009001 (0.6505 acres), 029-R001001 (0.5596 acres), 267-B001001 (8.173 acres), 020- C010001 (0.7821 acres), 032-C001001 (0.2304 acres), 037-E007001 (1.0647 acres) (each a “District Property”). The District is shown in **Exhibit A** attached hereto.

### B. The Development Program

The City’s designation of the District and adoption of this Development Program allows for the City to fund activities and projects to be supported by the District Property owners, and also coordinate services to ensure effective delivery and proper support for tourism promotion while building on existing revitalization efforts and protection of public and private investment. The travel industry is a major economic driver for the City and Maine. Visitor spending not only

supports tourism-related businesses but also the local artists, lobster/fishing community, cultural institutions, food & beverage establishments, and small businesses that residents alone could not support year-round. Therefore, it is in the public interest of the City, and vital to the welfare of the City's economy, to facilitate and encourage cooperating public-private partnerships where lodging properties become partners with the City for the enhancement and expansion of the travel economy and to provide for increased business activity, tourism, economic development and job creation throughout the District.

The term of the District will commence when established by the City Council and continue indefinitely, subject to annual budget approvals by the City Council, until the Council takes action to terminate or amend the District. District Property owners may submit a petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law.

Under this Development Program, projects as listed below in Table 1 will be executed through an agreement with a development program manager (the "Development Program Manager").

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Statute"). The designation of the District and adoption of the Development Program are effective upon approval by the City Council, evidenced by Exhibit C and Exhibit D hereto.

### **C. The Projects**

District Property owners will pay assessments on an annual basis to support the program. The formation of the District is intended to contribute to the economic growth and wellbeing of the City, and to the betterment of the health, welfare or safety of the inhabitants of the City. To accomplish this intention, the City desires to support the costs described below using District revenues. The City shall not reduce services to the District Properties because of the implementation of the District. Projects and services approved and executed by the District shall be in addition to and not in the place, of municipal projects and services. Assessment revenues must be spent in accordance with the financial plan.

The annual project costs presented in the annual Financial Plan shall be approved by the City Council and must be contained within the project descriptions below and identified in the Order Establishing the Portland Tourism Development District. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates for the second half of the 2024 fiscal year. Future cost estimates for the projects will be approved on an annual basis and will serve as the basis for the assessment calculation.

**TABLE 1**  
**Municipal Projects**

| Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | FY 2025<br>Cost<br>Estimate* |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <ul style="list-style-type: none"> <li>• <b><u>Sales, Marketing, Promotions, Destination Development and Special Events.</u></b></li> </ul> <p>Marketing efforts will reach markets such as Leisure Travelers, Meetings &amp; Conferences, Sporting Events, Destination Weddings and Social Events, International Travelers, Motorcoaches, Cruise Passengers, and Media/Influencers.</p> <p>Marketing messaging will reach all ages of travelers and target all demographics including BIPOC and LGBTQ+.</p> <p>Ten percent (10%) of the Sales, Marketing, Promotions, Destination Development, and Special Events budget shall be allotted specifically to reach the BIPOC, LGBTQ+ markets, and community DEI efforts.</p> <p>Projects may include:</p> <ul style="list-style-type: none"> <li>• Promoting and marketing tourism in different periods (for example out of season or shoulder seasons);</li> <li>• Research &amp; Development of a marketing plan designed to outline a strategy for attracting potential visitors and expand programs to attract diverse visitors at the right time with the right message;</li> <li>• Regional and national leisure marketing and convention trade marketing programs inclusive of broadcast, social, digital, audio, print, pay-per-click and out-of-home channels, designed to increase awareness of and drive overnight traffic to the destination – in turn, benefitting the assessed lodging properties through increased consumer demand and increased year-round room night bookings.;</li> <li>• Public Relations and media programs that enhance the profile of Portland as a visitor, meetings and event destination – in turn, benefitting the assessed lodging properties through increased consumer demanded increased room night bookings;</li> <li>• Dedicated funds to support incentives, hosting fees and other offsetting costs associated with securing strategic industry events, incremental group and convention business, and/or large-scale events for the destination that generate room nights for the assessed lodging properties;</li> <li>• Strategic partnerships, sponsorships, or other alliances that reinforce the City of Portland as a destination of choice within the travel marketplace</li> </ul> | \$745,000                    |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>for meetings, events and leisure travel – in turn, generating greater room night sales to the assessed lodging properties;</p> <ul style="list-style-type: none"> <li>• Attendance at tradeshow, conferences, and professional industry/partner events to promote the destination and the assessed lodging properties;</li> <li>• Sales missions, client events, site inspections, and familiarization tours showcasing the destination and the assessed lodging properties;</li> <li>• Visitor services programs designed to extend stays at assessed lodging properties and increase visitor spending;</li> <li>• Preparation, production, mailing, and distribution of collateral promotional materials such as brochures, flyers, maps, and videos featuring assessed lodging properties;</li> <li>• Research on current and new markets that would result in additional room night sales to assessed lodging properties_</li> </ul> |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

|                |                                       |
|----------------|---------------------------------------|
| <b>Project</b> | <b>FY 2025<br/>Cost<br/>Estimate*</b> |
|----------------|---------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <p><b>B. Business Practices &amp; Workforce Initiatives</b></p> <p>Work with lodging partners, attractions, restaurants, venues and other tourism-related entities to support programs that encourage sustainable visitation. Services <b>may</b> include:</p> <ul style="list-style-type: none"> <li>• Programs to combat congestion at specific locations and reduce pressure on infrastructure and resources that have a negative impact on the quality of life for residents;</li> <li>• Programming to sustain demand and undertaking activities that balance the livability of the destination in popular tourism periods and generating overnight stays from leisure travelers especially during need periods;</li> <li>• Infrastructure or capital improvements, including maintenance activities, that enhance Portland's competitive position to attract desirable special events year around and attract overnight visitors including payment of debt service on such expenditures;</li> <li>• Funds may be deployed to build programs to support a sustainable workforce. Programming may include destination wide workforce assessment, cost analysis and investment strategy, and apprenticeship/educational programming as seasonality requires.</li> </ul> | \$100,000 |
| <p><b>C. <u>District Administration</u></b> The administration portion of the budget shall be utilized for the costs of forming the District shall be repaid to the Development Program Manager from District assessment revenues, as well as administrative costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees incurred by the City and the Development Program Manager.. A portion of the budget will be allocated to a contingency fund. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program or administration costs at the discretion of the Development Program Manager board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Board, subject to approval by the City.</p>                                                                                                                                                                                                                                                                                                                                                           | \$585,120 |
| <p><b>D. <u>Return on Investment/ Quarterly and Annual Reporting</u></b><br/>The Development Program Manager will account for the expenses of the District specific to the services and programming and the return on investment to be recorded in room nights sold, lodging properties occupancy percentages, and revenues generated.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$20,000  |

| Project      | FY 2025<br>Cost<br>Estimate* |
|--------------|------------------------------|
| <b>Total</b> | <b>\$1,450,120</b>           |

\* These are estimates only. The City may approve different budgeted amounts for the listed projects each year.

#### **D. Strategic Growth and Development**

By creating and designating the District, the City can achieve the appropriate level of programs, services and improvements described in this Development Program as well as a fair and appropriate financial contribution from each party benefitting from such activities. Establishing the public private partnership to fund our local tourism industry will pave the way for an engaged community that will be invested in efforts to stabilize and sustain a year-round balanced visitor demand, local workforce development and support, creating a new platform for Portland to elevate the accessibility to its diverse community, support residents and business development, and maintain and evolve experiences for visitors.

In addition, by providing additional services for assessed lodging properties in the City of Portland, the District will ease the burden on local government, which faces constrained budgets, while under obligation to provide equivalent levels of service throughout the entire community.

The City's designation of the District and pursuit of this Development Program constitute a good and valid public purpose described in Chapter 206 of Title 30-A of Maine Revised Statutes because it represents a substantial contribution to the economic well-being of both the City and the region, by supporting surrounding businesses which provide jobs and contribute to property taxes.

#### **E. Improvements to the Public Infrastructure**

As further set forth in Table 1, the City will undertake a variety of operations and maintenance activities, including potential public infrastructure improvements.

#### **F. Operational Components**

##### **1. Public Facilities**

As further set forth in Table 1, the City may undertake public capital improvement projects and maintenance activities.

##### **2. Commercial Improvements Financed Through Development Program**

No commercial improvements will be financed through the District or assessments.

##### **3. Relocation of Displaced Persons**

No persons will be displaced.



#### **4. Transportation Improvements**

No transportation improvements will be financed through the District or Assessments.

#### **5. Environmental Controls**

The improvements made under the proposed Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements for the City.

#### **6. Plan of Operation**

During the term of the District, the City Manager or designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District, including the imposition and collection of implementation assessments.

Pursuant to the Development Districts Law, the City will enter into a contractual arrangement with the Development Program Manager to perform the Projects outlined in Table 1 above and all administrative matters associated with the Development Program other than those matters within the purview of the City. The Development Program Manager shall establish a corporate Board of Directors whose members fairly represent a cross section of assessed property owners or their designees in the District and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.

### **III. Physical Description**

Municipal documents relating to the District's physical description attached as: City of Portland property map showing the District relative to City boundaries. **Exhibit A**

### **IV. Financial Plan**

The District will encompass approximately 42.1269 acres of property and will begin for the 2025 fiscal year July 1, 2024 – June 30, 2025, with subsequent fiscal years with an indefinite term of years to be terminated only upon Council action.

#### **A. Cost Estimate and Sources of Revenues**

All non-seasonal lodging properties with forty (40) or more rooms within the boundaries of the City of Portland that meet the assessed property criteria shall be assessed. The assessment is based upon the benefits received from the district programming, derived from the business activity related to the parcel. The fiscal year method and assessment rate is based on short term room rental using the US Average, Average Daily Rate (ADR) multiplied by fifty-percent (50%) occupancy as reported by STR year or, when unavailable, as reported by the District Property, for the previous year, multiplied by one and one-half percent (1.5%) which is also equal to one and one-half percent (1.5%) of annual gross short-term room rental revenue.

With a July 1, 2024, District begin date, the budget is based on July 1, 2024, to June 30, 2025, business activity as reported by STR as outlined above, or when unavailable as reported by District Property owners. The subsequent annual assessment will be calculated in a similar manner to the initial assessment using the most recent available previous fiscal year data as reported by STR as outlined above, or when unavailable by District Property Owners.

Assuming a July 1, 2024 District begin date, the District is expected to have a budget (FY2025) of approximately \$1,450,119, based on the assessment rate described above and the cost of programs detailed in the attached budget and as described in Table 1.

## **B. Collections and Remittance**

Pursuant to the Development Districts Law, assessments must be collected by the City at the same time and in the same manner as municipal taxes, following municipal procedures as outlined by the City of Portland. The City shall forward to the Development Program Manager all District assessment funds collected within thirty (30) days of collection, less a ten (10) percent City administrative fee as authorized in the District Development Program. The City tax collector has all the authority and powers by law to collect the assessments. If any District Property owner fails to pay any assessment or part of an assessment on or before the dates required, the City has all the authority and powers to collect the delinquent assessments vested in the City by law to collect delinquent municipal taxes. Penalties for nonpayment of assessments shall be equivalent to penalties for nonpayment of property taxes. Assessments may be remitted on a monthly basis in advance of the municipal tax billing. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district. The City may require reporting and conduct an audit without cause no more than once every year to verify remittance in accordance with the assessment formula.

## **C. Municipal Indebtedness**

The City reserves the right to issue municipal bonds in order to pay for costs of maintenance and operations costs. Any municipal bond issued for such project would require City Council approval and follow Charter required process.

## **D. Related Contract, Agreements, and Obligations**

There are no existing terms and conditions of any agreements, contracts, or other obligations related to this Program, other than the anticipated contract with the Development Program Manager to implement the Projects outlined in Table 1 above and all other administrative matters concerning the implementation and operation of the District, other than those matters within the purview of the City.

## **E. Rollover Funds**

Any and all unused fee funds collected during a year may be rolled over to the subsequent year to be used for programs detailed in the Financial Plan. In the event of termination of the

District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be appropriated for the purposes of this Development Program.

#### **F. Reserve Policy**

The District's Development Program Manager may develop a Reserve Policy to establish minimum levels for designated funds to ensure stable program and project execution, meet future needs, and protect against financial instability, subject to approval by the City.

### **V. Financial Data**

Please find attached as **Exhibit E** the Statutory Requirements and Thresholds Form required by the Maine Department of Economic and Community Development.

### **VI. Municipal Approvals**

#### **A. Notice of Public Hearing**

Attached as **Exhibit A** is a copy of the Notice of Public Hearing held on June 17, 2024, in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The notice was published in the Portland Press Herald, a newspaper of general circulation in the City on a date at least ten (10) days prior to the public hearing.

#### **B. Minutes of Public Hearing**

Attached as **Exhibit C** is a certified copy of the minutes of the public hearing held on June 17, 2024, at which time the proposed District was discussed by the public.

#### **C. City Council Order**

Attached as **Exhibit D** is an attested copy of the City Council Order adopted by the Portland City Council at a Council Meeting duly called and held on June 17, 2024, designating the District and adopting the Development Program.

EXHIBIT A

CITY OF PORTLAND PROPERTY MAP SHOWING DISTRICT PROPERTY  
RELATIVE TO CITY BOUNDARIES

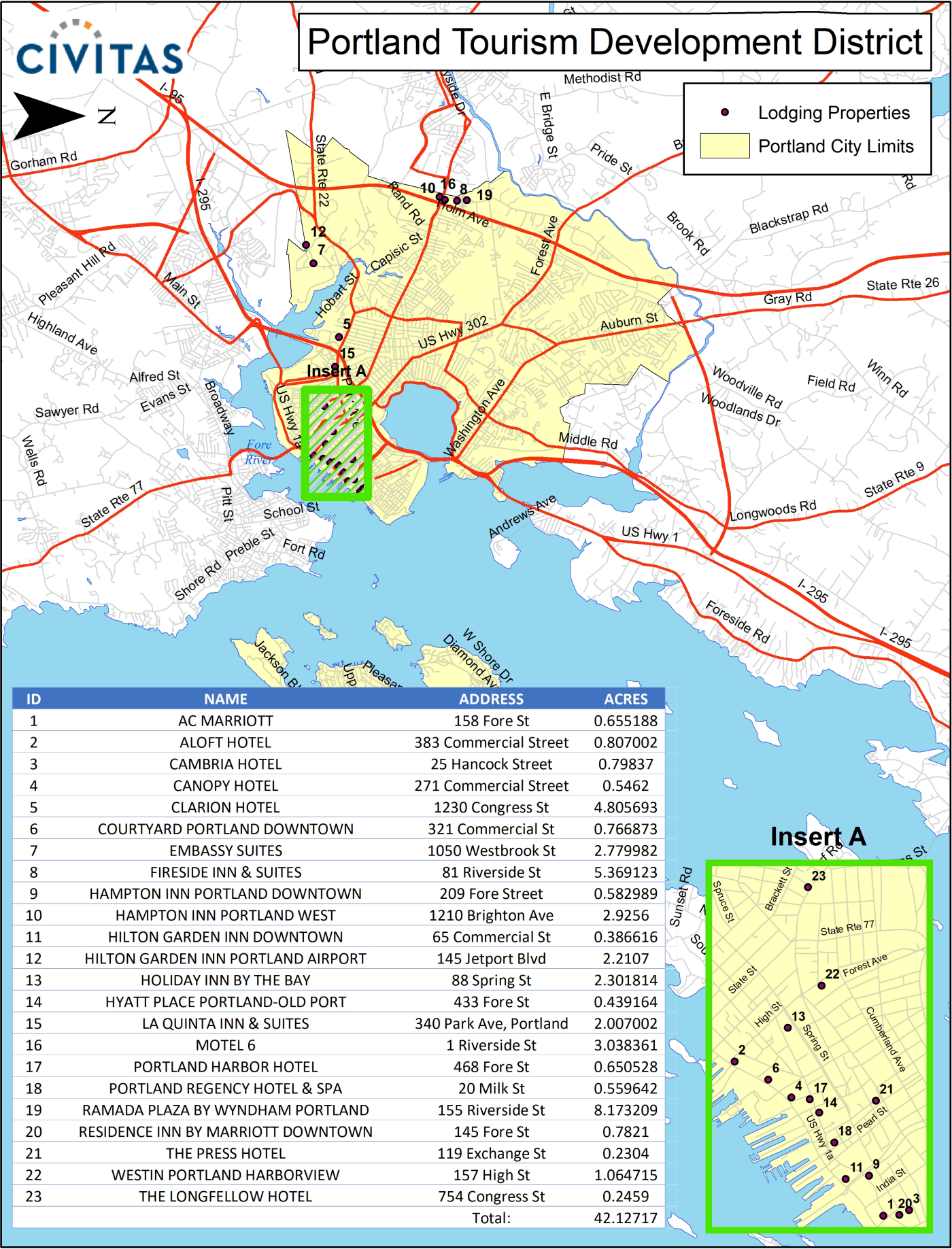


EXHIBIT B  
NOTICE OF PUBLIC HEARING

EXHIBIT C  
MINUTES OF PUBLIC HEARING

EXHIBIT D  
CITY COUNCIL ORDER



EXHIBIT E  
STATUTORY REQUIREMENTS AND THRESHOLDS FORM

**EXHIBIT E**  
**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/FY2025**

| <b>SECTION A.   Acreage Caps</b>                                                                                                                                                                                                                                                                                                                                                                |          |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------|
| 1. Total <b>municipal</b> acreage;                                                                                                                                                                                                                                                                                                                                                              | 13,785.6 |               |
| 2. Acreage of <b>proposed</b> Municipal Development District;                                                                                                                                                                                                                                                                                                                                   | 42.1269  |               |
| 3. <b>Downtown-designation</b> <sup>1</sup> acres in proposed Municipal Development District;                                                                                                                                                                                                                                                                                                   | 0        |               |
| 4. <b>Transit-Oriented Development</b> <sup>2</sup> acres in proposed Municipal Development District;                                                                                                                                                                                                                                                                                           | 0        |               |
| 5. <b>Total acreage</b> [=A2-A3-A4] of proposed Municipal Development District counted toward 2% limit;                                                                                                                                                                                                                                                                                         | 42.1269  |               |
| 6. <b>Percentage</b> [=A5÷A1] of total acreage in proposed Municipal Development District (CANNOT EXCEED 2%).                                                                                                                                                                                                                                                                                   | .3056%   |               |
| 7. <b>Total acreage</b> of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>including</b> Municipal Affordable Housing Development districts: <sup>3</sup> <a href="#">SEE ATTACHED LISTING</a> .<br>District Name/Acreage      District Name/Acreage      District Name/Acreage<br>District Name/Acreage      District Name/Acreage      District Name/Acreage          | Existing | 847.5118      |
|                                                                                                                                                                                                                                                                                                                                                                                                 | Proposed | 42.1269       |
|                                                                                                                                                                                                                                                                                                                                                                                                 | Total:   | 889.6387      |
| <b>30-A § 5223(3) EXEMPTIONS<sup>4</sup></b>                                                                                                                                                                                                                                                                                                                                                    |          |               |
| 8. Acreage of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district;                                                                                                                                                                                                                                                                                                               | 416.7288 |               |
| 9. Acreage of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts:<br>District Name/Acreage      District Name/Acreage                                                                                                                                                                                                                                     | 30.00    |               |
| 10. Acreage of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts:<br>District Name/Acreage      District Name/Acreage                                                                                                                                                                                                                                            | 0        |               |
| 11. Acreage in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> <sup>5</sup> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such acreage also factored in Exemptions 8-10 above:<br>District Name/Acreage      District Name/Acreage      District Name/Acreage<br>District Name/Acreage      District Name/Acreage      District Name/Acreage | 0        |               |
| 12. <b>Total acreage</b> [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;                                                                                                                                                                                                                                                                   | 442.910  |               |
| 13. <b>Percentage of total acreage</b> [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).                                                                                                                                                                                                                                                                    | 3.2128%  |               |
| 14. <b>Real property</b> in proposed Municipal Development District that is:                                                                                                                                                                                                                                                                                                                    | ACRES    | % [=Acres÷A2] |
| a. A blighted area;                                                                                                                                                                                                                                                                                                                                                                             |          |               |
| b. In need of rehabilitation, redevelopment or conservation;                                                                                                                                                                                                                                                                                                                                    |          |               |
| c. Suitable for commercial or arts district uses.                                                                                                                                                                                                                                                                                                                                               | 42.1269  | 100%          |
| <b>TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)</b>                                                                                                                                                                                                                                                                                                               |          |               |

<sup>1</sup> Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

<sup>2</sup> For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

<sup>3</sup> For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

<sup>4</sup> Downtown/TOD overlap nets single acreage/valuation caps exemption.

<sup>5</sup> PTZ districts approved through December 31, 2008.

**EXHIBIT E**  
**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/FY2025**

| SECTION B.   Valuation Cap       |                                                                                                                                                                                                                 |                   |              |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------|
| 1.                               | Total TAXABLE municipal valuation—use most recent April 1;                                                                                                                                                      |                   | N/A          |
| 2.                               | Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;                                                 |                   | N/A          |
| 3.                               | Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>excluding</b> Municipal Affordable Housing Development districts:                                                        |                   | Existing N/A |
|                                  | District Name/OAV                                                                                                                                                                                               | District Name/OAV | Proposed N/A |
|                                  | District Name/OAV                                                                                                                                                                                               | District Name/OAV | Total: N/A   |
| <b>30-A § 5223(3) EXEMPTIONS</b> |                                                                                                                                                                                                                 |                   |              |
| 4.                               | Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;                                                                                                                                     |                   | N/A          |
| 5.                               | Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:                                                                                                               |                   | N/A          |
|                                  | District Name/OAV                                                                                                                                                                                               | District Name/OAV |              |
| 6.                               | Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:                                                                                                                       |                   | N/A          |
|                                  | District Name/OAV                                                                                                                                                                                               | District Name/OAV |              |
| 7.                               | Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation <sup>6</sup> Municipal TIF districts:                                                                                                |                   | N/A          |
|                                  | District Name/OAV                                                                                                                                                                                               | District Name/OAV |              |
| 8.                               | Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such OAV also factored in Exemptions 4-7 above: |                   | N/A          |
|                                  | District Name/OAV                                                                                                                                                                                               | District Name/OAV |              |
|                                  | District Name/OAV                                                                                                                                                                                               | District Name/OAV |              |
| 9.                               | Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;                                                                                         |                   | N/A          |
| 10.                              | Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).                                                                                            |                   | N/A          |

| COMPLETED BY                                                                                                                                                                                                                                                                                                       |               |      |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------|-----------|
| PRINT NAME                                                                                                                                                                                                                                                                                                         | Lori Paulette |      |           |
| SIGNATURE                                                                                                                                                                                                                                                                                                          |               | DATE | 4/26/2024 |
| If this form has <b><u>not be completed by the municipal or plantation assessor</u></b> , the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District. |               |      |           |
| PRINT NAME                                                                                                                                                                                                                                                                                                         | Elisa Marr    |      |           |
| SIGNATURE                                                                                                                                                                                                                                                                                                          |               | DATE |           |

<sup>6</sup> For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

**Listing of Existing TIF Districts for Proposed Tourism Development District for FY2025**

4/23/2024

| <b>Active TIFs</b>                                           |                       |                                      |                 |
|--------------------------------------------------------------|-----------------------|--------------------------------------|-----------------|
| <b>TIF District</b>                                          | <b>FY Start/End</b>   | <b>Original Assessed Value (OAV)</b> | <b>Acres</b>    |
| Waterfront/and W Maine Sub District/Added March 2018 Parcels | FY2002-03/FY2031-32   | \$8,283,740                          | 6.625           |
| - WTIF 9/2018 Added Parcels                                  |                       | \$20,076,870                         | 77.560          |
| - WTIF 5/2019 Added Parcels                                  |                       | \$5,938,400                          | 13.430          |
| Bayside Expanded TIF District                                | FY2003-04/FY2032-33   | \$121,639,640                        | 128.728         |
| Pearl Place/Avesta-AH TIF                                    | FY2007-08/FY2035-36   | \$0                                  | 1.035           |
| Public Market/Power Pay                                      | FY2010-11/FY2039-40   | \$1,862,600                          | 1.070           |
| McAuley Place                                                | FY2009-10/FY2038-39   | \$0                                  | 5.320           |
| Avesta/409 Cumberland Ave-AH TIF                             | FY2013-14/FY2034-35   | \$0                                  | 0.410           |
| Thompson's Pt TOD/TIF II                                     | FY2014-15/FY2043-44   | \$4,970,470                          | 30.000          |
| 134 Washington Avenue/AH TIF                                 | FY2014-15/FY2033-34   | \$0                                  | 0.230           |
| 17 Carleton St/AH TIF                                        | FY2015-16/FY2036-37   | \$0                                  | 0.572           |
| Downtown TOD TIF                                             | FY2015-16/FY2044-45   | \$964,702,263                        | 416.7288        |
| ImmuCell TIF                                                 | FY2017-18/FY2028-29   | \$52,600                             | 1.110           |
| 58 Boyd Street/AH TIF                                        | FY2018-19/FY2047-48   | \$0                                  | 0.480           |
| 178 Kennebec St/AH TIF                                       | FY2019-20/FY2048-49   | \$0                                  | 0.220           |
| Deering Place/AHTIF                                          | FY2018-19/FY2047-48   | \$0                                  | 1.090           |
| 977 Brighton Avenue/AHTIF                                    | FY2019-20/FY2048-49   | \$0                                  | 0.730           |
| 66 State Street AHTIF                                        | FY2020-2021/FY2049-50 | \$0                                  | 0.509           |
| PHA Front Street AHTIF                                       | FY2020-2021/FY2049-50 | \$0                                  | 3.487           |
| 200 Valley Street AHTIF                                      | FY2020-2021/FY2049-50 | \$0                                  | 0.344           |
| 577 Washington Avenue AHTIF                                  | FY2020-2021/FY2049-50 | \$0                                  | 3.610           |
| 337 Cumberland Avenue AHTIF                                  | FY2020-2021/FY2049-50 | \$0                                  | 0.452           |
| 104 Grant Street AHTIF                                       | FY2020-2021/FY2049-50 | \$0                                  | 0.330           |
| 83 Middle Street AHTIF                                       | FY2020-2021/FY2049-50 | \$0                                  | 0.285           |
| 91 Winter Street AHTIF                                       | FY2021-2022/FY2050-51 | \$0                                  | 0.0000          |
| 73 Winter Street AHTIF                                       | FY2021-2022/FY2050-51 | \$0                                  | 0.3941          |
| 45 Dougherty Street AHTIF                                    | FY2023/2024/FY2052-53 | \$0                                  | 1.6750          |
| 25 Casco Street AHTIF                                        | FY2024-2025/FY2053-54 | \$0                                  | 0.312           |
| Riverton Park                                                | FY2024-2025/FY2043-44 | \$0                                  | 19.8649         |
| Portland Tourism Dev. District                               | n/a                   | n/a                                  | 42.1269         |
| Portland Downtown Munic. Dev. Dist.                          | n/a                   | n/a                                  | 130.9100        |
| <b>Sub-Total:</b>                                            |                       | <b>\$1,127,526,583</b>               | <b>889.6387</b> |
| <b>Less Exempt:</b>                                          |                       |                                      |                 |
| Thompson's Point (TOD TIF)                                   | FY2014-15/FY2043-44   | -\$4,970,470                         | -30.000         |
| Downtown TOD District                                        | FY2015-16/FY2044-45   | -\$964,702,263                       | -416.7288       |
| <b>Totals for Caps:</b>                                      |                       | <b>\$157,853,850</b>                 | <b>442.910</b>  |
| <b>FY2023 Aggregate Total Value:</b>                         |                       | \$14,872,866,446                     |                 |
| <b>Total Acreage for Ptd:</b>                                |                       |                                      | 13,785.600      |
| <b>5% Allowed to be TIF'd:</b>                               |                       | \$743,643,322                        | 689.280         |
| <b>Current Amounts TIF'd:</b>                                |                       | \$157,853,850                        | 442.910         |
| <b>Amount Remaining that can be TIF'd:</b>                   |                       | <b>\$585,789,472</b>                 | <b>246.370</b>  |

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 5, 2024

**SUBJECT:** Order 241-23/24 Approving the Amended Wage Scale and Additional Amendments to the Collective Bargaining Agreement with AFSCME Local 481-00, Labor and Trades - Sponsored by Danielle P. West, City Manager

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: No**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This item approves an amendment to the collective bargaining agreement between the City of Portland and AFSCME Local 481-00, Labor and Trades which is effective for the period of July 1, 2022 through June 30, 2025. The amendment includes an amended wage scale, effective June 30, 2024. This proposal is presented after previously receiving guidance from the City Council in executive session and after having been approved by Labor and Trades.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

## **VII. RECOMMENDATION**

## **VIII. LIST ATTACHMENTS**

1. Order - Approving the Amended Wage Scale to the Collective Bargaining Agreement with Labor and Trades
2. Parks, Recreation & Facilities
3. 33 - FILLING OF JOB VACANCIES
4. APPENDIX B-1
5. APPENDIX D
6. APPENDIX B-2
7. Financial Impact Statement

Prepared by:

Date: 06/05/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER APPROVING THE AMENDED WAGE SCALE AND ADDITIONAL  
AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT WITH  
AFSCME LOCAL 481-00, LABOR AND TRADES**

**ORDERED**, that the existing wage scale in the current Collective Bargaining Agreement with AFSCME Local 481-00, Labor and Trades, effective July 1, 2022 through June 30, 2025 be replaced with an amended wage scale, effective June 30, 2024, in substantially the form attached hereto; and

**BE IT FURTHER ORDERED**, that the current Collective Bargaining Agreement be further amended in accordance with the tentative agreements negotiated between Labor and Trades and the City, in substantially the form attached hereto; and

**BE IT FURTHER ORDERED**, that the City Council hereby authorizes the City Manager or designee to execute said document and any other related documents necessary or convenient to carry out the intent of this order.

The City will eliminate the CDL job requirement from positions in Parks, Recreation & Facilities, with the exception of the Arborist II and Arborist III positions which will continue to require a CDL. All other current employees in Parks, Recreation & Facilities that do not regularly use their CDL will receive a \$1.50/hour stipend if they choose to keep it active and remain in the City's drug and alcohol testing pool. In addition, up to three (3) Public Buildings employees who possess a valid State of Maine Class B operator's license that are assigned to winter operations in DPW will receive a total of \$3.00/hour in addition to their base weekly wage during the winter period (as defined in Appendix H in the collective bargaining agreement).



### 33. FILLING OF JOB VACANCIES

#### 33.12 New Hires

The City, at its sole discretion, may hire new employees with prior experience up to the ~~four~~ **eight** (4**8**) year step on the appropriate salary grade for similar work with similar scope and responsibility provided they meet all of the City's requirements for the position as outlined in the job description and selection criteria. Prior experience will be determined by crediting one (1) year for every one (1) year of previous experience the City deems to be relevant in scope and responsibility. The Union shall be notified by the City of any new hire placed at **or above** the four (4) year step.

**APPENDIX B-1**  
**AFSCME/LABOR AND TRADES CLASSIFICATION PLAN**

**Base Rate Designations**

**Grade 10**

~~Laborer~~ (Reclassify to Grade 11)

**Grade 11**

Custodial Worker

**Laborer**

~~Floating Custodial Worker~~ (Eliminate title; move current employees to Custodial Worker)

**Grade 13**

**Grade 14**

~~Building Maintenance/Custodial Worker~~ (Reclassify to Grade 16; change title to Facilities Maintenance Worker I)

~~Maintenance Worker~~ (Eliminate position; reclassify one Cemeteries employee to Grade 16 MWI)

**Grade 15**

~~Trades Worker I~~ (Inactive)

**Grade 16**

~~Journeyman Electrician~~ (Inactive)

**Facilities Maintenance Worker I** (HHS, Parking and PRF)

Maintenance Worker I (Athletic Facilities, Cemeteries, PDD, Streets & Sidewalks, Traffic)

Maintenance Worker I (Islands) (I)

Maintenance Worker I (Solid Waste) (G)

Water Resources Technician I

**Grade 17**

Maintenance Worker II **(K)** (Athletic Facilities, Cemeteries)

Parts Specialist (F)

~~Trades Worker II~~ (Inactive)

**Grade 17-CDL**

Maintenance Worker II (Islands) (I)

Maintenance Worker II (Solid Waste) (H)

Maintenance Worker II (PDD, Streets & Sidewalks, Traffic)

Water Resources Technician II **(J)**

**APPENDIX B-1 (cont'd)**  
**AFSCME/LABOR AND TRADES CLASSIFICATION PLAN**

**Grade 18**~~Facilities Electrician~~ (Inactive)~~Facilities Plumber~~ (Inactive)**Facilities Maintenance Worker II** (HHS)Horticulturist **(K)**Maintenance Worker III **(K)** (Athletic Facilities, Cemeteries, Parks)Parks Maintainer **(K)**

Parking Meter Technician

~~Parks Facilities Assistant~~ (Inactive)~~Sewer Facilities Technician~~ (Inactive)**Grade 18-CDL**

Maintenance Worker III (Islands) (I)

Maintenance Worker III (Solid Waste) (H)

Maintenance Worker III (PDD, Streets &amp; Sidewalks, Traffic)

Water Resources Technician III **(J)****Grade 19**~~Athletic Facilities Steward~~ (Inactive)~~Assistant Dispatcher~~ (Inactive)~~Master Electrician (B)~~ (Inactive)Playground Technician **(K)** ~~(M)~~ (\$1.50/hour market rate stipend included in base rate)**Grade 19-CDL**

PDD Steward

**Market Rate Designations****16M-AR** **Grade 50**

Arborist I

**20M-TW** **Grade 51**Trades Worker ~~III~~ **(K)****25M-TG** **Grade 52**

Traffic Computer Sign Operator

**23M-MCI** **Grade 53**

Auto Technician I (F)

Welder Machinist I – 2nd Class (F)

**29M-PR** **Grade 54**Recreation Facilities Technician **(K)**

**APPENDIX B-1 (cont'd)**  
**AFSCME/LABOR AND TRADES CLASSIFICATION PLAN**

**32M-HVI Grade 55**

HVAC Technician I

**18M-ARI Grade 56**

Arborist II

**19M-ARIII Grade 57**

Arborist III

**33M-HVII Grade 58**

HVAC Technician II (E)

**27M-AU Grade 59**

Autobody Repair Worker (F)

**30M-WR Grade 60**

Water Resources Senior Technician (J)

**24M-MCII Grade 61**

Auto Technician II (F)  
 Welder Machinist II – 1st Class (F)

**35M-ME Grade 62**

Facilities Master Electrician (B) (L) (6% stipend included in base rate)  
 Facilities Master Plumber (D) (L) (6% stipend included in base rate)

**28M-TS Grade 63**

Traffic Signal Repair Worker (A) (J) (\$3/hour market rate stipend included in base rate)

**31M-WF**

Public Buildings &amp; Waterfront Facilities Technician (Inactive)

**34M-SL Grade 64**

Systems &amp; Lighting Technician (A) (C) (K) (\$5/hour market rate stipend included in base rate)

**APPENDIX B-1 (cont'd)**  
**AFSCME/LABOR AND TRADES CLASSIFICATION PLAN**

**Airport Market Rate Designations****Grade 16A**

Airport Maintenance Worker I  
Airport Facilities Technician Assistant I

**Grade 18A**

Airport Facilities Technician Assistant II

**Grade 19A**

Airport Maintenance Worker II

**Grade 19MA**

Airport Facilities Technician

**Grade 20MA**

Airport Airfield Electrician

- (A) Employees in this classification who possess a valid State of Maine Masters Electrician License will receive a 3% stipend in addition to their base weekly pay.
- (B) Employees in this classification who possess IMSA Level II for Fire Alarms or Street Lighting will receive a 3% stipend in addition to their base weekly pay.
- (C) Employees in this classification who possess IMSA Level III traffic signal will receive a 3% stipend in addition to their base weekly pay.
- (D) Employees in this classification who possess a Natural Gas & Propane license will receive a 3% stipend in addition to their base weekly pay.
- (E) Employees in this classification who possess all three of the required licenses will receive a 3% stipend in additional to their base weekly pay.
- (F) Employees in this classification will receive a \$1.00 per hour Fleet market rate stipend.
- (G) Employees in this classification will receive a \$1.00 per hour Solid Waste market rate stipend.
- (H) Employees in this classification will receive a \$2.00 per hour Solid Waste market rate stipend.
- (I) Employees in this classification will receive a \$1.00 per hour Islands market rate stipend.
- ~~(J) Employees in this classification will receive a \$3.00 per hour market rate stipend.~~ (\$3/hour stipend included in base rate)

**APPENDIX B-1 (cont'd)**  
**AFSCME/LABOR AND TRADES CLASSIFICATION PLAN**

- (K) — Employees in this classification will receive a \$5.00 per hour market rate stipend. (\$5/hour stipend included in base rate)
- (L) — Employees in this classification will receive a 6% per hour market rate stipend. (6% stipend included in base rate)
- (M) — Employees in this classification will receive a \$1.50 per hour market rate stipend. (\$1.50/hour stipend included in base rate)
- (J) Employees in this classification who possess a Grade 4 Collections System Certification will receive a \$2.00 per hour stipend in addition to their base weekly pay.**
- (K) Employees in this classification who possess a valid State of Maine Class B Motor Vehicle Operator's License will receive a \$1.50 per hour stipend in addition to their base weekly pay.**

## APPENDIX D LABOR AND TRADES

### JOB FAMILIES

1. Mechanical Services
  - Auto Technician II
  - Auto Technician I
  - Autobody Repair Worker
  - Parts Specialist
2. Maintenance Operations
  - ~~Athletic Facilities Steward~~
  - Horticulturist
  - Laborer
  - Maintenance Worker III/~~Parks Facilities Assistant~~/WR Technician III
  - Maintenance Worker II/WR Technician II
  - Maintenance Worker I/WR Technician I
  - ~~Maintenance Worker~~
  - Park Maintainer
  - PDD Steward
  - Playground Technician
  - Recreation Facilities Technician
3. Support Staff
  - ~~Building Maintenance/Custodial Worker~~
  - ~~Floating Custodial Worker~~
  - Custodial Worker
  - Facilities Maintenance Worker II**
  - Facilities Maintenance Worker I**
4. Welding Services
  - Welder Machinist II
  - Welder Machinist I
5. Electrical Services
  - Airport Airfield Electrician/Facilities Master Electrician/  
Systems and Lighting Technician/Airport Facilities Technician (Electrical)
  - ~~Master Electrician~~
  - Airport Facilities Technician Assistant II (Electrical)/~~Facilities Electrician~~
  - ~~Journeyman Electrician~~/Airport Facilities Technician Assistant I (Electrical)
6. Airport Facilities
  - Airport Facilities Technician (HVAC)
  - Airport Facilities Technician Assistant II (HVAC)
  - Airport Facilities Technician Assistant I (HVAC)

## Appendix D (cont'd)

7. Airport Operations

Airport Maintenance Worker II  
Airport Maintenance Worker I  
Airport Airfield Electrician

8. Forestry Operations

Arborist III  
Arborist II  
Arborist I

9. Facilities Management

Facilities Master Plumber  
HVAC Technician II  
HVAC Technician I  
Trades Worker-III  
Trades Worker II  
Facilities Plumber  
Trades Worker I  
Public Buildings & Waterfront Facilities Technician

10. Positions Not Grouped

Assistant Dispatcher  
Traffic Signal Repair Worker  
Traffic Sign Computer Operator  
Water Resources Senior Technician



**APPENDIX B-2**  
**AFSCME / LABOR & TRADES BASE PAY PLAN**  
**PAY PLAN EFFECTIVE UPON COUNCIL APPROVAL**  
**(FY24)**

| PAY GRADE                                                               |      | 1<br>0-1YR | 2<br>1-2YRS | 3<br>2-4YRS | 4<br>4-6YRS | 5<br>6-8YRS | 6<br>8-12YRS | 7<br>12-15YRS | 8<br>15-20YRS | 9<br>20+ YRS |
|-------------------------------------------------------------------------|------|------------|-------------|-------------|-------------|-------------|--------------|---------------|---------------|--------------|
| <b>11</b>                                                               | Wkly | \$771.20   | \$786.40    | \$806.40    | \$824.80    | \$845.20    | \$866.00     | \$891.60      | \$939.20      | \$967.20     |
|                                                                         | Hrly | \$19.28    | \$19.66     | \$20.16     | \$20.62     | \$21.13     | \$21.65      | \$22.29       | \$23.48       | \$24.18      |
| <i>(No change to the pay plan)</i>                                      |      |            |             |             |             |             |              |               |               |              |
| <b>16</b>                                                               | Wkly | \$840.80   | \$859.20    | \$877.20    | \$900.00    | \$921.60    | \$942.80     | \$970.40      | \$1,020.40    | \$1,051.20   |
|                                                                         | Hrly | \$21.02    | \$21.48     | \$21.93     | \$22.50     | \$23.04     | \$23.57      | \$24.26       | \$25.51       | \$26.28      |
| <i>(No change to the pay plan)</i>                                      |      |            |             |             |             |             |              |               |               |              |
| <b>17</b>                                                               | Wkly | \$860.80   | \$876.40    | \$896.80    | \$920.00    | \$941.20    | \$965.60     | \$993.60      | \$1,044.80    | \$1,076.00   |
|                                                                         | Hrly | \$21.52    | \$21.91     | \$22.42     | \$23.00     | \$23.53     | \$24.14      | \$24.84       | \$26.12       | \$26.90      |
| <i>(No change to the pay plan)</i>                                      |      |            |             |             |             |             |              |               |               |              |
| <b>17-CDL</b>                                                           | Wkly | \$980.80   | \$996.40    | \$1,016.80  | \$1,040.00  | \$1,061.20  | \$1,085.60   | \$1,113.60    | \$1,164.80    | \$1,196.00   |
|                                                                         | Hrly | \$24.52    | \$24.91     | \$25.42     | \$26.00     | \$26.53     | \$27.14      | \$27.84       | \$29.12       | \$29.90      |
| <i>(\$3/hour added to the pay plan for CDL requirement)</i>             |      |            |             |             |             |             |              |               |               |              |
| <b>18</b>                                                               | Wkly | \$884.80   | \$900.80    | \$922.80    | \$946.40    | \$968.80    | \$992.40     | \$1,021.60    | \$1,073.60    | \$1,106.00   |
|                                                                         | Hrly | \$22.12    | \$22.52     | \$23.07     | \$23.66     | \$24.22     | \$24.81      | \$25.54       | \$26.84       | \$27.65      |
| <i>(No change to the pay plan)</i>                                      |      |            |             |             |             |             |              |               |               |              |
| <b>18-CDL</b>                                                           | Wkly | \$1,004.80 | \$1,020.80  | \$1,042.80  | \$1,066.40  | \$1,088.80  | \$1,112.40   | \$1,141.60    | \$1,193.60    | \$1,226.00   |
|                                                                         | Hrly | \$25.12    | \$25.52     | \$26.07     | \$26.66     | \$27.22     | \$27.81      | \$28.54       | \$29.84       | \$30.65      |
| <i>(\$3/hour added to the pay plan for CDL requirement)</i>             |      |            |             |             |             |             |              |               |               |              |
| <b>19</b>                                                               | Wkly | \$987.20   | \$1,006.40  | \$1,029.60  | \$1,052.00  | \$1,078.00  | \$1,102.00   | \$1,132.40    | \$1,186.00    | \$1,219.60   |
|                                                                         | Hrly | \$24.68    | \$25.16     | \$25.74     | \$26.30     | \$26.95     | \$27.55      | \$28.31       | \$29.65       | \$30.49      |
| <i>(Existing \$1.50/hour market rate stipend added to the pay plan)</i> |      |            |             |             |             |             |              |               |               |              |
| <b>19-CDL</b>                                                           | Wkly | \$1,047.20 | \$1,066.40  | \$1,089.60  | \$1,112.00  | \$1,138.00  | \$1,162.00   | \$1,192.40    | \$1,246.00    | \$1,279.60   |
|                                                                         | Hrly | \$26.18    | \$26.66     | \$27.24     | \$27.80     | \$28.45     | \$29.05      | \$29.81       | \$31.15       | \$31.99      |
| <i>(\$3/hour added to the pay plan for CDL requirement)</i>             |      |            |             |             |             |             |              |               |               |              |

Effective July 1, 2018, the following stipends were built into the pay plan and were eliminated from the contract:  
 pants, boots, pants, boots, miscellaneous clothing, meal allowance and winter plowing stipend.

**APPENDIX B-2**  
**AFSCME / LABOR & TRADES MARKET RATE PAY PLAN**  
**PAY PLAN EFFECTIVE UPON COUNCIL APPROVAL**  
**(FY24)**

| PAY<br>GRADE  |                                                             | 1<br>0-1YR | 2<br>1-2YRS | 3<br>2-4YRS | 4<br>4-6YRS | 5<br>6-8YRS | 6<br>8-12YRS | 7<br>12-15YRS | 8<br>15-20YRS | 9<br>20+ YRS                                                |
|---------------|-------------------------------------------------------------|------------|-------------|-------------|-------------|-------------|--------------|---------------|---------------|-------------------------------------------------------------|
| <b>50</b>     | <b>ARBORIST I</b>                                           |            |             |             |             |             |              |               |               |                                                             |
|               | Wkly                                                        | \$933.60   | \$961.60    | \$990.40    | \$1,020.00  | \$1,050.80  | \$1,082.40   | \$1,114.80    | \$1,148.40    | \$1,182.80                                                  |
|               | Hrly                                                        | \$23.34    | \$24.04     | \$24.76     | \$25.50     | \$26.27     | \$27.06      | \$27.87       | \$28.71       | \$29.57                                                     |
|               |                                                             |            |             |             |             |             |              |               |               | <i>(No change to the pay plan)</i>                          |
| <b>51</b>     | <b>TRADES WORKER</b>                                        |            |             |             |             |             |              |               |               |                                                             |
|               | Wkly                                                        | \$949.60   | \$978.00    | \$1,007.20  | \$1,037.60  | \$1,068.80  | \$1,100.80   | \$1,134.00    | \$1,168.00    | \$1,203.20                                                  |
|               | Hrly                                                        | \$23.74    | \$24.45     | \$25.18     | \$25.94     | \$26.72     | \$27.52      | \$28.35       | \$29.20       | \$30.08                                                     |
|               |                                                             |            |             |             |             |             |              |               |               | <i>(No change to the pay plan)</i>                          |
| <b>52</b>     | <b>TRAFFIC COMPUTER SIGN OPERATOR</b>                       |            |             |             |             |             |              |               |               |                                                             |
|               | Wkly                                                        | \$973.20   | \$1,002.40  | \$1,032.40  | \$1,063.20  | \$1,095.20  | \$1,128.00   | \$1,162.00    | \$1,196.80    | \$1,232.80                                                  |
|               | Hrly                                                        | \$24.33    | \$25.06     | \$25.81     | \$26.58     | \$27.38     | \$28.20      | \$29.05       | \$29.92       | \$30.82                                                     |
|               |                                                             |            |             |             |             |             |              |               |               | <i>(No change to the pay plan)</i>                          |
| <b>52-CDL</b> | <b>TRAFFIC COMPUTER SIGN OPERATOR</b>                       |            |             |             |             |             |              |               |               |                                                             |
|               | Wkly                                                        | \$1,093.20 | \$1,122.40  | \$1,152.40  | \$1,183.20  | \$1,215.20  | \$1,248.00   | \$1,282.00    | \$1,316.80    | \$1,352.80                                                  |
|               | Hrly                                                        | \$27.33    | \$28.06     | \$28.81     | \$29.58     | \$30.38     | \$31.20      | \$32.05       | \$32.92       | \$33.82                                                     |
|               |                                                             |            |             |             |             |             |              |               |               | <i>(\$3/hour added to the pay plan for CDL requirement)</i> |
| <b>53</b>     | <b>AUTO TECHNICIAN I AND WELDER MACHINIST 1 - 2ND CLASS</b> |            |             |             |             |             |              |               |               |                                                             |
|               | Wkly                                                        | \$973.20   | \$1,002.40  | \$1,032.40  | \$1,063.20  | \$1,095.20  | \$1,128.00   | \$1,162.00    | \$1,196.80    | \$1,232.80                                                  |
|               | Hrly                                                        | \$24.33    | \$25.06     | \$25.81     | \$26.58     | \$27.38     | \$28.20      | \$29.05       | \$29.92       | \$30.82                                                     |
|               |                                                             |            |             |             |             |             |              |               |               | <i>(No change to the pay plan)</i>                          |
| <b>54</b>     | <b>RECREATION FACILITIES TECHNICIAN</b>                     |            |             |             |             |             |              |               |               |                                                             |
|               | Wkly                                                        | \$1,041.60 | \$1,072.40  | \$1,104.80  | \$1,136.40  | \$1,169.20  | \$1,204.40   | \$1,239.60    | \$1,298.40    | \$1,337.20                                                  |
|               | Hrly                                                        | \$26.04    | \$26.81     | \$27.62     | \$28.41     | \$29.23     | \$30.11      | \$30.99       | \$32.46       | \$33.43                                                     |
|               |                                                             |            |             |             |             |             |              |               |               | <i>(No change to the pay plan)</i>                          |
| <b>55</b>     | <b>HVAC TECHNICIAN I</b>                                    |            |             |             |             |             |              |               |               |                                                             |
|               | Wkly                                                        | \$1,067.60 | \$1,099.60  | \$1,132.40  | \$1,166.40  | \$1,201.20  | \$1,237.20   | \$1,274.40    | \$1,312.80    | \$1,352.00                                                  |
|               | Hrly                                                        | \$26.69    | \$27.49     | \$28.31     | \$29.16     | \$30.03     | \$30.93      | \$31.86       | \$32.82       | \$33.80                                                     |
|               |                                                             |            |             |             |             |             |              |               |               | <i>(No change to the pay plan)</i>                          |
| <b>56</b>     | <b>ARBORIST II</b>                                          |            |             |             |             |             |              |               |               |                                                             |
|               | Wkly                                                        | \$1,081.60 | \$1,110.40  | \$1,140.00  | \$1,170.80  | \$1,202.40  | \$1,234.80   | \$1,268.40    | \$1,302.80    | \$1,338.40                                                  |
|               | Hrly                                                        | \$27.04    | \$27.76     | \$28.50     | \$29.27     | \$30.06     | \$30.87      | \$31.71       | \$32.57       | \$33.46                                                     |
|               |                                                             |            |             |             |             |             |              |               |               | <i>(\$3/hour added to the pay plan for CDL requirement)</i> |

**APPENDIX B-2**  
**AFSCME / LABOR & TRADES MARKET RATE PAY PLAN**  
**PAY PLAN EFFECTIVE UPON COUNCIL APPROVAL**  
**(FY24)**

| PAY<br>GRADE  |                                                                    | 1<br>0-1YR                                                                     | 2<br>1-2YRS | 3<br>2-4YRS | 4<br>4-6YRS | 5<br>6-8YRS | 6<br>8-12YRS | 7<br>12-15YRS | 8<br>15-20YRS | 9<br>20+ YRS |
|---------------|--------------------------------------------------------------------|--------------------------------------------------------------------------------|-------------|-------------|-------------|-------------|--------------|---------------|---------------|--------------|
| <b>57</b>     | <b>ARBORIST III</b>                                                |                                                                                |             |             |             |             |              |               |               |              |
|               | Wkly                                                               | \$1,110.40                                                                     | \$1,140.00  | \$1,170.80  | \$1,202.40  | \$1,234.80  | \$1,268.40   | \$1,302.80    | \$1,338.40    | \$1,374.80   |
|               | Hrly                                                               | \$27.76                                                                        | \$28.50     | \$29.27     | \$30.06     | \$30.87     | \$31.71      | \$32.57       | \$33.46       | \$34.37      |
|               |                                                                    | (\$3/hour added to the pay plan for CDL requirement)                           |             |             |             |             |              |               |               |              |
| <b>58</b>     | <b>HVAC TECHNICIAN II</b>                                          |                                                                                |             |             |             |             |              |               |               |              |
|               | Wkly                                                               | \$1,132.40                                                                     | \$1,166.40  | \$1,201.20  | \$1,237.20  | \$1,274.40  | \$1,312.80   | \$1,352.00    | \$1,392.40    | \$1,434.00   |
|               | Hrly                                                               | \$28.31                                                                        | \$29.16     | \$30.03     | \$30.93     | \$31.86     | \$32.82      | \$33.80       | \$34.81       | \$35.85      |
|               |                                                                    | (No change to the pay plan)                                                    |             |             |             |             |              |               |               |              |
| <b>59</b>     | <b>AUTOBODY REPAIR WORKER</b>                                      |                                                                                |             |             |             |             |              |               |               |              |
|               | Wkly                                                               | \$993.60                                                                       | \$1,023.60  | \$1,054.40  | \$1,086.00  | \$1,118.40  | \$1,152.00   | \$1,186.40    | \$1,222.00    | \$1,258.80   |
|               | Hrly                                                               | \$24.84                                                                        | \$25.59     | \$26.36     | \$27.15     | \$27.96     | \$28.80      | \$29.66       | \$30.55       | \$31.47      |
|               |                                                                    | (No change to the pay plan)                                                    |             |             |             |             |              |               |               |              |
| <b>60</b>     | <b>WATER RESOURCES SENIOR TECHNICIAN</b>                           |                                                                                |             |             |             |             |              |               |               |              |
|               | Wkly                                                               | \$1,161.60                                                                     | \$1,192.40  | \$1,224.80  | \$1,256.40  | \$1,289.20  | \$1,324.40   | \$1,359.60    | \$1,418.40    | \$1,457.20   |
|               | Hrly                                                               | \$29.04                                                                        | \$29.81     | \$30.62     | \$31.41     | \$32.23     | \$33.11      | \$33.99       | \$35.46       | \$36.43      |
|               |                                                                    | (\$3/hour added to the pay plan for CDL requirement)                           |             |             |             |             |              |               |               |              |
| <b>61</b>     | <b>AUTO TECHNICIAN II AND WELDER MACHINIST II - 1ST CLASS</b>      |                                                                                |             |             |             |             |              |               |               |              |
|               | Wkly                                                               | \$1,122.80                                                                     | \$1,152.80  | \$1,183.60  | \$1,215.60  | \$1,248.40  | \$1,282.40   | \$1,317.20    | \$1,353.20    | \$1,390.00   |
|               | Hrly                                                               | \$28.07                                                                        | \$28.82     | \$29.59     | \$30.39     | \$31.21     | \$32.06      | \$32.93       | \$33.83       | \$34.75      |
|               |                                                                    | (\$3/hour added to the pay plan for CDL requirement)                           |             |             |             |             |              |               |               |              |
| <b>62</b>     | <b>FACILITIES MASTER ELECTRICIAN AND FACILITIES MASTER PLUMBER</b> |                                                                                |             |             |             |             |              |               |               |              |
|               | Wkly                                                               | \$1,200.34                                                                     | \$1,236.38  | \$1,273.27  | \$1,311.43  | \$1,350.86  | \$1,391.57   | \$1,433.12    | \$1,475.94    | \$1,520.04   |
|               | Hrly                                                               | \$30.01                                                                        | \$30.91     | \$31.83     | \$32.79     | \$33.77     | \$34.79      | \$35.83       | \$36.90       | \$38.00      |
|               |                                                                    | (Existing 6% market rate stipend added to the pay plan)                        |             |             |             |             |              |               |               |              |
| <b>63</b>     | <b>TRAFFIC SIGNAL REPAIR WORKER</b>                                |                                                                                |             |             |             |             |              |               |               |              |
|               | Wkly                                                               | \$1,122.80                                                                     | \$1,152.80  | \$1,183.60  | \$1,215.60  | \$1,248.40  | \$1,282.40   | \$1,317.20    | \$1,353.20    | \$1,390.00   |
|               | Hrly                                                               | \$28.07                                                                        | \$28.82     | \$29.59     | \$30.39     | \$31.21     | \$32.06      | \$32.93       | \$33.83       | \$34.75      |
|               |                                                                    | (Existing \$3/hour market rate stipend added to the pay plan)                  |             |             |             |             |              |               |               |              |
| <b>63-CDL</b> | <b>TRAFFIC SIGNAL REPAIR WORKER</b>                                |                                                                                |             |             |             |             |              |               |               |              |
|               | Wkly                                                               | \$1,242.80                                                                     | \$1,272.80  | \$1,303.60  | \$1,335.60  | \$1,368.40  | \$1,402.40   | \$1,437.20    | \$1,473.20    | \$1,510.00   |
|               | Hrly                                                               | \$31.07                                                                        | \$31.82     | \$32.59     | \$33.39     | \$34.21     | \$35.06      | \$35.93       | \$36.83       | \$37.75      |
|               |                                                                    | (Existing \$3/hour market rate stipend and \$3/hour CDL added to the pay plan) |             |             |             |             |              |               |               |              |

APPENDIX B-2  
AFSCME / LABOR & TRADES MARKET RATE PAY PLAN  
PAY PLAN EFFECTIVE UPON COUNCIL APPROVAL  
(FY24)

| PAY GRADE                                                                      |                               | 1<br>0-1YR | 2<br>1-2YRS | 3<br>2-4YRS | 4<br>4-6YRS | 5<br>6-8YRS | 6<br>8-12YRS | 7<br>12-15YRS | 8<br>15-20YRS | 9<br>20+ YRS |
|--------------------------------------------------------------------------------|-------------------------------|------------|-------------|-------------|-------------|-------------|--------------|---------------|---------------|--------------|
| 64                                                                             | SYSTEMS & LIGHTING TECHNICIAN |            |             |             |             |             |              |               |               |              |
|                                                                                | Wkly                          | \$1,286.80 | \$1,319.60  | \$1,353.20  | \$1,387.60  | \$1,423.20  | \$1,460.00   | \$1,498.00    | \$1,536.80    | \$1,576.80   |
|                                                                                | Hrly                          | \$32.17    | \$32.99     | \$33.83     | \$34.69     | \$35.58     | \$36.50      | \$37.45       | \$38.42       | \$39.42      |
| (Existing \$5/hour market rate stipend added to the pay plan)                  |                               |            |             |             |             |             |              |               |               |              |
| 64-CDL                                                                         | SYSTEMS & LIGHTING TECHNICIAN |            |             |             |             |             |              |               |               |              |
|                                                                                | Wkly                          | \$1,406.80 | \$1,439.60  | \$1,473.20  | \$1,507.60  | \$1,543.20  | \$1,580.00   | \$1,618.00    | \$1,656.80    | \$1,696.80   |
|                                                                                | Hrly                          | \$35.17    | \$35.99     | \$36.83     | \$37.69     | \$38.58     | \$39.50      | \$40.45       | \$41.42       | \$42.42      |
| (Existing \$5/hour market rate stipend and \$3/hour CDL added to the pay plan) |                               |            |             |             |             |             |              |               |               |              |

Effective July 1, 2018, the following stipends were built into the pay plan and were eliminated from the contract:  
pants, boots, pants, boots, miscellaneous clothing, meal allowance and winter plowing stipend.

**APPENDIX B-2**  
**AFSCME / LABOR & TRADES AIRPORT MARKET RATE PAY PLAN**  
**PAY PLAN EFFECTIVE JULY 2, 2023**  
**(FY24)**

| PAY<br>GRADE |                                                                   | 1<br>0-1YR | 2<br>1-2YRS | 3<br>2-4YRS | 4<br>4-6YRS | 5<br>6-8YRS | 6<br>8-12YRS | 7<br>12-15YRS | 8<br>15-20YRS | 9<br>20+ YRS                       |
|--------------|-------------------------------------------------------------------|------------|-------------|-------------|-------------|-------------|--------------|---------------|---------------|------------------------------------|
| <b>16A</b>   | <b>AIRPORT MW I and AIRPORT FACILITIES TECHNICIAN ASSISTANT I</b> |            |             |             |             |             |              |               |               |                                    |
|              | Wkly                                                              | \$974.80   | \$996.80    | \$1,018.80  | \$1,045.60  | \$1,070.80  | \$1,095.60   | \$1,128.80    | \$1,162.40    | \$1,197.20                         |
|              | Hrly                                                              | \$24.37    | \$24.92     | \$25.47     | \$26.14     | \$26.77     | \$27.39      | \$28.22       | \$29.06       | \$29.93                            |
|              |                                                                   |            |             |             |             |             |              |               |               | <i>(No change to the pay plan)</i> |
| <b>18A</b>   | <b>AIRPORT FACILITIES TECHNICIAN ASSISTANT II</b>                 |            |             |             |             |             |              |               |               |                                    |
|              | Wkly                                                              | \$1,013.60 | \$1,032.00  | \$1,058.00  | \$1,085.60  | \$1,112.80  | \$1,140.00   | \$1,174.40    | \$1,209.60    | \$1,246.00                         |
|              | Hrly                                                              | \$25.34    | \$25.80     | \$26.45     | \$27.14     | \$27.82     | \$28.50      | \$29.36       | \$30.24       | \$31.15                            |
|              |                                                                   |            |             |             |             |             |              |               |               | <i>(No change to the pay plan)</i> |
| <b>19A</b>   | <b>AIRPORT MW II</b>                                              |            |             |             |             |             |              |               |               |                                    |
|              | Wkly                                                              | \$1,067.20 | \$1,089.60  | \$1,116.80  | \$1,143.60  | \$1,174.00  | \$1,201.60   | \$1,238.40    | \$1,275.20    | \$1,313.60                         |
|              | Hrly                                                              | \$26.68    | \$27.24     | \$27.92     | \$28.59     | \$29.35     | \$30.04      | \$30.96       | \$31.88       | \$32.84                            |
|              |                                                                   |            |             |             |             |             |              |               |               | <i>(No change to the pay plan)</i> |
| <b>19MA</b>  | <b>AIRPORT FACILITIES TECHNICIAN</b>                              |            |             |             |             |             |              |               |               |                                    |
|              | Wkly                                                              | \$1,194.80 | \$1,245.20  | \$1,270.00  | \$1,306.40  | \$1,346.00  | \$1,386.80   | \$1,438.40    | \$1,481.20    | \$1,525.60                         |
|              | Hrly                                                              | \$29.87    | \$31.13     | \$31.75     | \$32.66     | \$33.65     | \$34.67      | \$35.96       | \$37.03       | \$38.14                            |
|              |                                                                   |            |             |             |             |             |              |               |               | <i>(No change to the pay plan)</i> |
| <b>20MA</b>  | <b>AIRPORT AIRFIELD ELECTRICIAN</b>                               |            |             |             |             |             |              |               |               |                                    |
|              | Wkly                                                              | \$1,230.80 | \$1,282.40  | \$1,308.40  | \$1,345.60  | \$1,386.40  | \$1,428.40   | \$1,470.80    | \$1,514.80    | \$1,560.40                         |
|              | Hrly                                                              | \$30.77    | \$32.06     | \$32.71     | \$33.64     | \$34.66     | \$35.71      | \$36.77       | \$37.87       | \$39.01                            |
|              |                                                                   |            |             |             |             |             |              |               |               | <i>(No change to the pay plan)</i> |

*Effective October 2, 2017, the following stipends were built into the pay plan and were eliminated from the contract: pants, boots, miscellaneous clothing, meal allowance, winter plowing and the market rate stipends (only shift differentials remain).*

## Formula for New Program Costing on Tax Rate

|                                                                                 |                |              |
|---------------------------------------------------------------------------------|----------------|--------------|
| 1) FY24 Valuation:                                                              | 14,879,000,000 | \$14,879,000 |
| 2) FY24 Tax Rate (Total City & School): $\text{Levy} / (\text{Valuation}/1000)$ |                | \$14.41      |
| (a) FY24 Tax Rate (City):                                                       |                | \$6.34       |
| (b) FY24 Tax Rate (County):                                                     |                | \$0.62       |
| (c) FY24 Tax Rate (School):                                                     |                | \$7.45       |
| 3) FY24 Value of \$0.01 of Tax Rate (Total City & School):                      |                | \$148,790    |

| FISCAL IMPACT NOTE                       | FY24      |                                | FY25      |                                | FY26      |                                |
|------------------------------------------|-----------|--------------------------------|-----------|--------------------------------|-----------|--------------------------------|
|                                          | City Rate | City / Sch<br>Combined<br>Rate | City Rate | City / Sch<br>Combined<br>Rate | City Rate | City / Sch<br>Combined<br>Rate |
| New Program Cost Data:                   |           |                                |           |                                |           |                                |
| Example:                                 |           |                                |           |                                |           |                                |
| ADD: NEW ITEM ANNUAL EXPENDITURES        |           | \$0                            |           | \$710,000                      |           | \$710,000                      |
| LESS: TOTAL NEW ITEM ANNUAL REVENUES     |           | \$0                            |           | \$0                            |           | \$0                            |
| =NEW ITEM NET TAX RATE IMPACT PROJECTION | \$0       | \$0                            | \$710,000 | \$710,000                      | \$710,000 | \$710,000                      |
| New Program Impact to the Tax Rate       | \$0.0000  | \$0.0000                       | \$0.0477  | \$0.0477                       | \$0.0477  | \$0.0477                       |
| New Program % Impact on Tax Rate         | 0.0000%   | 0.0000%                        | 0.7527%   | 0.3311%                        | 0.7527%   | 0.3311%                        |
| Tax Rate Including New Program           | \$14.41   | \$14.41                        | \$14.46   | \$14.46                        | \$14.46   | \$14.46                        |

The updated Labor and Trades Wage Schedule for FY25 carries an estimated cost of approximately \$710,000 and is critical to our recruitment and retention of staff. The funding has been included in the FY25 Finance Committee's Recommended Budget.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Troy Moon, Sustainability Coordinator

**DATE:** June 5, 2024

**SUBJECT:** Order 242-23/24 Amendment to Portland City Code Chapter 32 RE: Stormwater Regulation - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair

**SPONSOR:** The Sustainability and Transportation Committee, Councilor Regina Phillips, Chair.  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**  
**1st Reading 6/3/2024**

**Final**  
**Action 6/17/2024**

**Can action be taken at a later date:** No No. Chapter 32 changes must be enacted by July 1, 2024 to meet a stormwater permit requirement.

**Does this item involve a new contract with the City:** no

**PRESENTATION:** N/A

**I. SUMMARY**

The Water Resources Division of Public Works is updating Chapter 32 to create an Erosion and Sediment Control article in order to meet a regulatory permit requirement.

**II. AGENDA DESCRIPTION**

In order to comply with regulatory permit requirements, the Water Resources Division is updating both Chapter 32. Chapter 32 is being updated to include a fourth article titled Erosion and Sediment Control which is a requirement of the stormwater permit issued by the Maine Department of Environmental Protection. This requirement has a July 1, 2024 deadline to be enacted. Chapter 6 of the Technical Manual will be updated in conjunction with this Ordinance update. Additional revisions are being proposed to match the permit's language, including definitions, deadlines, and references.

This ordinance update is being made to meet permit requirements and other initiatives, including an updated Technical Manual, to limit the impact of discharges to our stormwater system and to the City's brooks, rivers, and harbor.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Chapter 32 is being updated to include a fourth article titled Erosion and Sediment Control which is required to be in place by July 1, 2024, by the stormwater permit issued by the Maine Department of Environmental Protection. The article language is based on a model ordinance prepared by the Interlocal Stormwater Working Group and meets the State's requirements. Some additional minor updates to the other definitions and the other articles to keep the Ordinance up to date. Along with this update, Chapter 6 of the Technical Manual will be updated to provide additional specifications for erosion and sediment control plans and measures.

These updates were presented to the Transportation and Sustainability Committee at the March 13th and April 10th meetings. It was presented twice to ensure that discussion and feedback could be sought from two trade groups (Maine section of Association of General Contractors and Greater Portland Chamber of Commerce) who submitted concerns. Additionally, the City's Water Resources website was updated to include information about the Erosion and Sediment Control Program (<https://www.portlandmaine.gov/1490/Erosion-and-Sediment-Control>).

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The intended result of the Chapter 32 updates are to comply with a stormwater permit requirement issued by the Maine Department of Environmental Protection

#### **V. FINANCIAL IMPACT**

There is no financial impact to the Water Resources Division for the ordinance update. There may be an increase in costs for developers to comply with the inspection requirements for the Erosion and Sediment Control article though the requirement is already applied in the Development Review process.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

Article I - the definitions are being updated to match the current definitions included in the City's Stormwater Permit as issued by the State of Maine Department of Environmental Protection

Article II - minor formatting/spelling changes. Section 32-21 Updated enforcement language stating that a continued violation shall be considered a separation violation for each day that the violation exists.

Article III - Sec 32-36 updated to reflect proper reference. Sec 32-38 (b) and (c) updated to reflect permit requirements of enforcing a 60 day deadline or expeditious timeline for correction of failing/defective best management practices.

Article IV - This article is new and titled Erosion and Sediment Control. The City's Stormwater Permit (MS4) requires a regulatory mechanism for enforcement of an Erosion and Sediment Control standard be put in place by July 1, 2024. We have prepared this article to cover the most general parts of what we would consider a regulatory mechanism. The details are to be adopted by the Planning Board as part of the Technical Standards which has all of the specifics of how to be compliant. Erosion and Sediment Control plans are already required for minor and major site plans. The addition of Article IV is to meet the permit requirements but also formalize the existing requirements to limit erosion and keep sediment out of the stormwater system and water resources.

A model ordinance was prepared and reviewed by the Interlocal Stormwater Working Group (ISWG). ISWG consists of Biddeford, Cape Elizabeth, Cumberland, Cumberland County Soil & Water Conservation District, Falmouth, Freeport, Gorham, Old Orchard Beach, Portland, Saco, Scarborough, South Portland, Southern Maine Community College, University of Southern Maine, Westbrook, Windham, and Yarmouth. These communities work collaboratively to implement the Clean Water Act Municipal Separate Storm Sewer System (MS4) permit. The City then took the model Ordinance and tailored language for Article IV of Chapter 32 and the Technical Manual.

#### **VII. RECOMMENDATION**

Staff recommends passage.

#### **VIII. LIST ATTACHMENTS**

1. Amendment - Ch 32 Stormwater



2. Chapter 32 Redline\_Apr19\_24
3. Chapter 32 Article 4 Clean

Prepared by:

Troy Moon, Sustainability Coordinator

Date: 06/05/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

## CITY OF PORTLAND IN THE CITY COUNCIL

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

### AMENDMENT TO PORTLAND CITY CODE CHAPTER 32 RE: STORMWATER REGULATION

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

1. *That the Sections 32-1, 32-17 to 32-19, 32-21, 32-36, 32-38 to 32-49 of the Portland City Code Chapter 32 are hereby amended to read as follows:*

#### CHAPTER 32 STORM-WATER

Art. I. ~~Prohibited Discharges~~In General, §§ 32-1--32-15

Art. II. Prohibited Discharges, §§ 32-16--32-35

Art. III. Post-Construction Stormwater Management, §§ 32-36---32-40

Art. IV. Erosion & Sedimentation Control §§ ~~32-41~~ – ~~32-49~~

#### ARTICLE I. IN GENERAL

##### Sec. 32-1. Definitions.

For the purposes of this article, the terms listed below are defined as follows:

*Applicant.* "Applicant" means a person with requisite right, title or interest or an agent for such person who has filed an application for a development project ~~that requires a post-construction stormwater management plan under this article.~~

*Best management practices ("BMP").* "Best management practices" or "BMPs" means schedules or activities, prohibitions of practices, maintenance procedures, and other methods, techniques, designs, and management practices to prevent or

reduce the pollution of Waters of the State and to control erosion and sedimentation. BMPs also include treatment requirements, operating procedures, and practices to control Site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. and other management practices to prevent or reduce the pollution of waters of the state. ~~BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.~~

*Clean Water Act.* ~~—~~“Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq., also known as the “Clean Water Act”), and any subsequent amendments thereto.

*Discharge.* ~~—~~“Discharge” means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to “waters of the state.” “Direct discharge” or “point source” means any ~~discernible~~<sup>discernable</sup>, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

*Enforcement Authority.* ~~—~~“Enforcement Authority” The Department of Public Works, the Planning Department, and their designee(s), are authorized to enforce this Ordinance. The use of eEnforcement aAuthority in this Ordinance is synonymous with “eEnforcement aAuthority or their designee”. ~~means the person(s) or department authorized under section 32-3 of this article to administer and enforce this article.~~

*Exempt person or discharge.* ~~—~~“Exempt person or discharge” means any person who is subject to a multi-sector general permit for industrial activities, a general permit for construction activity, a general permit for the discharge of storm water from the Maine ~~d~~<sup>D</sup>Department of ~~t~~<sup>T</sup>Transportation and the Maine ~~T~~<sup>t</sup>urnpike ~~a~~<sup>A</sup>Authority municipal separate storm sewer systems, or a general permit for the discharge of storm water from state or federally owned authority municipal separate storm sewer system facilities; and any non-storm water discharge permitted under a NPDES permit, waiver, or waste discharge license or order issued

to the discharger and administered under the authority of the U.S. ~~environmental~~ Environmental protection ~~Protection~~ agency Agency ("EPA") or the Maine ~~department~~ Department of ~~environmental~~ Environmental protection ~~Protection~~ ("DEP"). ~~City of Portland~~

*Illicit Discharge.* - Means any discharge to a regulated MS4 system that is not composed entirely of stormwater other than discharges authorized in Sec. 32-18 of this Ordinance. For the purposes of this ordinance, illicit discharge and non-stormwater discharge may be used synonymously.

*Illicit Connection.* Means any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

*Municipality.* - "Municipality" means the ~~e~~City of Portland.

*Municipal separate storm sewer system, or MS4.* "Municipal separate storm sewer system" or "MS4," means a conveyance or system of conveyances designed or used for collecting or conveying stormwater (other than a publicly owned treatment works (POTW), as defined at 40 CFR 122.2, or a combined sewer), including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains owned or operated by any municipality, sewer or sewage district, Maine Department of Transportation (MDOT), Maine Turnpike Authority (MTA), State agency or Federal agency or other public entity that Discharges to Waters of the State other than groundwater. ~~means conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the state.~~

*National pollutant discharge elimination system (NPDES) storm water discharge permit.* - "National pollutant discharge

elimination system (NPDES) storm water discharge permit" means a permit issued by the EPA or by the DEP that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Non-storm water discharge.* —“Non-storm water discharge” means any discharge to an MS4 that is not composed entirely of storm water. ~~This includes illicit connections and discharges.~~ For the purposes of this ordinance, non-stormwater discharge and illicit discharge may be used synonymously.

*Person.* —“Person” means any individual, firm, corporation, municipality, quasi-municipal corporation, state agency or federal agency or other legal entity which creates, initiates, originates or maintains a discharge of storm water or a non-storm water discharge.

*Pollutant.* —“Pollutant” means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

*Post-construction stormwater management plan.* “Post-construction stormwater management plan” means BMPs employed by a development project to meet the stormwater standards of Section V of the ~~D~~epartment of ~~P~~lanning and ~~U~~rban ~~D~~evelopment’s Technical and Design Standards and Guidelines.

*Premises.* “Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the municipality from which discharges into the storm drainage system are or may be created, initiated, originated or maintained.

*Qualified Professional.*  
“Qualified to perform Post-Construction BMP Annual Inspections” means a person who is:

- Certified for Inspection and Maintenance of Stormwater BMPs by Maine DEP or
- A Maine Professional Engineer with at least two years’ experience in inspecting and maintaining Stormwater BMPs.

"Qualified for Erosion & Sedimentation Control Plan Development" means a person who is:

- Certified by Enviro-Cert International in erosion and sedimentation control practices; or
- Certified by the Maine Department of Environmental Protection for Erosion and Sedimentation Control Practices, or
- A Maine Professional Engineer with at least two years' experience in designing Erosion and Sedimentation Control BMPs.

"Qualified for Erosion & Sedimentation Control Inspections" during construction means a person who is:

- A Maine Professional Engineer with at least two years' experience in inspecting erosion and sediment controls or approved by Maine DEP as a "third-party inspector".
- For sites with disturbances greater than 1-acre, the Qualified Professional may not be employees, partners, or contracted consultants involved with the permitting of the project or otherwise employed by the same company or may not have ownership or financial interest in the development other than that created by being retained as the third-party inspector.

~~*Qualified post-construction stormwater inspector.*~~

~~"Qualified post-construction stormwater inspector" means a person who conducts post-construction stormwater best management practice inspections for compensation and who has received the appropriate training for the same from DEP or otherwise meets DEP requirements to perform said inspections.~~

*Regulated small MS4.* "Regulated Small MS4" means any Small MS4 authorized by the most recent, in-force MS4 General Permit or the general permits for the Discharge of stormwater from MDOT and MTA Small MS4s or state or federally owned or operated Small MS4s including all those located partially or entirely within an Urbanized Area.

~~"Regulated small MS4" means any small MS4 regulated by the State of Maine "general permit for the discharge of storm water from small municipal separate storm sewer systems" dated July 1, 2008 ("general permit") or the general permits for the discharge of storm water from the Maine department of transportation and Maine turnpike authority small MS4s or state or federally owned or operated small MS4s, including all those located partially or entirely within an urbanized area (UA).~~

*Small municipal separate storm sewer system, or small MS4.* "Small MS4" means any MS4 that is not already covered by the

Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, state or federally owned systems, such as colleges, universities, prisons, military bases and facilities, and transportation entities such as MDOT and MTA road systems and facilities. See also 40 CFR 122.26(b) (16).~~"Small municipal separate storm sewer system", or "small MS4," means any MS4 that is not already covered by the phase I MS4 storm water program including municipally owned or operated storm sewer systems, state or federally owned systems, such as colleges, universities, prisons, Maine department of transportation and Maine turnpike authority road systems and facilities, and military bases and facilities.~~

*Storm drainage system.* — "Storm drainage system" means the City of Portland's regulated small MS4 and other conveyances for storm water located in areas outside the UA that drain into the regulated small MS4.

*Storm-water.* — "Stormwater" means the part of precipitation including runoff from rain or melting ice and snow that flows across the surface as sheet flow, shallow concentrated flow, or in drainage ways. ~~"Storm water" means any storm water runoff, snowmelt runoff, and surface runoff and drainage;~~ "Stormwater" has the same meaning as "storm water".

*Urbanized area ("UA").* — "Urbanized Area" means the area of the State of Maine so defined by the inclusive sum of the 2000 decennial census and latest decennial census (2010) by the U.S. Bureau of the Census. ~~"Urbanized area" or "UA" means the areas of the State of Maine so defined by the latest decennial (2000) census by the U.S. Bureau of Census.~~

...

## ~~ARTICLE~~ ARTICLE —II. PROHIBITED DISCHARGES

...

### **Sec. 32-17. Responsibility for administration.**

The ~~d~~Department of ~~p~~Public ~~w~~Works is the enforcement authority who shall administer, implement, and enforce the provisions of this article.

### **Sec. 32-18. Prohibition of illicit connections and discharges.** ~~non-storm water discharges.~~

(a) *General prohibition.* Except as allowed or exempted herein, no person shall create, initiate, originate or maintain a non-storm water discharge to the storm drainage system. ~~Such~~ non-storm water discharges are prohibited notwithstanding the fact that the eCity may have approved the connections, drains or conveyances by which a person discharges un-allowed non-storm water discharges to the storm drainage system.

(b) *Allowed non-storm water discharges.* ~~The~~ creation, initiation, origination and maintenance of the following non-storm water discharges to the storm drainage system is allowed:

- (1) Landscape irrigation; diverted stream flows; rising ground waters; uncontaminated flows from foundation drains; air conditioning and compressor condensate; irrigation water; flows from uncontaminated springs; uncontaminated water from crawl space pumps; uncontaminated flows from footing drains; lawn watering runoff; flows from riparian habitats and wetlands; residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used); hydrant flushing and fire-fighting activity runoff; water line flushing and discharges from potable water sources; individual residential car washing; and de-chlorinated swimming pool discharges.
- (2) Discharges specified in writing by the enforcement authority as being necessary to protect public health and safety.
- (3) Dye testing, with verbal notification to the enforcement authority prior to the time of the test.

(c) *Prohibition of Illicit Connections.*

- (1) The construction, use, maintenance or continued existence of illicit discharges and connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible



under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(de) *Exempt person or discharge.* This article shall not apply to an exempt person or discharge, except that the enforcement authority may request from exempt persons and persons with exempt discharges copies of permits, notices of intent, licenses and orders from the EPA or DEP that authorize the discharge(s).

#### **Sec. 32-19. Suspension of access to the eCity's small MS4.**

(a) The enforcement authority may, without prior notice, physically suspend discharge access to the storm drainage system to a person when such suspension is necessary to stop an actual or threatened non-storm water discharge to the storm drainage system which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drainage system, or which may cause the eCity to violate the terms of its environmental permits. Such suspension may include, but is not limited to, blocking pipes, constructing dams or taking other measures, on public ways or public property, to physically block the discharge to prevent or minimize a non-storm water discharge to the storm drainage system.

(b) If a person fails to comply with a suspension order issued in an emergency, the enforcement authority may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system, or to minimize danger to persons.

...

#### **Sec. 32-21. Enforcement.**

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article. Whenever the enforcement authority believes that a person has violated this article, the enforcement authority may enforce this article in accordance with 30-A

M.R.S.A. § 4452. Each day on which a violation exists shall constitute a separate violation for purposes of this section.

- (a) *Notice of violation.* Whenever the enforcement authority believes that a person has violated this article, the enforcement authority may order compliance with this article by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:
- (1) The elimination of non-storm water discharges to the storm drainage system, including, but not limited to, disconnection of the premises from the MS4 within 60 days of discovery.
  - (2) The immediate cessation of discharges, practices, or operations in violation of this article.
  - (3) At the Person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of non-storm water discharges to the storm drainage system and the restoration of any affected property; and/or
  - (4) The payment of fines, of the eCity's remediation costs and of the eCity's reasonable administrative costs and attorneys' fees and costs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed.
- (b) *Penalties/fines/injunctive relief.* In addition to the imposition of any other costs or penalties provided for herein, any person who violates this section shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the eCity's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this section also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the city for violation of federal and sstate environmental laws and

regulations caused by or related to that person's violation of this article; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.

- (c) *Consent agreement.* The enforcement authority may, with the approval of the eCity mManager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs and fees without court action.
- (d) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the eCity mManager or his or her designee. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The eCity mManager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the eCity mManager and the appellant. The eCity mManager may affirm, reverse or modify the decision of the enforcement authority. A suspension under Section 32-5 of this article remains in place unless or until lifted by the eCity mManager or by a reviewing court. A party aggrieved by the decision of the eCity mManager may appeal that decision to the Maine superior court within 45 days of the date of the eCity mManager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.
- (e) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the eCity mManager, within 45 days of a decision of the eCity mManager affirming the enforcement authority's decision, then the enforcement authority may recommend that the eCorporation eCounsel's office file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.
- (f) *Ultimate responsibility of discharger.* The standards set forth herein are minimum standards; therefore, this article does not intend nor imply that compliance

by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This article shall not create liability on the part of the eCity, or any officer agent or employee thereof for any damages that result from any person's reliance on this article or any administrative decision lawfully made hereunder.

...

### **ARTICLE III. POST-CONSTRUCTION STORMWATER MANAGEMENT.**

#### **Sec. 32-36. Applicability.**

This article applies to all development projects that require a stormwater management plan pursuant to ~~s~~Section V of the ~~department of planning and urban development's~~City of ~~Portland's~~ Technical ~~and Design Standards and Guidelines~~Manual.

...

#### **Sec. 32-38. Post-construction stormwater management plan compliance.**

Any person owning, operating, or otherwise having control over a BMP required by a post--construction stormwater management plan shall maintain the BMPs in accordance with the approved plan and shall demonstrate compliance with that plan as follows:

- (a) *Inspections.* The owner or operator of a BMP shall hire a professional Qualified to perform Post-Construction BMP Annual Inspections (as defined in section 32-1 of this ordinance) ~~qualified post-construction stormwater inspector certified for Inspection and Maintenance of Stormwater BMPs by Maine DEP~~ to at least annually, inspect the BMPs, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning, and maintenance requirements of the approved post--construction stormwater management plan.
- (b) *Maintenance and repair.* ~~—~~If the BMP requires maintenance, repair, or replacement to function as intended by the approved post-construction stormwater

management plan, the owner or operator of the BMP must provide to the DPW, a record of the deficiency and corrective action(s) taken in no later than 60 days following the date the deficiency was identified. If 60 days is not possible, then the DPW must establish an expeditious schedule for the owner or operator of the BMP to complete the maintenance and establish a record of the deficiency and corrective action(s) taken. ~~shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the department of public works ("DPW") in the annual report.~~

- (c) *Annual report.* ~~The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, on or by June 30 of each year, hire a professional Qualified to perform Post-Construction BMP Annual Inspections (as defined in Section 32-1 of this ordinance), to provide on or by June 30 of each year, a completed and signed certification to the DPW in a form provided by the DPW, certifying that the person has inspected the BMP(s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan. If, at the time of inspection, the BMP(s) or that they required maintenance or repair, the professional Qualified to perform Post-Construction BMP Annual Inspections (as defined in Section 32-1 of this ordinance) hired by that person shall provide including the record of the deficiency and corrective action(s) taken to the DPW in no later than 60 days following the date the deficiency was identified. If 60 days is not possible, then the DPW must establish an expeditious schedule for the owner or operator of the BMP to complete the maintenance and establish a record of the deficiency and corrective action(s) taken.~~
- (d) *Filing fee.* Any persons required to file an annual certification, under this section shall include, with the annual certification a filing fee established by

the DPW to pay the administrative and technical costs of review of the annual certification.

- (e) *Right of entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, DPW may enter upon property at reasonable hours with the consent of the owner, occupant, or agent to inspect the BMPs.

**Sec. 32-39. — Enforcement of Post-Construction Stormwater Management Plans.**

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article or of the post-construction stormwater management plan. Whenever the Enforcement Authority believes that a person has violated this article, DPW may enforce this article in accordance with 30-A § 4452. Each day on which a violation exists shall constitute a separate violation for purposes of this section.

- (a) *Notice of violation.* Whenever DPW believes that a person has violated this article or the post-construction stormwater management plan, DPW may order compliance, by written notice of violation to that person indicating the nature of the violation and ordering ethe action necessary to correct it, including, without limitation:

- (1) The abatement of violations, and the cessation of practices or operations in violation of this article or of the post-construction stormwater management plan;
- (2) At the person's expense, compliance with BMPs required as a condition of approval of the development project, the repair of BMPs and/or the restoration of any affected property; and/or
- (3) The payment of fines, of the City's remediation costs and of the City's reasonable administrative costs and attorneys' fees and costs.
- (4) If abatement of a violation, compliance with BMPs, repair of BMPs and/or restoration of affected property is required, the notice shall

set forth a deadline within which such abatement, compliance, repair and/or restoration must be completed.

- (b) *Penalties/fines/injunctive relief.* ~~—~~In addition to the imposition of any other costs or penalties provided for herein, any person who violates this section shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the eCity's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. ~~—~~Each day such violation continues shall constitute a separate violation. ~~—~~Moreover, any person who violates this section also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the city for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this article; this responsibility shall be in addition to any penalties, fines, or injunctive relief imposed under this section.
- (c) *Consent agreement.* The Enforcement Authority may, ~~without~~ with approval of the eCity mManager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs, and fees without court action.
- (d) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the Enforcement Authority to the eCity mManager or their designee. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The eCity mManager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the eCity mManager and the appellant. The eCity mManager may affirm, reverse, or modify the decision of the DPW. A party aggrieved by the decision of the city manager may appeal that decision to the Maine superior court within forty-five (45) days of the date of the city manager's decision

pursuant to Rule 80B of the Maine Rules of Civil Procedure.

- (e) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or—, in the event of an appeal to the eCity mManager, within forty-five (45) days of a decision of the eCity mManager affirming the Enforcement Authority's decision, then the Enforcement Authority may recommend that the eCorporation eCounsel's office file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

#### **Sec. 32-40. Severability.**

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this article.

### ARTICLE IV. EROSION & SEDIMENTATION CONTROL

#### Sec. 32-41 Definitions—

Adverse Impact. "Adverse impact" means any undue deleterious effect due to erosion or sedimentation from Construction Activity on Waters of the State, Protected Natural Resources, the infrastructure of the Regulated Small MS4, or off-Site. Such undue deleterious effect is or may be potentially harmful or injurious to human health, welfare, safety, or property to biological productivity, diversity, or stability, or may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Common Plan of Development or Sale. "Common Plan of Development or Sale" means a "subdivision" as defined in Title 30-A M.R.S. §§ 4401 et seq. (the Maine Subdivision statute) and in Chapter 14 Land Use Code.

Construction Activity. "Construction Activity" means any activity on a Parcel that results in Disturbed Area.



Construction Dewatering. "Construction Dewatering" means the removal of water from trenches, excavations, foundations, elevator pits, utility vaults, coffer dams, ponds, and other areas within a construction area that retains water after excavation. The collected water removed from a ponded area(s) may be rainfall collected in the excavation or groundwater associated with the water table or a seasonal perched water table. In many cases ponded water in excavations does not infiltrate or evaporate quickly enough and hinders correct and safe construction practices, and therefore must be removed for construction to proceed.

Dewatering Plan. "Dewatering Plan" means a written plan detailing the operating procedures, equipment, and devices to be used for removing sediment, and if required, petroleum or hazardous substances, from approved discharges to the City Right of Way or water resources infrastructure. A basic written plan for any construction work is required and must be approved by the City prior to start of construction for any off-site discharges. The plan should be submitted as part of the Construction Management Plan when applicable. Additional requirements can be found in Section 8 of the City of Portland's Rules and Regulations for Use of the Sewer System.

Disturbed Area. "Disturbed Area" means all land areas that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. "Routine maintenance" for the purpose of this definition is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces is considered routine maintenance provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.

Impervious Area. "Impervious Area" means the total area of a Parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce

their permeability. Common Impervious Areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. ~~Areas of pervious pavement, pervious pavers, pervious concrete, and under-drained artificial turf fields are all considered impervious.~~

Permitting Authority. "Permitting Authority" means the Code Enforcement Officer, Building Inspector, Planning Board, or other official or body authorized by State law or the Municipality's ordinances to approve development or redevelopment projects.

Site. "Site" means the portion(s) of a Parcel(s) upon which Construction Activity subject to this Ordinance is located.

Waters of the State. "Waters of the State" means Waters of the State as defined in 38 M.R.S. §361-A (7).

#### **Sec. 32-42 Applicability.**

This article shall apply to any Construction Activity commencing after the effective date of this Ordinance that results in a disturbed area of 10,000 square feet or more or where sediment is being discharged to the City right-of-way.

#### **Sec. 32-43 Responsibility for administration.**

The Department of Public Works and/or the Planning Department is the Enforcement Authority who shall administer, implement, and enforce the provisions of this article.

#### **Sec. 32-44 Erosion and Sediment Control Plan Submission & Review.**

(a) *Erosion and Sedimentation Control Plan Required.* No Person shall commence Construction Activity subject to the Applicability Section of this Ordinance without first preparing and obtaining approval for an Erosion and Sedimentation Control Plan in accordance with this Ordinance. The requirements of the Erosion and Sedimentation Control Plan are detailed in any/all of the following:

(1) The Rules and Regulations for Use of the Collection System

(2) City of Portland Technical Manual

(b) Concurrent Review. When Construction Activity is subject to Subdivision, Site Plan, or other review under the City's Land Use Code which includes a review for erosion and sedimentation control, an Erosion and Sedimentation Control Plan meeting these requirements shall be submitted to the Permitting Authority concurrently with that review. When a concurrent review is not otherwise required, an Erosion and Sedimentation Control Plan shall be submitted to the Enforcement Authority.

(c) Approval, Denial, and Appeals. The Enforcement Authority or Permitting Authority may approve the Erosion and Sedimentation Control Plan, approve it with conditions, or deny the Erosion and Sedimentation Control Plan, and that decision shall be in writing and supported by findings of fact and conclusions of law. Any person receiving a denial may appeal the determination of the Enforcement Authority to the City Manager or their designee. The notice of appeal must be received within 30 days from the date of receipt of the decision. The City Manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the City Manager and the appellant. The City Manager may affirm, reverse, or modify the decision of the Enforcement Authority. A party aggrieved by the decision of the City Manager may appeal that decision to the Maine superior court within forty-five (45) days of the date of the City Manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(d) Compliance with Approved Plans and Plan Changes. The applicant shall implement and comply with the Erosion and Sedimentation Control Plan, as approved, throughout all phases of Construction Activity.

(e) Project Completion. The applicant shall provide notice to the ~~e~~Enforcement ~~a~~Authority when permanent stabilization of the Site has been achieved to allow for final inspection.

### **Sec. 32-45 Erosion and Sediment Control Inspections.**

(a) Inspections are required in order to ensure that all erosion and sediment control practices are installed and

maintained to prevent the discharge of sediment from disturbed areas.

(b) Sites with 1 acre or More of Disturbance or Major Site Plan:

(1) For Major Site Plans that have less than one acre of disturbance the applicant shall retain the services of a professional Qualified for Erosion & Sedimentation Control Inspections (as defined by Section 32-1 of this Ordinance).

(2) For all sites with one acre or greater of disturbance, the applicant shall retain the services of a professional Qualified for Erosion & Sedimentation Control Inspections during construction (as defined by Section 32-1 of this Ordinance) The inspector for sites with greater than one acre of disturbance may not be employees, partners, or contracted consultants involved with the permitting of the project or otherwise employed by the same company or may not have ownership or financial interest in the development other than that created by being retained as the third-party inspector.

(3) The site must be inspected as described herein. All areas of disturbance, impervious areas, erosion and sediment control best management practices, materials storage areas exposed to precipitation, and locations where vehicles enter or exit the Site shall be inspected:

a. Once before any disturbance begins and after all Erosion and Sedimentation Control BMPs specified in the Erosion and Sedimentation Control Plan are in place;

b. At least once a week as well as before and within 24 hours after a storm event (rainfall); and

c. Once at project completion to ensure the Site has reached permanent stabilization and all temporary erosion and sedimentation controls have been removed.

(4) The inspection is required in order to ensure that all construction and stabilization activities comply with the approved drawings and specifications; that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations; and that any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan is communicated to the City of Portland for additional review and approval.

(5) The inspector will submit weekly written reports to the Stormwater Coordinator(s) in the Water Resources Division of Public Works and the Development Review Coordinator(s) in Planning. Reports must include: project ID, project address, the date(s) and time(s) of inspection(s), site photographs of areas under construction, and the date(s) and approximate duration(s) of any rainfall events in the prior week. The report will identify and describe any erosion problems or discharge of pollutants and what actions will be taken to address these issues and repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.

(c) *Minor Site Plans.* The applicant is responsible for inspecting the site and maintaining erosion and sedimentation controls in good working order. In general, sites with less than 1 acre of disturbance are not required to submit an inspection report, however the City reserves the right to require reports of any project. The applicant should inspect the site as follows:

(1) All areas of disturbance, impervious areas, erosion and sediment control best management practices, materials storage areas exposed to precipitation, and locations where vehicles enter or exit the Site shall be inspected:

a. Once before any disturbance begins and after all Erosion and Sedimentation Control BMPs specified in the Erosion and Sedimentation Control Plan are in place;

- b. At least once a week as well as before and within 24 hours after a storm event (rainfall); and
- c. Once at project completion to ensure the Site has reached permanent stabilization and all temporary erosion and sedimentation controls have been removed.

(d) The Enforcement Authority, bearing proper credentials and identification, shall have the right of entry to any site with soil disturbance for the purpose of inspecting the site to determine that all construction and stabilization activities comply with the provisions of this article and applicable standards.

#### **Sec. 32-46 Enforcement of Erosion and Sediment Control Plans.**

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article. Whenever the Enforcement Authority believes that a person has violated this article, the Enforcement Authority may enforce this article in accordance with 30-A M.R.S.A. § 4452 and Chapter 1, Section 15 of the City Code.

(a) Notice of violation. Whenever the Enforcement Authority believes that a person has violated this article, the Enforcement Authority may order compliance with this article by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

- (1) The elimination of sediment-laden discharges off-site or to the collection system, including, but not limited to, disconnection of the premises from the collection system, whether it is a separated system or combined system.
- (2) The cessation of discharges, practices, or operations in violation of this article.
- (3) At the Person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of sediment-laden discharges off-site or to the

storm drainage system and the restoration of any affected property; and/or

(4) The payment of fines, of the City's remediation costs and of the City's reasonable administrative costs and attorneys' fees and costs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed.

(b) *Stop Work Order.* The enforcement authority or Permitting Authority may issue a Stop Work Notice whenever:

(1) A Person has not corrected a notice of violation issued pursuant to this Ordinance within the time set forth in the notice, or

(2) A Person subject to the applicability section of this Ordinance undertakes Construction Activity without first submitting an application for and obtaining approval of an Erosion and Sedimentation Control Plan.

The enforcement authority or Permitting Authority will attempt to deliver the Stop Work Notice to the applicant, the Person performing the Construction Activity, or the owner or occupant of the Parcel, as appropriate, by any means reasonably calculated to effectuate delivery.

Once the Stop Work Notice has been delivered, no further Construction Activity at the Site may proceed other than as is necessary to correct the non-compliance. Construction Activity may resume only when the enforcement authority or Permitting Authority provides written notice that the Person may resume that Construction Activity.

(c) *Penalties/fines/injunctive relief.* In addition to the imposition of any other costs or penalties provided for herein, any person who violates this section shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the City's attorney's fees and costs, all in accordance with Chapter 1, Section 15 of the City Code and 30-A

M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this section also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the City for violation of federal and State environmental laws and regulations caused by or related to that person's violation of this article; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.

(d) *Consent agreement.* The Enforcement Authority may, with the approval of the City Manager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs and fees without court action.

(e) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the City Manager or their designee. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The City Manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the City Manager and the appellant. The City Manager may affirm, reverse or modify the decision of the enforcement authority. Extenuating circumstances such as long duration rain events and high intensity rain events will be considered. A suspension under Section 32-5 of this article remains in place unless or until lifted by the City Manager or by a reviewing court. A party aggrieved by the decision of the City Manager may appeal that decision to the Maine Superior Court within 45 days of the date of the City Manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(f) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the City Manager, within 45 days of a decision of



the City Manager affirming the enforcement authority's decision, then the enforcement authority may recommend that the Corporation Counsel's office file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

(g) *Ultimate responsibility of discharger.* The standards set forth herein are minimum standards; therefore this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This article shall not create liability on the part of the City, or any officer agent or employee thereof for any damages that result from any person's reliance on this article or any administrative decision lawfully made hereunder.

#### **Sec. 32--47 Severability.**

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this article.

#### **Sec. 32--48 Waivers.**

Where the enforcement authority finds that there are special circumstances of a particular Erosion and Sedimentation Control Plan that make a particular submission requirement or standard inapplicable, a waiver may be granted, provided that such waiver will not have the effect of voiding the intent and purpose of this Ordinance. The applicant shall submit, in writing, the reason for the requested waiver. In granting waivers or modifications, the enforcement authority may require such conditions that will substantially secure the objectives of the standards so waived or modified.

#### **Sec. 32--49 Authority.**

The Municipality enacts this Erosion and Sedimentation Control Ordinance pursuant to 30-A M.R.S. §§3001 et seq. (municipal home rule ordinance authority), 38 M.R.S. §413 (the Wastewater Discharge Law), 33 USC §§1251 et seq. (the Clean

Water Act), and 40 CFR Part 122 (US Environmental Protection Agency's regulations governing the National Pollution Discharge Elimination System (NPDES)). The Maine Department of Environmental Protection, through its promulgation of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems has listed the Municipality as having a Regulated Small MS4; under this General Permit, listing as a Regulated Small MS4 necessitates enactment of elements of this Ordinance as part of the Municipality's stormwater management program in order to satisfy the minimum control measures for Construction Site Stormwater Runoff Control.

## CHAPTER 32 STORM WATER

- Art. I. In General, §§ 32-1--32-15  
Art. II. Prohibited Discharges, §§ 32-16--32-35  
Art. III. Post-Construction Stormwater Management, §§32-36—32-40  
Art. IV. Erosion & Sedimentation Control

### ARTICLE I. IN GENERAL

#### Sec. 32-1. Definitions.

For the purposes of this article, the terms listed below are defined as follows:

*Applicant.* “Applicant” means a person with requisite right, title or interest or an agent for such person who has filed an application for a development project ~~that requires a post-construction stormwater management plan under this article.~~

*Best management practices (“BMP”).* “Best management practices” or “BMPs” means schedules or activities, prohibitions of practices, maintenance procedures, and other methods, techniques, designs, and management practices to prevent or reduce the pollution of Waters of the State and to control erosion (Erosion Control BMPs) and sedimentation (Sedimentation Control BMPs). ~~BMPs also include treatment requirements, operating procedures, and practices to control Site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. and other management practices to prevent or reduce the pollution of waters of the state. ——— BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.~~

*Clean Water Act.* ——— “Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*, also known as the “Clean Water Act”), and any subsequent amendments thereto.

*Discharge.* ——— “Discharge” means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to “waters of the state.” “Direct discharge” or “point source” means any ~~discernible~~discernable, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

*Enforcement Authority.* — “Enforcement Authority” The Department of Public Works, the Planning Department, and their designee(s), are authorized to enforce this Ordinance. The use of eEnforcement aAuthority in this Ordinance is synonymous with “eEnforcement aAuthority or their designee”. ~~means the person(s) or department authorized under section 32-3 of this article to administer and enforce this article.~~

*Exempt person or discharge.* —“Exempt person or discharge” means any person who is subject to a multi-sector general permit for industrial activities, a general permit for construction activity, a general permit for the discharge of storm water from the Maine Department of Transportation and the Maine Turnpike Authority municipal separate storm sewer systems, or a general permit for the discharge of storm water from state or federally owned authority municipal separate storm sewer system facilities; and any non-storm water discharge permitted under a NPDES permit, waiver, or waste discharge license or order issued to the discharger and administered under the authority of the U.S. environmental protection agency (“EPA”) or the Maine department of environmental protection (“DEP”). [City of Portland](#)

*Illicit Discharge.* - Means any discharge to a regulated MS4 system that is not composed entirely of stormwater other than discharges authorized in Sec. 32-18 of this Ordinance. [For the purposes of this ordinance, illicit discharge and non-stormwater discharge may be used synonymously.](#)

*Illicit Connection.* Means any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

*Municipality.* —“Municipality” means the [City of Portland](#).

*Municipal separate storm sewer system, or MS4.* ———“Municipal separate storm sewer system” or “MS4,” [means a conveyance or system of conveyances designed or used for collecting or conveying stormwater \(other than a publicly owned treatment works \(POTW\), as defined at 40 CFR 122.2, or a combined sewer\), including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains owned or operated by any municipality, sewer or sewage district, Maine Department of Transportation \(MDOT\), Maine Turnpike Authority \(MTA\), State agency or Federal agency or other public entity that Discharges to Waters of the State other than groundwater.](#) ~~means conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the state.~~

*National pollutant discharge elimination system (NPDES) storm water discharge permit.* ———“National pollutant discharge elimination system (NPDES) storm water discharge permit” means a permit issued by the EPA or by the DEP that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Non-storm water discharge.* —“Non-storm water discharge” means any discharge to an MS4 that is not composed entirely of storm water. [This includes illicit connections and discharges. For the purposes of this ordinance, non-stormwater discharge and illicit discharge may be used synonymously.](#)

*Person.* —“Person” means any individual, firm, corporation, municipality, quasi-municipal

corporation, state agency or federal agency or other legal entity which creates, initiates, originates or maintains a discharge of storm water or a non-storm water discharge.

**Pollutant.** —“Pollutant” means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

**Post-construction stormwater management plan.** “Post- construction stormwater management plan” means BMPs employed by a development project to meet the stormwater standards of Section V of the department of planning and urban development’s Technical and Design Standards and Guidelines.

**Premises.** “Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the municipality from which discharges into the storm drainage system are or may be created, initiated, originated or maintained.

**Qualified Professional**

Qualified to perform Post-Construction **BMP Annual Inspections** means a person who is:

- certified for Inspection and Maintenance of Stormwater BMPs by Maine DEP or
- a Maine Professional Engineer with at least two years’ experience in inspecting and maintaining Stormwater BMPs.

Qualified for Erosion & Sedimentation Control **Plan Development** means a person who is:

- certified by Enviro-Cert International in erosion and sedimentation control practices; or
- certified by the Maine Department of Environmental Protection for Erosion and Sedimentation Control Practices, or
- a Maine Professional Engineer with at least two years’ experience in designing Erosion and Sedimentation Control BMPs.

Qualified for Erosion & Sedimentation Control **Inspections during construction** means a person who is:

- a Maine Professional Engineer with at least two years’ experience in inspecting erosion and sediment controls or approved by Maine DEP as a “third-party inspector”.
- For sites with disturbances greater than 1-acre, the Qualified Professional may not be employees, partners, or contracted consultants involved with the permitting of the project or otherwise employed by the same company or may not have ownership or financial interest in the development other than that created by being retained as the third-party inspector.

~~Qualified post-construction stormwater inspector.~~ “Qualified post-construction stormwater inspector” means a person who conducts post-construction stormwater best management practice inspections for compensation and who has received the appropriate training for the same from DEP or otherwise meets DEP requirements to perform said inspections.

**Regulated small MS4.** Regulated Small MS4 means any Small MS4 authorized by the most recent, in-force MS4 General Permit or the general permits for the Discharge of stormwater from MDOT and MTA Small MS4s or state or federally owned or operated Small MS4s including all those located partially or entirely within an Urbanized Area.

~~“Regulated small MS4” means any small MS4 regulated by the State of Maine “general permit for the discharge of storm water from small municipal separate storm sewer systems” dated July 1, 2008~~

~~("general permit") or the general permits for the discharge of storm water from the Maine department of transportation and Maine turnpike authority small MS4s or state or federally owned or operated small MS4s, including all those located partially or entirely within an urbanized area (UA).~~

*Small municipal separate storm sewer system, or small MS4.* Small MS4 means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, state or federally owned systems, such as colleges, universities, prisons, military bases and facilities, and transportation entities such as MDOT and MTA road systems and facilities. See also 40 CFR 122.26(b)(16). "Small municipal separate storm sewer system", or "small MS4," means any MS4 that is not already covered by the phase I MS4 storm water program including municipally owned or operated storm sewer systems, state or federally owned systems, such as colleges, universities, prisons, Maine department of transportation and Maine turnpike authority road systems and facilities, and military bases and facilities.

*Storm drainage system.* ~~"~~—"Storm drainage system" means the City of Portland's regulated small MS4 and other conveyances for storm water located in areas outside the UA that drain into the regulated small MS4.

*Storm-water.*— Stormwater means the part of precipitation including runoff from rain or melting ice and snow that flows across the surface as sheet flow, shallow concentrated flow, or in drainage ways. "Storm water" means any storm water runoff, snowmelt runoff, and surface runoff and drainage; "Stormwater" has the same meaning as "storm water".

*Urbanized area ("UA").* ~~Urbanized Area means the area of the State of Maine so defined by the inclusive sum of the 2000 decennial census and latest decennial census (2010) by the U.S. Bureau of the Census. "Urbanized area" or "UA" means the areas of the State of Maine so defined by the latest decennial (2000) census by the U.S. Bureau of Census.~~

(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

|             |           |
|-------------|-----------|
| Sec. 32-2.  | Reserved. |
| Sec. 32-3.  | Reserved. |
| Sec. 32-4.  | Reserved. |
| Sec. 32-5.  | Reserved. |
| Sec. 32-6.  | Reserved. |
| Sec. 32-7.  | Reserved. |
| Sec. 32-8.  | Reserved. |
| Sec. 32-9.  | Reserved. |
| Sec. 32-10. | Reserved. |
| Sec. 32-11. | Reserved. |
| Sec. 32-12. | Reserved. |
| Sec. 32-13. | Reserved. |
| Sec. 32-14. | Reserved. |
| Sec. 32-15. | Reserved. |

## ARTICLE II. PROHIBITED DISCHARGES

**Sec. 32-16. Applicability.**

This Article shall apply to all persons discharging storm water and/or non-storm water discharges from any premises into the storm drainage system.  
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

**Sec. 32-17. Responsibility for administration.**

The ~~e~~D~~e~~partment of ~~P~~public ~~W~~works is the Enforcement Authority who shall administer, implement, and enforce the provisions of this article.  
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09; Ord. 108-15/16, 11/16/2015)

**Sec. 32-18. Prohibition of illicit connections and discharges ~~non-storm water discharges~~.**

(a) *General prohibition.* Except as allowed or exempted herein, no person shall create, initiate, originate or maintain a non-storm water discharge to the storm drainage system. ~~Such non-storm water discharges are prohibited notwithstanding the fact that the city may have approved the connections, drains or conveyances by which a person discharges un-allowed non-storm water discharges to the storm drainage system.~~

(b) *Allowed non-storm water discharges.* ~~—~~The creation, initiation, origination and maintenance of the following non-storm water discharges to the storm drainage system is allowed:

1) Landscape irrigation; diverted stream flows; rising ground waters; uncontaminated flows from foundation drains; air conditioning and compressor condensate; irrigation water; flows from uncontaminated springs; uncontaminated water from crawl space pumps; uncontaminated flows from footing drains; lawn watering runoff; flows from riparian habitats and wetlands; residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used); hydrant flushing and fire-fighting activity runoff; water line flushing and discharges from potable water sources; individual residential car washing; and de-chlorinated swimming pool discharges.

2) Discharges specified in writing by the Enforcement Authority as being necessary to protect public health and safety.

3) Dye testing, with verbal notification to the Enforcement Authority prior to the time of the test.

(c) *Prohibition of Illicit Connections*

1) The construction, use, maintenance or continued existence of illicit discharges and connections to the storm drain system is prohibited.

2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- 3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(d) *Exempt person or discharge.*—This article shall not apply to an exempt person or discharge, except that the Enforcement Authority may request from exempt persons and persons with exempt discharges copies of permits, notices of intent, licenses and orders from the EPA or DEP that authorize the discharge(s).

(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

#### **Sec. 32-19. Suspension of access to the City's small MS4.**

(a) The Enforcement Authority may, without prior notice, physically suspend discharge access to the storm drainage system to a person when such suspension is necessary to stop an actual or threatened non-storm water discharge to the storm drainage system which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drainage system, or which may cause the City to violate the terms of its environmental permits. Such suspension may include, but is not limited to, blocking pipes, constructing dams or taking other measures, on public ways or public property, to physically block the discharge to prevent or minimize a non-storm water discharge to the storm drainage system.

~~(a)~~ (b) If a person fails to comply with a suspension order issued in an emergency, the Enforcement Authority may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system, or to minimize danger to persons.

(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

#### **Sec. 32-20. Monitoring of discharges.**

In order to determine compliance with this article, the Enforcement Authority may enter upon and inspect premises subject to this article at reasonable hours to inspect the premises and connections thereon to the storm drainage system; and to conduct monitoring, sampling and testing of the discharge to the storm drainage system.

(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

#### **Sec. 32-21. Enforcement.**

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article. Whenever the Enforcement Authority believes that a person has violated this article, the Enforcement Authority may enforce this article in accordance with 30-A M.R.S.A. § 4452. Each day on which a violation exists shall constitute a separate violation for purposes of this section.

(a) *Notice of violation.* Whenever the Enforcement Authority believes that a person has violated this article, the Enforcement Authority may order compliance with this article by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:



- 1) The elimination of non-storm water discharges to the storm drainage system, including, but not limited to, disconnection of the premises from the MS4.
- 2) The cessation of discharges, practices, or operations in violation of this article.
- 3) At the Person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of non-storm water discharges to the storm drainage system and the restoration of any affected property; and/or
- 4) The payment of fines, of the City's remediation costs and of the city's reasonable administrative costs and attorneys' fees and costs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed.

(b) *Penalties/fines/injunctive relief.* In addition to the imposition of any other costs or penalties provided for herein, any person who violates this section shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the city's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this section also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the city for violation of federal and State environmental laws and regulations caused by or related to that person's violation of this article; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.

(c) *Consent agreement.* The Enforcement Authority may, with the approval of the City Manager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs and fees without court action.

(d) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the Enforcement Authority to the City Manager or their designee. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The City Manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the City Manager and the appellant. The City Manager may affirm, reverse or modify the decision of the Enforcement Authority. A suspension under Section 32-5 of this article remains in place unless or until lifted by the City Manager or by a reviewing court. A party aggrieved by the decision of the City Manager may appeal that decision to the Maine superior court within 45 days of the date of the City Manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(e) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the City Manager, within 45 days of a decision of the City Manager affirming the Enforcement Authority's decision, then the Enforcement Authority may recommend that the Corporation Counsel's office file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

(f) *Ultimate responsibility of discharger.* The standards set forth herein are minimum standards;

therefore, this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This article shall not create liability on the part of the eCity, or any officer agent or employee thereof for any damages that result from any person's reliance on this article or any administrative decision lawfully made hereunder.

(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

**Sec. 32-22. Severability.**

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this article.

(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

|             |           |
|-------------|-----------|
| Sec. 32-23. | Reserved. |
| Sec. 32-24. | Reserved. |
| Sec. 32-25. | Reserved. |
| Sec. 32-26. | Reserved. |
| Sec. 32-27. | Reserved. |
| Sec. 32-28. | Reserved. |
| Sec. 32-29. | Reserved. |
| Sec. 32-30. | Reserved. |
| Sec. 32-31. | Reserved. |
| Sec. 32-32. | Reserved. |
| Sec. 32-33. | Reserved. |
| Sec. 32-34. | Reserved. |
| Sec. 32-35. | Reserved. |

**ARTICLE III. POST-CONSTRUCTION STORMWATER MANAGEMENT.**

**Sec. 32-36. Applicability.**

This article applies to all development projects that require a stormwater management plan pursuant to sSection V of the ~~department of planning and urban development's~~[City of Portland's Technical and Design Standards and GuidelinesManual](#).

(Ord. No. 35-09/10, 8-17-09)

**Sec. 32-37. Post-construction Stormwater Management Plan Approval.**

Notwithstanding any ordinance provision to the contrary, no applicant for a development project to which this article is applicable shall receive approval for that development project unless the applicant also receives approval for its post- construction stormwater management plan and for the best management practices ("BMPs") for that development project.

(Ord. No. 35-09/10, 9-17-09)

**Sec. 32-38. Post-construction Stormwater Management Plan Compliance.**

Any person owning, operating, or otherwise having control over a BMP required by a post-construction stormwater management plan shall maintain the BMPs in accordance with the approved plan and shall demonstrate compliance with that plan as follows:

(a) *Inspections.* The owner or operator of a BMP shall hire a professional Qualified to perform Post-Construction BMP Annual Inspections (as defined in section 32-1 of this ordinance) ~~qualified post-construction stormwater inspector certified for Inspection and Maintenance of Stormwater BMPs by Maine DEP~~ to at least annually, inspect the BMPs, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning, and maintenance requirements of the approved post-construction stormwater management plan.

(b) *Maintenance and repair.* If the BMP requires maintenance, repair, or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP must provide to the DPW, a record of the deficiency and corrective action(s) taken in no later than 60 days following the date the deficiency was identified. If 60 days is not possible, then the DPW must establish an expeditious schedule for the owner or operator of the BMP to complete the maintenance and establish a record of the deficiency and corrective action(s) taken. ~~shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the Department of Public Works ("DPW") in the annual report.~~

~~(b)~~ (c) *Annual report.* The owner or operator of a BMP ~~or a qualified post-construction stormwater inspector hired by that person,~~ shall, ~~on or by June 30 of each year,~~ hire a professional Qualified to perform Post-Construction BMP Annual Inspections (as defined in section 32-1 of this ordinance), to provide on or by June 30 of each year, a completed and signed certification to the DPW in a form provided by the DPW, certifying that the person has inspected the BMP(s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan. If, at the time of inspection, the BMP(s) or that they required maintenance or repair, the professional Qualified to perform Post-Construction BMP Annual Inspections (as defined in section 32-1 of this ordinance) hired by that person shall provide including the record of the deficiency and corrective action(s) taken to the DPW in no later than 60 days following the date the deficiency was identified. If 60 days is not possible, then the DPW must establish an expeditious schedule for the owner or operator of the BMP to complete the maintenance and establish a record of the deficiency and corrective action(s) taken.

~~(c)~~ (d) *Filing fee.* Any persons required to file an ~~annual~~ annual certification under this section shall include, with the annual certification, a filing fee established by the DPW to pay the administrative and technical costs of review of the annual certification.

~~(d)~~ (e) *Right of entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, DPW may enter upon property at reasonable hours with the consent of the owner, occupant, or agent to inspect the BMPs.  
(Ord. No. 35-09/10, 8-17-09; Ord. 108-15/16, 11-16-2015)

**Sec. 32-39. Enforcement of Post-Construction Stormwater Management Plans**

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article or of the post-construction stormwater management plan. Whenever the Enforcement Authority believes that a person has violated this article, DPW may enforce this article in accordance with 30-A § 4452. Each day on which a violation exists shall constitute a separate violation for purposes of this section.

(a) *Notice of violation.* Whenever DPW believes that a person has violated this article or the post-construction stormwater management plan, DPW may order compliance, by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

- 1) The abatement of violations, and the cessation of practices or operations in violation of this article or of the post-construction stormwater management plan;
- 2) At the person's expense, compliance with BMPs required as a condition of approval of the development project, the repair of BMPs and/or the restoration of any affected property; and/or
- 3) The payment of fines, of the City's remediation costs and of the City's reasonable administrative costs and attorneys' fees and costs.
- 4) If abatement of a violation, compliance with BMPs, repair of BMPs and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair and/or restoration must be completed.

(b) *Penalties/fines/injunctive relief.* In addition to the imposition of any other costs or penalties provided for herein, any person who violates this section shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the City's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. —Each day such violation continues shall constitute a separate violation.

Moreover, any person who violates this section also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the city for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this article; this responsibility shall be in addition to any penalties, fines, or injunctive relief imposed under this section.

(c) *Consent agreement.* The Enforcement Authority may, without approval of the City Manager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs, and fees without court action.

(d) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the Enforcement Authority to the City Manager or their designee. —The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The City Manager shall hold a hearing on the appeal within 30 days from the date of

receipt of the notice of appeal, except that such hearing may be delayed by agreement of the City Manager and the appellant. The City Manager may affirm, reverse, or modify the decision of the DPW. —A party aggrieved by the decision of the city manager may appeal that decision to the Maine superior court within forty-five (45) days of the date of the city manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(e) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the City Manager, within forty-five (45) days of a decision of the City Manager affirming the Enforcement Authority's decision, then the Enforcement Authority may recommend that the Corporation Counsel's office file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure. (Ord. No. 35-09/10, 8-17-09; Ord. 108-15/16, 11-16-2015)

#### **Sec. 32-40. Severability.**

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this article.  
(Ord. No. 35-09/10, 8-17-09)

### **ARTICLE IV. EROSION & SEDIMENTATION CONTROL**

#### **Sec. 32-41 Definitions.**

*Adverse Impact.* Adverse impact means any undue deleterious effect due to erosion or sedimentation from Construction Activity on Waters of the State, Protected Natural Resources, the infrastructure of the Regulated Small MS4, or off-Site. Such undue deleterious effect is or may be potentially harmful or injurious to human health, welfare, safety, or property to biological productivity, diversity, or stability, or may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

*Common Plan of Development or Sale.* Common Plan of Development or Sale means a "subdivision" as defined in Title 30-A M.R.S. §§ 4401 et seq. (the Maine Subdivision statute) and in Chapter 14 Land Use Code.

*Construction Activity.* Construction Activity means any activity on a Parcel that results in Disturbed Area.

*Construction Dewatering.* Construction Dewatering means the removal of water from trenches, excavations, foundations, elevator pits, utility vaults, coffer dams, ponds, and other areas within a construction area that retains water after excavation. The collected water removed from a ponded area(s) may be rainfall collected in the excavation or groundwater associated with the water table or a seasonal perched water table. In many cases ponded water in excavations does not infiltrate or evaporate quickly enough and hinders correct and safe construction practices, and therefore must be removed for construction to proceed.

*Dewatering Plan.* Dewatering Plan means a written plan detailing the operating procedures, equipment, and devices to be used for removing sediment, and if required, petroleum or hazardous substances, from approved discharges to the City Right of Way or water resources infrastructure. A basic written plan for any construction work is required and must be approved by the City prior to start of construction for any off-site discharges. The plan should be submitted as part of the Construction Management Plan when applicable. Additional requirements can be found in Section 8 of the City of Portland's Rules and Regulations for Use of the Sewer System.

*Disturbed Area.* Disturbed Area means all land areas that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. "Routine maintenance" [for the purpose of this definition](#) is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces [is considered routine maintenance](#) provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same ~~is considered routine maintenance~~. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.

*Impervious Area.* Impervious Area means the total area of a Parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common Impervious Areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Areas of pervious pavement, pervious pavers, pervious concrete, and under-drained artificial turf fields are all considered impervious.

*Permitting Authority.* Permitting Authority means the Code Enforcement Officer, Building Inspector, Planning Board, or other official or body authorized by State law or the Municipality's ordinances to approve development or redevelopment projects.

*Site.* Site means the portion(s) of a Parcel(s) upon which Construction Activity subject to this Ordinance is located.

~~*Third-Party.* Third-Party means a group besides the principals of a project, including the owner, general contractor, or design engineer~~

*Waters of the State.* Waters of the State means Waters of the State as defined in 38 M.R.S. §361-A (7).

#### **Sec. 32-42 Applicability.**

a. — This article shall apply to any Construction Activity commencing after the effective date of this Ordinance that [results in a disturbed area of 10,000 square feet or more or where sediment is being discharged to the City right-of-way.](#)

### Sec. 32-43 Responsibility for administration

The Department of Public Works and/or the Planning Department is the Enforcement Authority who shall administer, implement, and enforce the provisions of this article.

(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10; 8-17-09; Ord. 108-15/16, 11/16/2015)

### Sec. 32-44 Erosion and Sediment Control Plan Submission & Review

(a) *Erosion and Sedimentation Control Plan Required.* No Person shall commence Construction Activity subject to the Applicability Section of this Ordinance without first preparing and obtaining approval for an Erosion and Sedimentation Control Plan in accordance with this Ordinance. The requirements of the Erosion and Sedimentation Control Plan are detailed in any/all of the following:

- 1) *The Rules and Regulations for Use of the Collection System*
- 2) *City of Portland Technical Manual*

(b) *Concurrent Review.* When Construction Activity is subject to Subdivision, Site Plan, or other review under the City's Land Use Code which includes a review for erosion and sedimentation control, an Erosion and Sedimentation Control Plan meeting these requirements shall be submitted to the Permitting Authority concurrently with that review. When a concurrent review is not otherwise required, an Erosion and Sedimentation Control Plan shall be submitted to the eEnforcement Authority.

(c)- *Erosion and Sedimentation Control Plan Requirements.* The eEnforcement Authority or Permitting Authority, as appropriate, will review the Erosion and Sedimentation Control Plan for compliance with the regulations and specifications detailed in any/all of the following:

- 1) *The Rules and Regulations for Use of the Collection System*
- 2) *City of Portland Technical Manual*

(d)- *Approval, Denial, and Appeals.* The Enforcement Authority or Permitting Authority may approve the Erosion and Sedimentation Control Plan, approve it with conditions, or deny the Erosion and Sedimentation Control Plan, and that decision shall be in writing and supported by findings of fact and conclusions of law. Any person receiving a denial may appeal the determination of the Enforcement Authority to the City Manager or their designee. The notice of appeal must be received within 30 days from the date of receipt of the decision. The City Manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the City Manager and the appellant. The City Manager may affirm, reverse, or modify the decision of the Enforcement Authority. A party aggrieved by the decision of the City Manager may appeal that decision to the Maine superior court within forty-five (45) days of the date of the city manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(e)e-f. *Compliance with Approved Plans and Plan Changes.* The applicant shall implement and comply with the Erosion and Sedimentation Control Plan as approved throughout all phases of Construction Activity.

(fg-) *Project Completion.* The applicant shall provide notice to the eEnforcement aAuthority when permanent stabilization of the Site has been achieved to allow for final inspection.



### Sec. 32-45 Erosion and Sediment Control Inspections

(a) Inspections are required in order to ensure that all erosion and sediment control practices are installed and maintained to prevent the discharge of sediment from disturbed areas.

(b) Sites with 1 acre or More of Disturbance or Major Site Plan

- 1) For Major Site Plans that have less than one acre of disturbance the applicant shall retain the services of a qualified professional.
- 2) For all sites with one acre or greater of disturbance, the applicant shall retain the services of a Third-Party Qualified Professional for Erosion & Sedimentation Control Inspections during construction (as defined by section 32-1 of this Ordinance) to inspect the site weekly, for the duration of construction until final site stabilization is in place.
- 3) The inspection is required in order to ensure that all construction and stabilization activities comply with the approved drawings and specifications; that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations; and that any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan is communicated to the City of Portland for additional review and approval.
- 4) The inspector will submit weekly written reports to the Stormwater Coordinator(s) in the Water Resources Division of Public Works and the Development Review Coordinator(s) in Planning. Reports must include: project ID, project address, the date(s) and time(s) of inspection(s), site photographs of areas under construction, and the date(s) and approximate duration(s) of any rainfall events in the prior week. The report will identify and describe any erosion problems or discharge of pollutants and what actions will be taken to address these issues and repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.

(c) Minor Site Plans. The applicant is responsible for inspecting the site and maintaining erosion and sedimentation controls in good working order. In general, sites with less than 1 acre of disturbance are not required to submit an inspection report, however the City reserves the right to require reports of any project. The applicant should inspect the site as follows:

- 1) All areas of disturbance, impervious areas, erosion and sediment control best management practices, materials storage areas exposed to precipitation, and locations where vehicles enter or exit the Site shall be inspected:
  - a. Once before any disturbance begins and after all Erosion and Sedimentation Control BMPs specified in the Erosion and Sedimentation Control Plan are in place;
  - b. At least once a week as well as before and within 24 hours after a storm event (rainfall); and
  - c. Once at project completion to ensure the Site has reached permanent stabilization and all temporary erosion and sedimentation controls have been removed.



(d) Minor residential projects must use effective erosion and sedimentation controls for the duration of the Construction Activity.

(e) The Enforcement Authority ~~Department of Public Works~~, bearing proper credentials and identification, shall ~~have~~ reserve the right of entry to any site with soil disturbance, ~~either permitted or unpermitted, in order to complete an inspection of the~~ for the purpose of inspecting the site to determine ~~that to ensure that~~ all construction and stabilization activities comply with the provisions of this article and applicable standards.  
Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016;  
Ord. No. 31-18/19, 8-13-2018)

#### **Sec. 32-46 Enforcement of Erosion and Sediment Control Plans**

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article. Whenever the Enforcement Authority believes that a person has violated this article, the Enforcement Authority may enforce this article in accordance with 30-A M.R.S.A. § 4452 and Chapter 1, Section 15 of the City Code.

(a) *Notice of violation.* Whenever the Enforcement Authority believes that a person has violated this article, the Enforcement Authority may order compliance with this article by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

- 1) The elimination of sediment-laden discharges off-site or to the collection system, including, but not limited to, disconnection of the premises from the collection system, whether it is a separated system or combined system.
- 2) The cessation of discharges, practices, or operations in violation of this article.
- 3) At the Person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of sediment-laden discharges off-site or to the storm drainage system and the restoration of any affected property; and/or
- 4) The payment of fines, of the City's remediation costs and of the City's reasonable administrative costs and attorneys' fees and costs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed.

(b) *Stop Work Order.* The Enforcement Authority or Permitting Authority may issue a Stop Work Notice whenever:

- 1) A Person has not corrected ~~acted on~~ a notice of violation issued pursuant to this Ordinance within the time set forth in the notice, or
- 2) A Person subject to the applicability section of this Ordinance undertakes Construction Activity without first submitting an application for and obtaining approval of an Erosion and Sedimentation Control Plan.

The eEnforcement aAuthority or Permitting Authority will attempt to deliver the Stop Work Notice to the applicant, the Person performing the Construction Activity, or the owner or occupant of the Parcel, as appropriate, by any means reasonably calculated to effectuate delivery.

Once the Stop Work Notice has been delivered, no further Construction Activity at the Site may proceed other than as is necessary to correct the non-compliance. Construction Activity may resume only when the eEnforcement aAuthority or Permitting Authority provides written notice that the Person may resume that Construction Activity.

(c) Penalties/fines/injunctive relief. In addition to the imposition of any other costs or penalties provided for herein, any person who violates this section shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the City's attorney's fees and costs, all in accordance with Chapter 1, Section 15 of the City Code and 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this section also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the City for violation of federal and State environmental laws and regulations caused by or related to that person's violation of this article; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.

(d) Consent agreement. The Eenforcement Aauthority may, with the approval of the City Manager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs and fees without court action.

(e) Appeal of notice of violation. Any person receiving a notice of violation or suspension notice may appeal the determination of the eEnforcement aAuthority to the City Manager or their designee. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The City Manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the City Manager and the appellant. The City Manager may affirm, reverse or modify the decision of the eEnforcement aAuthority. Extenuating circumstances such as long duration rain events and high intensity rain events will be considered. A suspension under Section 32-5 of this article remains in place unless or until lifted by the City Manager or by a reviewing court. A party aggrieved by the decision of the City Manager may appeal that decision to the Maine Superior Court within 45 days of the date of the City Manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(f) Enforcement measures. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the City Manager, within 45 days of a decision of the City Manager affirming the eEnforcement aAuthority's decision, then the eEnforcement aAuthority may recommend that the Corporation Counsel's office file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

(g) Ultimate responsibility of discharger. The standards set forth herein are minimum standards; therefore this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This article shall not create liability on the part of the City, or any officer agent or

employee thereof for any damages that result from any person's reliance on this article or any administrative decision lawfully made hereunder.

#### **Sec. 32 - 47 Severability**

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this article.

#### **Sec. 32 - 48 Waivers**

Where the eEnforcement aAuthority finds that there are special circumstances of a particular Erosion and Sedimentation Control Plan that make a particular submission requirement or standard inapplicable, a waiver may be granted, provided that such waiver will not have the effect of voidingnullifying the intent and purpose of this Ordinance. The applicant shall submit, in writing, the reason for the requested waiver. In granting waivers or modifications, the eEnforcement aAuthority may require such conditions that will substantially secure the objectives of the standards so waived or modified.

#### **Sec. 32 - 49 Authority**

The Municipality enacts this Erosion and Sedimentation Control Ordinance pursuant to 30-A M.R.S. §§3001 et seq. (municipal home rule ordinance authority), 38 M.R.S. §413 (the Wastewater Discharge Law), 33 USC §§1251 et seq. (the Clean Water Act), and 40 CFR Part 122 (US Environmental Protection Agency's regulations governing the National Pollution Discharge Elimination System (NPDES)). The Maine Department of Environmental Protection, through its promulgation of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems has listed the Municipality as having a Regulated Small MS4; under this General Permit, listing as a Regulated Small MS4 necessitates enactment of elements of this Ordinance as part of the Municipality's stormwater management program in order to satisfy the minimum control measures for Construction Site Stormwater Runoff Control.

## ARTICLE IV. EROSION & SEDIMENTATION CONTROL

### Sec. 32-41 Definitions.

*Adverse Impact.* Adverse impact means any undue deleterious effect due to erosion or sedimentation from Construction Activity on Waters of the State, Protected Natural Resources, the infrastructure of the Regulated Small MS4, or off-Site. Such undue deleterious effect is or may be potentially harmful or injurious to human health, welfare, safety, or property to biological productivity, diversity, or stability, or may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

*Common Plan of Development or Sale.* Common Plan of Development or Sale means a “subdivision” as defined in Title 30-A M.R.S. §§ 4401 et seq. (the Maine Subdivision statute) and in Chapter 14 Land Use Code.

*Construction Activity.* Construction Activity means any activity on a Parcel that results in Disturbed Area.

*Construction Dewatering.* Construction Dewatering means the removal of water from trenches, excavations, foundations, elevator pits, utility vaults, coffer dams, ponds, and other areas within a construction area that retains water after excavation. The collected water removed from a ponded area(s) may be rainfall collected in the excavation or groundwater associated with the water table or a seasonal perched water table. In many cases ponded water in excavations does not infiltrate or evaporate quickly enough and hinders correct and safe construction practices, and therefore must be removed for construction to proceed.

*Dewatering Plan.* Dewatering Plan means a written plan detailing the operating procedures, equipment, and devices to be used for removing sediment, and if required, petroleum or hazardous substances, from approved discharges to the City Right of Way or water resources infrastructure. A basic written plan for any construction work is required and must be approved by the City prior to start of construction for any off-site discharges. The plan should be submitted as part of the Construction Management Plan when applicable. Additional requirements can be found in Section 8 of the City of Portland’s Rules and Regulations for Use of the Sewer System.

*Disturbed Area.* Disturbed Area means all land areas that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. “Routine maintenance” for the purpose of this definition is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces is considered routine maintenance provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.

*Impervious Area.* Impervious Area means the total area of a Parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce

their permeability. Common Impervious Areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Areas of pervious pavement, pervious pavers, pervious concrete, and under-drained artificial turf fields are all considered impervious.

*Permitting Authority.* Permitting Authority means the Code Enforcement Officer, Building Inspector, Planning Board, or other official or body authorized by State law or the Municipality's ordinances to approve development or redevelopment projects.

*Site.* Site means the portion(s) of a Parcel(s) upon which Construction Activity subject to this Ordinance is located.

*Waters of the State.* Waters of the State means Waters of the State as defined in 38 M.R.S. §361-A (7).

#### **Sec. 32-42 Applicability.**

This article shall apply to any Construction Activity commencing after the effective date of this Ordinance that results in a disturbed area of 10,000 square feet or more or where sediment is being discharged to the City right-of-way.

#### **Sec. 32-43 Responsibility for administration**

The Department of Public Works and/or the Planning Department is the Enforcement Authority who shall administer, implement, and enforce the provisions of this article.  
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10; 8-17-09; Ord. 108-15/16, 11/16/2015)

#### **Sec. 32-44 Erosion and Sediment Control Plan Submission & Review**

(a) *Erosion and Sedimentation Control Plan Required.* No Person shall commence Construction Activity subject to the Applicability Section of this Ordinance without first preparing and obtaining approval for an Erosion and Sedimentation Control Plan in accordance with this Ordinance. The requirements of the Erosion and Sedimentation Control Plan are detailed in any/all of the following:

- 1) *The Rules and Regulations for Use of the Collection System*
- 2) *City of Portland Technical Manual*

(b) *Concurrent Review.* When Construction Activity is subject to Subdivision, Site Plan, or other review under the City's Land Use Code which includes a review for erosion and sedimentation control, an Erosion and Sedimentation Control Plan meeting these requirements shall be submitted to the Permitting Authority concurrently with that review. When a concurrent review is not otherwise required, an Erosion and Sedimentation Control Plan shall be submitted to the Enforcement Authority.

(c) *Erosion and Sedimentation Control Plan Requirements.* The Enforcement Authority or Permitting Authority, as appropriate, will review the Erosion and Sedimentation Control Plan for compliance with the regulations and specifications detailed in any/all of the following:

- 1) *The Rules and Regulations for Use of the Collection System*

## 2) *City of Portland Technical Manual*

(d) *Approval, Denial, and Appeals.* The Enforcement Authority or Permitting Authority may approve the Erosion and Sedimentation Control Plan, approve it with conditions, or deny the Erosion and Sedimentation Control Plan, and that decision shall be in writing and supported by findings of fact and conclusions of law. Any person receiving a denial may appeal the determination of the Enforcement Authority to the City Manager or their designee. The notice of appeal must be received within 30 days from the date of receipt of the decision. The City Manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the City Manager and the appellant. The City Manager may affirm, reverse, or modify the decision of the Enforcement Authority. A party aggrieved by the decision of the City Manager may appeal that decision to the Maine superior court within forty-five (45) days of the date of the city manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(e) *Compliance with Approved Plans and Plan Changes.* The applicant shall implement and comply with the Erosion and Sedimentation Control Plan as approved throughout all phases of Construction Activity.

(f) *Project Completion.* The applicant shall provide notice to the enforcement authority when permanent stabilization of the Site has been achieved to allow for final inspection.

### **Sec. 32-45 Erosion and Sediment Control Inspections**

(a) Inspections are required in order to ensure that all erosion and sediment control practices are installed and maintained to prevent the discharge of sediment from disturbed areas.

(b) Sites with 1 acre or More of Disturbance or Major Site Plan

- 1) For Major Site Plans that have less than one acre of disturbance the applicant shall retain the services of a qualified professional.
- 2) For all sites with one acre or greater of disturbance, the applicant shall retain the services of a Third-Party Qualified Professional for Erosion & Sedimentation Control Inspections during construction (as defined by section 32-1 of this Ordinance) to inspect the site weekly, for the duration of construction until final site stabilization is in place.
- 3) The inspection is required in order to ensure that all construction and stabilization activities comply with the approved drawings and specifications; that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations; and that any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan is communicated to the City of Portland for additional review and approval.
- 4) The inspector will submit weekly written reports to the Stormwater Coordinator(s) in the Water Resources Division of Public Works and the Development Review Coordinator(s) in Planning. Reports must include: project ID, project address, the date(s) and time(s) of inspection(s), site photographs of areas under construction, and the date(s) and approximate duration(s) of any rainfall events in the prior week. The report will identify and describe any erosion problems or discharge of pollutants

and what actions will be taken to address these issues and repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.

(c) Minor Site Plans. The applicant is responsible for inspecting the site and maintaining erosion and sedimentation controls in good working order. In general, sites with less than 1 acre of disturbance are not required to submit an inspection report, however the City reserves the right to require reports of any project. The applicant should inspect the site as follows:

- 1) All areas of disturbance, impervious areas, erosion and sediment control best management practices, materials storage areas exposed to precipitation, and locations where vehicles enter or exit the Site shall be inspected:
  - a. Once before any disturbance begins and after all Erosion and Sedimentation Control BMPs specified in the Erosion and Sedimentation Control Plan are in place;
  - b. At least once a week as well as before and within 24 hours after a storm event (rainfall); and
  - c. Once at project completion to ensure the Site has reached permanent stabilization and all temporary erosion and sedimentation controls have been removed.

(d) Minor residential projects must use effective erosion and sedimentation controls for the duration of the Construction Activity.

(e) The Enforcement Authority, bearing proper credentials and identification, shall have the right of entry to any site with soil disturbance for the purpose of inspecting the site to determine that all construction and stabilization activities comply with the provisions of this article and applicable standards.

Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016; Ord. No. 31-18/19, 8-13-2018)

### **Sec. 32-46 Enforcement of Erosion and Sediment Control Plans**

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article. Whenever the Enforcement Authority believes that a person has violated this article, the Enforcement Authority may enforce this article in accordance with 30-A M.R.S.A. § 4452 and Chapter 1, Section 15 of the City Code.

(a) *Notice of violation.* Whenever the Enforcement Authority believes that a person has violated this article, the Enforcement Authority may order compliance with this article by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

- 1) The elimination of sediment-laden discharges off-site or to the collection system, including, but not limited to, disconnection of the premises from the collection system, whether it is a separated system or combined system.

- 2) The cessation of discharges, practices, or operations in violation of this article.
- 3) At the Person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of sediment-laden discharges off-site or to the storm drainage system and the restoration of any affected property; and/or
- 4) The payment of fines, of the City's remediation costs and of the City's reasonable administrative costs and attorneys' fees and costs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed.

(b) *Stop Work Order.* The enforcement authority or Permitting Authority may issue a Stop Work Notice whenever:

- 1) A Person has not corrected a notice of violation issued pursuant to this Ordinance within the time set forth in the notice, or
- 2) A Person subject to the applicability section of this Ordinance undertakes Construction Activity without first submitting an application for and obtaining approval of an Erosion and Sedimentation Control Plan.

The enforcement authority or Permitting Authority will attempt to deliver the Stop Work Notice to the applicant, the Person performing the Construction Activity, or the owner or occupant of the Parcel, as appropriate, by any means reasonably calculated to effectuate delivery.

Once the Stop Work Notice has been delivered, no further Construction Activity at the Site may proceed other than as is necessary to correct the non-compliance. Construction Activity may resume only when the enforcement authority or Permitting Authority provides written notice that the Person may resume that Construction Activity.

(c) *Penalties/fines/injunctive relief.* In addition to the imposition of any other costs or penalties provided for herein, any person who violates this section shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the City's attorney's fees and costs, all in accordance with Chapter 1, Section 15 of the City Code and 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this section also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the City for violation of federal and State environmental laws and regulations caused by or related to that person's violation of this article; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.

(d) *Consent agreement.* The Enforcement Authority may, with the approval of the City Manager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs and fees without court action.

(e) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the City Manager or their designee. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The



City Manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the City Manager and the appellant. The City Manager may affirm, reverse or modify the decision of the enforcement authority. Extenuating circumstances such as long duration rain events and high intensity rain events will be considered. A suspension under Section 32-5 of this article remains in place unless or until lifted by the City Manager or by a reviewing court. A party aggrieved by the decision of the City Manager may appeal that decision to the Maine Superior Court within 45 days of the date of the City Manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(f) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the City Manager, within 45 days of a decision of the City Manager affirming the enforcement authority's decision, then the enforcement authority may recommend that the Corporation Counsel's office file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

(g) *Ultimate responsibility of discharger.* The standards set forth herein are minimum standards; therefore this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This article shall not create liability on the part of the City, or any officer agent or employee thereof for any damages that result from any person's reliance on this article or any administrative decision lawfully made hereunder.

#### **Sec. 32 - 47 Severability**

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this article.

#### **Sec. 32 - 48 Waivers**

Where the enforcement authority finds that there are special circumstances of a particular Erosion and Sedimentation Control Plan that make a particular submission requirement or standard inapplicable, a waiver may be granted, provided that such waiver will not have the effect of voiding the intent and purpose of this Ordinance. The applicant shall submit, in writing, the reason for the requested waiver. In granting waivers or modifications, the enforcement authority may require such conditions that will substantially secure the objectives of the standards so waived or modified.

#### **Sec. 32 - 49 Authority**

The Municipality enacts this Erosion and Sedimentation Control Ordinance pursuant to 30-A M.R.S. §§3001 et seq. (municipal home rule ordinance authority), 38 M.R.S. §413 (the Wastewater Discharge Law), 33 USC §§1251 et seq. (the Clean Water Act), and 40 CFR Part 122 (US Environmental Protection Agency's regulations governing the National Pollution Discharge Elimination System (NPDES)). The Maine Department of Environmental Protection, through its promulgation of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems has listed the

Municipality as having a Regulated Small MS4; under this General Permit, listing as a Regulated Small MS4 necessitates enactment of elements of this Ordinance as part of the Municipality's stormwater management program in order to satisfy the minimum control measures for Construction Site Stormwater Runoff Control.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Troy Moon, Sustainability Coordinator  
**DATE:** June 5, 2024  
**SUBJECT:** Order 243-23/24 Amendment to Portland City Code Chapter 24 RE: Discharge of Stormwater into Sewers - Sponsored by Sustainability and Transportation Committee, Regina Phillips, Chair  
**SPONSOR:** Danielle P. West, City Manager  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**  
**1st Reading 6/3/2024**

**Final**  
**Action 6/17/2024**

**Can action be taken at a later date: No The ordinance must be in place before July 1,2024 for the City to remain in compliance with its Maine DEP Stormwater Discharge Permit.**

**Does this item involve a new contract with the City: no**

**PRESENTATION: N/A**

**I. SUMMARY**

The Water Resources Division of Public Works is updating Chapter 24 to better align with the City's Technical Standards and to limit the amount of stormwater that can be discharged to the combined sewer system.

**II. AGENDA DESCRIPTION**

In order to better align the City's Water Resources ordinances with existing technical standards and planning requirements, the Water Resources Division is updating Chapter 24. Chapter 24 is being updated to align with existing Technical Standards to ensure all efforts are made to limit the introduction of stormwater to the combined system from new development. The ordinance update is being made to strengthen and better align our regulatory mechanisms with our current development review process and other initiatives to limit the impact of discharges to the City's combined sewer system which overflows to the City's brooks, rivers, and harbor during heavy rain events.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

The Water Resources Division of Public Works is proposing to update Chapter 24 - Sewers. Chapter 24 is being updated to better align with the City's Technical Standards Chapter 2 which includes standards to limit the amount of stormwater that can be discharged to the combined sewer system. It is important to limit stormwater where to the combined system where possible to reduce discharge of untreated dilute sewage to our local water bodies such as Back Cove and Portland Harbor when the combined system reaches maximum capacity during rain events.

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The intended result of the Chapter 24 updates is to limit the amount of stormwater that enters the combined sewer system.

## **V. FINANCIAL IMPACT**

There is no financial impact to the Water Resources Division for either ordinance updates. The ordinance revision is already included in the existing process during Development Review.

## **VI. STAFF ANALYSIS AND BACKGROUND**

Chapter 24 Updates:

Only Sec 24-44 is being revised, specifically part c and the addition of part d.

The intent of the proposed ordinance change is to give Public Works full control of any new stormwater connections into the combined sewer and to reinforce that any approval will be contingent on the following:

- 1.) No other alternative exists and;
- 2.) All technical manual stormwater management requirements are met.

This update is being proposed because the ordinance currently allows for new stormwater connections into the combined sewer, whereas the technical manual has language which gives DPW some control over those connections. Section 2.2.3 of the technical manual is currently being referenced to require developers to provide storage prior to making a new connection into the combined sewer.

This is also part of a larger initiative with Planning in that updated stormwater regulations are being proposed. An effort will be made to codify those requirements into the City's stormwater management standards (Section 5 of the technical manual) so this is the time to update Chapter 24 to align with those changes.

## **VII. RECOMMENDATION**

Staff recommends passage

## **VIII. LIST ATTACHMENTS**

1. Amendment - Ch 24 Sewers
2. Chapter 24 Redline\_Apr19\_24

Prepared by:

Troy Moon, Sustainability Coordinator

Date: 06/05/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 24 RE: DISCHARGE OF STORM WATER INTO SEWERS**

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

1. *That the Section 24-44 of the Portland City Code Chapter 24 is hereby amended to read as follows:*

**Sec. 24-44. Public sewer connection limitations.**

(a) No person shall make connection of sanitary facilities such as toilets, washrooms, urinals, sinks, showers, drinking fountains, kitchens or laundry rooms, nor discharge or cause to be discharged any waste or domestic wastewater to a building's stormwater system or building storm drain which in turn is connected directly or indirectly to the storm drainage system.

(b) No person shall make connection of roof downspouts, foundation drains, sump pump, areaway drains or other sources of surface runoff or groundwater, nor discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(c) Stormwater shall be discharged to such sewers as are specifically designated as ~~combined sewers or~~ storm sewers, or to a natural outlet approved by the Department of Public Works. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Department of Public Works, to a storm sewer, combined sewer or a natural outlet.

(d) Stormwater shall not be allowed to discharge into a combined sewer unless approved by the Department of Public Works. Prior to receiving approval from the Department of Public Works it

must, at a minimum, be demonstrated that no practicable alternative exists, and that the proposed discharge adheres to all technical requirements as listed in Sections II & V of the City's Technical Manual, as may be amended, or such other rules or regulations that the Department determines are applicable to the proposed discharge.

## **Chapter 24 SEWERS\***

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**\*Cross reference(s)**--Buildings and building regulations, Ch. 6; disposal of wastes by food service establishments, § 11-26; land use, Ch. 14; streets, sidewalks and other public places, Ch. 25.

**State law reference(s)**--Sewers and drains, 30 M.R.S.A. § 4351 et seq.  
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**Art. I. In General, §§ 24-1--24-15**

**Art. II. Sewer Construction, §§ 24-16--24-30**

**Art. III. Sewer Use Regulations, §§ 24-31--24-70**

**Art. IV. Sanitary Sewer User and Industrial Pre-treatment Charges, §§ 24-71--24-77**

**Art. V. Stormwater Service and User Charges,**

### **ARTICLE I. IN GENERAL**

#### **Sec. 24-1. Purpose**

The city is responsible for the health and safety of the public and maintaining over 300 miles of sewer line comprised of the sanitary sewer and storm sewer lines themselves, catch basins, manholes, detention ponds, underground waste water storage facilities, and sewer pump stations.

The city maintains a sewer system in order to convey domestic wastewater and stormwater runoff from private and public property for treatment at the Publicly Owned Treatment Works.

The city maintains a stormwater drainage system in order to convey stormwater runoff away from private and public property to minimize flooding, reduce pollution discharge to waters of the State of Maine, and to control erosion of streams and channels.

The city council finds that funding the comprehensive wastewater and stormwater programs to properly operate this infrastructure should be equitably paid for by properties making use of sewer and stormwater services provided by the city according to costs incurred to provide those services.  
(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-2. Definitions.**

For the purposes of this chapter, all words shall have their

normal meanings and such meanings as may be in common use in the field of wastewater treatment. Certain words are more particularly defined. For the purposes of this Chapter, the following terms shall have the following meanings.

**Act** shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, U.S.C. § 1251 et seq., and the regulations promulgated thereunder, as amended from time to time.

**Building drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins eight (8) feet outside the outer face of the building wall.

**Building sewer** shall mean the extension from the building drain to the public sewer or other place of disposal.

**Combined sewer** shall mean a sewer conveying both stormwater and wastewater.

**Department of Public Works** shall mean the public works authority.

**Discharge** shall mean any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants

**District** shall mean the Portland Water District, a quasi-municipal corporation existing pursuant to Chapter 84 of the Private and Special Laws of Maine of 1975, as amended, with a business address of 225 Douglas Street, Portland, Maine.

**Domestic wastewater** shall mean the liquid wastes and liquid borne wastes discharged from the sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, home laundry rooms, kitchens, and floor drains essentially free of industrial wastes or toxic materials.

**Industrial user** shall mean a source of indirect discharge or any source which discharges industrial waste to the facility.

**Industrial waste** shall mean any liquid, gaseous, or solid waste substance, or a combination thereof, resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.



**Interceptor sewer** shall mean a large sewer used to intercept a number of main or trunk sewers and convey wastewater and stormwater runoff to treatment or other disposal facilities.

**National pollutant discharge elimination system** or **NPDES permit** shall mean a permit issued pursuant to § 402 of the act, 33 USC § 1342, and M.R.S.A. Title 38, § 414-A.

**Natural outlet** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**POTW (publicly owned treatment works) ("facility")** shall mean the treatment works, as defined by § 212 of the act, operated by the Portland Water District. This definition includes any devices and systems used in the storage, treatment, recycling, disposal, and reclamation of wastewater consisting of domestic, commercial, municipal, and industrial wastes of a liquid nature. It also includes those sewers, pipes, pump stations and other conveyances which convey wastewater to the facility and may be owned by the city. For the purposes of this chapter, POTW shall also include any sewers that convey wastewater to the treatment works from persons who are, by permit, contract, or agreement with the city, users of the facility.

**POTW treatment plant** shall mean that portion of the facility designed to provide treatment (including recycling and reclamation) of wastewater, municipal wastewater, industrial waste, septage and holding water and other trucked-in wastes as allowed under the provisions of this article.

**Private wastewater disposal system** shall mean a treatment tank with the effluent discharging into a subsurface absorption area, or such other facilities as may be permitted under the procedures set forth in rules and regulations adopted by the state department of health and welfare pursuant to 22 M.R.S.A. § 42(3), and the city's plumbing code.

**Private sewer system** shall mean any sewer system within the city not owned by or constructed by a public authority.

**Private wastewater treatment works** shall mean all facilities other than private sewage disposal systems for treating and disposing of wastewater within the city not owned by a public authority. Private wastewater treatment works shall be distinct from private wastewater disposal systems as the effluent is

discharged directly into surface water bodies. Private wastewater treatment works shall be licensed by the state department of environmental protection, in accordance with the provisions of 38 M.R.S.A. §§ 413, 414.

**Public sewer** shall mean a sewer directly owned, operated or controlled by the city or the Portland Water District.

**Sanitary sewer** shall mean a sewer, conveying either exclusively domestic wastewater and industrial waste or a sewer also conveying stormwater runoff together with ground and surface water that is not admitted intentionally.

**Sewer** shall mean a pipe or conduit for conveying liquid or liquid-carried waste.

**Storm sewer** shall mean a sewer for conveying stormwater runoff, groundwater, subsurface water, condensate, cooling water or other similar discharge but which excludes domestic wastewater and polluted industrial wastes.

**Stormwater** shall mean any stormwater runoff, snowmelt runoff, and surface runoff and drainage. "Storm water" shall have the same meaning as stormwater.

**Stormwater drainage system shall** mean any publicly owned or operated conveyance for stormwater, natural and human-made including, but not limited to, storm sewers, city and state roads including the Maine Turnpike and other physical works with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, culverts, human-made channels, swales, ditches, swamps, rivers, streams, creeks, brooks, reservoirs, ponds, drainage ways, inlets, pipes, head walls, lakes, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff and its discharge to and impact upon receiving waters.

Stormwater services shall mean the program and maintenance activities as well as the pipe, conduits, or other conveyances or facilities provided by the city including but not limited to necessary programs, improvements, or maintenance required to meet national pollutant discharge elimination system (NPDES) permits the city may hold or other regulatory or court imposed obligations on the city, or general maintenance of pipes, conduits or other facilities improvements and other unforeseen improvements necessary to provide stormwater service to the city.

**Wastewater** shall mean a combination of the liquid and water-carried wastes from residences, commercial buildings, institutions and industrial establishments, together with such ground, surface, and stormwater as may be present.

**Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently on a natural basis.

**Westbrook Inter-Municipal Sewer Service Area** shall mean the Domestic and sanitary sewage and waste water from the Riverside Street/Warren Avenue/Forest Avenue vicinity of Portland as defined on the plan to the Rules and Regulations enacted by the Department of Public Works, and on file in the Department of Public Works, intercepted by the District and delivered to the existing Westbrook Gorham Regional Treatment Plant for treatment.  
(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

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**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

**Reference** - Council Order 54-02/03 § An Order Authorizing Three-Party Sewer Service Agreement with Portland Water District and City of Westbrook).

### **Sec. 24-3. Administration.**

(a) The director of public works shall establish rules and regulations governing the availability and use of city wastewater collection and treatment facilities and stormwater drainage system. The rules and regulations shall be consistent with federal law and ordinances. Said wastewater rules shall be enacted in conjunction with the Portland Water District prior to enactment.

(b) The rules shall be enacted in the same manner as the rules for solid waste disposal are promulgated, prescribed in section 12-105(b) and (b.1) of this Code, with the exception that the rules will go into effect twenty (20) days after enactment by the director unless stayed by action of the city council. Proposed rules shall be delivered to the council as a communication prior to enactment.

(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

### **Sec. 24-4. Enforcement Agency.**

The Department of Public Works or the Portland Water District as agent for the city and at the request of the Department of Public Works, shall administer and enforce the provisions of this chapter.

(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

**Sec. 24-5. Reserved.**  
**Sec. 24-6. Reserved.**  
**Sec. 24-7. Reserved.**  
**Sec. 24-8. Reserved.**  
**Sec. 24-9. Reserved.**  
**Sec. 24-10. Reserved.**  
**Sec. 24-11. Reserved.**  
**Sec. 24-12. Reserved.**  
**Sec. 24-13. Reserved.**  
**Sec. 24-14. Reserved.**  
**Sec. 24-15. Reserved.**

## **ARTICLE II. SEWER CONSTRUCTION**

### **Sec. 24-16. Accepted streets.**

When any person owning property on an accepted street shall petition for the construction of a sewer in the street, such sewer may be constructed under one (1) of the following arrangements at the option of the petitioner, subject to the approval of the Department of Public Works:

- (a) Upon authorization by the city council, a sewer shall be constructed by the city, the cost of a sewer to be recovered in part as hereinafter provided; or
- (b) The petitioner may cause a sewer to be built to the specifications of the Department of Public Works and under his or her supervision, with or without regard to competitive bids. Upon completion of a sewer, the city shall be reimbursed in full for its costs, including engineering and inspection, and a sewer shall be deeded to the city as a public sewer at no cost to the city.

(Code 1968, § 704.1; Ord. No. 101-81, §§ 1--3, 9-21-81; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

### **Sec. 24-17. Dedicated streets.**

When any person owning property on a street, which prior to July 7, 1948, has been dedicated, constructed and used for public travel but has not been accepted by the city, shall petition for the construction of a sewer in the street, such sewer may be constructed under one (1) of the following arrangements at the option of the petitioner, subject to the approval of the Department

of Public Works:

- (a) Upon authorization by the city council, a sewer shall be constructed by the city, the cost of a sewer to be recovered in part as hereinafter provided; or
- (b) The petitioner may cause a sewer to be built to the specifications of the Department of Public Works and under his or her supervision, with or without regard to competitive bids. Upon completion of a sewer, the city shall be reimbursed in full for its costs, including engineering and inspection, and at such time as the street is accepted by the city, a sewer shall be deeded to the city as a public sewer at no cost to the city.

(Code 1968, § 704.2; Ord. No. 101-81, §§ 4, 5, 9-21-81; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-18. Initiative of city council.**

The city council may, on its own initiative and without petition therefor, authorize construction by the city of a sewer in accepted and dedicated-but-unaccepted streets, the cost of a sewer to be recovered in part as hereinafter provided.

(Ord. No. 101-81, § 6, 9-21-81; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-19. Costs.**

(a) A charge is hereby established for the connection heretofore or hereafter of any property to a sewer constructed by the city or the Portland Water District and completed on or after January 1, 1978. Such charge shall be due and payable upon application for a connection permit as provided in section 24-39, and except for connections made before November 15, 1981, shall be in lieu of all other charges related thereto, including the fee for the connection permit and street and sidewalk opening charges as provided in section 25-156, provided that connection is made in accordance with article III of this chapter. This section shall not apply to any property assessed for the cost of sewer construction according to law.

(b) For any such sewer completed heretofore, the charge shall be two hundred dollars (\$200.00) per each sanitary sewer connection made heretofore or hereafter but before November 15, 1981, and one thousand dollars (\$1,000.00) per each such connection made thereafter.

(c) For any such sewer completed hereafter, the charge shall be two thousand dollars (\$2,000.00) per each such connection, provided that the city council may, from time to time, by order readjust the charge according to the then-prevailing cost of sewer construction and the anticipated number of such connections.  
(Ord. No. 101-81, § 7, 9-21-81; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

**Cross reference(s)**--Uniform procedure for collecting assessments, § 1-16.

**Sec. 24-20. Reserved.**  
**Sec. 24-21. Reserved.**  
**Sec. 24-22. Reserved.**  
**Sec. 24-23. Reserved.**  
**Sec. 24-24. Reserved.**  
**Sec. 24-25. Reserved.**  
**Sec. 24-26. Reserved.**  
**Sec. 24-27. Reserved.**  
**Sec. 24-28. Reserved.**  
**Sec. 24-29. Reserved.**  
**Sec. 24-30. Reserved.**

### ARTICLE III. SEWER USE REGULATIONS\*

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**\*Editor's note**--Ord. No. 263-96, passed May 20, 1996, amended this article in its entirety, in effect repealing the former provisions and enacting similar new provisions as herein set out. Formerly, such provisions pertained to sewer use regulations, consisted of substantive §§ 24-31--24-60, and derived from §§ 309.1--309.29 of the 1968 Code, as amended by the following legislation:

| Ord. No. | Sec.             | Date     | Ord. No. | Sec. | Date    |
|----------|------------------|----------|----------|------|---------|
| 13-76    | --               | 10- 6-76 | 221-88   | 1    | 1- 4-88 |
| 154-79   | --               | 3-19-79  | 228-88   | 1    | 2- 1-88 |
| 355-84   | 1--14, 16,<br>17 | 1- 4-84  | 77-91    | --   | 8- 7-91 |
| 317-87   | 1                | 2- 2-87  | 37-93    | --   | 7- 7-93 |

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**Sec. 24-31. Scope.**

The provisions of this article shall apply to and govern all types of buildings requiring wastewater facilities; the excavation, construction, installation, usage, maintenance, extension, alteration, repair or removal of any building sewer, building storm drain, sanitary sewer system, or storm drainage or sewer system; the connection of building sewers and building storm sewers to sanitary sewer systems and/or storm drainage systems or combined sewers; the types of wastes or wastewaters prohibited from public sewers and storm drainage systems; permitted and prohibited concentrations and strengths of wastewater; and situations in which use of a private sewage disposal system is permissible.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

**Sec. 24-32. Intent and purpose.**

(a) It shall be the intent and purpose of this article to eliminate existing pollution, and to prevent further pollution caused by inadequate wastewater disposal, and to accomplish the necessary local legislation to meet the pollution abatement schedule for the Portland Regional Wastewater Plan established by the state and the federal government. All this is in furtherance of the health, welfare, comfort and convenience of the inhabitants of the city.

(b) Whereas the Portland Water District has been designated by state legislative action and local public referendum as the regional agency responsible for interception and wastewater treatment, and is the owner and operator of the POTW treatment plant, none of the provisions of this article shall be construed to repeal or otherwise interfere with the rights, duties or powers granted to the Portland Water District pursuant to Chapter 433 of the private and special laws of the State of Maine of 1907, as amended.

(Ord. No. 263-96, 5-20-96)

**Editor's Note** - Section 24-32.1 Administration was deleted by Order 129-14/15, passed on 1-21-2015 and Effective 1-1-2016.

**Sec. 24-33. Reserved**

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

**Sec. 24-34. Definitions.**

For the purposes of this article, all words not defined in section 24-2 shall have their normal meanings and such meanings as may be in common use in the field of sanitation and wastewater treatment. For the purposes of this article, the following terms have the following meanings.

**B.O.D.** (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

**Categorical industrial user** shall mean an industrial user subject to national categorical pretreatment standards.

**Caustic alkalinity (hydroxide alkalinity)** shall mean a measure of the capacity of wastewater, which exhibits a pH of greater than or equal to 8.3, to neutralize acids.

**C.O.D.** (chemical oxygen demand) shall mean the measure of the oxygen required for oxidation of the organic matter in a sample that can be oxidized by a strong chemical oxidizing agent under standard laboratory procedure.

**F.O.G.** shall mean the measure of fats, wax, grease and oils (other than petroleum based materials).

**Garbage** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and produce, and from the handling, storage and sale of food and produce.

**Incompatible pollutant** is defined as any pollutant other than biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria or additional pollutants identified in the POTW's NPDES permit to discharge, which the POTW was not designed to treat and does not remove to a substantial degree or may be toxic to the POTW or receiving water.

**Industrial user** shall mean a source of indirect discharge or any source which discharges industrial waste to the facility.

**Interference** means a discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the facility, its treatment processes or operations, or its sludge processes, use or disposal, and which is a cause of a violation of



any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation), or of the prevention of wastewater sludge use or disposal by the facility in accordance with applicable federal, state, or local statutes and regulations or permits issued thereunder, as set forth in 40 CFR § 403.3(i).

*mg/l* shall mean milligrams per liter.

***National categorical pretreatment standard*** shall mean any regulations containing pollutant discharge limits promulgated by EPA in accordance with § 307(b) and (c) of the act, which apply to a specific category of industrial users and which are found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

***pH*** shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in a solution expressed as standards units.

***Properly shredded garbage*** shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

***Significant industrial user*** shall mean any industrial user subject to categorical pretreatment standards, and any other industrial user that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the facility (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the city on the basis that the industrial user has a reasonable potential for adversely affecting the facility's operation or for violating any pretreatment standard or requirement; provided, however, that upon a finding that an industrial user meeting the foregoing criteria has no reasonable potential for violating any pretreatment standard or requirement or for adversely affecting the facility's operation, the city may, at any time, upon its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

***Slug*** shall mean any discharge of nonroutine, episodic nature,

including, but not limited to, an accidental spill, noncustomary batch discharge, or any discharge of wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flow rate during normal operation or which may adversely affect the POTW.

*Total suspended solids (TSS)* shall mean the total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtration.

(Ord. No. 263-96, 5-20-96; Ord. No. 97-03/04, 12-17-03; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-35. Sanitary facilities required.**

Every building intended for human habitation, occupancy, employment, recreation or other purposes, situated within the city shall be provided with suitable and sufficient sanitary facilities for the use of the occupants thereof, which facilities in character, number and method of installation shall comply with all health laws of the state, ordinances of the city, and rules and regulations of the state bureau of health so far as the same are compatible and not inconsistent.

(Ord. No. 263-96, 5-20-96)

#### **Sec. 24-36. Connection to public sewer required.**

The owner of any building used for human habitation, occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is located a public sanitary, combined or interceptor sewer, is hereby required at his expense to connect the building sewer in the most direct manner possible with the proper public sewer in accordance with the provisions of this article, provided that the public sewer is within two hundred (200) feet of the building (the two hundred (200) feet to be measured in such manner so as not to pass over any property owned privately by anyone other than the owner of the premises from which such measurement is being made). Any required compliance with this section shall be completed within one (1) year after the date of official notice to do so.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-37. Exception for private wastewater system.**

Where the public sewer does not extend to within two hundred (200) feet distant from the nearest point of the building (measured as described in section 24-36), the public sewer shall, at such time, be classified as inaccessible with regard to such premises. Where the public sewers are inaccessible to premises, any building required to be provided with sanitary facilities under section 24-35 shall comply with the following:

- (a) The owner may at his own expense connect with the public sewer even though the building is over two hundred (200) feet distant from the public sewer; or
- (b) Where liquid-carried wastes or wastewater result, they shall discharge into a private wastewater disposal system; or
- (c) Where liquid-carried wastes or wastewater result, they shall discharge into a private wastewater treatment works.

(Ord. No. 263-96, 5-20-96)

**Sec. 24-38. Private wastewater systems discontinued.**

(a) At such time as a public sewer becomes accessible, as defined in section 24-36, to a property served by a private wastewater disposal system, direct connection shall be made to the public sewer by the owner of such property in compliance with this article within twelve (12) months of receipt of official notice to do so. At the time that direct connection to the public sewer is completed, use of the private wastewater disposal facilities shall have been discontinued. Such abandoned private wastewater disposal system shall be cleaned of sludge and waste materials and filled with clean bankrun gravel or dirt within thirty (30) days.

(b) The closing and filling of the private wastewater disposal system and the connection to the public sewer system shall be inspected by the Department of Public Works. The fee for such inspection shall be a minimum of ten dollars (\$10.00) per septic tank plus ten dollars (\$10.00) per hour for all inspection time exceeding one (1) hour. The permit for the connection to the public sewer is the same as those required under sections 24-39 and 24-42.

(c) No such work may be approved unless notice is given to the Department of Public Works sufficient to permit the inspector to be present at the filling of the private wastewater disposal

system and the connection to the public sewer. No new sewer construction or sewer repair or reconstruction may be approved if backfilled and/or covered prior to inspection. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-39. Public sewer connection; permit; fee.**

No person shall uncover, make any connections with or openings into, alter or disturb either any public sewer or appurtenance thereof or any private sewer or appurtenance thereof without first obtaining a written permit from the Department of Public Works or the Portland Water District, if required. The fee for such permit shall be fifty dollars (\$50.00).

(Ord. No. 263-96, 5-20-96; Ord. No. 261-01/02, 5-20-02; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-40. Costs.**

All costs and expense incidental to the installation, connection and maintenance of the building sewer shall be borne by the owner.

(Ord. No. 263-96, 5-20-96)

#### **Sec. 24-41. Separate connections required.**

A separate and independent building sewer shall be provided for every new building, and a separate connection shall be made for each building sewer. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Department of Public Works, to meet all requirements of this article.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-42. Defective building sewers to be repaired or replaced.**

(a) Whenever any building drain or building sewer connected to the public sewers, or to a private sewer system connected to the public sewers is found to be defective, deteriorating or substandard, the owner of the building served by such building drain or sewer shall be served by the Department of Public Works with written notice stating the nature of the defect and providing a fifteen (15) day period for the satisfactory repair or replacement of such building sewer and requiring the owner to make a new connection to the public sewer at the owner's expense.

(b) All work done pursuant to this section shall be inspected by the Department of Public Works. The fee for such inspection shall be twenty-five dollars (\$25.00).

(c) ***Failure to comply.*** When a person to whom an order is directed fails to fully comply within the fifteen (15) day period, it shall be lawful for the city to repair a building drain or building sewer which is located within the public right-of-way, and all costs thereof shall be charged to the owner thereof.

(d) ***Lien procedure.*** The Department of Public Works shall keep an accurate account of the expense of the work under this article, and as soon as practicable after completion of such work, the city shall assess to the person(s) upon whom notice has been served pursuant to subsection (a) of this section their just cost thereof, and all assessments so made shall constitute a lien on the property to be enforced in the manner provided for the collection of sewer assessments within the city.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

**Cross reference(s)**--Uniform procedure for collecting assessments, § 1-16.

### **Sec. 24-43. Methods of construction.**

On all work done within the scope of this article, the size, slope, alignment and materials of construction of a building sewer, and the methods to be used in placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the Department of Public Works' building sewer construction specifications. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by a means subject to the approval of the Department of Public Works and discharged to the building sewer.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

### **Sec. 24-44. Public sewer connection limitations.**

(a) No person shall make connection of sanitary facilities such as toilets, washrooms, urinals, sinks, showers, drinking fountains, kitchens or laundry rooms, nor discharge or cause to be discharged any waste or domestic wastewater to a building's stormwater system or building storm drain which in turn is

connected directly or indirectly to the storm drainage system.

(b) No person shall make connection of roof downspouts, foundation drains, sump pump, areaway drains or other sources of surface runoff or groundwater, nor discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(c) Stormwater shall be discharged to such sewers as are specifically designated as ~~combined sewers or~~ storm sewers, or to a natural outlet approved by the Department of Public Works. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Department of Public Works, to a storm sewer, combined sewer or a natural outlet.

(d) Stormwater shall not be allowed to discharge into a combined sewer unless approved by the Department of Public Works. Prior to receiving approval from the Department of Public Works it must, at a minimum, be demonstrated that no practicable alternative exists, and that the proposed discharge adheres to all technical requirements as listed in Section's II & V of the City's Technical Manual.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-45. Connections to public sewer.**

The connection of the building sewer into the public sewer shall be constructed in the following manner:

- (a) The Department of Public Works shall be notified in advance of the time when the connection is to be made. Such notice must be sufficient to permit the Department of Public Works to inspect the building sewer during construction and to be present when the connection is made to the public sewer.
- (b) In the case of new construction, domestic wastewater systems and stormwater drainage systems shall be kept separated from their connections to the proper city sewers.
- (c) The building sewer shall be connected to the public sewer at the point designated by the Department of Public

Works.

- (d) No building sewer connection constructed pursuant to this section can be approved if such sewer is backfilled and/or covered prior to inspection. No connection to the public sewer constructed pursuant to this section can be approved if such connection is made other than in the presence of an inspector from the Department of Public Works or the Portland Water District, as required. No such unapproved or unapprovable building sewer in the city may be used, and if the building served by such building sewer is occupied, the owner of such building will be held to be in violation of this section, with each day in which the violation continues deemed to be a separate violation.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-46. Sewer excavations.**

(a) All excavations under this article within the public way shall be in accordance with article VII of chapter 25 of this Code.

(b) All excavations for sewer installation shall be made and maintained in compliance with the provisions of the construction safety rules and regulations of the state, applicable to excavation work.

(Ord. No. 263-96, 5-20-96)

#### **Sec. 24-47. Prohibited wastes.**

(a) No person shall discharge or cause to be discharged any waters or wastes prohibited by Department of Public Works rule; or:

1. Any noxious or malodorous gas or substance capable of creating a public nuisance.

(b) The Department of Public Works may, if deemed necessary in its judgment, impose the following limitations on discharges of the following described waters or wastes to any public sewer or any part thereof:

1. Any aluminum exceeding a concentration of 500 milligrams per liter;
2. Any iron exceeding a concentration of 10 milligrams per liter;

3. Any tin exceeding a concentration of 2 milligrams per liter;
4. Any fluorides exceeding a concentration of 100 milligrams per liter;
5. Any phenols exceeding a concentration of 100 milligrams per liter;
6. Any chlorides exceeding a concentration of 3,000 milligrams per liter;
7. Any sulphates exceeding a concentration of 600 milligrams per liter;
8.
  - a. Any waters or wastes containing animal or vegetable based fats, wax, grease or oils, whether emulsified or not, in excess of 500 milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees centigrade).
  - b. In the Westbrook Intermunicipal Sewer Service Area, any waters or wastes containing animal or vegetable based fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperature between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees centigrade).
  - c. Any waters or wastes containing hydrocarbon (nonpolar) based fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees centigrade).

(Ord. No. 263-96, 5-20-96; Ord. No. 250-97, 4-9-97; Ord. No. 97-03/04, 12-17-03; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)



**Sec. 24-48. Prohibited wastes permitted how; cost.**

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters or wastes contain any of the substances or possess the characteristics listed in section 24-47, and which in the judgment of the Department of Public Works may have a deleterious effect upon the wastewater works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Department of Public Works may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewer as required by rule;
3. Require control over the quantities and rates of discharge (flow equalization); and/or
4. Require payment to cover the added cost of handling and treating the wastes.

(b) If the Department of Public Works permits or requires pretreatment or waste flow equalization, the design and installation of the plants and equipment shall be subject to its review and approval subject to the provisions of the state plumbing code, and the provisions of this article

(c) Where preliminary treatment or flow equalizing facilities are provided for any water or wastes, the owner shall bear the cost and responsibility for installing and maintaining them in continuously satisfactory and effective operating condition, as determined by the Department of Public Works.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

**Sec. 24-49. Separate systems required.**

Any person discharging or causing to be discharged into any public sewer both domestic wastewater and industrial wastes from any building or premises shall install separate drainage systems for the domestic wastewater and industrial waste. The control manhole required by rule shall be installed in the industrial waste system; or where two (2) separate systems are required, the two (2) systems may be joined in the control manhole provided that samples of each system can be sampled separately.

(Ord. No. 263-96, 5-20-96)

### **Sec. 24-50. Discharge permit.**

(a) All categorical users and other dischargers of industrial wastes shall obtain a discharge permit from the Portland Water District, as required by rule. New users shall obtain permits prior to any discharge. Applications and permits shall be in a form prescribed by the Portland Water District and shall be subject to an application fee as set by the Portland Water District.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016; Ord. No. 31-18/19, 8-13-2018)

### **Sec. 24-51. Public wastewater works not to be damaged.**

No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the public sewer or stormwater drainage system.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

### **Sec. 24-52. Right of entry.**

The Department of Public Works, or the Portland Water District as its agent, bearing proper credentials and identification, shall be permitted to enter upon all properties with sewer or stormwater drainage systems connected to the public sewer and producing industrial or process wastes, at reasonable times and upon reasonable notice for the purpose of inspection, observation, measurement, sampling and testing or to otherwise enforce the rules, including copying of reports and records relating to the industrial pretreatment program in accordance with the provisions of this article.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016; Ord. No. 31-18/19, 8-13-2018)

### **Sec. 24-53. Exclusion of industrial waste.**

(a) The Department of Public Works or the Portland Water District shall have authority to temporarily exclude any industrial waste, whether pretreated or not, from the public sewers whenever, in its or their opinion, such action is necessary for the purpose of determining the effects of such wastes upon the sewers, wastewater system or wastewater treatment facilities.

(b) The Department of Public Works or the Portland Water District shall notify the affected user prior to taking such actions and shall afford the user a reasonable time for response.

The Department of Public Works or the Portland Water District shall have the authority to take actions necessary to halt the discharge of pollutants from any user to the treatment works which reasonably appears to present an imminent endangerment to the health or welfare of persons or the POTW. Such actions shall be preceded by a notification, oral or written, to the user.

POTW(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-54. Demolition of buildings.**

(a) No building served by a building drain or sewer which is connected to the public sewers or to a private sewer system connected to the public sewers, may be demolished prior to the termination of the building sewer or drain at the public sewer under the inspection of the Department of Public Works. The building sewer shall be terminated at the main, at the point designated by the Department of Public Works.

(b) Notice of intent to demolish a building shall be given to the Department of Public Works, by means of a copy of the application for a demolition permit from the building authority or by direct notice to the Department of Public Works, in advance of the time when the building drain or sewer is to be terminated. No such demolition permit shall be issued until a drain termination permit has been issued by the Department of Public Works and a copy thereof has been given to the building authority.

(c) The fee to terminate the building and/or facility sewer and/or drain system will be paid to the city in advance of the termination. The fee of two hundred fifty dollars (\$250.00) per termination represents inspection fees and materials to terminate sewer service. Upon payment of this fee and approval by the Department of Public Works, the applicant shall be issued a sewer termination permit.

(d) Failure to give notice of intent to demolish a building to the Department of Public Works, or to terminate the building drain prior to demolition thereof, or to obtain a permit therefor, shall be deemed a violation of this section, with each day in which the violation continues deemed to be a separate violation.

(e) All excavation for sewer service termination shall be made and maintained in compliance with all provisions of the construction safety rules and regulations of chapter 25, article VII of this Code.

(f) **Violations.** The property owner who fails to obtain a sewer termination permit and terminate the sewer or drain from the building to be demolished to the public sewer shall be guilty of an offense.

(g) **Failure to comply.** When a person to whom an order is directed fails to terminate a building sewer or drain within a ten-day period, it shall be lawful for the city to terminate the building sewer or drain. All city costs thereof shall be charged to the property owner.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

### **Sec. 24-55. Written notice required.**

Forty-five (45) days' written notice shall be given to the Department of Public Works and the Portland Water District by any person proposing to:

- (a) Substantially change the volume or character of pollutants over that being discharged into the treatment system at time of enactment of this article;
- (b) Create a new discharge into the treatment system of pollutants from any source which would be a new source as defined in section 306 of the act if such a source were discharging pollutants elsewhere;
- (c) Create a new discharge into the treatment system of pollutants from any source which would be subject to section 301 of the act if it were discharging such pollutants elsewhere.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016; Ord. No. 31-18/19, 8-13-2018)

### **Sec. 24-56. Violations.**

Any person failing to comply with or violating any provision of this article shall be served by the Department of Public Works with written notice stating the nature of the failure or violation and providing a reasonable time limit for the satisfactory correction thereof. Such person shall, within the period of time stated in such notice, permanently cease or correct all such failures or violations. Any person who shall continue any failure or violation beyond the time limit required for compliance in any notice given pursuant to this section shall be guilty of an offense. Any person violating any of the provisions of this article

shall be liable to the City and shall be assessed a civil penalty of a minimum of one thousand dollars (\$1,000.00) per day for each violation of industrial pretreatment standards and requirements, and in addition, shall be liable for any expense, loss or damage occasioned by the City by reason of such violation, including reasonable attorney's fees. The City may seek injunctive relief for the purposes of enforcing this article.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

### **Sec. 24-57. Appeals.**

(a) Whenever the person receiving written notice shall deem himself or herself aggrieved by an order made by the Department of Public Works, the person may file an appeal to the city manager within ten (10) days of the date of the written notice, and the person shall be afforded a hearing on the matter before the city manager or his or her designee, and unless by their authority the aggrieved order is revoked, such order shall remain in force and be forthwith complied with by the person.

(b) In cases of applicability or interpretation of this article, the city manager may revoke such order made by the Department of Public Works.

(c) In cases where compliance with such order made by the Department of Public Works would cause undue hardship, the city manager may extend the time limit of such order or they may permit exceptions to, or waive requirements of, or grant a variance from the specific provisions of this article, subject always to the rule that the city manager shall give due consideration to the purposes of this article in eliminating existing pollution, preventing further pollution and promoting the public health, safety and welfare.

(d) This Section shall not apply to notices of violation or other determinations issued by the Portland Water District. Any notices issued by the Portland Water District under this Article shall be subject to review by the superior court under Rule 80B of the Maine Rules of Procedure within thirty (30) days of the decision.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016; Ord. No. 31-18/19, 8-13-2018)

**Sec. 24-58. Reserved.**

**Sec. 24-59. Reserved.**

**Sec. 24-60. Reserved.**

**Sec. 24-61. Reserved.**  
**Sec. 24-62. Reserved.**  
**Sec. 24-63. Reserved.**  
**Sec. 24-64. Reserved.**  
**Sec. 24-65. Reserved.**  
**Sec. 24-66. Reserved.**  
**Sec. 24-67. Reserved.**  
**Sec. 24-68. Reserved.**  
**Sec. 24-69. Reserved.**  
**Sec. 24-70. Reserved.**

**ARTICLE IV. SANITARY SEWER USER AND  
INDUSTRIAL PRE-TREATMENT CHARGES\***

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**\*Editor's note**--Ord. No. 263-96, passed May 20, 1996, amended this article in its entirety, in effect repealing the former provisions and enacting similar new provisions as herein set out. Formerly, such provisions pertained to sewer use charges, consisted of substantive §§ 24-71--24-78, and derived from §§ 322.1--322.3, 322.5--322.8 of the 1968 Code, as amended by the following legislation:

| Ord. No. | Sec. | Date    | Ord. No. | Sec. | Date     |
|----------|------|---------|----------|------|----------|
| 326-77   | --   | 5-16-77 | 123-89   | --   | 10- 2-89 |
| 420-77   | --   | 7-18-77 | 259-90   | --   | 2-21-90  |
| 284-78   | --   | 5-15-78 | 79-91    | --   | 8- 7-91  |
| 102-81   | 1, 3 | 9-21-81 | 88-92    | 1, 2 | 9- 9-92  |
| 476-82   | 1--3 | 4- 6-82 | 187-95   | --   | 3- 6-95  |
| 523-83   | 1--3 | 6- 8-83 | 157-96   | --   | 2- 5-96  |
| 17-88    | --   | 6-20-88 |          |      |          |

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## **Sec. 24-71. Definitions.**

Unless the context specifically provides otherwise, the meanings of terms used in this article, and not defined elsewhere in this chapter, shall be as follows:

**Commercial unit** shall mean any structure or portion of a structure from which wastewater or industrial waste is discharged, excepting only dwelling units as defined hereinafter and shall include industrial users. Commercial units owned by different entities within the same structure and sharing the same water meter shall be treated as one (1) commercial unit.

**Dwelling unit** shall mean one (1) or more rooms occupied or designed to be occupied by one (1) or more natural persons as a single housekeeping unit with sanitary facilities, other than a place of public accommodation as defined hereinafter, discharging only domestic wastewater and shall include each unit of ownership in any condominium. If the occupant or occupants of rooms fit the definition of a dwelling unit except for the fact that the occupants share sanitary facilities with an occupant or occupants of other rooms located within the same structure, the number of units in the structure shall be deemed to be the total number of toilets or urinals located within such structure.

**Parcel of land** shall mean any area of land shown on the assessor's maps on the April first last preceding the operative date, located within the city, which is either connected in fact to a sewer within the city, or developed-but-unconnected to a sewer within the city, which sewer is nevertheless accessible to the area within the meaning of section 24-36.

**Place of public accommodation** shall mean any establishment having sanitary facilities located therein which gives or offers shelter or lodging to members of the general public, whether transient or long term and shall include but is not limited to hotels, motels, guest houses, hospitals, rest homes, nursing homes, inns, fraternity houses and dormitories.

**Treatment facilities** shall mean all wastewater treatment plants owned and operated by the Portland Water District or by the city.

**Total organic carbon or TOC** shall mean the determination of organic matter present by the measurement of carbon dioxide

produced by pyrolysis measured in accordance with 40 CFR Part 136.

**Volume of water** shall mean the amount of water, estimated or measured, whichever is less, provided to the property by the Portland Water District during the previous period of the calendar year. This term shall include any amounts of water obtained from other sources whether or not water is also provided by the district.

(Ord. No. 263-96, 5-20-96; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

## **Sec. 24-72. Sanitary sewer user charges.**

(a) **Applicability.** There are levied upon all parcels of land charges for cost of treatment of wastewater and stormwater and for the operation and maintenance of the wastewater system.

(b) **Billing.** Bills for all charges under this article may be sent to the record owner, or to the person requesting water service. Bills shall be sent to each such owner or person every month, except that persons billed quarterly or seasonally by the Portland Water District for water service may be billed quarterly or seasonally for all charges under this article. All payments shall be credited against the oldest outstanding bill sent to such owner or person. Any payments made to the Portland Water District or its agents, which do not indicate to which account they are to be applied, shall be applied as provided by contract between the city and the Portland Water District.

Bills shall contain an amount for sanitary sewer user charges, and if delinquent as provided in section 1-16 of this Code, shall include charges for interest to be computed in the same manner as provided for real estate taxes.

(c) **Computation.** The user charges shall be computed in accordance with the following schedule, as from time to time amended, which shall be sufficient to meet costs of the eligible purposes for which such charges may be used. Beginning July 1, 2023, user charges under this section for both dwelling units and commercial units shall be twelve dollars and seventy-five cents (\$12.75) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents (\$1.71) per hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.



(d) *Purposes for which charges may be used.* Charges and assessments made under this article shall be used consistently with 33 U.S.C.A. § 1281 et seq., and applicable federal regulations for the following purposes:

- (1) To defray the current expenses of operating and maintaining the wastewater system, including any assessment made by the Portland Water District;
- (2) To pay the interest and repay the principal on any outstanding or future indebtedness of the city for construction of sewers heretofore or hereafter constructed within the city;
- (3) To reimburse the city for the cost of computation, billing and enforcement of such charges.

(e) *Collection.* Charges assessed pursuant to this section shall be enforceable pursuant to section 1-16 of this Code.

(f) *Disconnection for nonpayment of charges.* The Portland Water District shall disconnect sewer users with unpaid sanitary sewer user charges according to the same terms and procedures used to disconnect water users with unpaid water user charges.

(Ord. No. 263-96, 5-20-96; Ord. No. 88-97, 9-15-97; Ord. No. 118-01/02, 12-3-01; Ord. No. 249-02/03, 5-19-03, Ord. No. 31-03/04, 7-21-03(enacted as emergency); Ord. No. 218-03/04, 5-17-04; Ord. No. 249-04/05, 5-16-05, enacted as emergency; Ord. No. 244-07/08, 5-19-08; Ord. No. 265-08/09, 5-18-09; Ord. No. 225-09/10, 5-17-10; Ord. No. 227-10/11, 5-16-11; Ord. No.222-12/13, 6-24-13; Ord. No. 239-13/14, 5/19/14; Ord. No. 250-14/15, 6-24-2015; Ord. No. 129-14/15, 1-21-2015, Effective 1-1-2016; Ord. No. 245-16/17, 5-15-2017, Effective 7-1-2017; Ord. No. 217-17/18, 7-1-2018; Ord. No. 244-18/19, 5-20-2019; Ord. No. 79-20/21, 9-21-2020; Ord. No. 256-20/21, 6-7-2021; Ord. 256-21/22, 7-1-2022; Ord. 221-22/23, 7-17-2023)

## **Sec. 24-73. Industrial surcharges.**

(a) *Applicability.* Each industrial user except those included in the Westbrook Inter-Municipal Sewer Service Agreement Area, shall be subject to surcharges in addition to any other treatment charge if the wastewater discharged by such user is determined by the Department of Public Works, in accordance with 40 CFR Part 136, to exceed any of the following concentrations:

- (1) BOD of two hundred fifty (250) mg/l; or COD, where indicated for specific wastewater and a correlation

between BOD and COD is established in such wastewater; or TOC, where indicated for specific wastewater and a correlation is established between TOC and BOD in such wastewater;

(2) TSS content of three hundred (300) mg/l.

(b) **Computation of surcharge for BOD.** The surcharge for BOD shall reflect the cost of removing the excess BOD and shall be computed in accordance with the following formula:

$$\text{Surcharge for BOD} = (C_1 - 250 \text{ mg/l}) \times Q \times 8.34 \times S_1$$

Where  $C_1$  = The concentration of BOD in mg/l

$Q$  = The total volume of wastewater contributed during the billing period, in millions of gallons

8.34 = Conversion factor of gallons to pounds

$S_1$  = \$0.1633 for each pound of BOD in dollars

(c) **Computation of surcharge for TSS.** The surcharge for TSS shall reflect the cost of removing the excess TSS and shall be computed in accordance with the following formula:

$$\text{Surcharge for TSS} = (C_2 - 300 \text{ mg/l}) \times Q \times 8.34 \times S_2$$

Where  $C_2$  = The concentration of TSS in mg/l

$Q$  = Total volume of wastewater contributed during the billing period, in millions of gallons

8.34 = Conversion factor of gallons to pounds

$S_2$  = \$0.0817 for each pound of TSS in dollars

(d) Westbrook Inter-Municipal Sewer Service Agreement area may be surcharged for BOD and TSS, based on the cost of treatment at the Westbrook Gorham Regional Treatment Plant.

(e) **Industrial surcharge fee.** An industrial surcharge fee is hereby established for all permitted discharges from all permitted users at a rate of \$0.0857 per hundred cubic feet of volume, provided that the city council may, from time to time, by order, readjust the surcharge fee according to the then prevailing cost of

administering the industrial pretreatment program and the anticipated number of permitted users and anticipated volume to be surcharged.

(f) ***Appeals.*** Any person aggrieved by a determination of the Department of Public Works made pursuant to this section may appeal such determination to the city manager, within thirty (30) days of notification of such determination. Such person may submit additional evidence and shall be heard orally by the manager or his deputy. The manager may modify the Department of Public Works' determination if satisfied that the determination was erroneous, inconsistent with this chapter, or with applicable rules, regulations or grant requirements made pursuant to 33 U.S.C.A. c. 26. All determinations of the manager shall be rendered within a reasonable period of time, not to exceed ninety (90) days from the date of such hearing and shall be final.

(Ord. No. 263-96, 5-20-96; Ord. No.97-03/04, 11-17-03; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-74. Reserved.**

#### **Sec. 24-75. Volume measurements.**

(a) ***Water volume measurements.*** Whenever in this article there is reference to volume of water, and the charges of such person are computed in whole or in part upon such volume of water, the use of such standard shall give the Department of Public Works the right to require any person obtaining water from sources other than the Portland Water District to install and maintain at such person's own expense water meters of a type approved by the Department of Public Works for the purpose of determining the volume of water obtained from their other sources and to report the volume of such water recorded by such meter to the Department of Public Works. Following installation, such meter shall not be removed without the written permission of the Department of Public Works.

(b) ***Wastewater volume.*** Devices for measuring the volume of wastewater discharged by a commercial or industrial user may be required by the Department of Public Works if these volumes cannot be determined from the water volume records. Any person who is a commercial or industrial user may, at his option, install devices approved by the Department of Public Works for the metering of wastewater and may have the charges based upon the volume of wastewater rather than upon water volume. All metering devices for determining the volume of wastewater shall be installed, owned and maintained by the person to be charged. Following approval and

installation, such meters may not be removed without the consent of the Department of Public Works and may be read by the Department of Public Works at all reasonable times.

(c) **Submetering of water volume.** Any person who feels that recorded water records are not a reliable index of his discharge volume may install an additional water meter of a type approved by the Department of Public Works to measure the volume of water which can be shown not to enter the sewerage system. The person installing such a meter shall immediately notify the Department of Public Works of such installation and shall be responsible to the Department of Public Works for reporting meter readings once every month. Such person shall be credited with the volume charges for the volume shown by such meter, which meter shall be accessible for reading by the city or its agents at all reasonable times.

(d) **Review.** Any person subject to charges under this article may make a written request for review of such charges by the city manager as provided in section 1-16 of this Code. The city manager may review and modify such charges, to the extent that justice requires, upon affirmative proof by such person that:

- (1) The volume of metered water consumed exceeds the volume of wastewater generated by the unit;
- (2) The difference between the volume of water and of wastewater exceeds ten (10) percent of the metered water measurement;
- (3) The amount of the difference can be established to a substantial certainty by reliable tests or is documented by reliable sources prepared for purposes unconnected with wastewater disposal; and
- (4) Measurement by the measuring devices provided for in the preceding subsections is impossible or impractical.

(Ord. No. 263-96, 5-20-96; Ord. No. 37-09/10, 8-17-09; Ord. 108-15/16, 11-16-2015; Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

## **Sec. 24-76. Assessments.**

(a) **Lien.** All assessments upon a parcel of land made under this article shall create a lien for the benefit of the city.

(b) **Reserved.**

(Ord. No. 263-96, 5-20-96)

**Cross reference(s)**--Uniform procedure for collecting assessments, § 1-16.

## **Sec. 24-77. Violations.**

Any person violating the provisions of this article, other than the requirement of payment of charges or assessments, shall be guilty of an offense.

(Ord. No. 263-96, 5-20-96)

## **ARTICLE V. STORMWATER SERVICE CHARGES**

### **Sec. 24-80. Purpose; Stormwater Service.**

Stormwater services assist the city in meeting the regulatory obligations imposed by national pollutant discharge elimination system (NPDES) permits or other court orders or regulations promulgated from the act by reducing pollution and improving water quality within the city.

Stormwater services assist the city in protecting the public health, safety and welfare and the environment and providing stormwater services and regulation of the use thereof renders and/or results in both service and benefit to individual properties, property owners, business, citizens, and residents of the city and to all properties, property owners, businesses, citizens, and residents of the city concurrently and for the environment.

The area of impervious surface on each property is the most important factor influencing the cost of providing stormwater services by the city or to be provided by the city in the future, and the area of impervious surfaces on each property is therefore the most appropriate parameter for calculating a periodic stormwater service charge.

The City of Portland presently owns and operates storm sewers, combined sewers, and the stormwater drainage system, which have been developed over many years. The future usefulness of those existing services owned and operated by the city, and of additions and improvements thereto, rests on the ability of the city to effectively manage, protect, control, regulate, use, and enhance stormwater services in the city with the management of other water resources in the city. In order to do so, the city must have adequate and stable funding for its stormwater service operating

needs and capital program.

Stormwater services are needed throughout the city because many of those areas are developed. While specific service and facility demands may differ from area to area at any given point in time, a stormwater service area encompassing all lands and water bodies within the city is consistent with the present and future needs of the community.

The provision of stormwater services in the city promotes an essential regulatory purpose by influencing where stormwater runoff flows and how it is managed, thereby reducing flooding, erosion and water pollution caused by stormwater runoff.

By mitigating the impact of stormwater runoff from developed properties, stormwater services provided by the city help minimize damage that would subject a parcel owner to civil liability.

The city council is responsible for the protection and preservation of the public health, safety, and welfare of the community, and the environment and finds that it is in the best interest of the health, safety, and welfare of the citizens of the city and the community at large and the environment to provide stormwater services accounted for in the city budget as a separate enterprise fund dedicated solely to the provision of stormwater services and to institute funding methods associated therewith.

In order to fully recover the cost of providing stormwater services a stormwater service charge is the most fair and reasonable means of apportioning the cost among developed land throughout the city.

(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

## **Sec. 24-81. Definitions.**

Unless the context specifically provides otherwise, the meanings of terms used in this article shall be as follows:

***Credit*** shall mean a conditional reduction in the amount of a stormwater service charge to developed land based on the provision and continuing presence of an effectively maintained and operational approved on-site stormwater system or facility or other service or activity that reduces the cost of providing service.

***Developed land*** shall mean property altered from its natural state by construction or installation of more than 400 square feet

of impervious surfaces as defined in this chapter.

**Exemption** shall mean not applying to, or removing the application of the stormwater service charge from, a property. No permanent exemption shall be granted based on taxable or non-taxable status or economic status of the property owner.

**Impervious surfaces** are those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

**Undeveloped land** shall mean land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have less than or equal to 400 square feet of impervious surfaces as defined in this chapter consisting of limited pavement, asphalt, or compacted dirt or gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur naturally.

(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

## **Sec. 24-82. Authority and Establishment of the Stormwater Fund.**

(a) Under the authority of the Maine Constitution, Article VIII, and Title 30-A M.R.S. § 3001, the city hereby establishes the stormwater service charge to fund stormwater services within the city. Such stormwater charges shall be maintained and accounted for separately in accordance with generally accepted accounting principles as determined by the city's finance director.

(b) Charges made under this article shall be used for the following purposes:

To defray the current expenses of stormwater services and a portion of the current expenses of the combined sewer system attributable to providing stormwater service;

To pay the interest and repay the principal on any

outstanding or future indebtedness of the city for construction of the storm drainage system and a portion of the combined sewer systems heretofore or hereafter constructed within the city similarly attributable to providing stormwater service;

To reimburse the city for the cost of computation, billing, and enforcement of such charges.

(c) The city manager will designate appropriate Department of Public Works management and other personnel, including support as needed of personnel from other city departments such as finance, to provide stormwater services and to collect and account for the stormwater service charge imposed hereunder.  
(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

### **Sec. 24-83. Exemptions.**

Exemptions from stormwater charges established under this article are not allowed, except as provided in this section. Exemptions shall be allowed for:

(a) All roads owned or maintained by the State of Maine, including the Maine Turnpike; and all accepted City roads and all roads maintained by the City; all private roads and ways serving more than two dwelling or structures, but not driveways; all public pedestrian walkways. However, parking lots, buildings, or other developed land within the right-of-ways shall not be exempt from storm water service charges;

(b) Undeveloped land;

(c) Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges;

(d) Airport runways, taxiways and aprons upon which public and private aircraft operate;

(e) With the exception of Peaks Island, all islands are exempted from the fee due to the limited services provided to the islands; and

(f) All City-owned land, buildings and other real property.



(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016; Ord. No. 217-17/18, 7-1-2018)

#### **Sec. 24-84. Stormwater Service Charge.**

(a) There is levied upon all developed land stormwater service charges for the cost of providing stormwater services. All developed land shall be charged seven dollars and seventy-five cents (\$7.75) per month per one thousand two hundred (1,200) square feet of impervious surface area, rounded to the nearest one thousand two hundred (1,200) square feet of impervious surface area.

(b) The basis for this charge is the measured amount of impervious surface area on the developed land as determined by the city. This measured area may be updated from time to time at the discretion of the Department of Public Works upon evidence of impervious surface area change or the availability of updated or more accurate information.

(c) Fees collected hereunder to fund stormwater services can also be supplemented by other revenues available to the city, including but not limited to state, federal, general and special city funds, and private grants and loans.

(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016; Ord. No. 217-17/18, 7-1-2018; Ord. No. 79-20/21, 9-21-2020; Ord. No. 256-20/21, 6-7-2021; Ord. 256-21/22, 7-1-2022; Ord. 221-22/23, 7-17-2023)

#### **Sec. 24-85. Credits**

(a) Owners of developed land may apply for and receive a voluntary stormwater service charge credit for approved stormwater credit systems or facilities. The director of the Department of Public Works or his/her designee shall determine such approved stormwater systems and facilities and stormwater service charge credit amounts based on the technical requirements, design and performance standards contained in the city's stormwater credits manual, to be adopted by the director of the Department of Public Works pursuant to this ordinance, as it may be updated or amended from time to time.

(b) It is the responsibility of the record owner to initiate and apply in writing for stormwater service charge credits, and to provide all necessary information with a letter requesting the credit. The department of Public Works is not responsible for initiating a credit application, performing engineering calculations, or otherwise assisting in the preparation of a

request for a credit. Credits will only be applied if the requirements outlined in the city's stormwater credit manual are met including but not limited to completion of on-going maintenance, guaranteed right-of-entry for inspection, and submittal of annual self-certification reports or other required reports as required per ordinance and rule.

(c) Credits will be applied to the stormwater service charge while stormwater facilities or management practices are functioning as approved by the city. If the approved practice or facility is not functioning as approved, or is terminated, the credit will be cancelled. Once the credit has been cancelled, the customer must reapply for the credit.

(d) The department of Public Works will only review complete credit requests. If approved, the credit will be applied to the first bill issued 30 days after the approval. Credits may be made retroactive, one calendar year from the date of the first billing period of the charge.

(e) A credit of up to one hundred percent (100%) of the stormwater service charge may be approved.

(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

#### **Sec. 24-86. Billing.**

(a) All charges under this article shall be sent to the record owner of a given property. The record owner may request, subject to the approval of the director of the Department of Public Works, that the full charge be billed to the owner's designated tenant. The director may direct billing to the tenant of the property if the tenant is currently billed for water and sanitary sewer charges. The record owner shall be liable for payment even if the stormwater service charges are billed to the tenant of the property.

(b) Condominiums shall have the full charge for the developed land equally divided among all condominium owners of developed land. The condominium owners may appeal the director in writing to adjust the fraction of the charge applied to each condominium owner. The director will require signed confirmation from each condominium owner of developed land that they approve the adjustment to the fraction of the charge applied.

(c) Bills shall contain an amount for stormwater service user charges, and if delinquent, as provided in section 1-16 of this Code, shall include charges for interest to be computed in the same

manner as provided for real estate taxes and such delinquency may be collected by a civil action against the owner and/or may result in a lien being placed on the property as specified in section 24-88.

(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

**Sec. 24-87. Right of appeal and adjustments.**

(a) A record owner may request review of the amount of the stormwater service charge imposed on such owner by written request to the director of the Department of Public Works within 30 calendar days of the date the customer receives the service charge bill.

(b) The owner must demonstrate the impervious surface area is less than the amount used in calculating the developed land's stormwater service charge. Factors that will be considered include the impervious surface area of the property.

(c) An owner must comply with all rules and procedures adopted by the director when submitting a request for appeal or adjustment of the stormwater service charge and must provide all necessary information to make a determination.

(d) The director of the Department of Public Works or his/her designee shall review the service fee and issue a determination, in writing, within 30 calendar days.

(e) With a finding that the impervious surface area is less than the amount used to calculate the developed land's stormwater service charge, the sole remedy to the owner shall be recalculation of the stormwater service charge based on the corrected impervious surface area. A finding that the impervious surface area is not less than the amount used to calculate the developed land's stormwater service charge shall be conclusive with respect to that property and shall remain effective unless the owner changes the impervious surface area of the property.

(f) An owner may appeal the director of the Department of Public Works decision to the city manager or his/her designee within 30 days of the date of the decision. An owner may appeal a decision of the manager to a court of competent jurisdiction pursuant to the applicable Rules of Civil Procedure.

(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

**Sec. 24-88. Right of enforcement and violations.**

(a) The director of the Department of Public Works or his/her designee is the enforcement authority who shall administer, implement, and enforce the provisions of this article.

(b) It shall be unlawful for any person to violate or to fail to comply with the requirements of this article or its fees. Whenever the enforcement authority believes that a person has violated this article, the enforcement authority may enforce this article in accordance with 30-A M.R.S.A. § 4452.

(c) Any person who violates this article may also be subject to fines, penalties and orders for injunctive relief and shall be responsible for the city's attorneys' fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this article also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the city for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this section; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.

(d) Without limiting the foregoing, failure to comply with this article may also be enforced as a nuisance and be subject to an abatement action, in addition to, or alternatively to, the enforcement actions described above.

(e) **Consent agreement.** The enforcement authority, with the approval of corporation counsel and the city manager, may enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs and fees without court action.

(f) Delinquent fees. Any owner that fails to pay the stormwater service charge when due shall be responsible for the amount of the unpaid service charge, interest on the unpaid amount, and attorneys' fees and other costs of collection. To the extent permitted by law, the fee, when overdue, including interest and penalties, is a lien on real property and may be collected in the same manner as a sewer user lien pursuant to state law. Delinquent amounts may also be collected by a civil action against the person. (Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

## **Sec. 24-89. Limitation of liability.**

This article shall not be interpreted to mean that property subject to the charges established herein will always (or at any time) be free from stormwater flooding or flood damage, or that stormwater drainage systems capable of handling all storm events can be cost-effectively constructed, operated or maintained. Therefore the following limitations on liability, in addition to any other limitations or immunities existing in law, are set forth:

(1) It is the express intent of the city that this article will protect the public health, safety and welfare of properties and persons in general. However, this ordinance does not create any special duty or relationship with any individual person or specific property either within or outside the service area.

(2) The city shall not be held liable for flood damage or assessing and removing pollution sources, and reserves the right to assert all available immunities and defenses in any action seeking monetary compensation from the city, or its officers, agents or employees for alleged damages arising from alleged failure or breach of duties or relationship as may now exist or hereafter be created.

(3) The issuance of any permit, plan approval or inspection shall not constitute a warranty, express or implied, nor shall it afford the basis for any action seeking the imposition of monetary damages against the city or its officers, employees or agents.

(4) Operation of stormwater drainage systems located on private property or public property not owned by the city and for which there has been no public dedication of such systems and facilities for operation, maintenance and/or improvements of the system, shall be the legal responsibility of the property owner, except as may be affected by the laws of the State of Maine and the United States of America.

(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

## **Sec. 24-90. Severability.**

Each section of this ordinance is severable from all other sections. If any part of this ordinance is deemed invalid by a court or competent jurisdiction, remaining portions of the ordinance shall not be affected and shall continue in full force.

Whenever this ordinance conflicts with any other ordinance of the city, State of Maine, or federal government, the stricter standard shall apply, except as limited by state or federal law.

(Ord. 129-14/15, 1-21-2015, Effective 1-1-2016)

|                    |                  |
|--------------------|------------------|
| <b>Sec. 24-91.</b> | <b>Reserved.</b> |
| <b>Sec. 24-92.</b> | <b>Reserved.</b> |
| <b>Sec. 24-93.</b> | <b>Reserved.</b> |
| <b>Sec. 24-94.</b> | <b>Reserved.</b> |

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Troy Moon, Sustainability Coordinator

**DATE:** June 5, 2024

**SUBJECT:** Order 244-23/24 Amendment to Portland City Code Chapter 6 RE: Bird Friendly Building and Design Requirements - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair

**SPONSOR:** The Sustainability and Transportation Committee voted 2-0 (Councilor Pelletier absent) on September 13, 2023 to recommend the order to the full Council.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 5/6/2024**

**Final**

**Action 5/20/2024**

**Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: No**

**PRESENTATION:** Sustainability Director Troy Moon will provide a brief summary of the issue. He and acting Director of Planning and Urban Design, Kevin Kraft, will be present to answer questions.

**I. SUMMARY**

Passage of the amendment would require commercial construction including hotels and motels over 10,000 square feet to employ building and design standards intended to reduce bird mortality from collisions with windows and other architectural features.

**II. AGENDA DESCRIPTION**

This would establish design standards for new commercial buildings and major renovations in commercial buildings over 10,000 sq. ft. to reduce bird mortality from collisions with windows and other architectural features.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Bird Safe Maine, a collaborative effort between Maine Audubon, Portland Society for Architecture, and the University of Southern Maine have been working to educate building owners and the design community about the hazards birds face as they navigate the built environment. For the past several years, their volunteers have walked a route through the Peninsula during spring and fall migration to catalog the location of birds killed by collisions with buildings. They have identified hundreds of dead birds of more than 20 species located near buildings with dangerous features. Maine Audubon estimates that between 40,000 - 50,000 birds are killed by building strikes each year. In April, 2022 Nick Lund of Maine Audubon and Addy Smith-Reiman of Portland Society for Architecture presented a workshop to the Sustainability and Transportation Committee about their work as well as bird friendly ordinances passed in other cities including New York and Washington, DC.. They noted that there are certain features that are particularly problematic for birds including large glass surfaces, glass skywalks, and fly through conditions where birds may think they can fly through a space that is actually blocked by transparent glass. They further noted that there are an increasing

number of bird friendly glass products available on the market and that thoughtful architectural design can reduce the risk to birds without the use of specialized products. Local volunteers have been active during the spring and fall bird migrations in recent years and have documented the large scale of bird mortality in Portland due building strikes.

Following the workshop, the Committee invited City staff and Bird Safe Maine to develop ordinance language for a Portland specific bird friendly ordinance. This group established a stakeholder committee of local architects and developers to evaluate ordinances in other cities. This group worked to propose a policy that did not unduly restrict design decisions but that offered significant protection to birds. Their objective was to keep the ordinance as simple as possible and not propose regulations that did not provide meaningful protections. As an example, the proposed ordinance only covers features below 75', as the vast majority of bird collisions occur at that height or lower. Similarly, the ordinance requires the use of building materials with a American Bird Conservancy threat factor rating of 30 rather than 25, as is required in other ordinances, because there are many more products available at the higher level and bird protection remains substantial.

The group then worked with City staff in Planning, Corporation Counsel, and Permitting and Inspections to determine how the proposed policies would best integrate into Portland's existing code and technical design manual. Staff determined that the policy would be most manageable for developers and the public if it applied to projects greater than 10,00 square feet. During this policy development Portland Society for Architecture held several stakeholder meetings to get feedback from members of the design community. City staff attended these meetings in order to incorporate any comments into the proposed ordinance. City staff and representatives from Bird Safe Maine presented the resulting draft ordinance to the Sustainability and Transportation Committee on July 12, 2023. During this meeting both Committee members and members of the public expressed concerns that the proposed language may burden residential development with an additional burden at a time when housing production is of utmost concern. In response to this feedback, the Sustainability and Transportation Committee requested that the draft be amended to explicitly exempt residential buildings from the ordinance. The amended draft was presented to the Committee in September, 2023 and the members voted to recommend the ordinance to the full Council.

On April 10, 2024 the current version of the Sustainability and Transportation Committee chaired by Councilor Phillips reviewed the ordinance and confirmed the recommendation to advance the bird safe ordinance to the City Council for adoption.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The ordinance would reduce bird mortality from building strikes.

#### **V. FINANCIAL IMPACT**

#### **VI. STAFF ANALYSIS AND BACKGROUND**

The City of Portland lies along the path migratory birds follow during the spring and fall migrations. They regularly land on the peninsula before moving inland for food and shelter. Unfortunately, as many 50,000 birds strike buildings and perish or are severely injured as they move about the city. Other cities, including Washington DC and New York City, have adopted ordinances that require certain architectural features be designed to discourage bird strikes. After extensive stakeholder input during the summer and fall of 2022, City staff and stakeholders developed design standards that discourage bird strikes while providing extensive latitude for designers and builders to construct attractive, compliant buildings. As drafted, the ordinance exempts residential property. Adopting bird safe design standards aligns with the City's other initiatives to embrace sustainable policies such as the rigorous landcare standards required in Chapter 34 of City Code as well as efforts to protect and preserve wildlife habitat in our parks and open spaces.

Incorporating these elements from the beginning of the design process can ensure that bird safety does not add



additional cost to projects. The standards provide architects with a wide variety of design choices that allow for elegant and practical buildings that protect and preserve Portland's wildlife. Examples include designing walls with multiple smaller windows rather than large expanses of glass, avoiding reflective or mirror-like surfaces, not placing indoor vegetation such as potted trees or shrubs behind glass panels, and thoughtfully designing architectural elements and landscaping to be mindful of birds. When designs incorporate large panels of glass, there are a variety of glass products available that reduce risks of bird strikes. Buildings designed with bird safety in mind are eligible for LEED credits, which underscores the sustainability elements of bird-safe building approaches.

We have included a table of existing bird safe ordinances in other cities for reference.

## **VII. RECOMMENDATION**

Staff recommends passage.

## **VIII. LIST ATTACHMENTS**

1. Amendment - Chapter 6 Regarding Birds
2. BirdSafe PSA presentation to SandT April 2024
3. Existing Bird-Safe Building Law Spreadsheet (1)
4. Public Comment - Order 244

Prepared by:

Troy Moon, Sustainability Coordinator

Date: 06/05/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 6  
RE: BIRD FRIENDLY BUILDING AND DESIGN REQUIREMENTS**

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

*1. That the Sections 6-185 TO 6-189 of the Portland City Code  
Chapter 9 are hereby amended to read as follows:*

**Chapter 6— BUILDINGS AND BUILDING REGULATIONS\***

**Art. I. In General, §§ 6-1--6-15**

...

**Art. VII. Green Building Code, §§ 6-165 - - 6-177**

Art. VII-A. Bird Friendly Building and Design Requirements §§  
6-185--6-189

**Art. VIII. Property Assessed Clean Energy, §§ 6-190--6-199**

**Div. 1. Property Assessed Clean Energy, §§ 6-190-6-194**

**Div. 2. Commercial Property Assessed Clean Energy §§ 6-195--  
6-199**

**Art. IX. Disorderly Houses, §§ 6-200-6-204**

**Art. X. Energy Benchmarking, §§6-205-6-218**

**Art. XI. Tenant Housing Rights, §§6-219-6-229**

**Art. XII. Rent Control and Tenant Protections, §§6-230-6-244**

**Art. XIII. Rent Board, §§6-250-6-263**

**ARTICLE VII-A. BIRD FRIENDLY BUILDING AND DESIGN REQUIREMENTS**

**Sec. 6-185.—~~Reserved.~~ Purpose.**

The purpose of the Bird Friendly Building and Design  
Requirements contained in this Article is to reduce bird mortality  
from windows or other specific building features known to increase  
the risk of bird collisions.

**Sec. 6-186.——~~Reserved.~~ Definitions.**

The following words and phrases shall be defined as set forth below for use in this article.

*Bird Friendly Material* shall mean a material or assembly that has, or has been treated to have, a maximum threat factor of 30 in accordance with:

- (a) The American Bird Conservancy Bird Collision Deterrence Material Threat Factor Reference Standard; or
- (b) The American Bird Conservancy Bird-friendly Materials Evaluation Program at Carnegie Museum's Avian Research Center test protocol; or
- (c) With a relevant American Society for Testing and Materials (ASTM) standard.

*Threat Factor* shall mean a measure of a bird's ability to see and avoid a building material. Threat Factor (TF) is determined by a number ranging between 1 and 100 that indicates the relative effectiveness of materials or assemblies typically used in reducing bird collisions. A TF of 1 represents least threatening and a TF of 100 represents most threatening.

**Sec. 6-187.——~~Reserved.~~ Applicability.**

The bird friendly requirements [set forth in this article](#) shall apply to the following types of projects:

- (a) New construction or additions greater than 10,000 SF in floor area; and
- (b) Alterations to buildings greater than 10,000 SF in floor area in which at least 50% of the building's exterior glazing is being replaced within a period of three-years.

**Sec. 6-188.——~~Reserved.~~ Exemptions.**

The bird friendly requirements shall not apply to the following:

- (a) Residential buildings. However, the requirements shall apply to hotel and motel projects.
- (b) Operable sash windows such as single-hung, double-hung, casement, awning, sliders, and tilt turns.
- (c) Locally Designated Historic Landmarks and designated contributing buildings in historic districts. However, the requirements shall apply to additions in accordance with Sec. 6-187(a), to locally designated historic landmarks and designated contributing buildings in historic districts.
- (d) Glazing on the ground floor for retail storefronts or food and beverage uses including bars and restaurants.

**Sec. 6-189. ~~Reserved.~~ Bird Friendly requirements.**

(a) Building facades up to 75 feet above grade. Building facades, and any associated openings, shall be constructed with bird friendly materials up to 75 feet above grade. Other materials may be used to the extent that they do not exceed an aggregate of 10 square feet within any 10 feet by 10 feet square area of building facade below 75 feet above grade.

(b) Bird Hazard Installations. Bird hazard installations are architectural features that provide a clear line of sight on the exterior of buildings including but not limited to, skywalks, awnings, glass railings and guards, windbreak/windscreen panels, acoustic barriers, and glass fins greater than 10 inches from the face of the facade. Bird hazard installations on the exterior of a building shall be constructed of bird friendly materials regardless of their height above grade.

(c) Fly-through Conditions. Fly-through building elements, meaning one or more panels of glass that provide a clear line of sight creating the illusion of a void leading to the other side, including parallel glass elements, at a distance of 17 feet or less, or all glass within fifteen feet of a building corner shall

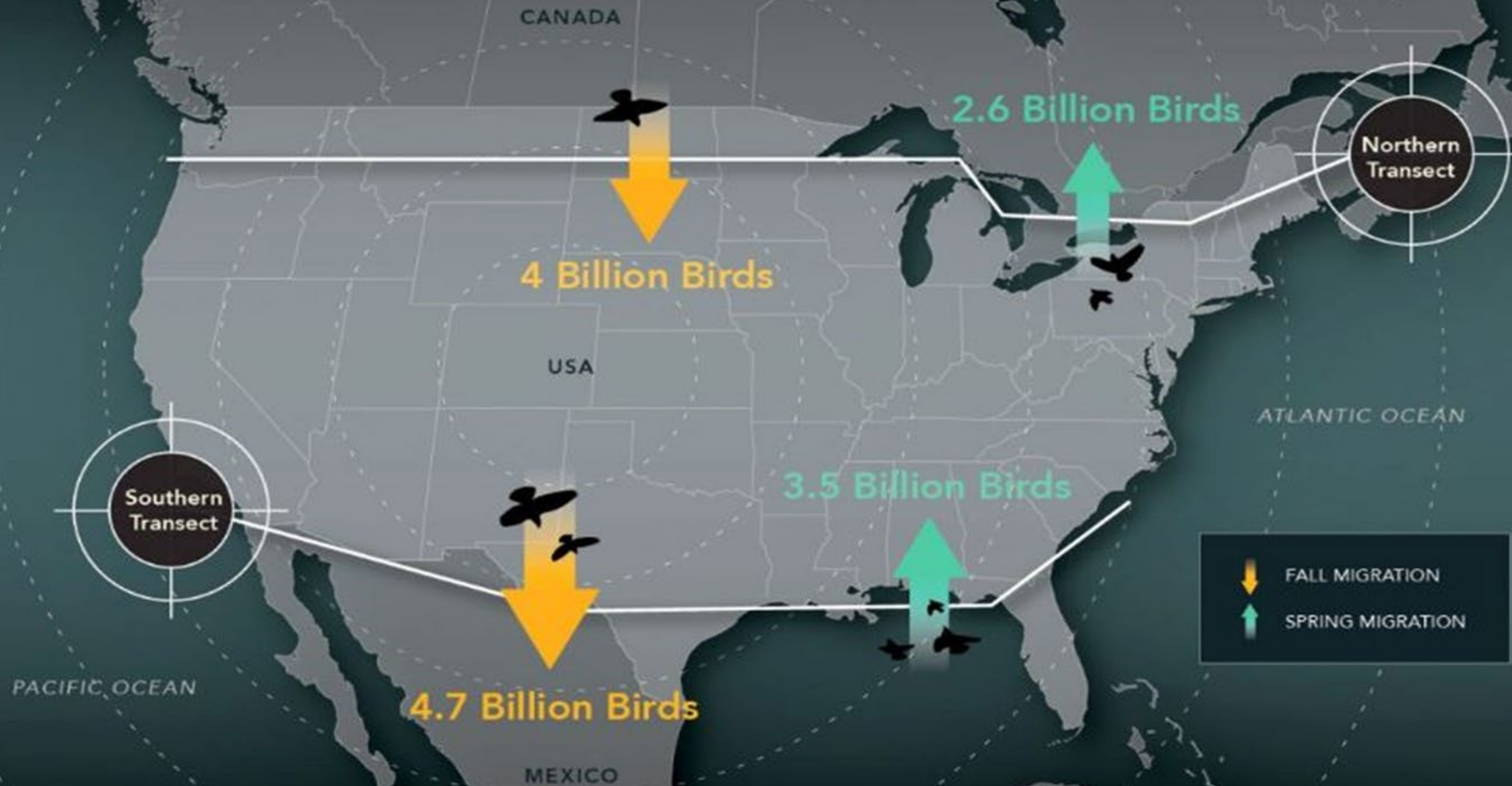
be constructed with bird friendly materials up to 75 feet above grade.

(d) *Adjacent to Green Roofs.* Building facades, and any associated openings, adjacent to a green roof on the same building shall be constructed with bird friendly materials up to 12 feet above the horizontal surface of the green roof.





# AVIAN AIRSPACE TRAFFIC















Top Threats to Birds (U.S. only. Ordered by Median Estimate of Bird Mortality Annually. As of 2017.)

| Hazard/Type                                     | Min Range   | Max Range   | Median/Avg. Estimated |
|-------------------------------------------------|-------------|-------------|-----------------------|
| Collision - Building Glass<br>Loss et al. 2014a | 365,000,000 | 988,000,000 | 599,000,000           |













THURGOOD  
MARSHALL  
FEDERAL  
JUDICIARY  
BUILDING

1992

























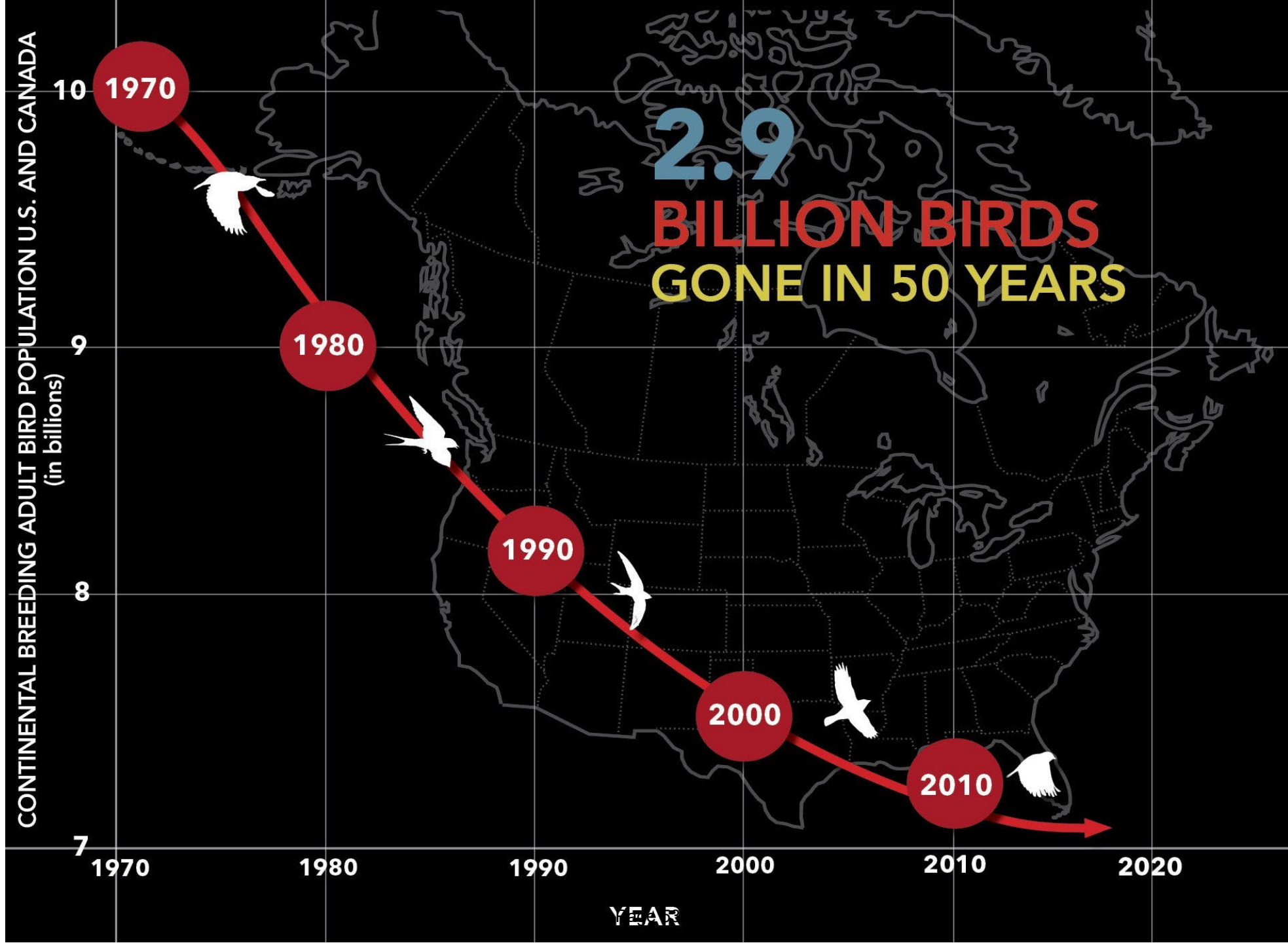






**In Portland: between 40,000 and 50,000 individual birds per year**







# Audubon lauds MEMIC's bird safety efforts

NOVEMBER 20, 2023 | MEMIC IN THE NEWS



(PORTLAND, ME) – A leading state environmental group is recognizing efforts taken to reduce the incidence of birds striking its headquarters building on Portland's waterfront.



## Pending Legislation Could Require Bird-Friendly Glazing in Many D.C. Buildings

Posted on February 7, 2023 by Joshua Huff

By October of next year, bird-friendly glazing might be a requirement on certain buildings in Washington, D.C.

Five D.C. council members introduced the *Migratory Local Wildlife Protection Act of 2022* to the D.C. Council on March 14, 2022. Mayor Muriel Bowser signed the bill on Jan. 26, 2023. It now goes to the U.S. House of Representatives and the U.S. Senate for 30 days before becoming law.

### News

## New York City Passes a Landmark Bill to Make More Buildings Bird-Friendly

*By a vote of 43-3, the City Council approved that all new construction must use materials that prevent avian fatalities.*

# Portland Draft Bird Safe Ordinance Process

- **April 2022** – BirdSafe Maine is asked to present our work to the City Council’s Sustainability and Transportation Committee and is encourage to pursue an ordinance;
- **June 2022** – Maine Law extern Lee Foden joins Maine Audubon to study national ordinances;
- **July / August 2022** – PSA and Maine Audubon convene small group of representatives of the for initial discussions about a draft;
- **October 2022** – PSA convenes group of 20+ architects and builders in Portland to discuss issue and ordinance;
- **Winter 2022/23** – Draft ordinance with City of Portland;
- **Summer 2023** – Edits from City and from S&T Committee;
- **September 2023** – S&T Committee Vote In Favor of moving to City Council;
- **November 2023** – Election;
- **April 2024** – Today



## **ARTICLE VII-A. Bird Friendly Building and Design Requirements**

### **Sec. 6-185. Purpose**

The purpose of the Bird Friendly Building and Design Requirements contained in this Article is to reduce bird mortality from windows or other specific building features known to increase the risk of bird collisions.

### **Sec. 6-186. Definitions:**

The following words and phrases shall be defined as set forth below for use in this article.

- (a) **BIRD FRIENDLY MATERIAL.** A material or assembly that has, or has been treated to have a maximum threat factor of 30 in accordance with:
  - (i) The American Bird Conservancy Bird Collision Deterrence Material Threat Factor Reference Standard; or
  - (ii) The American Bird Conservancy Bird-friendly Materials Evaluation Program at Carnegie Museum's Avian Research Center test protocol; or
  - (iii) With a relevant American Society for Testing and Materials (ASTM) standard.
- (b) **THREAT FACTOR.** Where the threat factor is a measure of a bird's ability to see and avoid a building material. Threat Factor (TF) is determined by a number ranging between 1 and 100 that indicates the relative effectiveness of materials or assemblies typically used in reducing bird collisions. A TF of 1 represents least threatening and a TF of 100 represents most threatening.

**Sec. 6-187. Applicability.**

The bird friendly requirements shall apply to the following types of projects:

- (a) New construction or additions greater than 10,000 SF in floor area; and
- (b) Alterations to buildings greater than 10,000 SF in floor area in which at least 50% of the building's exterior glazing is being replaced within a period of three-years.

**Sec. 6-188. Exemptions:**

The bird friendly requirements shall not apply to the following:

- (a) Residential buildings. However, the requirements shall apply to hotel and motel projects.
- (b) Operable sash windows such as single-hung, double-hung, casement, awning, sliders, and tilt turns.
- (c) Locally Designated Historic Landmarks and designated contributing buildings in historic districts. However, the requirements shall apply to additions in accordance with Sec. 6-187(a), to locally designated historic landmarks and designated contributing buildings in historic districts.
- (d) Glazing on the ground floor for retail storefronts or food and beverage uses including bars and restaurants.



**Sec. 6-189. Bird Friendly requirements.**

- (a) **Building facades up to 75 feet above grade:** Building facades, and any associated openings, shall be constructed with bird friendly materials up to 75 feet above grade. Other materials may be used to the extent that they do not exceed an aggregate of 10 square feet within any 10 feet by 10 feet square area of building facade below 75 feet above grade.
- (b) **Bird Hazard Installations:** Bird hazard installations are architectural features that provide a clear line of sight on the exterior of buildings including but not limited to, skywalks, awnings, glass railings and guards, windbreak/windscreen panels, acoustic barriers, and glass fins greater than 10 inches from the face of the facade. Bird hazard installations on the exterior of a building shall be constructed of bird friendly materials regardless of their height above grade.
- (c) **Fly-through Conditions:** Fly-through building elements, meaning one or more panels of glass that provide a clear line of sight creating the illusion of a void leading to the other side, including parallel glass elements, at a distance of 17 feet or less, or all glass within fifteen feet of a building corner shall be constructed with bird friendly materials up to 75 feet above grade.
- (d) **Adjacent to Green Roofs:** Building facades, and any associated openings, adjacent to a green roof on the same building shall be constructed with bird friendly materials up to 12 feet above the horizontal surface of the green roof.















## Existing Bird-Safe Building and Design Law – Spreadsheet

### BY STATE:

|                   | Year | Location of Regulation      | Applicability                                                                                                                                           | Regulation                      | Façade Applicability                                                                                                                                                   | Threat Factor? | Clarification . . .                                                                                                                                                                                                                                                                                           | Exceptions                                                                                        | Other                                  |
|-------------------|------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------|
| <b>CALIFORNIA</b> |      |                             |                                                                                                                                                         |                                 |                                                                                                                                                                        |                |                                                                                                                                                                                                                                                                                                               |                                                                                                   |                                        |
| San Francisco, CA | 2011 | San Francisco Planning Code | New construction of: location-related hazards <sup>1</sup> : <b>90% of the bird collision zone</b> ; feature-related hazards <sup>2</sup> : <b>100%</b> | mandatory bird-safe glazing     | Bird collision zone <sup>3</sup> = at grade → 60 ft above grade, glass facades directly adjacent to landscaped roofs, extending upwards 60ft from the landscaped roof. | N/A            | Bird safe glazing: may include, but is not limited to, fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or UV patterns visible to birds. Elements of pattern visible to birds must follow the two-by-four rule <sup>4</sup> .         | Historical buildings and residential buildings within the R-District that are less than 45ft tall | N/A                                    |
| Oakland, CA       | 2013 | Oakland Building Code       | new construction of: a location-related hazard <u>AND</u> feature-related hazard (both required to trigger regulation)                                  | mandatory bird friendly glazing | 90% of all windows and glass: at grade → 60 ft above the ground                                                                                                        | N/A            | Bird friendly glazing treatment: opaque glass, patterned glass, fenestration patterns, external screens, decorative grilles, screens, nettings, awnings, overhangs, sunshades, or the installation of opaque or patterned window film. Elements of pattern visible to birds must follow the two-by-four rule. | No expressly written exceptions.                                                                  | bird collision reduction plan required |

<sup>1</sup> Location-related hazard: buildings located inside of open spaces dominated by vegetation, wetlands, or open waters, and any building within 300 feet from Urban Bird Refuge, which is an area created for zoning purposes consisting of open water, inland waterbodies greater than 2 acres in size, open spaces greater than 2 acres in size, and shoreline.

<sup>2</sup> Feature-related hazard: free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops surrounded by unbroken glazed glass

<sup>3</sup> Bird collision zone: the portion of buildings most likely to sustain bird-strikes from local and migrant birds

<sup>4</sup> Elements of the patterns must be at least one-eighth (1/8) inch tall and separated no more than two (2) inches vertically, at least one-quarter (1/4) inch wide and separated by no more than four (4) inches horizontally, or both.

|               | Year | Location of Regulation                  | Applicability                                                                                                                                                                                                                                      | Regulation                            | Façade Applicability                                                                                                                                                                 | Threat Factor? | Clarification . . .                                                                                                                                                                                                                                                                                                                                      | Exceptions                                                                                                                                                                                                 | Other                                                                                                                                                                                   |
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| Sunnyvale, CA | 2014 | “adopted by the Sunnyvale City Council” | Construction projects: option 1: within 300ft of water, immediately adjacent to a landscaped area, open space, or a park; option 2: all other locations.                                                                                           | Voluntary bird safe guidelines        | Option 1: First 60ft of a building: minimize reflective surfaces; option 2: avoid construction of glass feature-hazards.                                                             | N/A            | minimize reflective surfaces: using glass with low reflectivity, awnings, and sunshades, opaque, fritted, or etched glass, soil berms, furniture, and landscaping to prevent reflection of water in glass, angled glass to avoid reflecting the sky, avoid use of glass near green roofs, and avoid construction of skyways and freestanding glass walls | (guidelines are voluntary, so exceptions aren’t necessary)                                                                                                                                                 | Each option <i>should</i> include collision monitoring efforts                                                                                                                          |
| Richmond, CA  | 2016 | Richmond Municipal Code                 | New construction of: feature-related hazards <sup>5</sup> : <b>100%</b> <u>OR</u> new construction of a location-related hazard that’s at least two stories tall, with a floor area of at least 10,000sq ft: <b>80% of the bird collision zone</b> | Mandatory bird-safe glazing treatment | Bird collision zone: at grade → 60 ft above grade, glass facades directly adjacent to landscaped roofs (2 acres or larger in area), extending upwards 60ft from the landscaped roof. | N/A            | Bird-safe glazing treatment: may include, but is not limited to, fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing, or UV patterns visible to birds. Elements of pattern visible to birds must follow the two-by-four rule.                                                       | historic buildings, city landmarks, buildings within designated historic districts, residential buildings that are less than 45 feet in height and have an exposed façade comprised of less than 50% glass | Residential buildings, less than 45 feet tall with a façade that is more than 50% glass requires bird-safe glazing treatments for 90% of 24 sq ft (or larger) unbroken glazed segments. |

<sup>5</sup> Richmond’s definition of feature-related hazard differs slightly from San Francisco’s; here, feature-related hazards include free-standing glass walls over 15 feet in height and 30 feet in length, glass wind barriers, skywalks, and greenhouses on rooftops that have unbroken glass segments of at least 24 square feet.

|                | Year | Location of Regulation                                                                                                         | Applicability                                                                                                                                                                                                                   | Regulation                                                                     | Façade Applicability                                                                                                                                                           | Threat Factor? | Clarification . . .                                                                                                                                                                                                                                                                                                                                                                                        | Exceptions                                                                                                                                                                         | Other                                                                                                                                                                                       |
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| San José, CA   | 2016 | Riparian Corridor Protection and Bird-Safe Design Policy                                                                       | construction projects (requiring permit) within 300ft of the Riparian Corridor <sup>6</sup> : with 50% or more glazed exterior surface AND any façade within 15 feet of a green roof (including green roofs adjacent to façade) | Mandatory bird friendly glazing treatment and prohibited use of mirrored glass | No height regulation: regulation is uniform from the ground floor to the top of structure; all fly-through conditions <sup>7</sup> (even if façade doesn't warrant regulation) | N/A            | Bird-safe glazing treatment: may include, but is not limited to, fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing, or UV patterns visible to birds. Elements of pattern visible to birds must follow the two-by-four rule. Further techniques constituting bird-safe glazing treatment are outlined in the glossary of the policy. | No expressly written exceptions; it is worth noting that the bulk of San José's construction it outside 300ft of the Riparian Corridor, and therefore, goes completely unregulated | Regulation becomes guideline (voluntary) for construction projects outside 300ft of the Riparian Corridor                                                                                   |
| Menlo Park, CA | 2016 | Menlo Park Municipal Code: green and sustainable building section of the residential and mixed-use chapter of the zoning title | New construction: 90% of exterior façade requires bird friendly glazing; new construction <i>should not</i> obstruct the potential funneling of flight paths                                                                    | Mandatory bird friendly glazing; prohibition of transparent glass at roofline  | 90% of exterior must be treated with bird friendly glazing; out of remaining 10%, transparent glass cannot be used at a roofline                                               | N/A            | bird friendly glazing: may include but it not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass                                                                                                                                                                  | site-specific evaluation from a qualified biologist could earn exemption                                                                                                           | standards are meant to aid birds AND decrease hardship associated with watching a bird strike your window or disposing of the dead bird beside your building after it has struck the window |

<sup>6</sup> San José has more than 30 streams that form approximately 136 miles of Riparian Corridors. For our purposes, the Riparian Corridor is land north of Highway 237 in San José.

<sup>7</sup> Fly-through conditions: glass that is less than 30 feet apart with visible foliage on either side of the panes, providing a clear line of sight through such glass and creating the illusion of a void leading to the other side.

|                   | Year | Location of Regulation      | Applicability                                                                                                                                                                                | Regulation                                           | Façade Applicability                                    | Threat Factor? | Clarification . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Exceptions                                                                                                     | Other                                                                         |
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| Mountain View, CA | 2017 | North Bayshore Precise Plan | New construction and major renovations, which include building additions and alterations                                                                                                     | Standards: mandatory bird friendly glazing treatment | 90% of façade, between ground and 60ft above the ground | N/A            | Bird friendly glazing treatment: may include, but is not limited to, the use of opaque glass, the covering of clear glass surface with patterns, the use of paned glass with fenestration patterns, and the use of external screens over non-reflective glass.                                                                                                                                                                                                                                      | site-specific evaluation from a qualified biologist could earn exemption                                       | In addition to standards, plan includes voluntary, but encouraged, guidelines |
| Santa Cruz, CA    | 2018 | Santa Cruz General Plan     | Projects requiring design review by the planning commission that are near an open waterway, or any natural feature deemed (by zoning administrator) to require consideration of birds safety | mandatory bird friendly glazing treatment            | 90% of façade, between ground and 40ft above the ground | N/A            | Bird friendly glazing treatment must include at least one of the following: bird safe glass approved for use by the American Bird Conservancy (ABC) <sup>8</sup> , fritted windows, patterned windows, UV pattern film, window nets, window screens, any ABC approved product, or other design measure (approved by the zoning administrator) that has been identified and validated as providing adequate bird protections. Elements of pattern visible to birds must follow the two-by-four rule. | First floor windows which require glazing, and with approval from the zoning administrator, historic buildings |                                                                               |

<sup>8</sup> The ABC uses threat factors to indicate the relative ability of materials to reduce collisions. Products with lower threat factors are considered more effective at preventing collisions. A threat factor of 30 should reduce collisions by at least 50% and is ABC's upper threshold for categorizing materials as bird friendly.

|             | Year | Location of Regulation | Applicability                                                                                                                                                            | Regulation                      | Façade Applicability                                                                                                                                   | Threat Factor? | Clarification . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Exceptions                                                                                                     | Other                                                                                                                                                           |
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| Alameda, CA | 2018 | Alameda Municipal Code | Window replacement and new construction of: buildings taller than 35ft with, at least, one façade made of, at least, 50% glass; new and replaced transparent glass walls | mandatory bird-friendly glazing | 90% of the façade, and 100% of freestanding glass structure; No height regulation: regulation is uniform from the ground floor to the top of structure | N/A            | Bird-friendly glazing: external screens, light colored blinds or curtains, opaque glass, patterned incorporated into the glass, and/or UV pattern reflective glass. Elements of pattern visible to birds must follow the two-by-four rule. Possible design and operational solutions: layering/recessing of glazed surfaces, angled or faceted glazing, louvres, overhangs and awnings, glass block, bird netting, decorative grilles, glass embedded with photovoltaic cells, strategic placement of landscaping | Historic structures, ground floor commercial storefronts directly fronting a public street, alley, or sidewalk | Alternative compliance: applicant may propose alternative measures following a bird collision reduction plan, which shall be prepared by a qualified biologist. |



|                | Year | Location of Regulation    | Applicability                                                                                                         | Regulation                  | Façade Applicability                                                                                                                                                              | Threat Factor? | Clarification . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Exceptions                       | Other                                        |
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| Emeryville, CA | 2020 | Emeryville Municipal Code | New construction; window replacement; new or replacement glass structures; glass <i>near</i> plants or water features | mandatory bird safe glazing | 90% of the façade, and 100% of glass structure and glass near plants or water features; no height regulation: regulation is uniform from the ground floor to the top of structure | N/A            | Bird-friendly glazing: external screens, light colored blinds or curtains, opaque glass, patterned incorporated into the glass, and/or UV pattern reflective glass. Elements of pattern visible to birds must follow the two-by-four rule. Possible design and operational solutions: layering/recessing of glazed surfaces, angled or faceted glazing, louvres, overhangs and awnings, glass block, bird netting, decorative grilles, glass embedded with photovoltaic cells, strategic placement of landscaping | No expressly written exceptions. | No value/unit of measure to determine “near” |

|               | Year | Location of Regulation   | Applicability                                                                                       | Regulation                                                                                                    | Façade Applicability                                                                                     | Threat Factor? | Clarification . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Exceptions                                               | Other                                                                                                                                                                                                                             |
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| Cupertino, CA | 2021 | Cupertino Municipal Code | New construction; complete or partial remodel; new or replacement glass windows, doors, or features | “acceptable bird-safe treatments” created and updated by the Planning Division, and Required Bird Safe Design | 90% of façade, between ground and 60ft above the ground; 95% of the glazing above 60ft above the ground. | N/A            | Bird safe treatment: may include but it not limited to, opaque glass, window muntins, exterior insect screens, exterior netting, or special glass treatments such as fritting to provide visual cues and reduce the likelihood of bird collisions; bird Safe Design: avoid the funneling of flight paths along buildings or trees towards a building façade, avoid use of highly reflective glass or highly transparent glass, and not include skyways or walkways, balconies, freestanding walls, or building corners made of untreated glass or other transparent materials, or any other design elements that are untreated and through which trees, landscape areas, water features or the sky are visible from the exterior or from one side of the transparent element to the other. | Historic structures, ground floor commercial storefronts | Alternate compliance: applicants may propose alternatives, to decrease bird collisions, recommended by a qualified biologist and peer-reviewed by a third-party consultant, and approved by the director of community development |

|                                 | Year | Location of Regulation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Applicability                                                                                                                                                                                 | Regulation | Façade Applicability                                                                                                                         | Threat Factor? | Clarification . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Exceptions                                                                                                     | Other                                                                                                                                                           |
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| Berkeley, CA<br><u>proposed</u> | 2019 | Berkeley Municipal Code                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Window replacement and new construction of: at least two-stories-tall with, at least, one façade made of, at least, 50% glass; new and replaced structures containing transparent glass walls |            | 90% of the façade or freestanding glass structure; No height regulation: regulation is uniform from the ground floor to the top of structure | N/A            | Bird-friendly glazing: external screens, light colored blinds or curtains, opaque glass, patterned incorporated into the glass, and/or UV pattern reflective glass. Elements of pattern visible to birds must follow the two-by-four rule. Possible design and operational solutions: layering/recessing of glazed surfaces, angled or faceted glazing, louvres, overhangs and awnings, glass block, bird netting, decorative grilles, glass embedded with photovoltaic cells, strategic placement of landscaping | Historic structures, ground floor commercial storefronts directly fronting a public street, alley, or sidewalk | Alternative compliance: applicant may propose alternative measures following a bird collision reduction plan, which shall be prepared by a qualified biologist. |
| <b>ILLINOIS</b>                 |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                               |            |                                                                                                                                              |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                |                                                                                                                                                                 |
| Chicago, IL                     | 2020 | Chicago City Council passed Ordinance 02020-136 which allowed the Department of Planning and Development to amend the Chicago Sustainable Development Policy (“the policy”) to provide greater priority to bird protection strategies. The policy works off a point system, so the implementation of bird protection strategies would be worth more points, which would incentivize builders to implement bird safe design and building to gain enough points to certify their projects as sustainable. Although the ordinance passed in 2020, the policy has not been updated, meaning the 2016 policy determines the priority of implementing bird protections in applicable projects. The 2016 policy includes “basic” and “enhanced” protections ( <i>below</i> ). The discussion about how to amend the Chicago Sustainable Development Policy is ongoing. The Department of Planning and Development hopes to implement an amended policy in 2023. |                                                                                                                                                                                               |            |                                                                                                                                              |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                |                                                                                                                                                                 |

|  | Year | Location of Regulation                                           | Applicability                                                                                                                             | Regulation                                                 | Façade Applicability                                                                                                                                                 | Threat Factor?                                                                                               | Clarification . . .                                                                                                                                                                                                                                                                                                                                                                                                                   | Exceptions                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Other |
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|  | 2016 | Chicago sustainable development policy: Basic bird protection    | New construction and major renovations receiving financial assistance                                                                     | Bird friendly construction of high-risk features required; | Medium hazard zone: facades higher than 60ft above grade. High hazard area: at grade → 60 ft above grade, facades up to 16ft above roof gardens and landscaped decks | <u>Building collision threat factor</u> : Medium Hazard zone and high-risk features: 30 High hazard area: 15 | Building collision threat factor: calculation based on the threat factor of material that makes up facades of zone, <i>further description and equations provided in LEED Bird Collision Deterrence Pilot Credit at the end of this document</i> ; high-risk features: fly-through conditions, glass railings, awnings, windscreen panels, acoustic barriers, skywalks, bus shelters, guard shelters, and exterior decorative panels; | Applicants can gather enough points from alternative parts of the plan, and bypass bird safe regulations entirely, and still earn sustainable certification. To remedy this issue, ordinance 02019-320 was proposed in 2019. Ordinance 02019-320 would have required all new construction and renovation to comply with bird friendly design regulations (with some small exceptions). Ordinance 02019-320 lost momentum and was replaced with Ordinance 02020-136 (above). |       |
|  | 2016 | Chicago sustainable development policy: Enhanced bird protection | Enhanced bird protection required compliance with the Bird Collision Deterrence LEED certification, as outline later in this spreadsheet. |                                                            |                                                                                                                                                                      |                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       |

|                                      | Year | Location of Regulation                    | Applicability                                                                                                                                                   | Regulation                                                                                                                                                                                                                                                                                                                         | Façade Applicability                                                                                                            | Threat Factor? | Clarification . . .                                                                                                                                                                                                                                        | Exceptions                                                                                                                                                               | Other                                                                                                                                                                                                                                       |
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| Illinois (statewide)                 | 2020 | Public Act 102-0119, § 405-317            | State-owned buildings: new construction or, at least a 50% alteration of pre-existing structure                                                                 | Facades treated to preclude bird collisions without completely obscuring vision; prohibition of transparent passageways and corners                                                                                                                                                                                                | 90%: at grade → 40 ft above grade; 60%: above 40ft above grade; glass adjacent to vegetation, water, and other bird attractants | N/A            | Treatment to preclude bird collisions without completely obscuring vision: use secondary facades, ultraviolet patterned glass, patterns following the two-by-four rule, opaque, etched, frosted or translucent glass or some combinations of these methods | historic places, executive mansion, Illinois Supreme Court Building, Old State Capitol Building, Abraham Lincoln Presidential Library and Museum, State Capital Building | Retrofit caveat: if the use of the required building materials and design features would result in a significant additional cost for the project, these requirements would be waived for alterations or modifications of existing buildings |
| MARYLAND                             |      |                                           |                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                 |                |                                                                                                                                                                                                                                                            |                                                                                                                                                                          |                                                                                                                                                                                                                                             |
| Howard County, MD                    | 2020 | Howard County Code                        | Construction projects requiring a building permit                                                                                                               | Must comply with LEED Pilot Credit #55                                                                                                                                                                                                                                                                                             | Compliance with the Bird Collision Deterrence LEED certification is outlined at the end of this spreadsheet.                    |                |                                                                                                                                                                                                                                                            |                                                                                                                                                                          |                                                                                                                                                                                                                                             |
| Maryland (statewide) <u>proposed</u> | 2022 | Maryland Green Building Council Standards | buildings acquired, constructed, and renovated by the state; Including buildings where 50% of funding to acquire, construct, or renovate came from state funds. | If passed, this legislation would require the Department of General Services to develop and implement strategies for reducing bird fatalities and require the Department of General Services to update these required guidelines each 5 years. The strategies would match that of the LEED Bird Collision Deterrence Pilot Credit. |                                                                                                                                 |                |                                                                                                                                                                                                                                                            | Public work contracts of less than \$500,000; public work contracts for which 50% or less of the funds used for the project are state funds.                             | Compliance with the Bird Collision Deterrence LEED certification is outlined at the end of this spreadsheet.                                                                                                                                |

| MINNESOTA             |                       |                                                                                           |                                                                                                            |                                                                                                                                        |                                                                                                                                                                               |                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                  |                                                                                                                                                                                      |
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| Minnesota (statewide) | 2009, updated in 2021 | M.S.A. § 16B.325. Sustainable Building Guidelines: B3 Building Regulations: Guideline S.9 | New construction and major renovations (including the replacement of glazing) of Minnesota state buildings | Prohibition of exceeding specified material threat factor, whole building threat factor (WBTF), and non-enclosure threat factor (NETF) | Traps, high risk surfaces are limited to 15% or less of façade, construction in critical sites. Use Guideline S.1 criteria to determine if the project is on a critical site. | Traps: 25<br>High-risk surfaces: 75<br>WBTF: 45<br>WBTF near a critical site: 15<br>NETF: 45 | The regulation is modeled after LEED Pilot Credit #55. Traps: glass (or plexiglass) railings, walkways, and glazed surfaces that create fly-through conditions less than 20 feet across. High-risk surfaces: surfaces within 50 feet or less of attractants such as trees, shrubs, prairie, grassland, or open water (including green roofs with this type of vegetation), or glazed surfaces that create fly-through conditions more than 20 feet across. | No expressly written exceptions. | Use the B3 Guidelines Bird-Safe Design Calculator (Appendix S-9a) to determine WBTF; use the B3 Guidelines Bird-Safe Design Calculator to determine NETF for non-enclosure surfaces. |
| Minneapolis, MN       | 2016                  | Minneapolis Code of Ordinances                                                            | Construction of new skywalks                                                                               | mandatory bird safe glazing                                                                                                            | 80% of the exterior of a skywalk                                                                                                                                              | 25                                                                                           | Skywalk: an enclosed, elevated pedestrian bridge extending from building face to building face that spans a public street, public alley, or is located within private property                                                                                                                                                                                                                                                                             | No expressly written exceptions  | Regulation is exclusive to skywalks                                                                                                                                                  |

| NEW YORK          |      |                                                                                 |                                                                                             |                               |                                                                                                                                                                                                                                                                              |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                            |
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| New York City, NY | 2020 | Local Law 15 (to amend the City of New York's administrative and building code) | New construction, building alterations that replace the entirety of the structure's glazing | Mandatory bird safe materials | 90% of exterior wall envelopes between ground and 75ft above the ground; 100% of fly-through conditions between ground and 75ft above ground; 100% of bird hazard installations; 12ft above walking surface of green roof (adjacent to construction or part of construction) | 25 | <p>Bird hazard installation: monolithic glazing installations that provide a clear line of sight on the exterior of buildings, including, but not limited to, glass awnings, glass handrails and guards, glass wind break panels, or glass acoustic barriers.</p> <p>Exterior wall envelope: A system or assembly of exterior wall components, including exterior wall finish materials, that provides protection of the building structural members, including framing and sheathing materials, and conditioned interior space, from the detrimental effects of the exterior environment. Fly-through conditions: one or more panels of glass that provide a clear line of sight through such elements creating the illusion of a void leading to the other side, including parallel glass elements, at a distance of 17 feet or less, or a convergence of glass sides creating a perpendicular, acute or obtuse corner.</p> | When ground floor transparency is required, transparent bird friendly material with a UV-reflective pattern and a maximum threat factor of 27 will be used; when flood resistant glazing is proposed and ground floor transparency is required, transparent bird friendly material with a UV-reflective pattern and a maximum threat factor of 36 will be used. | 10% of the exterior wall envelope does not require bird friendly material, that 10% cannot be aggregated to cover more than an aggregate of 10 square feet |

| OREGON                            |      |                                                 |                                                                                                                                                                                                                                                          |                                                                                      |                                                                                                                                                                                                                                         |     |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                       |                                                                                                                                                                                                                                 |
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| Portland, OR                      | 2020 | Portland City Code                              | New buildings: at least 30% <sup>9</sup> glazing between ground and 60ft; major remodeling projects: altering or replacing 75% of a façade                                                                                                               | Bird safe treatment or technique (included in Portland Bird Safe Window List)        | 90% of glazing between ground and 60ft above the ground; 100% of glazing within 15ft of any vegetated landscape; 100% of sky bridges/fences                                                                                             | N/A | Bird Safe Window List is an extensive document describing the substantive and procedural requirements for meeting bird-safe exterior glazing standards, and examples of bird-safe windows. Instead of a threat factor to determine if glazing is bird safe, techniques and strategies are offered in the Bird Safe Window List. | houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, historic or conservation districts |                                                                                                                                                                                                                                 |
| WASHINGTON, DC                    |      |                                                 |                                                                                                                                                                                                                                                          |                                                                                      |                                                                                                                                                                                                                                         |     |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                       |                                                                                                                                                                                                                                 |
| Washington, DC<br><u>proposed</u> | 2022 | Migratory Local Wildlife Protection Act of 2022 | Commercial buildings, multi-unit residential buildings, institutional facilities, and district-owned and operated buildings: new construction and substantial improvement alterations involving the replacement (all or substantial) of exterior glazing | Limit of non-bird-safe materials (and therefore, requirement of bird-safe materials) | non-bird-safe materials cannot exceed an aggregate of 10 by 10 sqft area between the ground and 100ft above grade; 100% façade from green roof to 24ft above green roof; 100% of bird hazard installations (without height requirement) | 30  | Substantial improvement: any repair, alteration, addition, or improvement of a building or structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started.                                                                                                 | Historic landmarks and real property within a historic district                                                                                                       | Act creates a fund to be administered by the mayor to provide income-contingent subsidies to assist district property owners with the cost related to complying with the bird-safe building regulation, education, and outreach |

<sup>9</sup> Glazing Percentage Threshold: Based on review of current literature, local studies of bird window strikes, and consultation with local and national experts, glazing in excess of 30 percent on a building is associated with higher collision risk.



| WISCONSIN                                      |      |                                          |                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                        |     |                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                        |                                                                                          |
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| Madison, WI                                    | 2020 | Madison General Ordinances (Zoning Code) | new construction and the expansion of the exterior of 10,000sqft buildings, and at any elevation: sky-bridges, glass features (sound walls, glass screens), glass railings, glass enclosed building connections (skywalks) | Bird-safe glass treatment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Between the ground and 60ft above grade: when the façade is more than 50% glass: 85%; between the ground and 60ft above grade: when the façade is less than 50% glass: 85% of 50ftx50ft; glass within 15ft of a fly-through conditions | N/A | Bird safe glass treatment incorporates a pattern of visual markers that allows birds to perceive glass as a solid object, or utilize low reflectance opaque materials, non-glass double-skin facades, metal screens, fixed solar shading, exterior insect screens, and other features that cover the glass surface. Elements of pattern visible to birds must follow the two-by-four rule. | No expressly written exceptions; it is worth noting that construction less than 10,000sqft is unregulated (besides glass features).                    |                                                                                          |
| OTHER                                          |      |                                          |                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                        |     |                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                        |                                                                                          |
| Legislation on a federal level <u>Proposed</u> | 2021 | Federal Bird Safe Buildings Act of 2021  | Public buildings: newly constructed, acquired, or undergoing a substantial alteration                                                                                                                                      | If passed, this legislation would require the General Services Administration (GSA) to develop and implement strategies for reducing bird fatalities from collisions with public buildings. The GSA must also develop a related design guide and annually certify its active use. The design guide would be circulated to federal agencies, sub-agencies, and departments with independent leasing authority. A report of the number of bird fatalities, because of building collisions provided by the GSA is also required. This legislation does not provide terms for bird safe building; instead, the act tasks GSA with creating these exact terms. |                                                                                                                                                                                                                                        |     |                                                                                                                                                                                                                                                                                                                                                                                            | buildings and sites on the National Register of Historic Places, the White House, the Supreme Court, the U.S. Capitol and any buildings on its grounds | Legislation has not been prioritized, has very little momentum, and is unlikely to pass. |

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| US General Services Administration (GSA) Facilities Standards for Public Buildings | 2021 | P100 Facilities Standards for the Public Building Service                                                                           | new construction of a public, federal buildings; major repairs and alterations (affecting the glazing of the envelope) of a public, federal building | Mandatory use of material regulated by threat factor                                                                                                                                                                      | 100% of glass from ground → 40ft above the ground; regardless of elevation, 100% of glass within 15ft of green roof, all glazed corners, and fly-through conditions | Glazed corners and fly-through conditions: 25<br>Below 40ft: 30<br>Within 15ft of green roofs: 30 | Terms include: “See the American Bird Conservancy Threat Factors product database. All projects should consider bird friendly design per the American Bird Conservancy for Bird-Safe Building Design and the National Glass Association's Best Practices for Bird-Friendly Glazing Design.”                                                                                                                                                                                                                                                                                                                                                    | No expressly written exceptions.                                                                                                                                                                     | These mandatory guidelines are not a sufficient replacement for the Federal Bird Safe Buildings Act of 2021. These guidelines are not codified, so they could be changed by GSA at any time                                                                    |
| LEED Bird Collision Deterrence Pilot Credit                                        | N/A  | Chicago, IL, Howard County, MD, Minnesota, and Minneapolis, MN all reference LEED in their respective Bird safe building regulation | Any proposed building looking to earn credit toward LEED certification                                                                               | Requires the calculation of the proposed project’s Bird Collision Threat Rating (BCTR), and this value not exceeding 15; all other structures on site must be constructed of material with a threat factor of 15 or less. | Divides building into two zones: (1) the first 36ft above grade and 12ft above any green roof; (2) includes all façade areas above 36ft.                            | Situational                                                                                       | Establish total areas (unit of measure and %) of facades in each zone. Identify the material type and its corresponding threat factor of each façade. No more than 15% of the facade area in zone 1 can have a threat factor higher than 75, which is quantified separately as the Hazardous Glazing Factor (HGF). More than 15% of the glazed area in zone 2 may have a threat factor higher than 75. All glazed corners or fly-through conditions must have a threat factor of 25 or less. Using the formula meticulously detailed in the pilot credit, BCTR can be calculated based calculations and threat factors from zone 1 and zone 2. | If all materials on the building façade have a Threat Factor of 15 or below, the project is exempt from the building façade requirements and the following Bird Collision Threat Rating calculations | arguably the best bird safe building guidelines because calculations are very specific to each project and the inclusion of a performance monitoring plan creates more data and more opportunity for corrective action to decrease bird strikes and fatalities |

**Wendy Cherubini** <wcherubini@gmail.com>

Sun, Jun 16, 11:19 AM  
(1 day ago)

to publiccomment

Dear Mayor Dion and Members of Portland's City Council,

I write in support of the Bird Friendly Building and Design Requirements Ordinance.

For the past few years I have been a volunteer with Audubon walking a route through Portland's downtown and Eastern Waterfront during the Spring and Fall migration. I have seen first hand how dangerous buildings with large glass exteriors are to migrating birds. On one particularly deadly morning a fellow volunteer and I documented 29 avian victims. The ordinance is an opportunity to address a serious national problem locally and join other towns and cities who have taken similar steps to protect migrating birds.

The ordinance is the product of a collaborative effort between Maine Audubon, The Portland Society of Architects, and the Sustainability and Transportation Committee, along with input from many community members. It will reduce bird fatalities in Portland without unduly burdening development.

Please vote for the Bird Friendly Building and Design Requirements Ordinance.

Thank you for your consideration and your service.

Sincerely,

Wendy Cherubini  
99 Federal St. Unit 302  
Portland, ME 04101

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Troy Moon, Sustainability Coordinator

**DATE:** June 5, 2024

**SUBJECT:** Order 245-23/24 Amendment to Portland City Code Chapter 34 RE: Soil Tests and Fertilization Application - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair,

**SPONSOR:** Sustainability and Transportation Committee, Councilor Regina Phillips, Chair. The Committee voted 2-0 (Councilor Pelletier absent) to recommend the amendment on April 10, 2024.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 6/3/2024**

**Final Action 6/17/2024**

**Can action be taken at a later date: Yes**

**Does this item involve a new contract with the City: No**

**PRESENTATION:** Sustainability Director Troy Moon will be present to answer questions.

**I. SUMMARY**

The amendment makes minor amendments to the Landcare ordinance

**II. AGENDA DESCRIPTION**

The Landcare Management Advisory Committee unanimously recommended several amendments to Chapter 34 as part of their annual report to the Sustainability and Transportation Committee. The Committee considered these recommendations during their meeting on April 10 and voted 2-0 (Councilor Pelletier absent) to advance them to the City Council. If enacted, the order will :

- Change the required soil test from a comprehensive test to a standard test;
- Require a soil test every three years instead of annually;
- Allow application of organic fertilizers to garden beds without a soil test;
- Exempt application of fertilizers for woody plants and shrubs so long as the fertilizer is injected to the root or incorporated into the soil with the plant's drip edge;
- Remove the definition of penetrometer because the term does not appear elsewhere in the text.

These amendments will facilitate compliance with the ordinance while maintaining rigorous application of sustainable landcare practices.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

The Landcare Management Advisory Committee unanimously recommended several amendments to Chapter 34 as part of their annual report to the Sustainability and Transportation Committee. The Committee considered these recommendations during their meeting on April 10 and voted 2-0 (Councilor Pelletier absent) to advance them to the City Council. If enacted, the order will :

- change the required soil test from a comprehensive test to a standard test
- require a soil test every three years instead of annually
- allow application of organic fertilizers to garden beds without a soil test
- exempt application of fertilizers for wood plants and shrubs so long as the fertilizer is injected to the root or incorporated into the soil with the plant's drip edge
- remove the definition of penetrometer because the term does not appear elsewhere in the text.

Amending the requirements for soil tests will facilitate compliance with the ordinance by requiring the use of a less expensive soil test and reducing the required frequency of testing. The Committee members believe this change aligns with best management practices and provides property owners with adequate information to guide the application of amendments to their lawns or landscapes. Allowing the application of fertilizers in garden beds and for woody plants recognizes that these type of plantings require additional nutrients to thrive but does so in a way that will not promote nutrient run-off that could threaten water quality.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The amendment intends to facilitate implementation of the landcare ordinance.

#### **V. FINANCIAL IMPACT**

None

#### **VI. STAFF ANALYSIS AND BACKGROUND**

Staff participated in LMAC discussions that led to the recommendations made to the Sustainability and Transportation Committee.

#### **VII. RECOMMENDATION**

Staff recommends passage of the amendment.

#### **VIII. LIST ATTACHMENTS**

1. Amendment - Chapter 34 Regarding Landcare

Prepared by:

Troy Moon, Sustainability Coordinator

Date: 06/05/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 34 RE: SOIL TESTS AND FERTILIZATION APPLICATION**

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

- 1. That Sections 34-3 and 34-5 of the Portland City Code  
Chapter 34 is hereby amended to read as follows:*

**Sec. 34-3. Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the following meaning:

...

~~**Penetrometer** means an instrument used to give a quantitative measurement of the consistency or hardness of a substance by measuring the depth or rate of penetration of a rod or cone-shaped into it.~~

...

~~**Soil test** means a test designed to analyze soil acidity, organic matter, and essential nutrients available for plant growth. A "standard soil test" indicates soil pH, levels of essential nutrients such as potassium, phosphorus, calcium, magnesium, and sulfur, level of organic matter, whether there is lead contamination, and it will provide recommendations for corrective amendments to address deficiencies. A "comprehensive soil test" includes all the elements of a standard soil test, plus an analysis of of soil microbial mass the standard soil test offered by the University of Maine Cooperative Extension or a comparable test identified by the City Manager or their designee.~~

...

## **Sec. 34-5 Permitted, prohibited, and exempt applications**

...

(b) Subject to the applicability dates set forth in Sec. 34-14 herein, the following provisions shall apply to all fertilizer applications in the City.

1. Prohibited Fertilizer Applications. The following prohibitions apply for all fertilizer applications on all turf types:
  - i. Applications within 75 feet of a water body or wetland or other environmentally sensitive area are prohibited.
  - ii. Applications on frozen ground or saturated surfaces are prohibited.
  - iii. Applications when a heavy rain event is occurring is prohibited.
  - iv. Applications during summer dormancy or when the ground is partially or wholly frozen are prohibited.
  - v. Applications on impervious surfaces are prohibited; if spills occur on impervious surfaces, they must be swept up immediately.
  - vi. Applications with phosphorus are prohibited except where a soil test conducted within the last three years indicates a need for phosphorus, or phosphorous is being used for new development/re-establishment, as specified in subsection (B) below.
  - vii. Applications of synthetic fertilizer are prohibited except where a waiver has been granted pursuant to Sec. 34-7 below.
  - viii. Application of compost or fertilizers derived from wastewater treatment sludge or from organic residuals remaining after industrial processes (such as paper making) is prohibited within the boundaries of the City of Portland.
  - ix. Applications of organic fertilizer not in compliance with subsection (2) below are prohibited.
2. Permitted Fertilizer Applications. The following applications of organic fertilizer are allowed within the limits for the specific application as set forth below:

- i. Except as specified in subsections (ii), (iii), and (iv) below, applications of organic fertilizer, including residential lawns, are allowed only when a ~~comprehensive~~ soil test conducted within the ~~same calendar~~ the last three years indicates a need for nitrogen. Applications of organic fertilizer may not contain nutrients in excess of the amount recommended by the completed soil test. Only phosphorus-free, organic fertilizer is allowed for these applications, unless the soil test indicates a need for phosphorus.
- ii. Applications of organic fertilizer on performance turf are allowed as necessary provided that total nitrogen does not exceed 4 lbs per 1,000 square feet per year.
- iii. Applications of organic starter fertilizer for new development may contain phosphorus without a soil test. The fertilizer must be incorporated into top soil 2-3 inches deep. Two fertilizer applications are permitted for one calendar year from the date of first application only. For each application, total nitrogen and phosphorus may not exceed 1 lb. per 1,000 square feet.
- iv. Applications of organic fertilizer for re-establishment of turf may contain phosphorus without a soil test. Unless the application is through hydro-seeding or overseeding, the organic fertilizer must be incorporated into the soil 2-3 inches deep. Fertilizer applications may not exceed 1 lb. of nitrogen and phosphorus per 1,000 square feet per application. Total nitrogen and phosphorus may not exceed 2 lbs. per 1,000 square feet per calendar year from the date of last application.
- v. Application of organic fertilizer to gardens, including vegetable, flower, and ornamental, may be applied without a soil test, although a soil test is highly recommended. Fertilizer must be incorporated into the soil with a rake or other tool so it is not left exposed on the topsoil.

3. Exempt Fertilizer Applications. Notwithstanding any other provision in this Chapter, the following applications of fertilizer are exempt from the



provisions of this ordinance (and therefore allowed without restriction):

- i. Golf course applications. Fertilizers may be used on golf courses provided that the course is designated through Audubon International as a Certified Audubon Cooperative Sanctuary;
- ii. Hadlock Field applications.
- iii. Liquid deep root feeding of trees.
- iv. Fertilization of woody plants and shrubs so long as fertilizer is injected to the root or applied within the drip edge of the plant and incorporated into the soil with a rake or other tool.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Paul Bradbury, Jetport Director

**DATE:** June 3, 2024

**SUBJECT:** Order 253-23/24 Approving Portland International Jetport Non-Exclusive On Airport Automobile Rental Concessionaire Agreement - Sponsored by Danielle P. West, City Manager

**SPONSOR:** Danielle P. West, City Manager  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**  
**1st Reading 6/17/2024**

**Final**  
**Action 6/17/2024**

**Can action be taken at a later date: No the current non-exclusive on-airport automobile rental concession agreements expire on June 30, 2024.**

**Does this item involve a new contract with the City: This agreement has been reviewed and approved by Corporation Counsel.**

**PRESENTATION:** Paul Bradbury, Jetport Director, will introduce this item as needed, and answer any Council questions.

**I. SUMMARY**

City Council approval of the Portland International Jetport's Rental Car Concession standard agreement.

**II. AGENDA DESCRIPTION**

The Portland International Jetport is requesting approval of the standard form of the agreement between the City of Portland and up to four automobile rental concessionaires. The current agreements expire on June 30, 2024, and the new agreement will be for a five-year term starting on July 1, 2024 and ending on June 30, 2029. In anticipation of the expiration of the current agreement, the City issued competitive Bid #24080 for non-exclusive on-airport automobile rental concessions at the Jetport. The proposed agreement listed in the bid is based upon the existing standard agreement with the following changes:

- The contract payment to the Jetport remains 10% of gross annual sales, but will incorporate new Minimum Annual Guarantees (MAGs) for each concessionaire that will be set based on the results of the upcoming bid.
- The proposed contract continues to include a Customer Facility Charge (CFC) that will be increased from \$2/day to \$2.50/day with a maximum charge of \$12.50 per rental contract. The CFC revenue is used to cover the debt service on the rental car portion of the parking garage, rental car infrastructure improvements, and rental car facility maintenance and operating expenses.
- The agreement will add 110 seasonal rental return parking spaces from June 15 to October 7.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

The Portland International Jetport has counter space for four on-airport rental car concessions. This space is offered through a competitive bid to rental car concessionaires every five years. The term of the current agreements ends on June 30, 2024. Rental car concessionaires provide a significant investment in automobiles,

support facilities, and staffing and require the full five-year term for the agreement. For this reason, the contract does not contain a termination at the convenience of the City clause, so it must be approved by the City Council.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The approval of this contract will allow the Jetport to issue four new contracts for non-exclusive on-airport automobile rental concessions. The revenues from the rental car concessions at the Portland International Jetport allow it to be a self-sustaining enterprise fund of the City of Portland with no reliance on local taxes. The Portland Jetport provides a robust connection to the national air transportation system, which helps support the City Council's economic development goals.

#### **V. FINANCIAL IMPACT**

The Portland International Jetport received \$7.77 million from rental car concessions in FY 2023. This accounted for 27.3% of the Jetport's FY 2023 annual operating revenues. Approval of the rental car concession agreement will maintain this revenue stream, which is critically important to keeping a fiscally strong and self-sustaining airport.

Additionally, this agreement requires rental car concessionaires to pay automobile excise tax to the City of Portland for their on-airport rental car fleets. It requires rental car concessionaires to register any vehicles "principally used in connection with rentals to and from the Airport" and the number "shall not be less than the minimum number of 250 vehicles annually" in the City of Portland. This is estimated to provide approximately \$1.5 million in annual revenue to the City.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

Rental car concession revenues are an important part of the Jetport's business model. The proposed agreement provides a payment of 10% of gross rental car revenues, a Customer Facility Charge (CFC) estimated at \$1.4 million annually, and minimum guarantees of no less than \$26.9 million in revenue over the next five years if passenger boardings remain at or above 948,600.

#### **VII. RECOMMENDATION**

Jetport staff recommends the Council's approval of the standard form of the Non-Exclusive On-Airport Automobile Rental Concessionaire agreement.

#### **VIII. LIST ATTACHMENTS**

1. Order - Approving the Jetport Rental Car Agreement\_PB edit
2. Jetport Non-Exclusive Concession Agreement for On-Airport Automobile Rental Operations\_Final

Prepared by:

Paul Bradbury, Jetport Director

Date: 06/03/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER APPROVING PORTLAND INTERNATIONAL JETPORT NON-EXCLUSIVE  
ON AIRPORT AUTOMOBILE RENTAL CONCESSION AGREEMENT**

**ORDERED**, that the standard form of the Non-Exclusive on Airport Automobile Rental  
Concession Agreement is hereby approved, in substantially the form attached  
hereto; and

**BE IT FURTHER ORDERED**, that the City Council hereby authorizes the City Manager to  
execute said documents and any other related documents necessary or convenient  
to carry out the intent of said document.

**CITY OF PORTLAND, MAINE**

**CONTRACT FOR:**

**NON-EXCLUSIVE ON-AIRPORT AUTOMOBILE RENTAL CONCESSION AT  
THE PORTLAND INTERNATIONAL JETPORT**



July 1, 2024

**NON-EXCLUSIVE ON-AIRPORT AUTOMOBILE RENTAL CONCESSION AT THE  
PORTLAND INTERNATIONAL JETPORT BETWEEN  
CITY OF PORTLAND  
AND  
(CONCESSIONAIRE)**

This Concession Agreement (“Agreement”) is made and entered into as of this 1<sup>st</sup> day of July, 2024, by and between the City of Portland (“CITY”), a public body corporate and politic of the State of Maine and \_\_\_\_\_ (“CONCESSIONAIRE”) doing business as the following brand(s):\_\_\_\_\_, a\_\_\_\_\_ corporation with a principal office at \_\_\_\_\_, and authorized to do business in the State of Maine.

**WITNESSETH:**

**WHEREAS**, the CITY owns and operates the Portland International Jetport (the “Airport”), located in the CITY of Portland, Cumberland County, Maine; and

**WHEREAS**, on-airport automobile rental services at the Airport are necessary for the proper accommodation of passengers arriving at and departing from the main terminal building at the Airport (hereinafter the “Terminal”); and

**WHEREAS**, the CITY requested bids for on-airport automobile rental services by Bid No. 24080, dated May 22nd, 2024, including any addenda; and

**WHEREAS**, CONCESSIONAIRE desires to make on-airport automobile rental services available at the Airport, and CONCESSIONAIRE is qualified, ready and able to perform said services, and to furnish proper facilities in connection therewith;

**NOW, THEREFORE**, in recognition and reliance upon the foregoing recitals, and in consideration of the mutual covenants and promises hereinafter set forth, and in exchange for other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged by the parties hereto, CITY and CONCESSIONAIRE agree as follows:

## **ARTICLE I. DEFINITIONS**

**Section 1.1** Definitions. For the purpose of this Agreement, the following terms shall, unless the context requires otherwise, have the following meanings (terms defined in the singular shall have the same meaning when used in the plural and vice versa):

*Agreement* shall mean this Concession Agreement, those documents and agreements referenced in Section 2.1, and all amendments, modifications and supplements hereto and thereto.

*Airport* shall mean the Portland International Jetport located in the City of Portland, Cumberland County, Maine.

*Airport Facility Charge* shall mean, collectively, the fees and rentals in Section 5.4.

*Car Rental Facility* shall mean the facility adjacent to the parking garage specifically designed to accommodate car rental services, including both the Car Rental Facility Premises and the Ready Return spaces, which may also be referred to herein as the “Facility” or “Facilities”.

*Car Rental Facility Premises* shall mean the counter space leased to CONCESSIONAIRE to conduct its rental car operations, as provided in Section 5.1 below, which may also be referred to herein as the “Premises”.

*CONCESSIONAIRE* shall mean “named concessionaire”, a corporation, its officers, agents and employees.

*DBE/WBE DBE* shall mean Disadvantaged Business Enterprise as defined in 49 CFR Part 23, and shall include Small Business Concerns which are owned and controlled by Socially and Economically Disadvantaged Individuals; *WBE* shall mean Women Business Enterprises and shall include Small Business Concerns which are owned and controlled by women, who are presumed to be Socially and Economically Disadvantaged Individuals under Section 8(a) of the Small Business Act (15 U.S.C. section 637) and relevant regulations promulgated pursuant thereto.

*DBE/WBE Participation Goals* shall mean CITY’s goals for participation by DBE/WBEs under the Airport’s Federal Aviation Administration program. CITY’s goal for combined

DBE/WBE participation is given in the Portland International Jetport Concession Disadvantaged Business Program.

*Director* shall mean the Director of the Portland International Jetport, and his or her authorized designee, also referred to herein as “Airport Director”.

*Dual Branding* shall mean owning or operating two brand names from the same car rental facility.

*FAA* shall mean the Federal Aviation Administration, an agency of the United States Government, and any successor thereto.

*Gross Revenues* shall mean any and all time and mileage charges, excluding CONCESSIONAIRE authorized discounts, whether for cash, credit, exchange or otherwise, for the rental of automobiles and rental transactions of every kind by CONCESSIONAIRE within the legal boundaries of the Airport and shall also include all sums received by CONCESSIONAIRE from customers by reason of their acceptance of personal accident insurance or other insurance coverage. Gross revenue further includes all additional driver and youthful driver charges, child restraint seat, ski and luggage rack charges and any equipment rental charge retained by CONCESSIONAIRE, any allowance for bad debts and inter-city revenues. Revenues from rental transactions may be considered received on the date the rental transaction is closed.

The term Gross Revenues shall not mean or include: (i) any sums received from customers for gasoline or refueling service; (ii) the amount of federal, state, county or municipal sales or other similar taxes separately stated and collected and/or reimbursed from customers of CONCESSIONAIRE now or hereafter levied or imposed; (iii) any sums received as insurance or otherwise for damage to automobiles or other property of CONCESSIONAIRE, or for the loss, conversion, or abandonment of such automobiles, or any charges collected from a customer for damages to the automobile rented; (iv) any sums received for waiver by CONCESSIONAIRE of its right to recover from customers for damages to any automobile rented, (v) any sums received by reason of the CONCESSIONAIRE’s disposal of operating facilities or personal property (capital assets), including vehicle sales, manufacturer rebates, and franchise rebates, (vi) any sums recovered from customers for the payment of traffic tickets, parking tickets, tolls, towing fees, impound fees, red light tickets and other governmental fines, which are incurred as a result of customers’



actions, along with the administrative fee charged for the processing of such payment and recovery, OR (vii) carbon offsets based entirely upon proven amount paid on behalf of a car rental customer to 3<sup>rd</sup> party carbon offset provider.

*Minimum Annual Guarantee (MAG)* shall mean the minimum amount of concession fees paid on Gross Revenues as provided in Section 5.4.1 (exclusive of any other charges or rentals for Terminal or other space leased to CONCESSIONAIRE under this or other agreements) due to CITY annually from CONCESSIONAIRE in consideration of the concession rights herein granted to CONCESSIONAIRE.

*Ready/Return Premises* shall mean the parking space areas to be used by CONCESSIONAIRE as a ready/return area for its automobile rental fleet, all as more specifically set forth in Section 5.2. Also referred to herein as “Ready/Return Spaces.”

*Service Facility* shall mean a facility that will enable car rental agencies to service their vehicles in close proximity to the passenger terminal.

*Small Business Concern* shall have the meaning such term has under Section 3 of the Small Business Act (15 U.S.C. section 632) or such other laws or regulations as may be applicable, from time to time, to this transaction.

*Socially and Economically Disadvantaged Individuals* shall have the meaning such term has under Section 8(a) of the Small Business Act (15 U.S.C. section 637) and relevant regulations promulgated pursuant thereto.

*Terminal* shall mean the main terminal building at the Airport.

*TSA* shall mean the Transportation Security Administration a sub agency of the Department of Homeland Security, an agency of the United States Government, and any successor thereto.

**Section 1.2. References.** For the purposes of this Agreement, the following references shall, unless the context requires otherwise, have the following meanings:

- (a) The words “hereof,” “herein,” “herewith,” “hereunder” and words of similar meaning shall refer to this Agreement as a whole and not to any particular provision of the Agreement, unless otherwise specified.

- (b) Where the context requires, the use of singular numbers or pronouns shall include the plural and vice versa, and the use of pronouns of any gender shall include any other gender.

## **ARTICLE II**

### **AGREEMENT**

**Section 2.1. Documents.** The Agreement between the parties shall consist of this instrument and the following documents, which are incorporated herein as if copied at length:

- (a) All insurance certificates and performance and payment bonds or letters of credit required by the terms of this Agreement; and
- (b) All exhibits to this Agreement..

**Section 2.2. Conflict in Terms.** In the event of any conflict between the terms or provisions of this Agreement and the terms or provisions of any of the documents referenced in Section 2.1, the more restrictive on CONCESSIONAIRE shall control.

## **ARTICLE III**

### **TERM**

**Section 3.1.** The term of this Agreement shall be for sixty (60) months beginning on July 1, 2024 and terminating at 11:59 p.m. on June 30, 2029.

## **ARTICLE IV**

### **RIGHTS AND PRIVILEGES**

CONCESSIONAIRE shall have the following rights and privileges during the term of this Agreement:

**Section 4.1. Automobile Rentals.** CONCESSIONAIRE shall have the non-exclusive right and privilege to conduct an on-airport automobile rental concession at the Airport from the Car Rental Facilities for the convenience of passengers utilizing the Airport, and patrons and tenants of the Airport. Such right includes the right to rent automobiles to the general public at or on the Airport; provided, however, that said rentals of automobiles shall be consistent with all applicable standards and policies of Airport as such standards and policies may be developed and amended. Such right shall not include the right to sell gasoline or to offer maintenance and/or repair service for automobiles to the general public, to other concessionaires at the Airport, or to any other firm, or individual, except as required to maintain automobiles used by the CONCESSIONAIRES's automobile rental customers.

**Section 4.2** Counter Space Area. CONCESSIONAIRE shall have the right to the use and occupancy of the Car Rental Facilities together with the right to construct and install any improvements in and upon the Car Rental Facilities Premises as may be reasonably necessary for the customary operation of an on-airport automobile rental service operation at the Airport, subject to the following conditions:

- (a) Any construction or installation in the Car Rental Facilities Premises shall be in accordance with CITY regulations and rules and CONCESSIONAIRE shall obtain, at its own cost and expense, all required CITY permits and approvals therefore, including without limitation a building permit;
- (b) CONCESSIONAIRE shall submit to the Airport Director for prior written approval, which approval shall not be unreasonably withheld, detailed plans, drawings and specifications for any construction and installation of improvements, or alternations thereto, in and upon the Car Rental Facilities Premises;
- (c) All structural improvements, equipment and interior design and décor constructed or installed in the Car Rental Facility Premises shall be in accord with the approved design of the Car Rental Facility and shall be harmonious with the décor of the parts of the Car Rental Facility of which the Car Rental Facility Premises are a part and shall meet or exceed the quality of such Car Rental Facility;
- (d) CONCESSIONAIRE shall submit to the Airport Director for prior written approval, which approval shall not be unreasonably withheld, a copy of any proposed written construction agreement with respect to construction or installation of any improvements, or alterations thereto, on the Car Rental Facility Premises;
- (e) CONCESSIONAIRE shall commence construction on the Car Rental Facility Premises within a period of ten (10) days from and after the approval of the plans and specifications therefore by or on behalf of CITY, and shall prosecute such construction to completion with all due diligence;

- (f) CONCESSIONAIRE shall construct, install and make alterations to the Car Rental Facility Premises at CONCESSIONAIRE's sole cost and expense;
- (g) All improvements made by CONCESSIONAIRE to the Car Rental Facility Premises shall be of high quality, safe, fire resistant and attractive in appearance;
- (h) At all times during the construction or installation of any improvements in or upon the Car Rental Facility Premises, CONCESSIONAIRE shall cooperate with and coordinate activities and work with CITY and other Concessionaires at or near the Car Rental Facility Premises;
- (i) CONCESSIONAIRE shall assume full responsibility for any and all damages, injuries and claims which may result to any person or persons or to their property by reason of the construction or installation of any improvements by Concessionaire on or in the Car Rental Facility Premises, and, in addition to any other indemnities provided hereunder, CONCESSIONAIRE shall defend, indemnify and hold the CITY, its officers, agents and employees, harmless from any such claim or claims, judgments or decrees resulting there from, and the expenses related thereto, including without limitation costs and reasonable attorneys' fees; CONCESSIONAIRE shall further defend and hold the CITY harmless from any liens by any person by reason of such construction or installation of improvements;
- (j) The Car Rental Facility Premises shall be used by CONCESSIONAIRE only to conduct its on-airport automobile rental operations at the Airport and for such other purposes as may be reasonably ancillary in connection with such services; the use of such Premises by others or for other purposes is expressly prohibited; and
- (k) All improvements made to the Car Rental Facility Premises and additions and alterations thereto shall be the property of CITY; provided, however, that any trade fixtures, signs and other personal property including electronic equipment and rental car fleet of CONCESSIONAIRE not permanently affixed to the Car Rental Facility Premises shall remain the property of CONCESSIONAIRE and shall so remain unless CONCESSIONAIRE shall fail within the (10) days following the expiration or earlier termination of this Agreement to remove such

trade fixtures, signs and other personal property not permanently affixed to the Car Rental Facility Premises, in which event, at the option of CITY, title to same shall vest in CITY, at no cost to CITY. In the event CITY does not choose to take title, CITY shall have the right to remove and dispose of all such trade fixtures, signs and other personal property and the costs of such removal shall be the responsibility of CONCESSIONAIRE, less any amounts obtained by CITY from sale or disposal of said property; and

- (l) All contractors and subcontractors of CONCESSIONAIRE doing work on the Airport shall name the CITY as an additional insured on its commercial general liability insurance in the amount required hereunder and shall provide evidence to CITY of such general liability insurance as well as automobile liability insurance in said minimum amount and workers compensation insurance in the statutory amount; and
- (m) CONCESSIONAIRE shall not place any advertising, including pricing information and credit card applications, pamphlets, temporary signs or other materials on the Car Rental Facilities counter space. Drop off boxes and items necessary for the services of customers are allowable subject to prior approval of the Airport Director or his/her designee.

**Section 4.3. No Service Facility.** Service Facility premises are not covered by this Agreement. Each CONCESSIONAIRE must operate, maintain, or share a service area facility.

**Section 4.4. Ready/Return Premises.** CONCESSIONAIRE shall have the right to the exclusive use of a proportionate share of parking spaces to be used for automobile rental parking as provided in Section 5.2 below.

**Section 4.5. Signs.** CONCESSIONAIRE shall have the right to install and maintain standard corporate identifying signs and graphics in areas designated by the Airport Director. All other signs and graphics in the Car Rental Facilities Premises and the Ready/Return Premises designated for use by CONCESSIONAIRE shall be subject to the prior written approval of the Airport Director. All signage shall conform to any applicable state, CITY, or Airport ordinance or rules.

**Section 4.6. Ingress/Egress.** CONCESSIONAIRE shall have the non-exclusive right

of ingress to and egress from the Car Rental Facility Premises and the Ready/Return Premises over Airport roadways, including common-use roadways, subject to any rules or regulations which may have been established, or may be established in the future, by the CITY, the United States (including, without limitation, the FAA and the TSA), the County of Cumberland and/or the State of Maine. Such right of ingress and egress shall apply to CONCESSIONAIRE'S employees, guests, patrons, invitees, suppliers and other authorized individuals. Such right of ingress and egress shall likewise apply to the transport of equipment, material, machinery and other property of CONCESSIONAIRE.

**ARTICLE V.**  
**CAR RENTAL FACILITY PREMISES,**  
**RENTAL FEES, AND OTHER CHARGES**

**Section 5.1.** Car Rental Facility Premises. CITY hereby leases, lets, and demises unto CONCESSIONAIRE, and CONCESSIONAIRE hereby leases from CITY, \_\_\_\_\_ (\_\_\_) square feet in the Car Rental Facility Premises, all as more specifically indicated on Exhibit A attached hereto and made a part hereof, to be used by CONCESSIONAIRE for its counter space to conduct its on-airport rental operations at the Airport.

**Section 5.2.** Ready/Return Premises. CITY hereby grants CONCESSIONAIRE the exclusive use of \_\_\_\_\_ (\_\_\_) ready car parking spaces near the Car Rental Facility Premises, all as more fully set forth on Exhibit A attached hereto and made a part hereof, to be used by CONCESSIONAIRE as ready/return area for its automobile rental fleet. There is currently a total of Two Hundred Forty (240) parking spaces. Additionally, at least One Hundred Ten (110) seasonal return spaces will be available on level 1 directly above the Car Rental Facility from June 15 – October 7 throughout the term of this Agreement. Each on-Airport concessionaire's proportionate share of the ready car parking area and seasonal return area, for the first year of the term of the Agreement, shall be in direct proportion to the percentage that the CONCESSIONAIRE'S total 5-year MAG as provided in response to Bid #24080 is to the 5-year total of all MAGs as bid by the successful concessionaires for the four available on-airport concessions. The number and locations of the parking spaces allocable to

each of the on-Airport concessionaires shall be re-determined, while maintaining the east/west alignment, effective November 1 of each year following the first full year during the term of the concession Agreement (“Adjustment Date”). As of each Adjustment Date, the number of parking spaces allocable to each of the on-airport concessionaires shall be re-determined such that each concessionaire will be entitled to a portion of the total parking spaces which bears the same ratio as the concessionaire’s Gross Revenues during the preceding 12 month period ending June 30 of each year bears to the total Gross Revenue of all on Airport concessionaires during such period. The precise location of each concessionaire’s parking spaces shall be determined first, by agreement of all on-Airport concessionaires, but if no such agreement, then they will be assigned to each concessionaire by the Airport Director.

**Section 5.3. Premises “As Is.”** CONCESSIONAIRE understands and agrees that it has had the full opportunity to inspect all premises conveyed hereunder and it is explicitly understood and agreed that the Car Rental Facilities Premises and the Ready Return Premises are taken “as is” with no warranty of any type whatsoever from CITY.

**Section 5.4. Fees and Rentals.** For the privilege of operating its on-airport automobile rental services at the Airport and for the use of the premises hereinabove described, CONCESSIONAIRE agrees to pay to CITY concession fees and rentals as follows:

- 5.4.1. (a) *Concession Fees.*** CONCESSIONAIRE shall pay monthly to CITY, in addition to any other fees or rentals due hereunder, a monthly fee equal to Ten Percent (10%) of CONCESSIONAIRE’S prior monthly Gross Revenues (“Monthly Fee.”). Said payments on an annual basis shall not be less than the Minimum Annual Guarantee as provided herein.

| <b>CITY FISCAL YEAR</b> | <b>MINIMUM ANNUAL GUARANTEE</b> |
|-------------------------|---------------------------------|
| 7/1/24 – 6/30/25*       | \$000,000                       |
| 7/1/25 – 6/30/26        | \$000,000                       |
| 7/1/26 – 6/30/27        | \$000,000                       |
| 7/1/27 – 6/30/28        | \$000,000                       |
| 7/1/28 – 6/30/29        | \$000,000                       |

\* The 10% payment will be paid on each month of the term of the Agreement beginning as of July 1, 2024, the MAG if higher than the 10% fee will be based on the City’s fiscal year and paid



annually as noted in (c) below.

- (b) *Payment.* CONCESSIONAIRE shall absolutely and unconditionally pay the Monthly Fee to CITY, in lawful money of the United States, on or before the twentieth (20<sup>th</sup>) business day of each calendar month of the term of this Agreement, beginning on August 20, 2024. Along with the payment, CONCESSIONAIRE shall furnish CITY a written statement certifying the Gross Revenues derived from CONCESSIONAIRE'S Airport operations, accompanied by a full payment of the percentage fee due CITY for the preceding month. If CONCESSIONAIRE is operating two brands, it shall report the revenue of each brand separately. Said payment shall be made without need for invoice and shall be delivered to the Office of the Airport Director at the address in Article XIX below. A detailed monthly gross revenues statement of all gross revenues received by CONCESSIONAIRE shall be kept on file for three (3) years at the Airport office of CONCESSIONAIRE for review by the Airport Director or his or her designee during regular business hours.
- (c) *Annual Reconciliation.* CONCESSIONAIRE shall furnish CITY with a sworn statement certified by a public accountant showing all Gross Revenues derived from CONCESSIONAIRE'S operation of the automobile rental concession at the Airport for said contract year. Said financial statement shall be accompanied by a certification of the statements from an authorized officer of the corporation or a certified public accountant's report expressing his/her opinion as to the fairness of presentation of the Gross Revenues on the basis specified in this Agreement. Within ninety (90) days after the close of each fiscal year, the CITY will reconcile the annual payments. If the aggregate payments made for the fiscal year are less than the MAG, then the CONCESSIONAIRE shall pay the CITY the difference between the amounts previously paid for the prior year and the MAG.

(d) *CITY right to audit.* CITY and/or its designated representatives reserve the right to review and/or audit CONCESSIONAIRE'S books and records at any time during regular business hours for the purpose of verifying the Gross Revenues hereunder, upon reasonable notice. CITY and/or its designated representatives further reserve the right to review the work papers and files of the certified public accountant which were generated or relied upon in expressing his/her opinion, or all similar information used by the authorized officer of the corporation certifying the statements as required by this Agreement. If, as a result of such an audit, it is established by CITY that CONCESSIONAIRE has understated the Gross Revenues received by it by four percent (4%) or more (after the deductions and exclusions provided for herein), the entire expense of said audit shall be borne by CONCESSIONAIRE. Any additional percentage payments due shall forthwith be paid by CONCESSIONAIRE to CITY with interest thereon at the rate of one and one-half percent (1 ½%) per month from the date such additional percentage fee originally was due.

**5.4.2. Car Rental Facility Premises rental.** For use and occupancy of the Car Rental Facility Premises and for the rights and privileges herein granted, CONCESSIONAIRE absolutely and unconditionally agrees to pay, in lawful money of the United States of America, rent to CITY at the rate of Forty-four Dollars and Eighty Three Cents (\$44.83) per square foot per annum, which totals

\_\_\_\_\_ (\_\_\_\_\_) for the Car Rental Facilities Premises per annum. Such annual rent shall be paid in equal monthly installments of \_\_\_\_\_ (\_\_\_\_\_) and shall be due and payable on the twentieth (20<sup>th</sup>) business day of each calendar month of the term of this Agreement.

**5.4.3. Customer Facility Charge.** A Customer Facility Charge (CFC) will be assessed at two dollars (\$2.50) for each twenty-four (24) hour period, or portion

thereof for which a full day's rental rate is assessed for each car rental, up to five days commencing on July 1, 2024.

- a) *Payment.* CONCESSIONAIRE shall collect the CFC from each customer in the amount mandated by CITY, and shall remit all CFCs collected each month to the CITY, on or before the twentieth (20<sup>th</sup>) business day of each subsequent calendar month of the term of this Agreement. Along with the payment, CONCESSIONAIRE shall furnish CITY a written statement certifying the amount of CFCs collected from customers accompanied by a full payment of the CFCs collected in the preceding calendar month. CONCESSIONAIRE shall provide disclosure of the CFC on its reservation systems at commencement of this Agreement, and shall collect the CFC on all rentals resulting from reservations made on or after that date, which rentals commence on July 1, 2024 or thereafter. The CFCs collected and remitted shall not be considered income, revenue or any other asset to CONCESSIONAIRE, and CONCESSIONAIRE shall have no ownership or property interest in such CFCs. However, the CITY will provide, from time to time, information to CONCESSIONAIRE regarding the CFC collections, accumulation of CFC funds, CFC expenditures, and the outstanding debt owed on the bonds covering the car rental portion of the garage.
- b) *Annual Adjustment.* The amount collected is estimated to be between \$1,000,000 and \$1,500,000 per year, and shall be used exclusively to fund the car rental portion of the parking garage bonds, other car rental facility related improvements, maintenance, and operating expenses incurred by the City. Annually, on November 1, the CFC will be adjusted, either upward or downward, to account for the previous year shortfall or overage if the amount collected does not fall between \$1,000,000 and \$1,500,000.
- c) *Ready Space Charge.* There will be no additional ready space charge for the term of this Agreement.

**Section 5.5.** Abatement of Minimum Annual Guarantee. In the event that one of the following conditions exists during the term hereof, the Minimum Annual Guarantee shall be reduced as follows:

**5.5.1.** *Passenger Reduction.* If the scheduled enplanements at the Airport during any contract year during the term of this Agreement is less than ninety percent (90%) of the average deplanements at the Airport during calendar years 2022 (987,151) and 2023 (1,109,883) (the “Base Years”), 90% of 1,048,517 or 943,665 enplanements the Minimum Annual Guarantee for such contract year of reduced passenger traffic shall be abated in its entirety during such period of reduced passengers. All other fees due to the Airport shall apply, including but not limited to the 10% of Gross Revenues concession fee.

**5.5.2** *Shortage or Disruptions.* If the operation of CONCESSIONAIRE’S automobile rental business at the Airport becomes impractical or impossible because of shortages or other interruptions in the supply of automobiles, gasoline, or other goods necessary for the operation thereof, which persist for at least thirty (30) consecutive days and which are not attributable to conditions within CONCESSIONAIRE’S control or caused by the actions or inactions of CONCESSIONAIRE, the Minimum Annual Guarantee may be equitably adjusted accordingly; provided, however, that CONCESSIONAIRE shall submit to CITY proof and substantiation of such shortages or disruptions and the causes thereof and CITY determines such reduction is necessary and the causes claimed are not attributable to conditions within CONCESSIONAIRE’S control.

**Section 5.6.** Payment. CONCESSIONAIRE shall pay the fees and charges and shall submit all reports and statements mandated in Section 5.4 above, without notice or demand, within the time limitations set forth in Section 5.4 above, at the place designated by CITY pursuant to Article XIX below.

**Section 5.7.** Cancellation or Termination of Agreement. In the event of a cancellation or termination of this Agreement based upon circumstances described in Section 13.1, the CONCESSIONAIRE shall be refunded any credit due at the time of such termination or cancellation.

**Section 5.8.** Delinquency Charge. In the event any payment due the CITY under this Agreement is late, CONCESSIONAIRE shall pay a late charge of one and one-half percent (1 and ½ %) per month on all sums due and unpaid.

**ARTICLE VI.**  
**CITY’S COVENANTS**

CITY covenants, warrants and agrees that:

- (a) CITY has lawful possession of the Car Rental Facilities Premises and the Ready/Return Premises and is authorized to execute this Agreement;
- (b) CITY shall maintain all public and common or joint use areas of the Airport in good repair, and shall make such repairs, replacements or additions thereto as it considers, in its sole discretion, necessary for the safe and efficient operation of the Airport;
- (c) CITY shall provide for, install and construct, and, throughout the term of this Agreement, maintain and keep in repair, and open to traffic, a road or roads suitable for vehicular traffic connecting the Ready/Return Premises with the Car Rental Facility, which road or roads CONCESSIONAIRE is hereby given the right to use, in common with others, for movement of its vehicles throughout the term of this Agreement; and
- (d) Throughout the term hereof, CONCESSIONAIRE may have, hold and enjoy peaceful and uninterrupted possession of the Car Rental Facilities Premises and the rights herein leased and granted, subject to performance by CONCESSIONAIRE of its obligations herein.

**ARTICLE VII.**  
**CONCESSIONAIRE’S COVENANTS**

CONCESSIONAIRE covenants, warrants and agrees that:

- (a) CONCESSIONAIRE is a corporation duly organized and validly existing, authorized to do and doing business in the State of Maine;
- (b) CONCESSIONAIRE is authorized by its directors and shareholders, as appropriate, to enter into this Agreement and consummate the transactions contemplated hereby;
- (c) CONCESSIONAIRE shall pay the rents, fees and other charges herein provided, and submit all documentation required hereunder, at such times and places as the same are due;

- (d) CONCESSIONAIRE shall comply with the provisions of Sections 4.2 and 4.5 and 8.13 when making any alterations or additions to the Car Rental Facility Premises;
- (e) CONCESSIONAIRE shall keep and maintain the Car Rental Facilities Premises in good condition, order and repair during the term of this Agreement and shall surrender the same upon the expiration or earlier termination thereof in the condition in which they are required to be kept, reasonable wear and tear excepted;
- (f) CONCESSIONAIRE shall observe and comply with all present and future laws, ordinances, orders, directives, rules and regulations of CITY of Portland, Maine, and the respective agencies, departments, authorities or commissions of each which may either directly or indirectly affect CONCESSIONAIRE or its operations on, or in connection with, the Airport and any other rights and privileges herein granted, including but not limited to all federal, state and local environmental protection laws regulations, rules and ordinances;
- (g) CONCESSIONAIRE shall furnish good, prompt and efficient service, adequate to meet all reasonable demands for car rental service at the Airport on a competitive basis; and all rental automobiles made available hereunder shall be maintained at CONCESSIONAIRE'S sole cost and expense, in good operative order, free from known mechanical defects, and in clean, neat and attractive condition, inside and outside;
- (h) All personnel of CONCESSIONAIRE shall be neat, clean and courteous and shall not conduct business in a loud, noisy, offensive or objectionable manner, nor solicit business outside the space assigned in any manner whatsoever;
- (i) CONCESSIONAIRE agrees that the maintenance of good business ethics and public relations in the conduct of a satisfactory automobile rental service are of utmost importance and shall so conduct the services authorized hereunder;
- (j) CONCESSIONAIRE shall timely pay for all licenses and permits necessary for, and promptly satisfy all costs and expenses associated with, CONCESSIONAIRE'S operations at the Airport and shall timely pay all fees,

taxes and charges assessed or imposed by any governmental authority, insofar as they are applicable to CONCESSIONAIRE'S business, property and/or operations;

- (k) CONCESSIONAIRE shall at all times keep accurate and complete records of CONCESSIONAIRE'S operations at the Airport, which records shall show, in addition to other things, Gross Revenues and services rendered for cash and/or credit by CONCESSIONAIRE at the Airport. CITY, or any of its agents, upon reasonable notice, shall have the right to inspect, audit, check and make extracts from any of the books, records, journals, orders, correspondence, and other data relating to CONCESSIONAIRE'S operations at the Airport, without interference or delay and at CITY cost at reasonable intervals determined by CITY and during regular business hours. CONCESSIONAIRE shall, and upon execution of this Agreement has, notified CITY of the place or places of CONCESSIONAIRE'S records. CITY shall have the right to discuss such records and matters of CONCESSIONAIRE'S business with CONCESSIONAIRE'S officers and accountants at all times. CONCESSIONAIRE shall promptly furnish CITY with such information and reports regarding CONCESSIONAIRE'S business at the Airport as CITY shall from time to time reasonably request;
- (l) CONCESSIONAIRE shall undertake an affirmative action program as may be required by Title 14, Code of Federal Regulations, Part 152, Sub-part E, to ensure that no person shall, on the grounds of race, creed, color, national origin or sex, be excluded from participation in any employment activities covered in Title 14, Code of Federal Regulations, Part 152, Sub-part E, or from participation in or receiving the services or benefits of any program or activity covered by said Sub-part E;
- (m) No person on the grounds of race, color or national origin, religion, disability or sexual orientation shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of the Car Rental Facilities Premises or the Ready/Return Premises or in the provision of CONCESSIONAIRE'S services; no person on the grounds of race, color or



national origin, religion, disability or sexual orientation shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination in the construction of any improvements on, over or under the Car Rental Facility Premises, the Ready/Return Premises or the furnishing of services thereon; and CONCESSIONAIRE shall use the Car Rental Facilities and the Ready/Return Premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21, Non-discrimination in Federally Assisted Programs of the Department of Transportation, as amended, and the State of Maine's Human Rights Act;

- (n) CONCESSIONAIRE shall exercise all reasonable and necessary steps to meet the CITY'S Participation Goals for the Concession are met through partnership or joint venture with, subcontracting to, procuring materials, equipment or supplies from or other reasonable means of ensuring DBE/WBE participation; and
- (o) CONCESSIONAIRE shall include the provisions of the above clauses related to nondiscrimination in all contracts or other agreements related to or connected with this Agreement and shall cause all contractors to include such provisions in any future contracts or other such agreements.

## **ARTICLE VIII. OPERATING STANDARDS**

**Section 8.1. Rental Services.** CONCESSIONAIRE shall furnish automobile rental services on a fair, reasonable and non-discriminatory basis to all users and patrons of the Airport seven (7) days per week with its customer service counter in the Car Rental Facilities Premises being open and operated at all times required to meet scheduled flights at the Airport. CONCESSIONAIRE shall provide prompt, clean, courteous and efficient services adequate to meet all the reasonable demands for its services at the Airport. CONCESSIONAIRE shall maintain and operate its automobile operations in a first-class manner and shall keep the Car Rental Facilities Premises in a safe, clean, orderly and inviting condition at all times satisfactory to CITY.

**Section 8.2. Operations.** CONCESSIONAIRE shall conduct its operations in an

orderly and proper manner so as not to annoy, disturb or be offensive to customers, patrons and other tenants at the Airport.

**Section 8.3. Manager.** CONCESSIONAIRE shall select and appoint a full-time manager of its automobile rental operations herein authorized. Such person shall be qualified and experienced, vested with full power and authority to act in the name of CONCESSIONAIRE with respect to the method, manner and conduct of the operation of CONCESSIONAIRE's automobile rental operations at the Airport. Such manager or supervisor shall be available at the Airport during regular business hours, and during such manager's absence, a duly authorized subordinate shall be in charge and be available at the Airport.

**Section 8.4. Conduct.** CONCESSIONAIRE shall control the conduct, demeanor and appearance of its officers, agents, employees and representatives. All such officers, agents and employees and representatives, while on duty, shall wear uniforms or identification badges clearly identifying themselves as working for CONCESSIONAIRE, which uniforms shall at all times be maintained in a neat, orderly and clean condition and shall be subject to the prior written approval of the CITY. CONCESSIONAIRE shall train its officers, agents, employees and representatives to render a high degree of courteous and efficient service, and it shall be the responsibility of CONCESSIONAIRE to maintain close supervision over such persons to assure the rendering of a high standard of service to the public and the patrons of CONCESSIONAIRE'S automobile rental operations. Upon objection from CITY concerning the conduct, demeanor or appearance of such persons, CONCESSIONAIRE shall forthwith take all steps necessary to remove the cause of the objection.

**Section 8.5. Rental Fleet.** CONCESSIONAIRE shall at all times maintain on the Airport, at CONCESSIONAIRE's cost and expense, an adequate supply of automobiles to meet the reasonable public demand therefore. Such automobiles shall at all times be maintained by CONCESSIONAIRE, at its own cost and expense, in good operating order and free from known mechanical defects and shall be kept in a clean, neat and attractive condition, inside and out. CONCESSIONAIRE agrees that it will at no time use automobiles whose year model is more than three (3) years older than the current year model; except that CONCESSIONAIRE shall have until March 31 of each year to eliminate from inventory and use those automobiles whose year model is more than two (2) years older than the current year model. This shall be waived if

the Airport Director determines events out of CONCESSIONAIRE's control have impacted the supply and availability of new vehicles. CONCESSIONAIRE agrees that it shall register a minimum of two hundred and fifty (250) passenger motor vehicles as provided in Section 8.6 below.

**Section 8.6. Licensing and Taxation.** CONCESSIONAIRE shall strictly comply with the licensing and taxation laws of the State of Maine with respect to businesses engaged in the rental of motor vehicles. Any vehicles principally used in connection with rentals to and from the Airport shall be registered in the CITY of Portland and the excise tax paid thereto; provided, however, that such registration and excise tax paid to the CITY of Portland shall not be less than the minimum number of 250 vehicles annually. Nothing herein shall prevent the temporary use of its vehicles which have been registered elsewhere and left at the Airport as a direct result of a contract for hire.

**Section 8.7. Solicitation.** CONCESSIONAIRE shall not permit its officers, agents, employees or representatives to engage in the solicitation of the services offered by CONCESSIONAIRE at the Airport outside of the Car Rental Facilities Premises. CITY shall be the sole judge on the question as to whether the conduct of CONCESSIONAIRE in the solicitation of business constitutes a violation of this Section, and, upon notice from CITY, CONCESSIONAIRE shall forthwith take all lawful steps necessary to promptly eliminate the condition giving rise to the complaint.

**Section 8.8. Relationships with Others.** CONCESSIONAIRE shall so conduct and carry on its automobile rental operations at the Airport as to maintain a friendly, cooperative, though competitive, relationship with its competitors, if any, engaged in like business at the Airport and shall not engage in open, notorious or public disputes, disagreements or conflicts tending to deteriorate the quality of the service of CONCESSIONAIRE or its competitors or be incompatible to the best interest of the public at the Airport. CITY shall have the right, but not the obligation, to resolve all such disputes, disagreements or conflicts, and its determination thereof, or the manner in which CONCESSIONAIRE shall thereafter operate, shall be binding on CONCESSIONAIRE.

**Section 8.9. Invoices.** CONCESSIONAIRE shall operate its business so that a duplicate rental agreement invoice shall be issued with each automobile rental transaction,

whether for cash or credit, separately showing CONCESSIONAIRE's receipts or extensions of credit. Any deviation of this requirement shall require the prior written approval of CITY, whose decision in that regard shall be final and absolute.

**Section 8.10. Credit Card Payments.** CONCESSIONAIRE, in compliance with the requirements applicable to the Payment Card Industry Data Security Standard, shall not be required to use any network other than its own private network, to ensure that customer credit card information is not compromised.

**Section 8.11. Janitorial and Cleaning Services.** CONCESSIONAIRE shall provide at its own expense such janitorial and cleaning services and supplies as may be necessary or required for the operation and maintenance of the Car Rental Facilities Premises and the Ready/Return Spaces. CONCESSIONAIRE shall keep and maintain the Car Rental Facilities Premises in a clean, neat and sanitary condition, and attractive in appearance. Notwithstanding the above, CITY may require CONCESSIONAIRE to participate in any recycling program which CITY may adopt for all Airport tenants or as required by law. The public areas adjacent to the Car Rental Facilities Premises used by rental car customers for queuing and the public restrooms shall be cleaned by the CITY. The operating costs will be included in the CFC.

**Section 8.12. Garbage.** CONCESSIONAIRE shall provide and use suitable covered or sealed receptacles for all garbage, trash and other refuse in the Car Rental Facilities Premises. Piling of boxes, cartons, barrels and similar items shall not be permitted.

**Section 8.13. Repairs.** Any repairs performed at the Car Rental Facilities Premises by CONCESSIONAIRE, or on its behalf, shall be of the highest quality in both materials and workmanship. All repairs shall be made in conformity with all laws, rules, regulations and ordinances prescribed from time to time by federal, state or local authorities having jurisdiction over Car Rental Facilities Premises, and shall be subject to prior written approval of the Airport Director .

## **ARTICLE IX.**

### **INSPECTION**

**Section 9.1. Right to Inspect.** CITY and its authorized officers, employees, agents,

contractors, sub-contractors and other representatives shall have the right to enter upon the Car Rental Facilities Premises for the following purposes:

(a). To inspect the Car Rental Facilities Premises at reasonable intervals during regular business hours (or at any time in case of emergency) to determine whether CONCESSIONAIRE has complied and is complying with the terms and conditions of this Agreement; and

(b). To perform essential maintenance, repair, relocation or removal of existing underground or overhead wires, pipes, drains, cables, conduits and other facilities now or hereafter located on or across the Car Rental Facilities Premises, and to construct, maintain, repair, relocate and remove such facilities in the future if necessary to carry out the master plan of development of the Airport; provided, however, that said work shall in no event unduly disrupt or interfere with the operations of CONCESSIONAIRE, and provided further, that the entire cost of such work, including but not limited to the cost of rebuilding, removing, relocating, protecting or otherwise modifying any improvement at any time erected or installed in or upon the Car Rental Facilities Premises as a result of the exercise by CITY of its right hereunder, and the repair of all damage due to such improvement caused thereby, shall be borne solely by CITY. Notwithstanding the foregoing, CONCESSIONAIRE shall be responsible for the cost of any repairs required as a result of the act or omission of CONCESSIONAIRE.

## **ARTICLE X**

### **ASSIGNMENT AND SUB-LEASING**

**Section 10.1. Assignment.** CONCESSIONAIRE shall not assign or sublet this Agreement or allow the same to be assigned by operation of law or otherwise, or sublet the Car Rental Facilities Premises, the Ready/Return spaces or any portions thereof without the prior written consent of CITY. CITY reserves the right to deny any assignment or subletting by CONCESSIONAIRE for any reason it deems in the best interest of the CITY. Subletting will not be allowed under any circumstances to an entity that is not a current on-airport Concessionaire. Assignment of this Agreement will be

allowed within the sole discretion of the Airport Director. Any purported assignment or sublease in violation hereof shall be void.

**Section 10.2. Continued Obligations.** In the event CITY consents to any assignment or subletting on the part of CONCESSIONAIRE of any rights or privileges granted in this Agreement, CONCESSIONAIRE shall continue to remain responsible for any and all payments due CITY as a result of operations following the assignment or subletting.

**Section 10.3. Default.** In no case may the activities, uses, privileges and obligations authorized herein on the Airport, the Car Rental Facilities Premises, the Ready/Return Spaces or any portions thereof be assigned for any period or periods after a default by CONCESSIONAIRE of any of the terms, covenants and conditions of this Agreement.

## **ARTICLE XI**

### **INDEMNIFICATION**

**Section 11.1** CONCESSIONAIRE shall protect, defend, indemnify and hold CITY, its officers, agents and employees, completely harmless from and against any and all liabilities, demands, suits, claims, losses, damages, fines, penalties, costs and judgments arising by reason of the injury or death of any person or damage to any property of any nature, including but not limited to injury or damage to CITY employees or property, (including but not limited to those relating to or arising out of the violation of any federal, state, or local environmental protection, health or safety law, regulation, rule or ordinance), including all reasonable costs of investigation and defense thereof (including but not limited to attorneys' fees and court costs), arising out of or incidental to any acts or omissions of CONCESSIONAIRE, its officers, employees, agents, representatives, contractors, sub-contractors, licensees or invitees related to (i) this Agreement, (ii) CONCESSIONAIRE's use or occupancy of, or operations on or in connection with, the Airport, the Car Rental Facilities Premises, the Ready/Return Spaces, or any portions thereof, or (iii) CONCESSIONAIRE's rights, responsibilities or duties under this Agreement; except to the extent such injury, death or damage is caused

by the gross negligence or willful misconduct of CITY, its officers, agents or employees. CITY shall give CONCESSIONAIRE reasonable notice of any such claims or actions. CONCESSIONAIRE, in carrying out its obligations hereunder, shall use counsel reasonably acceptable to, and cooperative with, CITY. The provisions of this Article XI shall survive the expiration or earlier termination of this Agreement.

**Section 11.2.** CONCESSIONAIRE agrees to procure and maintain throughout the term of this Agreement, an endorsement to its Workers Compensation coverage waiving any and all rights of subrogation against the CITY. CONCESSIONAIRE hereby, expressly and without reservation, waives any defense or immunity to which it might otherwise be entitled under Workers' Compensation laws, the general statutes of Maine or judicial decisions, disallowing or limiting such indemnification, and consents to a cause of action for indemnity. In the event such waiver is not reasonably commercially available, CONCESSIONAIRE shall defend, indemnify and hold the CITY harmless from any such subrogated claims.

## **ARTICLE XII**

### **INSURANCE AND PERFORMANCE BOND**

**Section 12.1. Insurance:**

**12.1.1. *Required Insurance.*** CONCESSIONAIRE shall obtain and maintain continuously in effect at all times during the term of this Agreement, and for a period of not less than two (2) years thereafter if written on a claims-made basis, at CONCESSIONAIRE's sole cost and expense, the following insurance:

- (a) Comprehensive general liability insurance protecting CITY against any and all liability (whether due to an injury or death to any person or damage to any property of any nature) arising out of or incidental to any acts or omissions of CONCESSIONAIRE, its officers, employees, agents, representatives, contractors, sub-contractors, licensees or invitees related to this Agreement; CONCESSIONAIRE's use or occupancy of, or operations on or in connection with, the Airport, the Car Rental Facilities

Premises, the Ready/Return Spaces or any portions thereof; and CONCESSIONAIRE's rights, responsibilities or duties under this Agreement, in the minimum amount of Two Million Dollars (\$2,000,000.00);

- (b) Workers Compensation insurance and employer's liability insurance insuring against accidental death and disease with limits of not less than Five Hundred Thousand Dollars (\$500,000.00) each accident and Five Hundred Thousand Dollars (\$500,000.00) per disease (per employee and aggregate) or such greater amount as may be required by the laws of the State of Maine;
- (c) Fire and extended coverage, with special cause of loss form, insurance on all improvements erected by CONCESSIONAIRE on or about the Car Rental Facilities Premises including the contents thereof, in an amount not less than the then-current appraised value thereof determined on an annual basis; and
- (d) Contractual liability insurance to insure CONCESSIONAIRE's obligation to defend, indemnify, and hold CITY harmless in accordance with the indemnification provisions of this agreement, in the minimum amount of One Million Dollars (\$1,000,000.00);
- (e) Comprehensive automobile liability insurance, including hired and non-owned vehicles, in an amount not less than One Million Dollars (\$1,000,000.00), covering death, bodily injury and property damage.

**12.1.2. Insurance Certificate Requirements.** All insurance certificates required herein shall be issued by a solvent insurance company or companies licensed or admitted to write such insurance in the State of Maine; all liability certificates shall name CITY as an additional insured; and shall be conditioned upon thirty (30) days prior to written notice to CITY before such policies may be altered or



canceled. CONCESSIONAIRE shall provide to CITY certificates of insurance evidencing CONCESSIONAIRE's compliance with the provisions of Agreement. All certificates of insurance provided hereunder shall contain the following endorsement:

It is hereby agreed and understood that the CITY of Portland is named as an additional insured, and that the coverage afforded to CITY of Portland under this certificate shall be primary insurance. If CITY of Portland has other insurance which is applicable to the loss, such other insurance shall be on an excess or contingent basis. The amount of the insurer's liability under this certificate shall not be reduced by the existence of such other insurance.

**12.1.3. *Self-insurance; Deductibles.*** CONCESSIONAIRE may meet its insurance requirement hereunder in whole or in part through an authorized self-insurance program to the extent that CONCESSIONAIRE provides all such coverage through self-insurance and not solely for this Agreement. All conditions herein shall apply to such self-insurance program, including without limitation adding the CITY as an additional insured to such program. All insurance certificates may include a reasonable deductible.

**12.1.4. *Effects of Noncompliance.*** Failure to keep the insurance required pursuant to this Agreement in force or to provide CITY with evidence of such insurance shall constitute a default under the terms of this Agreement entitling CITY, in addition to all other remedies available hereunder, the right to immediately suspend CONCESSIONAIRE's right to access and use the Car Rental Facilities Premises and the Ready/Return Spaces. In addition, if CONCESSIONAIRE shall at any time fail to insure or to keep insured as aforesaid, CITY may, but shall not be required to, do all things necessary to effect or maintain such insurance and all monies expended by it for that purpose shall be repaid to CITY by CONCESSIONAIRE as additional rentals in the month or months the premium or premiums are paid by the CITY.

**12.1.5. *Modifications.*** CITY shall have the right to change the insurance

coverage and the insurance limits required of CONCESSIONAIRE, without any cost to the CITY, if such changes are reasonable and are recommended or imposed by CITY's insurers.

**12.1.6. Notice.** CITY agrees to notify CONCESSIONAIRE in writing as soon as possible of any claim, demand or action arising out of any occurrence covered hereunder of which CITY has knowledge, and to cooperate with CONCESSIONAIRE in the investigation and defense thereof.

CONCESSIONAIRE agrees to notify CITY in writing as soon as possible of any claim, demand or action arising out of any occurrence covered hereunder of which CONCESSIONAIRE has knowledge, and to cooperate with CITY in the investigation and defense thereof.

**Section 12.2. Performance and Payment Bond.** CONCESSIONAIRE shall deliver to CITY, and maintain throughout the term hereof, a performance and payment bond in the amount of three (3) months of the MAG. Said performance and payment bond shall insure the full and faithful performance of CONCESSIONAIRE of all the covenants, terms and conditions of this Agreement and stand as security for payment by CONCESSIONAIRE of all valid claims by the CITY.

**Section 12.3. Letter of Credit.** In lieu of a performance and payment bond and at CITY's sole option, CONCESSIONAIRE may establish and maintain, throughout the term hereof, an irrevocable letter of credit payable to CITY, in the amount of One Hundred Twenty-Five Thousand Dollars and No Cents (\$125,000.00), with a local banking institution and in a form acceptable to CITY, subject to the conditions stated above in Section 12.2.

**Section 12.4. Successors.** CITY reserves the right to require any permitted successor, assignee or other transferee of CONCESSIONAIRE as grantee under this Agreement, as a condition of CITY consent to such succession, assignment or transfer, to provide CITY with a Surety as provided in Subsections 12.2 and 12.3 above.

**Section 12.5. No Waiver of Rights.** Notwithstanding the reimbursement of any amounts owed through the bond or letter of credit, CITY reserves the right to declare CONCESSIONAIRE in default under the Agreement for the underlying failure of CONCESSIONAIRE to pay any amounts or undertake any obligation required herein, which failure resulted in CITY drawing upon the letter of credit.

### **ARTICLE XIII**

#### **CANCELLATION BY CONCESSIONAIRE**

**Section 13.1. Events.** CONCESSIONAIRE shall have the right upon thirty (30) days prior written notice to CITY to cancel and terminate this Agreement upon the happening of one or more of the following events :

(a) Any court of competent jurisdiction shall issue an injunction, order or decree preventing or restraining the use by CONCESSIONAIRE of all or any substantial part of the Airport, or preventing or restraining the use of the Airport for usual airport purposes, or the use of any portion thereof which may be used by CONCESSIONAIRE and which is necessary for CONCESSIONAIRE's operations at the Airport, which remains in force for a period of at least ninety (90) consecutive days; provided, however, that any such injunction, order or decree shall not have resulted from any wrongful action or any fault of CONCESSIONAIRE;

(b) CITY shall default in fulfilling any of the terms, covenants or conditions to be fulfilled by it under this Agreement and shall fail to cure said default within fifteen (15) days following receipt of written demand from CONCESSIONAIRE to do so, except that if the default cannot be cured within said fifteen (15) days by reason of the nature of such default, CONCESSIONAIRE shall then have the right to cancel this Agreement only if CITY shall have failed to commence to remedy such default within said fifteen (15) days following receipt of such written

demand, or having so commenced, shall fail thereafter to continue with diligence the curing thereof;

(c) All or a material part of the Airport shall be destroyed by fire, explosion, earthquake, other casualty, acts of God or the public enemy; or

(d) The United States Government or any agency, department or bureau thereof shall occupy the Airport or any substantial part thereof to such an extent as to materially interfere with CONCESSIONAIRE's operations for a period of ninety (90) consecutive days or more.

**Section 13.2. Payments.** In the event of a cancellation or termination of the Agreement, as described in 13.1., the CONCESSIONAIRE's rents and MAGs will be equitably abated retroactively back to the original commencement of the event leading to the cancellation circumstances.

**Section 13.3. Litigation.** In the event of any litigation to determine if a condition of default has occurred, CONCESSIONAIRE shall pay the rentals, fees and charges due hereunder into the court having jurisdiction over such litigation, or to CITY, but CONCESSIONAIRE shall not be relieved from such obligation unless and until a final determination on such litigation is made in CONCESSIONAIRE's favor. Upon final determination, the court having control of such rentals, fees and charges shall pay monies as it deems appropriate, without interest. In the event CITY has received such rentals, fees and charges, CITY shall forthwith return such disputed monies, without interest, to CONCESSIONAIRE to the extent ordered by the court.

**ARTICLE XIV**  
**CANCELLATION BY CITY**

**Section 14.1. Events.** CITY shall have the right to immediately cancel and terminate this Agreement in its entirety, upon or after the happening of one or more of the following events, if such event or events is then continuing:

- (a) CONCESSIONAIRE shall make a general assignment for the benefit of creditors;
- (b) To the extent permitted by law, CONCESSIONAIRE shall file a voluntary petition in bankruptcy or a petition seeking its reorganization or the readjustment of its indebtedness under the Bankruptcy Code (Title 11 of the United States Code) as now in effect or hereafter amended;
- (c) An involuntary petition in bankruptcy shall be filed against CONCESSIONAIRE and CONCESSIONAIRE is thereafter adjudicated bankrupt hereunder;
- (d) CONCESSIONAIRE shall consent to the appointment of a receiver, trustee or liquidator of all or substantially all of the property of CONCESSIONAIRE;
- (e) CONCESSIONAIRE shall default in fulfilling any of the terms, covenants or conditions required of it under this Agreement, or any other agreement executed between CITY and CONCESSIONAIRE and CONCESSIONAIRE shall fail to remedy the default within fifteen (15) days following receipt by CONCESSIONAIRE of written demand from CITY to do so, except that if the default cannot be cured within said fifteen (15) days by reason of the nature of such default, CITY shall then have the right to cancel this Agreement only if CONCESSIONAIRE shall have failed to commence to remedy such default within fifteen (15) days following receipt of such written demand, or having so commenced, shall fail hereafter to continue with diligence the curing thereof. Notwithstanding the foregoing, CONCESSIONAIRE shall cure any failure to pay any rent, fee or charge due hereunder within fifteen (15) days of notice of such default.
- (f) Without limiting 14.1.(e),if CONCESSIONAIRE shall fail to comply in any material respect with the operating standards set forth in Article VIII;

- (g) CONCESSIONAIRE shall abandon all or any part of the Car Rental Facilities Premises or shall discontinue the conduct of its operations in all or any part of the Car Rental Facilities Premises for a period in excess of forty eight (48) consecutive hours, except where such abandonment is due to events which are beyond the reasonable control of CONCESSIONAIRE.

**Section 14.2. Repossession.** In the event any condition of default shall occur (notwithstanding any waiver, license or indulgence granted by CITY), then, while such condition is continuing, CITY shall have the right, at its election, either to terminate this Agreement as aforesaid or to enter upon and take possession of the Car Rental Facilities Premises and the Ready/Return Spaces or any part thereof, without demand or notice, and repossess the same, expelling CONCESSIONAIRE and those claiming under CONCESSIONAIRE, without prejudice to any remedy for arrears of rent or preceding breach of covenant and without any liability to CONCESSIONAIRE or those claiming under CONCESSIONAIRE for such repossession.

**Section 14.3. No Forfeiture.** CITY's repossession of the Car Rental Facilities Premises and/or the Ready/Return Spaces shall not be construed as an election to terminate this Agreement nor shall it cause a forfeiture of rents or other charges remaining to be paid during the balance of the term thereof unless a written notice of such intention is given to, or unless such termination is decreed by a court of competent jurisdiction. Notwithstanding any reletting without termination by CITY because of any default by CONCESSIONAIRE, CITY may at any time after such reletting elect to terminate this Agreement for any such default.

**Section 14.4. Reletting.** Upon repossession, CITY shall in good faith attempt to relet the Car Rental Facilities Premises and/or the Ready/Return Spaces, or any part thereof, for such period or periods (which may extend beyond the term of this Agreement) at such rentals or rents and upon such other terms and conditions as CITY may, in good faith, deem advisable. CITY shall in no event be liable and CONCESSIONAIRE's liability shall not be affected or diminished in any way whatsoever for failure to relet the Car Rental Facilities Spaces, or in the event same are relet, for failure to collect any rental or other sums due under such reletting.

**Section 14.5. Application of Rents.** In the event that CITY shall elect to relet, then

rentals received by CITY from such reletting shall be applied: first, to the payment of any indebtedness other than rent due hereunder from CONCESSIONAIRE to CITY; second to the payment of any cost of reletting; third, to the payment of rent due and unpaid hereunder; and the residue, if any, shall be held by CITY and applied in payment of rent as the same may become due and payable hereunder. Should that portion of such rentals received from such reletting during any month, which is applied to the payment of rent hereunder, be less than the rent payable during that month by CONCESSIONAIRE hereunder, CONCESSIONAIRE shall forthwith pay such deficiency to CITY. Such deficiency shall be calculated and paid monthly. CONCESSIONAIRE shall also pay to CITY, as soon as ascertained, any cost and expenses incurred by CITY in such reletting not covered by the rentals received from such reletting of the Car Rental Facilities Premises and/or the Ready/Return Spaces.

**Section 14.6. Removal of Personal Property.** If CITY shall terminate this Agreement or take possession of the Car Rental Facilities Premises and/or the Ready/Return Spaces by reason of a condition of Default, CONCESSIONAIRE, and those holding under CONCESSIONAIRE, shall forthwith remove their personal property from the Car Rental Facilities Premises and/or the Ready/Return Spaces, as the case may be. If CONCESSIONAIRE or any such claimant shall fail to effect such removal within the applicable time limitations set forth in Section 4.2 (k), CITY may, at its option, remove such goods and effects and may (a) store the same for the account of CONCESSIONAIRE or of the owner thereof at any place selected by the CITY, (b) retain such goods as the property of CITY free and clear of any claims thereto from or by CONCESSIONAIRE or (c) upon giving fifteen (15) days written notice to CONCESSIONAIRE of the date, time, and location of sale, sell such goods at public auction or private sale on such terms and conditions as to price, payment and otherwise as CITY may in good faith deem advisable. If, in CITY's judgment, the cost of removing and selling any such goods and effects exceeds the value thereof or the probable sales price thereof, as the case may be, CITY shall have the right, without liability for doing so, to dispose of such goods in any manner CITY may deem advisable.

**Section 14.7. Costs.** CONCESSIONAIRE shall be responsible for all costs of removal, sales, storage and sale and CITY will have the right to reimburse itself from the CITY proceeds of any sale for all such costs paid or incurred by the CITY. If any surplus sale proceeds shall

remain after such reimbursement, CITY may deduct from each surplus any other sum due to CITY hereunder and shall pay over to CONCESSIONAIRE any remaining balance of such surplus sale proceeds.

**Section 14.8. Waiver.** If CITY shall enter into and repossess the Car Rental Facilities Premises and/or the Ready/Return Spaces for reason of default of CONCESSIONAIRE in the performance of any of the terms, covenants or conditions herein contained, then and in that event, CONCESSIONAIRE hereby covenants and agrees that CONCESSIONAIRE will not claim the right to redeem or re-enter the repossessed areas to restore its operations hereunder and CONCESSIONAIRE hereby waives the right to such redemption and re-entrance under any present or future law and hereby further, for any party claiming through or under CONCESSIONAIRE, expressly waives its right, if any, to make payment of any sum or sums of rent, or otherwise, of which CONCESSIONAIRE shall have made default under any of the covenants thereof by reason of such payment.

**Section 14.9. Remedies Cumulative.** Any and all remedies of CITY herein created or otherwise existing at law are cumulative and the exercise of one or more rights or remedies shall not be taken to exclude or waive the right to the exercise of any other. All such rights and remedies may be exercised and enforced concurrently and whenever and as often as deemed advisable.

**Section 14.10. Settlement.** If proceedings shall at any time be commenced for recovery of possession as aforesaid and compromise or settlement shall be effected either before or after judgment whereby CONCESSIONAIRE shall be permitted to retain possession of the Car Rental Facilities Premises and/or the Ready/Return Spaces, as the case may be, then such proceeding shall not constitute a waiver of any condition or agreement contained herein or of any subsequent breach thereof.

**Section 14.11. Additional Rent.** Any amount paid or expense or liability incurred by CITY for the account of CONCESSIONAIRE may be deemed to be additional rent and the same may, at the option of CITY, be added to any rent then due or thereafter due hereunder.

**Section 14.12. Cooperation.** Upon the termination of this Agreement, through passage of



time or otherwise, CONCESSIONAIRE shall aid CITY in all reasonable ways possible in continuing the business of operating an on-airport automobile rental concession at the Airport uninterruptedly.

## **ARTICLE XV**

### **SECURITY**

**Section 15.1. Federal Regulations.** CONCESSIONAIRE agrees to observe all security requirements of the Transportation Security Administration (TSA) 49 CFR 1542 Regulations, amended hereafter, as approved by the TSA, and to take such steps as may be necessary or directed by CITY to ensure that all officers, employees, representatives, invitees, and guests observe such requirements.

**Section 15.2. Fines/Penalties.** If CITY incurs any fines and/or penalties imposed by the Transportation Security Administration or any expense in enforcing the regulations of Transportation Security Administration, Part 1542 Airport Security, and/or the Airport security program, as a result of the acts or omissions of CONCESSIONAIRE, then CONCESSIONAIRE agrees to pay and/or reimburse all such costs and expenses. CONCESSIONAIRE further agrees to rectify any security deficiency as may be determined as such by CITY or the TSA. CITY reserves the right to take whatever action necessary to rectify any security deficiency, at CONCESSIONAIRE'S cost and expense.

## **ARTICLE XVI**

### **HOLDING OVER**

**Section 16.1. No Extension.** Any holding over by CONCESSIONAIRE after the expiration or earlier termination of this Agreement, without the written consent of CITY, except for the period provided for herein for removal of property, shall not be deemed to operate as an extension or renewal of this Agreement. In the event of such holding over, CONCESSIONAIRE shall be subject to all of the terms of this Agreement, other than term, during such period.

**Section 16.2. Rentals.** In the event CITY approves holding over by CONCESSIONAIRE, CONCESSIONAIRE shall continue to pay CITY in accordance with the terms and conditions applicable herein to the final year of this Agreement until such time as a new agreement is negotiated or until such time as the month-to-month tenancy is terminated by CITY.

## **ARTICLE XVII**

### **CASUALTY**

If the Car Rental Facility or any part thereof shall be destroyed or damaged by fire or other unavoidable casualty, so that the same shall be thereby rendered unfit for use by CONCESSIONAIRE, then, and in such case, the Rent hereinabove stated, or a just and proportional part thereof, according to the nature and extent of injuries sustained, shall be suspended or abated, until the Car Rental Facility shall have been restored to its proper condition for use by CONCESSIONAIRE; provided, however, in the event of such destruction or damage as to render the Car Rental Facility unusable for a period of ninety (90) days or more, either CITY or CONCESSIONAIRE shall have the right to terminate this Agreement by giving the other party written notice of such termination, and upon the giving of such notice, the term of this Agreement shall cease and come to an end as of the date of such damage or destruction and any unearned rent shall be returned to CONCESSIONAIRE.

The parties hereby waive any and all rights of action for negligence against the other which may hereafter arise on account of damage to the premises or to property, resulting from any fire, or other casualty of the kind to the extent they are covered by standard fire insurance policies with extended coverage, regardless of whether or not, or in what amounts, such insurance is now or hereafter carried by the parties, or either of them.

## **ARTICLE XVIII**

### **TAXES**

**Section 18.1. Payments.** CONCESSIONAIRE shall pay, on or before their respective due dates, to the appropriate collecting authority, all federal, state and local taxes and fees, which are now or may hereafter be levied upon CONCESSIONAIRE, upon CONCESSIONAIRE'S operations conducted at the Airport, or upon any of CONCESSIONAIRE'S property used in connection therewith; and shall maintain in current status all federal, state, and local licenses and permits required for the operation of the business conducted by CONCESSIONAIRE.

**Section 18.2. Documentation.** CONCESSIONAIRE shall furnish to CITY promptly

upon request, proof of the payment of any tax, assessment, and other governmental or similar charge, which is payable by CONCESSIONAIRE as provided herein.

## ARTICLE XIX

### NOTICES; PAYMENT ADDRESS

**Section 19.1. Notices.** Any notice given hereunder shall be given in writing, signed by the party giving such notice, and shall be sent by facsimile, overnight courier (courier prepaid), or United States certified mail, return receipt requested, with proper postage and registration fees prepaid, addressed to the party for whom intended at the following address:

#### CITY OF PORTLAND

Airport Director  
Portland International Jetport  
1001 Westbrook Street  
Portland, Maine 04101  
(207) 756-8029 (Tel)  
(207) 774-7740 (Fax)

#### CONCESSIONAIRE

With a copy to:  
City Manager  
389 Congress Street  
Portland, Maine 04101

or such other address as the party being given such notice shall from time to time designate to the other by notice given in accordance herewith. Notices sent by facsimile shall be deemed received at the time and date shown on the sender's facsimile machine-generated confirmation report, unless such date is not a business day, in which event the notice shall be deemed received on the next following business day. Notices sent via overnight courier shall be deemed received on the following business day. Notices sent by United States certified mail shall be deemed received on the fifth (5th) day following deposit in the United States mail, correctly addressed to the party for whom intended with all postage and registration fees paid.

**Section 19.2. Payments.** All payments required hereunder shall be made out to the CITY of Portland and shall be mailed or hand-delivered to the Airport Director, Portland

International Jetport, 1001 Westbrook Street, Portland, Maine 04102.

## **ARTICLE XX**

### **GENERAL PROVISIONS**

**Section 20.1. Independent Contractor.** CONCESSIONAIRE shall, at all times, be regarded as an independent contractor and shall at no time act as agent for CITY. Nothing contained herein shall be deemed or construed by the parties hereto, or by any third party, as creating the relationship of principal and agent, partners, joint ventures or any other similar such relationship between the parties hereto. The parties understand and agree that neither the method of computation of fees or rentals, nor any other provision contained herein, nor any acts of the parties hereto creates a relationship other than the independent relationship of CITY and CONCESSIONAIRE.

**Session 20.2. Approvals.** Where this Agreement calls for approval by CITY, such approval shall be evidenced by the written approval of the Airport Director or his/her designee.

**Section 20.3. Non-Exclusive Right.** It is not the intent of this Agreement to grant to CONCESSIONAIRE the exclusive right to provide car rental services at the Airport at any time during the term of this Agreement. CITY reserves the right, at its sole discretion, to grant certain rights and privileges upon the Airport to others which are identical in part or in whole to those granted to CONCESSIONAIRE.

**Section 20.4. United States Requirements.** This Agreement is subject and subordinate to the provisions of any agreement hereof or hereafter made between CITY and the United States Government relative to the operation or maintenance of the Airport, the execution of which has been required or is required as a condition precedent to the transfer of federal rights or property to CITY for Airport purposes, or the expenditure of federal funds for the improvement or development of the Airport.

**Section 20.5. No Waiver.** No delay or omission by CITY in exercising any right, power or remedy hereunder or otherwise afforded by contract, at law, in equity or by statute, shall constitute an acquiescence therein, impair any other right, power or remedy hereunder, or otherwise afforded by contract, at law, in equity or by statute, or operate as a waiver of such right, power or remedy. No waiver by CITY of any default by CONCESSIONAIRE hereunder

shall operate as a waiver or any other default or the same default on a future occasion.

**Section 20.6. Headings.** The article and section headings contained in this Agreement are inserted for convenience of reference only, and shall not be construed as defining, limiting, extending or describing the scope of this Agreement, any article or section hereof, or the intent of any provision hereof.

**Section 20.7. Severability.** If any provision of this Agreement, or the application thereof to any person or circumstance, shall be held invalid or unenforceable under any applicable law, such invalidity or unenforceability shall not affect any other provision of this Agreement that can be given effect without the invalid or unenforceable provision, or the application of such provision to other persons or circumstances, and, to this end, the provisions hereof are severable.

**Section 20.8. Aerial Approaches.** CITY reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstruction or interference, together with the right to prevent CONCESSIONAIRE from erecting, or permitting to be erected, any building or other structure on or adjacent to the Airport, the Car Rental Facilities Premises or the Ready/Return Spaces, which in the opinion of CITY, would limit the usefulness of the Airport or constitute a hazard to aircraft.

**Section 20.9. Waiver of Claims.** CONCESSIONAIRE hereby waives any claim against CITY and its officers, directors, agents, servants, or employees for loss of anticipated profits caused by any suit or proceedings directly or indirectly attacking the validity of this Agreement or any part thereof, or by any judgment or award in any suit or proceeding declaring this Agreement null, void, voidable, or delaying the same or any part thereof, from being carried out. Without limiting the foregoing, in no case shall the CITY be liable to CONCESSIONAIRE or to any third party for any incidental, indirect, consequential, special or punitive damages, including without limitation lost profits, arising out of or relating to this Agreement or compliance with its terms.

**Section 20.10. Incorporation of Exhibits.** All exhibits referred to in this Agreement are intended to be and hereby are specifically made a part of this Agreement.

**Section 20.11. Binding Effect.** All terms, covenants, and conditions of this Agreement shall be binding upon and inure to the respective benefit of CITY and CONCESSIONAIRE, their respective officers, employees, agents and representatives, all as the case may be.

**Section 20.12. Right to Amend.** In the event that the FAA or any other federal or state agency, department or bureau having jurisdiction over CITY or the Airport requires modifications or changes in this Agreement as a condition precedent to the granting of funds for the improvement of the Airport, or otherwise, CONCESSIONAIRE shall make such amendments, modifications, revisions, supplements or deletions of any other the terms, conditions or requirements of this Agreement as may be reasonably required and any expenses resulting from such amendments, modifications, revisions, supplements or deletions shall be borne solely by the CONCESSIONAIRE.

**Section 20.13. Time.** Time is of the essence with regard to each and every provision of this Agreement.

**Section 20.14. Force majeure.** Neither CITY nor CONCESSIONAIRE shall be deemed in violation of this Agreement if prevented from performing any of the obligations hereunder by reason of strikes, boycotts, labor disputes, embargoes, shortages of material, acts of the public enemy, acts of superior governmental authority, weather conditions, riots, rebellion, sabotage or any other circumstances for which it is not responsible or which are not within its control. The party claiming “force majeure” shall provide prompt written notice to the other party of such claim and the reason(s) therefore.

**Section 20.15. Employee Parking.** CITY may provide parking facilities to CONCESSIONAIRE’S employees in common with employees of other concessionaires and users of the Airport and retains the right to institute a nondiscriminatory charge for the privilege of utilizing such parking facilities.

**Section 20.16. Additional Space.** If space is available, and at the sole option of CITY, CONCESSIONAIRE may lease from CITY additional storage, office, and other space identified by CITY as available for such purposes, on terms to be negotiated by CITY and CONCESSIONAIRE.

**Section 20.18. Revenue Diversion Prohibited.** CONCESSIONAIRE shall not cause or allow to be diverted from the Airport any of its automobile rental business in any manner to avoid or reduce its Gross Revenues upon which its financial obligations owed to CITY are calculated. In the event CONCESSIONAIRE establishes, owns, operates or manages during the term hereof any automobile rental business within three (3) miles of the Airport, it agrees to

make all books, records and other pertinent documents of such automobile rental business available for audit by CITY and/or its designated representative to ensure compliance with this provision.

**Section 20.19. Governing Law.** This Agreement and the rights and obligations of the parties hereunder shall be constructed in accordance with and governed by the laws of the State of Maine without regard to the principles of conflict of law, and CONCESSIONAIRE hereby agrees and submits to the personal jurisdiction of the state and federal courts within the state of Maine for the purpose of enforcing or construing this Agreement.

**Section 20.20. Understanding.** The parties hereto acknowledge that they have thoroughly read this Agreement, all exhibits or attachments hereto, and have sought and received competent advice and counsel necessary for them to form a full and complete understanding of all rights and obligations herein.

**Section 20.21. Other Use.** CONCESSIONAIRE shall not use or permit the use of the Car Rental Facilities Premises or the Ready/Return Premises, or any part thereof, for any purpose or use other than as authorized by this Agreement.

**Section 20.22. Liens.** Throughout the term of this Agreement, CONCESSIONAIRE shall not cause nor permit any lien against Airport property, any portion thereof or any CITY property wherever located, or any improvements thereto, to arise out of or accrue from any action, omission or use thereof by CONCESSIONAIRE. CONCESSIONAIRE may in good faith, however, contest the validity of any alleged lien. CONCESSIONAIRE shall defend and indemnify and hold the CITY harmless from any cost, expense, attorney's fees or other liability arising out of or resulting from any such lien or liens, and shall promptly discharge such lien or stay or prevent its foreclosure by bond or other appropriate legal procedure which is acceptable to the CITY. So long as CONCESSIONAIRE defends CITY in any action concerning any such lien, CONCESSIONAIRE shall not be required to post a bond with respect to such lien prior to the commencement of a foreclosure action against the CITY. This provision shall survive termination or expiration of this Agreement. CITY may, at its sole discretion, pay any amounts secured by any such lien and in such case, CONCESSIONAIRE shall repay all such payments to CITY immediately upon CITY's demand therefore.

**Section 20.23. Entire Agreement.** This Agreement contains the entire agreement

between the parties relating to the subject matter hereof and supersedes all oral statements and prior writings with respect thereto and may be altered, amended, or modified only by written document executed by CITY and CONCESSIONAIRE.

**Section 20.24. Attorney's Fees.** If an action shall be brought to recover any sum due under this Agreement, or an account of any breach of or to enforce or interpret any of the terms, covenants, or conditions of this Agreement, CITY shall be entitled to recover from CONCESSIONAIRE, as part of CITY's cost, reasonable attorney's fee.

**Section 20.25. Interpretation.** This Agreement shall not be construed or interpreted in favor of or against either party on the basis of draftsmanship or preparation of the Agreement.

**Section 20.26. Approval of Plans and Specifications.** No approval by CITY of any plans and specifications required herein shall refer to or be implied to include the approval of architectural or engineering design or compliance with applicable laws or codes. CITY, by approving such plans and specifications, assumes no liability or responsibility therefore or for any defect in any structure or improvement constructed according to such plans and specifications.

**Section 20.27. Bankruptcy.** If at any time proceeding in bankruptcy or under the Bankruptcy Code (Title 11 of the United States Code) as now in effect or as hereafter amended shall be instituted by CONCESSIONAIRE, or if a petition for relief is granted against CONCESSIONAIRE in any involuntary bankruptcy proceeding, CONCESSIONAIRE shall pay in adequate protection payments the rentals and fees due under this Agreement until such time CONCESSIONAIRE elects to assume or reject this Agreement. If CONCESSIONAIRE defaults thereunder and fails to make any such payment due hereunder, (i) this Agreement shall be deemed to be rejected so that the Agreement will be terminated and CITY shall have a claim against CONCESSIONAIRE for the rentals, fees, and other sums then due CITY under this Agreement, and (ii) CITY shall be entitled to relief from the automatic stay to enforce its rights under the terms of this Agreement.

**Section 20.28. "Most Favored Nations".** CITY agrees that if it contracts with any car rental CONCESSIONAIRE operating at the Airport for any more favorable term in regard to permitted and required uses, or in regard to the fixed and percentage rents payable hereunder (other than the MAG), then CITY agrees, upon CONCESSIONAIRE'S request, to offer such



term or terms to CONCESSIONAIRE as an amendment to this Agreement. No more than four (4) car rental CONCESSIONAIRES, plus dual branding as permitted herein, shall be allowed “on-airport” during the term of this Agreement.

**Section 20.29. War.** During any time of war or national emergency, CITY shall have the right to lease the Airport or any part thereof to the United States Government for military use, and if any such lease or agreement is executed, the provisions of this Agreement insofar as they are inconsistent with the lease or agreement with the Government shall be suspended, and in that event, a just and proportionate part of the rent hereunder shall be abated.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the day and year first written above.

WITNESS

**CITY OF PORTLAND**

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Danielle P. West, City Manager

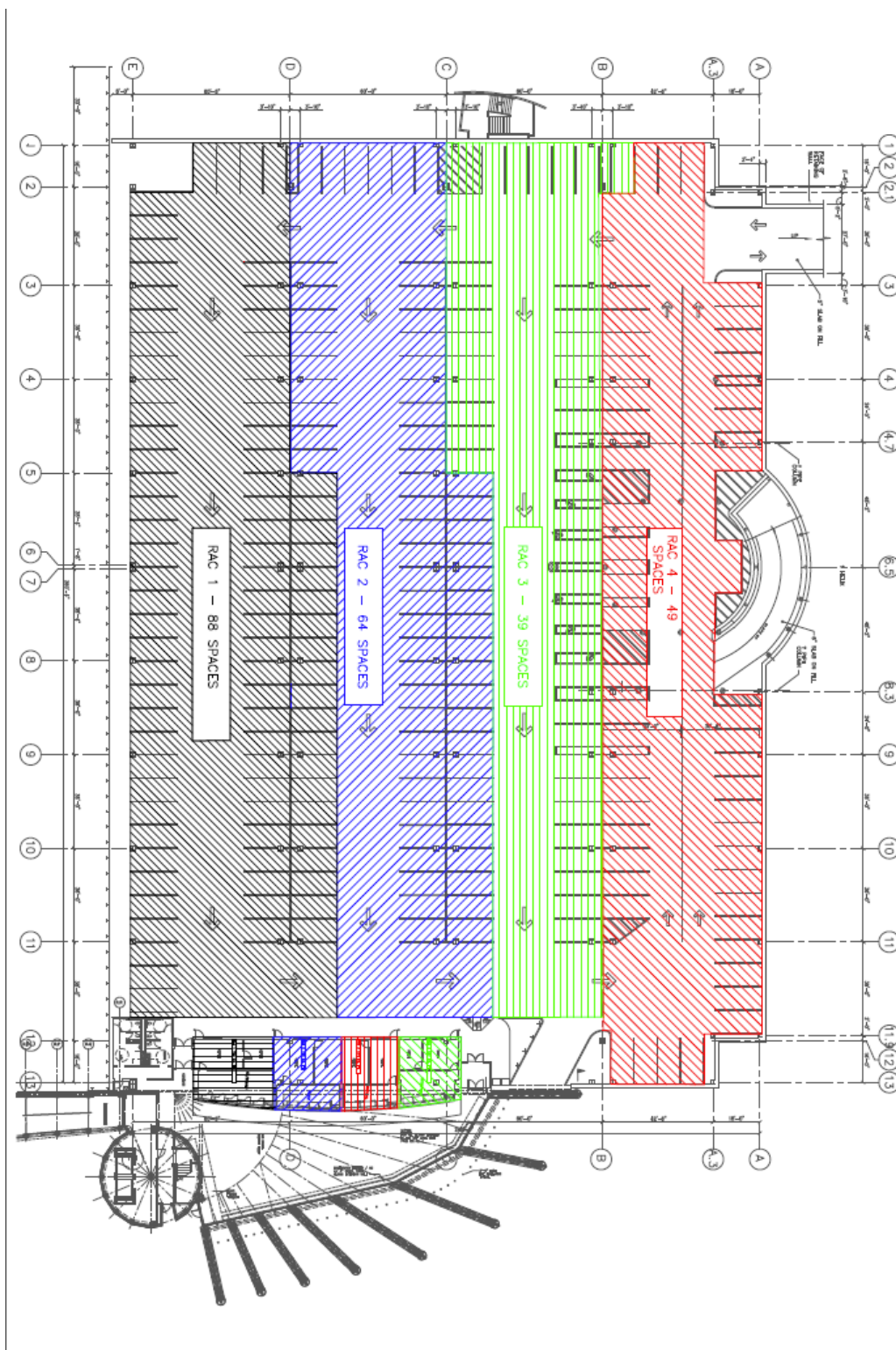
**CONCESSIONAIRE**

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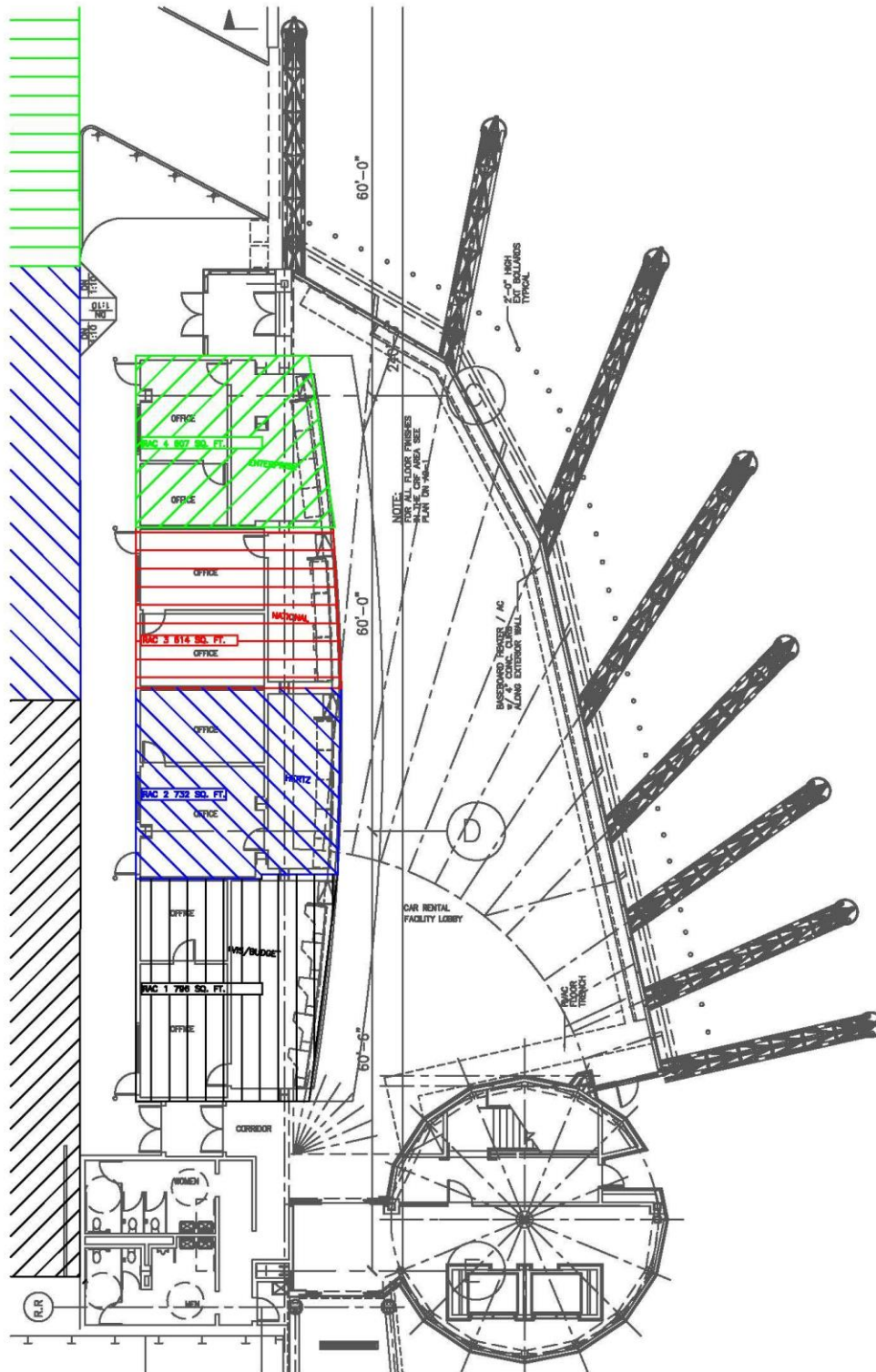
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**EXHIBIT A**  
**Ready Spaces (240)**



## EXHIBIT A

### Counter Spaces



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** May 10, 2024

**SUBJECT:** Order 254-23/24 Accepting and Appropriating a \$425,000 Donation from the Congress Square Redesign Committee for Construction of Phase B of the Congress Square Redesign - Sponsored by Danielle P. West, City Manager

**SPONSOR:** City Manager

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 6/3/2024**

**Final  
Action 6/17/2024**

**Can action be taken at a later date: No** The department anticipates going out to construction bid in June.

**Does this item involve a new contract with the City: No**

**PRESENTATION:** Kevin Kraft, Interim Director, Planning & Urban Development (5 minutes - if necessary)

**I. SUMMARY**

Request for the City to accept a donation in the amount of \$425,000 from the Congress Square Redesign Committee. The donation would go towards construction of Congress Square Park.

**II. AGENDA DESCRIPTION**

Request for the City to accept a donation in the amount of \$425,000 from the Congress Square Redesign Committee. The donation would go towards construction of Congress Square Park.

Congress Square Park is an important public resource for residents, business owners, and visitors located in the heart of Portland's Arts District. Congress Square Redesign planning efforts began in 2012. The redesign involves a multi-phase, large-scale renovation aimed at turning an underperforming, car-dominated intersection and adjacent public plazas into an active and integrated public urban amenity in one of the densest areas of Portland. The rehabilitation of this public amenity will contribute to Portland's economic vitality and enhance the quality of life for its residents, workers, and visitors, serving as a focal point for cultural activities and community programs.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

Design development work for Phase B of the Congress Square Redesign project was completed in 2018, followed by the completion of construction documents in 2022. The Planning and Urban Development Department has secured CIP funding and will go to bid for construction this spring.

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The intended result is to utilize funds towards construction of Congress Square Park. The donation will supplement City CIP funding.

**V. FINANCIAL IMPACT**

None. The City will gain \$425,000 to be utilized for construction of Congress Square Park.

**VI. STAFF ANALYSIS AND BACKGROUND**

Congress Square Redesign Committee has been undergoing a private fundraising campaign to raise funds that will supplement City funding for the overhaul of Congress Square Park.

#### **VII. RECOMMENDATION**

Staff recommend the donation of \$425,000 from the Congress Square Redesign Committee be accepted.

#### **VIII. LIST ATTACHMENTS**

1. Order - Accepting a 425k donation for Congress Square Redesign
2. Public Comment - Order 254

Prepared by:

Date: 05/10/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$425,000 DONATION FROM THE  
CONGRESS SQUARE REDESIGN COMMITTEE FOR CONSTRUCTION  
OF PHASE B OF THE CONGRESS SQUARE REDESIGN**

**ORDERED**, that a \$425,000 donation from the Congress Square Redesign Committee is hereby accepted and that amount appropriated for expenses related to the construction of the redesign of Congress Square Park; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is hereby authorized to execute whatever documents are necessary to effect the intent and purpose of this order.

comment re: Order 254 & 30-A MRSA §5652 donation of money to the municipality

**kcapon1@maine.rr.com** <**kcapon1@maine.rr.com**>

Fri, Jun 14, 1:15 PM (3 days ago)

to publiccomment@portlandmaine.gov

Order 254-23/24 Accepting and Appropriating a \$425,000 Donation from the Congress Square Redesign Committee for Construction of Phase B of the Congress Square Redesign - Sponsored by Danielle P. West, City Manager

Request for the City to accept a **donation in the amount of \$425,000** from the Congress Square Redesign Committee. The donation would go towards construction of Congress Square Park.

Congress Square Park is an important public resource for residents, business owners, and visitors located in the heart of Portland's Arts District. Congress Square Redesign planning efforts began in 2012. The redesign involves a multi-phase, large-scale renovation aimed at turning an underperforming, car-dominated intersection and adjacent public plazas into an active and integrated public urban amenity in one of the densest areas of Portland. The rehabilitation of this public amenity will contribute to Portland's economic vitality and enhance the quality of life for its residents, workers, and visitors, serving as a focal point for cultural activities and community programs.

The City appears to frequently receive and accept donations from organizations public, private and unincorporated for such donation. Based on 30A MRSA §5652, most of those donations are improper in that donations are meant to pay for prior expenditures. Donations in advance give the appearance that favors can be bought from the local government for a price. In fact, Portland has performed favors for large donors such as MMC. This is illegal. It is a form of corruption. It opens the door to potential malfeasance and collusion intended to hide favoritism bought and paid for.

Knowing that the ethical standards of the Council are so low as to encourage corrupt practices, it is hoped that Corporate Council, the local D/A and/or the Attorney General will be made aware of such practices. It is relevant that Mayor Dion has already bought favors in a legal action and yet the Ethics Committee has failed to hear and address that issue. Corporate Counsel is aware of it.

Title 30-A: Part 2: MUNICIPALITIES Subpart 9: FISCAL MATTERS Chapter 223: **MUNICIPAL FINANCES**

#### **§5652. Donation of money**

**The municipal officers may accept a donation of money to the municipality to supplement a specific appropriation already made, to reduce the tax assessment, to endow a municipal education foundation pursuant to section 5724, subsection 10 or to reduce the permanent debt.**

1. Reducing the tax assessment. If the assessors receive written notice from the municipal officers that a sum has been paid to the municipality for the purpose of reducing the tax assessment, they shall reduce it in that amount before establishing the tax rate. If the tax rate has already been established, the treasurer shall deposit the money in a bank, trust company or national bank in the State, and withdraw it at the proper time to reduce the tax assessment for the following taxable year.

2. Funding municipal education foundations. A municipality may accept endowment funds from citizens, estates, municipal contributions and bond money to fund a municipal education foundation to support local education pursuant to section 5724, subsection 10. The foundation may not spend the funds until it meets certain growth standards recommended by the Department of Administrative and Financial Services.

Kenneth A. Capron, ret. CPA, Systems Engineer  
1375 Forest Avenue D-11  
Portland, ME 04103  
207-797-7891  
[kcapon1@maine.rr.com](mailto:kcapon1@maine.rr.com)  
[maglev@maine.rr.com](mailto:maglev@maine.rr.com)



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Greg Watson, Director

**DATE:** June 3, 2024

**SUBJECT:** Order 255-23/24 Approving and Authorizing the City Manager to Enter into Funding Agreement with Maine Department of Transportation for Confined Aquatic Disposal Cell Construction and Dredging Project - Sponsored by Danielle P. West, City Manager

**SPONSOR:** Danielle P. West, City Manager  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 6/17/2024**

**Final**

**Action 6/17/2024**

**Can action be taken at a later date: No This item must be read on two separate days; however, staff requests the City Council to waive the first reading to meet State procurement expectations and vote on this item at its June 17, 2024, meeting, which would require 7 votes of the Council.**

**Does this item involve a new contract with the City: Yes, Corporation Counsel has reviewed the funding agreements and has approved of them.**

**PRESENTATION:** Bill Needelman, Waterfront Coordinator, will present a brief description of the agreements and their relationship to the progress of the Portland Harbor Dredge and CAD Cell project.

**I. SUMMARY**

The Portland Harbor Dredge and CAD Cell project is going to bid in the near term to select a dredge contractor to construct the Confined Aquatic Disposal (CAD) Cell in Portland Harbor, necessitating City Council approval of funding agreements with Maine Department of Transportation and a companion agreement with the City of South Portland and the Board of the Harbor Commissioners for Portland Harbor.

**II. AGENDA DESCRIPTION**

The City Council is asked to approve two funding agreements to initiate the first phase of the Portland Harbor Dredge and Confined Aquatic Disposal (CAD) Cell project. The primary agreement documents the City's commitment with the Maine Department of Transportation (MDOT) to contribute \$4 Million (previously allocated through FY2023 and FY2024 approved budgets) toward the first phase of the project, which included construction of the CAD Cell and a first phase of pier and wharf dredging throughout the harbor. MDOT commits to use \$10 Million in Maine Jobs and Recovery Act funding, in addition to \$6 Million in MDOT transportation funding. A second companion agreement documents: (1) the City of South Portland's commitment to contribute \$1 Million toward the CAD Cell and the first phase of dredging; and, (2) the Board of Harbor Commissioner's commitment to maintain necessary permits for the dredging of marine infrastructure.

Through these agreements, the City agrees to be the fiscal agent of the project and to manage the project consistent with all environmental permits.

This item must be read on two separate days; however, staff requests the City Council to waive the first reading to meet State procurement expectations and vote on this item at its June 17, 2024, meeting, which would require 7 votes of the Council.

**III. BACKGROUND**



The Portland Harbor Dredge and CAD Cell project has been under development for over 10 years and is now poised for initiation. State and Federal environmental permits have been issued and are in the process of being refreshed. Local and State funds are committed, and the City is currently advertising for contractors to conduct the construction of the CAD Cell as the first increment of work. The funding agreements, subject to this approval, are a necessary procedural step to document the roles, responsibilities, and financial commitments for the primary managers of the project.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

Approval of the funding agreements is a last step prior to selecting a contractor to construct the CAD cell during the winter dredge season (2024/2025) to be followed by the first phase of harbor dredging in 2025/2026. The maintenance dredging of public and private piers, wharfs, marinas, and ramps of Portland Harbor has been a City priority since the Council's adoption of the year 2000 Waterfront II report, Investing in Our Waterfront. In addition to private marine infrastructure throughout the harbor, the project will improve vessel berthing at City-owned facilities including the East End ramp complex, Ocean Gateway, the Maine State Pier, and the Portland Fish Pier.

#### **V. FINANCIAL IMPACT**

With the City's contributions previously allocated, there is no immediate or long-term financial impact to the City. Once the agreements are effective, City expenditure in direct support for the project may be drawn from the existing project budget.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

The primary agreement with MDOT is comparable with similar agreements used in locally administered public works projects. Additionally, given the Federal source for the \$10 Million Jobs and Recovery funds, the agreement includes guidance and assurance of consistency with ARPA requirements. The South Portland and Harbor Commission agreement is a companion document that reaffirms their commitments to the project and documents their consent for Portland to manage the process.

#### **VII. RECOMMENDATION**

Staff recommends passage of two funding agreements.

#### **VIII. LIST ATTACHMENTS**

1. Order - Authorizing the City Manager to Enter into Funding Agreement with MDOT for Confined Aquatic Disposal Cell Construction
2. Funding Agrmt w MDOT for Council 061424MG

Prepared by:

Greg Watson, Director

Date: 06/03/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO  
FUNDING AGREEMENT WITH MAINE DEPARTMENT OF TRANSPORTATION  
FOR CONFINED AQUATIC DISPOSAL CELL CONSTRUCTION AND DREDGING  
PROJECT**

**ORDERED,** that the City Manager is hereby authorized to enter into an Agreement with the Maine Department of Transportation for the confined aquatic disposal cell construction and dredging project in Portland Harbor, in substantially the form attached hereto; and

**BE IT FURTHER ORDERED,** that the City Manager is hereby authorized to execute said Agreement and whatever documents are necessary to effect the intent and purpose of the Agreement.

|                                     |                                   |
|-------------------------------------|-----------------------------------|
| <b>Project Location: Portland</b>   | <b>Agreement Start Date:</b>      |
| <b>State W.I.N. #:</b>              | <b>Agreement Expiration Date:</b> |
| <b>Federal W.I.N. #:</b>            | <b>Agreement Amount:</b>          |
| <b>Vendor ID#: City of Portland</b> |                                   |

**NOTE: The information in the table above is for administrative purposes only and is not part of the Funding Agreement for CAD Cell Construction and Dredging Project below.**

## **FUNDING AGREEMENT FOR CAD CELL CONSTRUCTION AND DREDGING PROJECT**

**This Funding Agreement for CAD Cell Construction and Dredging Project (the "Agreement")** is entered into by and between the **Maine Department of Transportation ("MaineDOT")** and the **City of Portland, Maine (the "City")**. This Agreement is effective as of the date last signed as indicated below (the "Effective Date").

### **RECITALS**

The Portland Harbor Working Waterfront Rehabilitation Project (the "Project") will improve the sediment and water quality and commercial marine economic growth in Portland Harbor, in which an extensive build-up of contaminated sediment has made portions of the waterfront unusable, resulting in a loss and degradation of vessel support infrastructure.

The Project will remove contaminated sediment from berthing and vessel support areas through dredging and will construct a confined aquatic disposal cell ("CAD cell") to permanently sequester the contaminated sediment.

Dredging of Portland Harbor will help to maintain a safe and functional water depth to support commercial and recreational vessel access, allowing loading and unloading, berthing, vessel service and repair, marine construction, and the transport of goods and people, ultimately ensuring that Portland Harbor remains a center for marine commerce.

The Project is expected to be carried out in two phases, the first of which will involve the construction of the CAD cell and dredging during the period permitted under federal permits for the Project, with the second phase involving additional dredging.

All NEPA environmental review required for the Project has been completed, and the City and the Board of Harbor Commissioners for Portland Harbor (the "Harbor Commission") have obtained all necessary federal and State permits for the Project.

The City will administer the Project in accordance with the requirements of this Agreement.

The cost of Phase I of the Project will be paid with federal, State, and local funds.

MaineDOT and the City wish to enter into this Agreement to memorialize their respective roles and responsibilities with respect to the Project.

**Now, therefore,** in consideration of the Recitals set forth above, which are an integral part of this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, MaineDOT and the City hereby agree as follows.

**1. The Project**

- A. The City will undertake and complete the Project and will serve as the Project administrator in accordance with this Agreement. For purposes of this Agreement, the Project includes the construction and deployment of the CAD cell and the Phase I dredging, but does not include the Phase II dredging.
- B. The City will obtain and keep in effect all federal, Maine, and local permits required for the Project and will make reasonable, diligent efforts to ensure that such permits obtained by the Harbor Commission and the City of South Portland remain in effect.
- C. The City will obtain any necessary property rights for the Project.

**2. Role and Responsibilities of the City – CAD Cell**

- A. The City will be responsible for the preliminary and final design of the CAD cell, and will ensure that the CAD cell design meets all requirements of all applicable federal, State, and local permits and approvals for the Project. The CAD cell must be designed to be of sufficient capacity to accommodate the assessed dredging needs included in the Phase I and Phase II dredging. The City will submit the final CAD cell design to MaineDOT for review prior to developing bid specifications for construction of the CAD cell.
- B. The City will develop bid specifications for construction of the CAD cell in accordance with the requirements of Addendum A – Agency Uniform Guidance, attached to this Agreement and made a part hereof ("Addendum A"). The City will provide the proposed bid specifications and the advertise schedule (including open and close dates) to MaineDOT for review prior to advertising for proposals for the CAD cell construction.

The City will advertise for proposals for the CAD cell construction not later than July 12, 2024 for a minimum three (3) week period.

- C. The City will solicit MaineDOT's comments on CAD cell construction proposals received by the City prior to selecting a proposal. The City will give MaineDOT written notice of its intent to enter into any contract for the CAD cell construction at the time a contractor is selected by the City.
- D. The City will enter into one or more contracts for the construction of the CAD cell with qualified contractors. All construction contracts must meet all applicable requirements of Addendum A, including but not limited to applicable contract provisions required by Section 200.327 of Addendum A (see Appendix II referenced in Section 200.327). The City will use commercially reasonable efforts to enter into one or more contracts by September 15, 2024 for the construction of the CAD cell.
- E. The City will have sole responsibility for overseeing and monitoring the CAD cell construction. All construction of the CAD cell will comply with all federal, State, and local permits and approvals for the Project and all applicable environmental laws and regulations. The City may retain one or more consultants to assist it in overseeing and monitoring the CAD cell construction, but will remain fully responsible for such compliance notwithstanding the use of any consultants for the Project.

### **3. Role and Responsibilities of the City – Phase I Dredging**

- A. The City will be responsible for determining all areas of Portland harbor to be included in the Phase I dredging, consistent with all federal, State, and local permits and approvals for the Project. The City will submit the Phase I dredging plan to MaineDOT for review prior to developing bid specifications for the dredging work.
- B. The City will develop bid specifications and will solicit proposals for the Phase I dredging in accordance with all applicable federal, State, and local permits and approvals for the Project. The City will request Phase I dredging proposals that provide for the performance of the Phase I dredging during the 2025-2026 dredging season and that meet any timing requirements of the federal and State dredging permits and approvals for the Project. The City will provide the proposed bid specifications and the advertise schedule (including open and close dates) to MaineDOT for review prior to advertising for proposals for the Phase I dredging.
- C. The City will solicit MaineDOT's comments on Phase I dredging proposals received by the City prior to selecting a proposal. The City will give MaineDOT written notice of its intent to enter into any contract for the Phase I dredging at the time a contractor is selected by the City.

- D. The City will enter into one or more contracts with qualified contractors for the Phase I dredging.
- E. The City will have sole responsibility for overseeing and monitoring the Phase I dredging. All Phase I dredging will comply with all applicable federal, State, and local permits and approvals for the Project and all applicable environmental laws and regulations.

#### 4. **Funding of the Project**

- A. The Project will be funded as follows:

\$10,000,000 of funds from the American Rescue Plan Act of 2021 ("ARPA") Coronavirus State and Local Fiscal Recovery Fund, ALN # 21.027 (the "ARPA Funds"), to be provided by MaineDOT to the City in the City's capacity of subrecipient of the ARPA Funds and the Project administrator;

\$6,000,000 of State funds to be provided by MaineDOT to the City (the "State Funds");

an additional \$4,000,000 in matching funds to be contributed by the City (the "City Funds");

an additional \$1,000,000 in matching funds to be contributed by the City of South Portland under a separate agreement with the City (the "South Portland Funds");

and additional funds to be contributed by other entities under separate agreements.

The City will use all such funds only for the Project and for no other purpose.

- B. Funding for the Project will be disbursed in the following order, subject to compliance with the requirements of this Agreement.

1. The first tranche of funds disbursed will be the ARPA Funds to pay invoices for the CAD cell construction. MaineDOT and the City acknowledge that all ARPA Funds for the Project must be fully expended by December 31, 2026.
2. After all ARPA Funds have been fully disbursed, the second tranche of funds for the Project will be a combination of the State Funds, the City Funds, and the South Portland Funds. The second tranche of funds for the Project will be disbursed to pay each invoice for Project costs in the following percentages:

|                      |        |
|----------------------|--------|
| State Funds          | 54.55% |
| City Funds           | 36.36% |
| South Portland Funds | 9.09%  |

The City will obtain the South Portland Funds for the Project pursuant to a separate agreement by and among the City, the City of South Portland, and the Harbor Commission.

Project costs that are eligible to be paid with the second tranche of funds include any remaining CAD cell construction costs, Phase I dredging costs, direct Project management costs, permit maintenance and compliance costs, and environmental compliance costs.

3. Each disbursement of the ARPA Funds and the State Funds will be made by MaineDOT to the City, subject to MaineDOT's receipt of all of the following in satisfactory form:
  - a. An invoice that includes an itemized list of expenses actually incurred by the City identifying the services and materials, with amounts, dates, and vendor and contractor names and addresses, and evidence that such expenses have been paid or that payment is due by a specified date. Each such invoice must be accompanied by copies of vendor and contractor invoices with any back-up materials submitted to the City for the expenses shown on the City's invoice to MaineDOT.
  - b. A written certification signed by an authorized representative of the City that all invoiced work and materials have been completed or received (as applicable), in accordance with the Project plans, and that only eligible expenses of the Project as provided in this Agreement are included in the request for disbursement of funds.
  - c. For each request for ARPA Funds, the amount of ARPA Funds disbursed to date and the remaining balance of such funds.
  - d. For each request for State Funds, the amount of State Funds disbursed to date and the remaining balance of such funds.
  - e. A request for disbursement of funds may not include any contractor retainage held by the City.
4. MaineDOT will review each request for disbursement of ARPA Funds or State Funds and may request additional information deemed necessary by MaineDOT before disbursing funds. MaineDOT may also, in its discretion, view the Project during CAD cell construction and/or Phase I dredging, and upon completion, to assess the progress of the work, and the City will provide MaineDOT with such access as necessary for this purpose. In the event any additional information requested by MaineDOT or such access to the Project is not provided, MaineDOT

may withhold all or a portion of funds requested by the City, as reasonably determined by MaineDOT.

5. Subject to the City's compliance with the requirements of this Section 4, MaineDOT will disburse funds to the City within fifteen (15) calendar days of MaineDOT's approval of a satisfactory invoice from the City.
6. The City acknowledges and agrees that MaineDOT's funding obligations under this Agreement are conditioned on the availability of the ARPA Funds and the State Funds and on continued authorization under applicable laws, regulations, or appropriations to use such funds for the purposes described in this Agreement.
7. In the event that Project costs exceed the Project budget adopted by the City, the City will be responsible for securing additional funds for the successful completion of the Project.

## **5. Reporting**

For each calendar quarter, or portion of a calendar quarter, after the Effective Date of this Agreement to and including the calendar quarter during which all of the ARPA Funds have been fully expended, the City will submit a quarterly report to MaineDOT containing all applicable information set forth in Addendum B – Data for Infrastructure Projects and Capital Expenditure Projects attached to and made a part of this Agreement ("Addendum B"). The City will submit each quarterly report containing the applicable Addendum B information to MaineDOT within five (5) business days after the close of the calendar quarter.

## **6. Records**

The City must retain full and accurate records of all labor, services and materials obtained, and associated costs and expenditures, with supporting invoices, receipts, and check copies, and all design and construction related documentation for the Project for a period of three (3) years after the date of the final disbursement of funds to the City under this Agreement. MaineDOT and any appropriate agency of Maine State government or the Federal government (each, a "Reviewing Agency") will have the right during said three-year period to review, examine, audit, and copy such records during the City's normal business hours, and the City will cooperate in all respects with each such Reviewing Agency.

## **7. No Liability**

Notwithstanding MaineDOT's entry into this Agreement, any involvement by MaineDOT in the review or approval of, or consent to, any aspect of the design or construction of the CAD



cell or the Phase I dredging plans under this Agreement, or any funding provided to the City by MaineDOT under this Agreement, MaineDOT will have no responsibility or liability to the City or its agents or contractors or any other third party for any damages, costs, claims, demands, or causes of action arising from any of the foregoing or from any other cause. This Agreement is for the sole benefit of MaineDOT and the City and is not intended to benefit any other person or entity, and no such person or entity will be deemed a third-party beneficiary of this Agreement or have any rights under this Agreement.

Nothing herein will waive any defense, immunity, or limitation of liability that may be available to either MaineDOT or the City or their respective officers, agents or employees under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities as may be provided by law. *This provision will survive any expiration or earlier termination of this Agreement.*

## **8. Termination; Other Remedies**

- A. Neither MaineDOT nor the City will have the right to terminate this Agreement for convenience. If ARPA Funds or State Funds become unavailable to fund the Project as the result of a federal or State governmental directive, MaineDOT will have the right to terminate this Agreement after fifteen (15) days prior written notice to the City. In the event of termination of this Agreement by MaineDOT, MaineDOT will have no liability for payment of any funds to the City for work performed after the effective date of termination.
- B. In addition, if MaineDOT determines that the City has failed to complete the Project in accordance with this Agreement, or has used ARPA Funds or State Funds for any purpose other than as provided in this Agreement, or has failed to submit all required reports to MaineDOT as provided in this Agreement, MaineDOT will also have the right to terminate this Agreement, withhold all further disbursements of funds, recoup funds disbursed to the City, set off amounts of funds otherwise payable to the City against amounts that the City is required to pay or return to MaineDOT, and pursue all other legal remedies that may be available to MaineDOT after written notice of non-compliance is provided to the City and the City fails to cure the non-compliance within a reasonable period specified in the notice, in MaineDOT's judgment. MaineDOT will have the right to recover its attorneys' fees and legal costs in the exercise of its legal remedies.
- C. No waiver of any non-compliance with, or breach of, any one or more of the provisions of this Agreement will be deemed to imply or constitute a waiver of any subsequent non-compliance with, or breach of, the same or different provision.

**9. Contact Information**

MaineDOT's Project Manager for this Agreement is as follows:

Chris Mayo  
Director of Ports and Marine Transportation

Tel: (207) 624-3409 (office); (207) 441-1638 (mobile)  
Email: [chris.mayo@maine.gov](mailto:chris.mayo@maine.gov)

The City's Project Manager for this Agreement is as follows:

Bill Needelman  
Waterfront Coordinator

Tel: (207) 874-8722 (office); (207) 400-9022 (mobile)  
Email: [wbn@portlandmaine.gov](mailto:wbn@portlandmaine.gov)

**10. Nondiscrimination**

The City will not discriminate against any person on the basis of race, color, ethnicity, national origin, sex, sexual orientation, gender identity, religion, disability, age, or familial status. The City will comply with all applicable federal, Maine, and local laws and regulations regarding nondiscrimination and equal employment opportunity, including any such requirements included in Addendum A.

MaineDOT does not and will not exclude from participation in, or deny the benefits of, its programs or activities, or subject anyone to discrimination or treat persons unfavorably based on race, color, religion, national origin, sex (pregnancy, sexual orientation, and gender identity), age, genetic information, disability, veteran status, limited English proficiency, or economic status. In addition, MaineDOT will not retaliate against any person who complains of discrimination or who participates in an investigation of discrimination.

**11. Miscellaneous**

- A. The City acknowledges that Addendum C – Subaward Agreement Template, attached to this Agreement and made a part hereof ("Addendum C"), is required in connection with the use of ARPA Funds for the Project and agrees to execute Addendum C.
- B. This Agreement may be amended only in a writing signed by MaineDOT and the City.

- C. The City has received all necessary approvals and authorizations from its governing body for the Project, its entry into this Agreement, and its funding obligation hereunder.
- D. The City is acting as an independent contractor and not as an agent, representative, or partner of MaineDOT under this Agreement.
- E. This Agreement and the rights and obligations hereunder may not be assigned by either party to this Agreement without the prior written consent of the other party hereto.
- F. This Agreement, including its Addendum A, Addendum B, and Addendum C, represents the entire agreement between MaineDOT and the City with respect to its subject matter and supersedes any prior agreement or understanding, written or oral, between MaineDOT and the City with respect to such subject matter.
- G. This Agreement will be construed in accordance with, and governed by, the laws of the State of Maine without regard to its conflict of laws principles or rules.
- H. This Agreement may be executed in counterparts, each of which will be deemed an original, but all of which together will constitute one and the same agreement. Each party agrees that this Agreement and any other documents to be executed in connection with this Agreement may be electronically signed and that any electronic signatures appearing on this Agreement or the associated documents are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

**IN WITNESS WHEREOF**, MaineDOT and the City have executed this Agreement by their respective duly authorized representatives.

**CITY OF PORTLAND**

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Danielle P. West  
Its City Manager

**MAINE DEPARTMENT OF TRANSPORTATION**

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Bruce A. Van Note  
Its Commissioner

Approved as to form:

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Michael I. Goldman  
City's Corporation Counsel

Approved as to City funds:

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Brendan O'Connell  
City's Finance Director

## Addendum A – Agency Uniform Guidance

### Uniform Guidance: [eCFR :: 2 CFR Part 200 -- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#)

#### **§ 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.**

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

(1) Procure or obtain;

(2) Extend or renew a contract to procure or obtain; or

(3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#), section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under [Public Law 115-232](#), section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See [Public Law 115-232](#), section 889 for additional information.

## Addendum A – Agency Uniform Guidance

(d) See also [§ 200.471](#).

### **§ 200.318 General procurement standards.**

(a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in [§§ 200.317](#) through [200.327](#).

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)

(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

## Addendum A – Agency Uniform Guidance

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also [§ 200.214](#).

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)

(1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract

## Addendum A – Agency Uniform Guidance

must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[[85 FR 49543](#), Aug. 13, 2020, as amended at [86 FR 10440](#), Feb. 22, 2021]

### **§ 200.319 Competition.**

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and [§ 200.320](#).

(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;
- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

(c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical



## Addendum A – Agency Uniform Guidance

preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

(f) Noncompetitive procurements can only be awarded in accordance with [§ 200.320\(c\)](#).

### § 200.320 Methods of procurement to be followed.

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and [§§ 200.317](#), [200.318](#), and [200.319](#) for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

(a) **Informal procurement methods.** When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold* (SAT), as defined in [§ 200.1](#), or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity

## Addendum A – Agency Uniform Guidance

may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) **Micro-purchases** -

(i) **Distribution.** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in [§ 200.1](#)). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.

(ii) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.

(iii) **Micro-purchase thresholds.** The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with [paragraphs \(a\)\(1\)\(iv\)](#) and [\(v\)](#) of this section.

(iv) **Non-Federal entity increase to the micro-purchase threshold up to \$50,000.** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with [§ 200.334](#). The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

(A) A qualification as a low-risk auditee, in accordance with the criteria in [§ 200.520](#) for the most recent audit;

(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,

(C) For public institutions, a higher threshold consistent with State law.

(v) **Non-Federal entity increase to the micro-purchase threshold over \$50,000.** Micro-purchase thresholds higher than \$50,000 must be approved by the

## Addendum A – Agency Uniform Guidance

cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in [paragraph \(a\)\(1\)\(iv\)](#) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.

### (2) **Small purchases** -

(i) **Small purchase procedures.** The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) **Simplified acquisition thresholds.** The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) **Formal procurement methods.** When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with [§ 200.319](#) or [paragraph \(c\)](#) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) **Sealed bids.** A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively for the business; and

## Addendum A – Agency Uniform Guidance

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

(B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

(C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

(D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(2) **Proposals.** A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

(i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;

(iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and

(iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified

## Addendum A – Agency Uniform Guidance

offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.

(c) **Noncompetitive procurement.** There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see [paragraph \(a\)\(1\)](#) of this section);
- (2) The item is available only from a single source;
- (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
- (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
- (5) After solicitation of a number of sources, competition is determined inadequate.

### **§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

## **Addendum A – Agency Uniform Guidance**

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in [paragraphs \(b\)\(1\)](#) through [\(5\)](#) of this section.

### **§ 200.322 Domestic preferences for procurements.**

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

### **§ 200.323 Procurement of recovered materials.**

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

### **§ 200.324 Contract cost and price.**

(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including

## **Addendum A – Agency Uniform Guidance**

contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.

(b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under [subpart E of this part](#). The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

### **§ 200.325 Federal awarding agency or pass-through entity review.**

(a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

(1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;

(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;



## **Addendum A – Agency Uniform Guidance**

(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a “brand name” product;

(4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) The non-Federal entity is exempt from the pre-procurement review in [paragraph \(b\)](#) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

(1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;

(2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

### **§ 200.326 Bonding requirements.**

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold (2022 \$250,000), the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.



## **Addendum A – Agency Uniform Guidance**

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

### **§ 200.327 Contract provisions.**

The non-Federal entity's contracts must contain the applicable provisions described in appendix II to this part.

## Addendum B Data for Infrastructure Projects and Capital Expenditure Projects

Programmatic Data for Infrastructure Projects (Expenditure Category 5 (EC 5)): For all projects listed under the Water, Sewer<sup>1</sup>, and Broadband Expenditure Categories (see Appendix 1 of the Compliance and Reporting Guidance for a listing of expenditure categories), more detailed project-level information is required. The Contractor/ Sub-recipient acknowledges that they must provide the below-referenced data associated with the services tied to this service contract/sub-award. This information will be provided to the State of Maine Contracting Department (Owner/Department) by the Contractor/Sub-recipient. Contractors and Sub-recipients are only required to provide the specific information tied to the project associated with this contract/sub-award that fits into one or more listed ECs. Each project will be required to report expenditure data as described above, but will also report the following information:

### 1. **All Water and Sewer projects (EC 5.1-5.18):**

- Projected/actual construction start date (month/year)
- Projected/actual initiation of operations date (month/year)
- Public Water System (PWS) ID Number
- National Pollutant Discharge Elimination System (NPDES) Permit Number
- Median Household Income of Service Area<sup>2</sup>
- Lowest Quintile Income of the Service Area<sup>2</sup>

### 2. **All Broadband Projects (EC 5.19-5.21):**

- Projected/actual construction start date (month/year)
- Projected/actual initiation of operations date (month/year)
- Location Details
- Confirm that the project is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds.
  - If the project is not designed to reliably meet or exceed symmetrical 100 Mbps download and upload speeds, explain why not, and
  - Confirm that the project is designed to, upon completion, meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.

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<sup>1</sup> Definitions for water and sewer Expenditure Categories can be found in the EPA's handbooks. For "clean water" expenditure category definitions, please see: <https://www.epa.gov/sites/production/files/2018-03/documents/cwdefinitions.pdf>. For "drinking water" expenditure category definitions, please see: <https://www.epa.gov/dwsrf/drinking-water-staterevolving-fund-national-information-management-system-reports>.

<sup>2</sup> \*For median income and lowest quintile income of Census Tracts and other geographic areas, Contractor/Sub-recipient should refer to the most recent American Community Survey 5-year estimates available through the Census website.

## Addendum B Data for Infrastructure Projects and Capital Expenditure Projects

- Confirm that the service provider for the project has, or will upon completion of the project, either participated in the Federal Communications Commission (FCC)'s Affordable Connectivity Program (ACP) or otherwise provided access to a broad-based affordability program that provides benefits to households commensurate with those provided under the ACP to low-income consumers in the proposed service area of the broadband infrastructure (applicable only to projects that provide service to households).
- Detailed Project Information:
  - Project technology type(s) (Planned/Actual)
    - Fiber
    - Coaxial Cable
    - Terrestrial Fixed Wireless
    - Other (specify)
  - Total miles of fiber deployed (Planned/Actual)
  - Total number of funded locations served (Planned/Actual)
  - Pre-SLFRF Investment
    - Total Number of Funded Locations Served receiving 25/3 Mbps or below
    - Total Number of Funded Locations Served receiving between 25/3 Mbps and 100/20 Mbps
  - Post-SLFRF
    - Total Number Receiving Minimum 100/100 Mbps
    - Total Number Receiving Minimum 100/20Mbps and scalable to 100/100 Mbps
  - Total number of funded locations served, broken out by type (Planned/Actual):
    - Residential
      - Total Housing Units
    - Business
    - Community Anchor Institution
- Location-by-Location Project Information

For each location served by a Project, the Owner/Department must collect from the Contractor/Sub-recipient and submit the following information to Treasury using a predetermined file format that will be provided by Treasury (collection of certain fields will begin in October 2022, as specified below):

- Latitude/longitude at the structure where service will be installed (required starting October 2022)
- Technology used to offer service at the location (required starting October 2022)
- Location type (required starting October 2022)
  - Residential

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Source: US TREASURY/SLFRF Compliance and Reporting Guidance

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## Addendum B Data for Infrastructure Projects and Capital Expenditure Projects

- If Residential, Number of Housing Units
    - Business
    - Community anchor institution
- Speed tier at the location post-SLFRF investment (collection to be phased in)
  - Maximum download speed offered
  - Maximum download speed delivered
  - Maximum upload speed offered
  - Maximum upload speed delivered
  - Latency
- Standardized FCC Identifiers
  - Fabric ID # (Broadband Serviceable Fabric Locations)
  - FCC Issued Provider ID #

### 3. Wage Rate Disclosures and Certifications for Capital Expenditure and Infrastructure Projects.

A. N/A

B. To the extent that the Contractor/Sub-recipient employs laborers and mechanics as defined by the Davis Bacon Act, the Contractor/Sub-recipient must provide a project employment and local impact report detailing:

- The number of employees of contractors and sub-contractors working on the project;
- The number of employees on the project hired directly;
- The number of employees on the project hired through a third party;
- The wages and benefits of workers on the project by classification; and
- Whether those wages are at rates less than those prevailing;
- Contractor/Sub-recipient must maintain sufficient records to substantiate this information upon request.

VERSION: OSC 03/21/2024

Source: US TREASURY/SLFRF Compliance and Reporting Guidance

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## **Addendum B Data for Infrastructure Projects and Capital Expenditure Projects**

- C. To the extent that the Contractor/Sub-recipient employs laborers and mechanics as defined by the Davis Bacon Act, the Contractor/Sub-recipient must provide a project workforce continuity plan, detailing:
- How the Contractor/Sub-recipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project, including a description of any required professional certifications and/or in-house training;
  - How the Contractor/Sub-recipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project;
  - How the Contractor/Sub-recipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30);
  - Whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market;
  - Whether the project has completed a project labor agreement;
  - Whether the project prioritizes local hires
  - Whether the project has a Community Benefit Agreement, with a description of any such agreement.

## Addendum C – Subaward Agreement Template

*Source: SLFRF Interim Rule/Final Rule/Compliance and Reporting Guidance/Uniform Guidance/State of Maine Code of Ethics-SAAM 1.3. Updated Controller guidance note 2 – 9/19/2022 1/30/2023 Updated to reflect Controller Guidance dated 1/26/2023. Updated to reflect the November 20<sup>th</sup>, 2023 Obligation Interim Final Rule (IFR).*

### Subaward

### Between

The State of Maine, Department of **(your department name)**

### AND

### **Subrecipient's Name**

1. This Subaward is made by and between the State of Maine, **Department of** **(your department name)** (Recipient) and the **(your subrecipient name)** (Subrecipient<sup>1</sup>), relating to the United States Department of the Treasury (the US Treasury), State and Local Fiscal Recovery Funds, Assistance Listing 21.027.
  
2. Whereas, the Recipient and Subrecipient understand and agree that the funds disbursed under this subaward may only be used for the purposes set forth in the Subrecipient's statement of work governed by the approved American Rescue Plan Act, Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Business Plan:

#### **a. Include Purpose of Subaward**

- Control Number: **(your control number)**.
- Reporting Codes (include applicable FYs): **(your reporting codes)**
- Advantage Account Coding: 023- **(your advantage account coding)** - **(your advantage account coding)**
- Vendor Code: **(your vendor code)**

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<sup>1</sup> State, local, territorial, and Tribal governments that receive a Federal award directly from a Federal awarding agency, such as Treasury, are "recipients." A transferee receiving a transfer from a recipient under sections 602(c)(3) and 603(c)(3) will be a subrecipient. Subrecipients are entities that receive a subaward from a recipient to carry out a program or project on behalf of the recipient with the recipient's Federal award funding. The recipient remains responsible for monitoring and overseeing the subrecipient's use of Fiscal Recovery Funds and other activities related to the award to ensure that the subrecipient complies with the statutory and regulatory requirements and the terms and conditions of the award. Recipients also remain responsible for reporting to Treasury on their subrecipients' use of payments from the Fiscal Recovery Funds for the duration of the award. Transfers under sections 602(c)(3) and 603(c)(3) must qualify as an eligible use of Fiscal Recovery Funds by the transferor. Once Fiscal Recovery Funds are received, the transferee must abide by the restrictions on use applicable to the transferor under the ARPA and other applicable law and program guidance. For example, if a county transferred Fiscal Recovery Funds to a town within its borders to respond to the COVID-19 public health emergency, the town would be bound by the eligible use requirements applicable to the county in carrying out the county's goal. This also means that county A may not transfer Fiscal Recovery Funds to county B for use in county B because such a transfer would not, from the perspective of the transferor (county A), be an eligible use in county A.

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3. Federal Award Information:

- a. AWARD Identification #: SLFRP0144
- b. Subrecipient name: \_\_\_\_\_
- c. Subrecipient's unique entity identifier (UEI#): \_\_\_\_\_
- d. Federal Award Date: March 3, 2021
- e. Award Period of Performance and Budget Period Start and End Date: 03/03/2021 through 12/31/2026<sup>23</sup>.
- f. Amount of Federal Funds Obligated by this action by the pass-through entity (the Recipient) to the Subrecipient: \_\_\_\_\_.
- g. Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation: \_\_\_\_\_.
- h. Total Amount of the Federal Award committed to the subrecipient by the pass-through entity: \_\_\_\_\_.
- i. Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity: US Treasury and the State of Maine Department of \_\_\_\_\_. Name and email address for agency contact: \_\_\_\_\_.
- j. Assistance Listing and Name: 21.027, US Treasury State and Local Fiscal Recovery Funds.
- k. This award is not a R&D award.

4. Now, therefore, for subaward amount received or to be received, including but not limited to the performance by the Recipient and the Subrecipient (the Parties) of their respective obligations under this Subaward, the Parties hereby agree as follows:

- a. This agreement is a subaward and it is not a contract for good or services.
- b. The Recipient is the pass-through entity.
- c. This agreement is for costs incurred between \_\_\_\_\_ (insert start date) and \_\_\_\_\_ (insert end date)<sup>23</sup>. The period of performance will run until (insert liquidation date), which will provide recipients a reasonable amount of time to complete projects funded with payments from the Fiscal Recovery

---

<sup>2</sup> "US Department of Treasury's Reporting and Compliance document, Part 1, C. 2, Eligible Costs Timeframe. SLFRF funds may be used to cover eligible costs incurred during the period that begins on March 3, 2021 and ends on December 31, 2024, as long as the award funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026. In no circumstances may costs be incurred before March 3, 2021."

<sup>3</sup> For SLFRF funds only, "Subrecipients are not subject to the December 31, 2024 obligation deadline. The obligation deadline applies to the recipient of SLFRF funds, and a cost is considered to have been incurred once a recipient enters into a subaward or contract that obligates the recipient to cover that cost. Neither subrecipients nor contractors need to take additional steps to obligate SLFRF funds after entering into a subaward or contract with the recipient."

**Addendum C –  
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Funds. All funds must be expended, liquidated, and reimbursed no later than December 31<sup>st</sup>, 2026.

5. The Recipient will:
- a. Perform a Risk Evaluation over the Subrecipient as required by the Federal Uniform Guidance. Depending on the outcome of the Risk Evaluation, the Recipient may add additional requirements and or restrictions for the use of this funding.
  - b. Communicate Federal Guidance references to the Subrecipient; including reporting requirements.
  - c. Communicate changes in guidance or requirements as relevant to the Subrecipient's Business Case when notified by the US Treasury.
  - d. Transfer funding as necessary to the Subrecipient upon receiving required information and reporting data after the first transfer.
  - e. Monitor the Subrecipient.
  - f. Obtain a listing of expenditures along with other reporting data as required by the US Treasury.
  - g. Fulfill federal reporting responsibilities with information furnished by the subrecipient.
  - h. Add other items to this agreement as necessary to satisfy the Recipient's responsibilities to the US Treasury.
  - i. Update this document if additional funding is approved for same purpose.
  - j. Verify that the Subrecipient is audited as required by Subpart F of the Uniform Guidance when it is expected that the Subrecipients Federal awards expended during the respective fiscal year equal or exceeded \$750,000.
6. The Subrecipient will:
- a. Use the SLFRF only for the eligible and permitted uses as included in the SLFRF statute, US Treasury's Final Rule and specifically for the purpose(s) as outlined in the Subrecipient's statement of work governed by the approved American Rescue Plan Act, Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Business Plan.
  - b. Use the SLFRF funds obligated by this document for eligible costs incurred between (insert start date) and (insert end date). With funds being expended, liquidated, and reimbursed by (insert liquidation date).<sup>23</sup>
  - c. A cost is considered to have been incurred once a recipient enters into a subaward or contract that obligates the recipient to cover that cost. Return to the State of Maine any funds that will not fully utilized, as soon as possible, and no later than 12/31/2026.
  - d. Follow the provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200)



### **Addendum C – Subaward Agreement Template**

(the Uniform Guidance), including the cost principles and restrictions on general provisions for selected items of cost.

- e. Not use SLFRF as non-Federal match for other Federal programs whose statute or regulations bar the use of Federal funds to meet matching requirements.
- f. Allow Recipient and auditors to audit records as necessary.
- g. Furnish Recipient with expenditure documentation on a quarterly basis that supports revenue transferred to the Subrecipient during the prior quarter.
  - i. To receive funding for subsequent allotments, the Subrecipient must submit to the Recipient a listing of expenditures (by expenditure category, date of obligation, and date of service or date of goods received; expenditure amount and merchant/vendor name).
  - ii. Additionally, a quarterly progress report must be submitted to the Recipient. More information on what is needed regarding a progress report to be determined and communicated to Subrecipient.
- h. Comply with Infrastructure Project requirements if applicable.
- i. Follow the procurement standards in the Uniform Guidance, 2 CFR Part 200.317 through 200.327. Refer to Section 7 in this document and Addendum A.
- j. Abide by Prohibition on certain telecommunication and video surveillance services or equipment as outlined in the Uniform Guidance, 2 CFR 200.216. Refer to Addendum A.
- k. Not use funds in conflict with the overall statutory purpose of the ARPA to reduce the spread of COVID-19.

#### **7. Procurement, Suspension and Debarment**

- a. Recipients and Subrecipients are responsible for ensuring that any procurement using SLFRF funds, or payments under procurement contracts using such funds are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, as applicable. The Uniform Guidance establishes in 2 CFR 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in 2 CFR 200.320, which allows for non-competitive procurements only in circumstances where at least one of the conditions below is true: the item is below the micro-purchase threshold; the item is only available from a single source; the public exigency or emergency will not permit a delay from publicizing a competitive solicitation; or after solicitation of a number of sources, competition is determined inadequate.<sup>6</sup> Recipients must have and use documented procurement procedures that are consistent with the standards outlined in 2 CFR 200.317 through 2 CFR 200.320. The Uniform Guidance requires an infrastructure for competitive bidding and contractor oversight, including maintaining written standards of conduct and prohibitions on dealing with suspended or debarred parties. Your

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- organization must ensure adherence to all applicable local, State, and federal procurement laws and regulations.
- b. The subrecipient of this grant certifies that their organization and their organization's principals are not suspended or debarred from participating in covered transactions and transactions covered under the Federal Acquisition Regulation.
8. Infrastructure Section:
- a. If the project related to this subaward has been approved for infrastructure costs, then Addendum B is applicable to this subaward.
- i. Please refer to Addendum B.
9. Please note that failure to comply with the restrictions on use contained in the federal guidance may result in recoupment of funds.
10. Additionally, please note that recipients and subrecipients are the first line of defense, and responsible for ensuring the SLFRF award funds are not used for ineligible purposes, and there is no fraud, waste, and abuse associated with their SLFRF award.
11. Disclosures:
- a. Required Disclosure: Recipients/Applicants must disclose in writing any potential conflict of interest to the State of Maine (the Uniform Guidance, 2 CFR 200.112).
- i. Please disclose conflicts of interest here or include N/A Not Applicable.
- \_\_\_\_\_
- \_\_\_\_\_
- b. Mandatory Disclosure: Recipients/Applicants must disclose, in a timely manner all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in appendix XII to this part are required to report certain civil, criminal, or administrative proceedings to SAM (currently FAPIIS). (2 CFR 200.13).
- i. Please disclose all violations here or include N/A, Not Applicable.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
12. Conflicts of Interest:
- a. A Subrecipient may not use SLFRF funds in violation of the conflict of interest requirements contained in this Award, including any self-dealing or violation of

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ethics rules. Subrecipients are required to establish policies and procedures to manage potential conflicts of interest.

**13. Signatures**

For the State of Maine, Department of \_\_\_\_\_ (Recipient):

\_\_\_\_\_  
Authorized State Signatory's Name Here

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subrecipient Representative's Name Here

\_\_\_\_\_  
Date

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Greg Watson, Director

**DATE:** June 3, 2024

**SUBJECT:** Order 256-23/24 Approving and Authorizing the City Manager to Enter into Agreement with the City of South Portland and the Board of Harbor Commissioners for Portland Harbor for Funding of Portland Harbor Confined Aquatic Disposal Cell Construction and Dredging Project - Sponsored by Danielle P. West, City Manager

**SPONSOR:** Danielle P. West, City Manager  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**  
**1st Reading 6/17/2024**

**Final**  
**Action 6/17/2024**

**Can action be taken at a later date: No** This item must be read on two separate days; however, staff requests the City Council to waive the first reading to meet State procurement expectations and vote on this item at its June 17, 2024, meeting, which would require 7 votes of the Council.

**Does this item involve a new contract with the City: See above Memo.**

**PRESENTATION:** See above Memo.

**I. SUMMARY**

See above Memo.

**II. AGENDA DESCRIPTION**

This is a companion Order to the Order above.

This item must be read on two separate days; however, staff requests the City Council to waive the first reading to meet State procurement expectations and vote on this item at its June 17, 2024, meeting, which would require 7 votes of the Council.

**III. BACKGROUND**

See above Memo.

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

See above Memo.

**V. FINANCIAL IMPACT**

See above Memo.

**VI. STAFF ANALYSIS AND BACKGROUND**

See above Memo.

**VII. RECOMMENDATION**

See above Memo.

**VIII. LIST ATTACHMENTS**

1. Order - Authorizing the City Manager to enter into agreement with SoPo and the Board of Harbor Commissioners for CAD cell
2. Funding Agrmt w SoPo&HC for Council 061424MG

Prepared by:  
Greg Watson, Director  
Date: 06/03/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO  
AGREEMENT WITH THE CITY OF SOUTH PORTLAND AND THE BOARD OF  
HARBOR COMMISSIONERS FOR PORTLAND HARBOR FOR FUNDING OF  
PORTLAND HARBOR CONFINED AQUATIC DISPOSAL CELL AND DREDGING  
PROJECT**

**ORDERED,** that the City Manager is hereby authorized to enter into an Agreement with the City of South Portland and the Board of the Harbor Commissioners for the confined aquatic disposal cell construction and dredging project in Portland Harbor in substantially the form attached hereto; and

**BE IT FURTHER ORDERED,** that the City Manager is hereby authorized to execute said Agreement and whatever documents are necessary to effect the intent and purpose of the Agreement.

**AGREEMENT BY, BETWEEN AND AMONG THE CITY OF PORTLAND,  
THE CITY OF SOUTH PORTLAND, AND THE BOARD OF HARBOR  
COMMISSIONERS FOR PORTLAND HARBOR  
FOR FUNDING OF PORTLAND HARBOR CAD CELL AND DREDGING PROJECT**

THIS AGREEMENT is entered into this \_\_\_\_ day of June, 2024 by, between and among the CITY OF PORTLAND, a Maine body corporate and politic with a mailing address of 389 Congress Street, Portland, ME 04101 (hereinafter “Portland”); the CITY OF SOUTH PORTLAND, a Maine body corporate and politic with a mailing address of 25 Cottage Road, South Portland, ME 04106 (hereinafter “South Portland”); and the BOARD OF HARBOR COMMISSIONERS FOR PORTLAND HARBOR, a Maine body corporate and politic with a mailing address of 2 Portland Fish Pier, Suite 105, Portland, Maine 04101 (hereinafter the “Commission”). Portland and South Portland are collectively referred to as “the Cities.” All parties are collectively referred to as “the Parties.”

**W I T N E S S E T H:**

WHEREAS, Portland Harbor, which includes Maine’s largest working waterfront, lies at the center of the economic engine of the State of Maine; and

WHEREAS, Portland Harbor has lost significant capacity at its piers, wharfs, marinas, and ramps (collectively, “vessel support infrastructure”), and is at risk of further loss, due to legacy pollutants and ongoing sedimentation; and

WHEREAS, after studying Portland Harbor’s decreasing vessel support infrastructure capacity for approximately ten years, the Parties, in collaboration with the Maine Department of Transportation (“MaineDOT”) and other consultants and interested parties, have determined that the only solution to restoring such capacity is to dredge the areas surrounding such infrastructure; and

WHEREAS, prior to dredging the areas surrounding the vessel support infrastructure, the Parties have determined that they must first construct a confined aquatic disposal cell (“CAD Cell”) to contain the dredged material (construction of the CAD Cell and the dredging of Portland Harbor’s vessel support infrastructure is referred to herein as the “Project”); and

WHEREAS, Portland has applied for and obtained from the Maine Department of Environmental Protection a National Resources Protection Act Coastal Wetland Alteration Water Quality Certification dated October 26, 2020 for the CAD Cell portion of the Project, a copy of which is attached hereto as Exhibit A and incorporated herein by reference (the “DEP CAD Cell Approval”); and

WHEREAS, Portland has applied for and obtained from the U.S. Army Corps of Engineers (“USACE”) a permit dated April 1, 2021 for the CAD Cell portion of the Project, a copy of which is attached hereto as Exhibit B and incorporated herein by reference (the “USACE CAD Cell Permit”); and

WHEREAS, the Commission has applied for and obtained from the Maine Department of Environmental Protection a National Resources Protection Act Coastal Wetland Alteration Significant Wildlife Habitat Water Quality Certification dated January 29, 2021 for the dredging portion of the Project, a copy of which is attached hereto as Exhibit C and incorporated herein by reference (the “DEP Dredging Approval”); and

WHEREAS, the Commission has applied for and obtained from the U.S. Army Corps of Engineers a permit dated May 20, 2021 for the dredging portion of the Project, a copy of which is attached hereto as Exhibit D and incorporated herein by reference (the “USACE Dredging Permit”); and

WHEREAS, the Parties anticipate that the Project will be designed and performed in two phases and will cost approximately \$31,147,032.00, to be paid for from various funding sources, as set forth in the Parties’ December 15, 2023 Memorandum to MaineDOT’s Commissioner, Bruce Van Note, a copy of which is attached hereto as Exhibit E and incorporated herein by reference; and

WHEREAS, the anticipated funding sources and amounts for Phase I of the Project, (which will include design and construction of the CAD Cell and a portion of the dredging part of the Project (“Phase I”)), include two types of funds to be contributed by MaineDOT: \$10,000,000 in federal American Rescue Plan Act funds (the “ARPA Funds”); and \$6,000,000 in State of Maine matching funds (the “State Match Funds”) (collectively, the “MaineDOT Funds”); \$4,000,000 in local matching funds from Portland, which the Portland City Council previously appropriated (the “Portland Funds”); \$1,000,000 in local matching funds from South Portland, which the South Portland City Council previously appropriated (the “South Portland



Funds”); an unallocated budget reserve of \$33,947; and in-kind services valued at approximately \$1,446,000 from the federal U.S. Environmental Protection Agency Brownfields Program (“USEPA Services”); and

WHEREAS, in addition to the MaineDOT Funds, the Portland Funds, the South Portland Funds, and USEPA Services, the Cities anticipate charging owners of privately owned vessel support infrastructure, on a fee per cubic yard basis, to have the submerged lands surrounding their infrastructure dredged, which is expected to result in approximately \$2,637,635 in private local matching funds (the “Private Tipping Fees”) for Phase I of the Project; and

WHEREAS, the total cost for Phase I of the Project is anticipated to be approximately \$25,049,688 as set forth in the table below:

**Table 1**

| <b>PROJECT - PHASE I BUDGET</b><br><b>(Assumption: Private Tipping Fee—Estimated at \$35.00 per Cubic Yard)</b> |                     |
|-----------------------------------------------------------------------------------------------------------------|---------------------|
| ARPA (Federal Funds)                                                                                            | \$10,000,000        |
| MDOT Match (State Match Funds)                                                                                  | \$6,000,000         |
| Local Match (Cities):<br>-Portland \$4,000,000<br>-South Portland \$1,000,000                                   | \$5,000,000         |
| Local Match (Private Tipping Fees)                                                                              | \$2,637,635         |
| Unallocated Phase I Project Funds (Budget Reserve)                                                              | (-\$33,947)         |
| USEPA Brownfields (Federal Funds) (In-Kind Services)                                                            | \$1,446,000         |
| <b>Total Project Phase I Budget</b>                                                                             | <b>\$25,049,688</b> |

; and

WHEREAS, while work is being performed on Phase I of the Project, planning and design work will continue for Phase II of the Project, which will consist of additional dredging of submerged lands surrounding privately owned vessel support infrastructure (“Phase II”); and

WHEREAS, Phase II expenses are not covered by this Agreement; and

WHEREAS, it is anticipated that Phase II of the Project will cost approximately \$6,097,344 and be paid for with additional Private Tipping Fees or other funds raised from third parties; and

WHEREAS, after execution of this Agreement, Portland anticipates executing a separate agreement with MaineDOT (the “MaineDOT Agreement”) under which MaineDOT will commit

to provide the MaineDOT funds to Portland to complete the design of and perform all work required for the Project, and Portland will commit to administering the Project locally pursuant to one or more contracts entered into through competitive requests for proposals and/or bids with third-party contractors and consultants (each a “Project Contract”) (a draft of the MaineDOT Agreement is attached hereto as Exhibit F and incorporated herein by reference); and

WHEREAS, in order to induce MaineDOT to enter into the MaineDOT Agreement with Portland, the Parties wish to enter into this Agreement to memorialize their obligations to maintain the Project’s permits and approvals and to fund the Project as set forth below.

NOW, THEREFORE, in consideration of the mutual promises made by each party to the others herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties covenant and agree as follows:

1. Upon execution of this Agreement, Portland commits to expending the Portland Funds on the condition that Portland and MaineDOT enter into the MaineDOT Agreement in substantially the form attached hereto as Exhibit F.
2. Upon execution of this Agreement, South Portland commits to expending the South Portland Funds on the condition that Portland and MaineDOT enter into the MaineDOT Agreement in substantially the form attached hereto as Exhibit F.
3. It is South Portland’s understanding that the MaineDOT Agreement currently being negotiated between Portland and MaineDOT will contain a provision that the ARPA Funds that the State of Maine has received and committed to this Project through MaineDOT shall be the first funds expended on Project costs related to the development and construction of the CAD Cell and other Phase I project costs. The anticipated inclusion of such a provision in the Maine DOT Agreement is a substantial inducement for the Parties to enter into this Agreement. In the event that such a provision is not contained in the MaineDOT Agreement, the Parties agree to meet and confer for a period not to exceed thirty (30) days in an attempt to achieve an equitable adjustment of the terms of this Agreement to take into consideration the lack of such a provision in the MaineDOT Agreement. Failure to achieve an agreed upon equitable adjustment of the terms of this Agreement pursuant to this section constitutes cause for a Party to terminate this Agreement within the meaning of Section 8.
4. Upon the full utilization of the ARPA Funds for Project costs, further Project costs related to the development and construction of the CAD Cell and other Phase I Project costs shall be shared by MaineDOT (using the State Match Funds), Portland, and South Portland on a *pari passu* (equal footing) basis as follows:

|                |        |
|----------------|--------|
| MaineDOT       | 54.55% |
| Portland       | 36.36% |
| South Portland | 9.09%  |

5. The Parties agree at all times during design and construction of the Project to comply with the terms of the DEP CAD Cell Approval, the USACE CAD Cell Permit, the DEP Dredging Approval, the USACE Dredging Permit, and any and all other permits and approvals that may be required for the Project.
6. Upon Portland's award of the first Project Contract, Portland shall provide written notice to MaineDOT, South Portland and the Commission of its intent to enter into the Project Contract. Following the receipt of a Project Contract invoice by Portland that is approved for payment by Portland, Portland will then request proportionate reimbursement from MaineDOT and South Portland for their proportionate share of such invoiced cost, such that funds shall be remitted to Portland no later than ten (10) days following Portland's request for payment by MaineDOT and South Portland of each's proportionate share of the invoiced Project cost.
7. In addition to payments for a Project Contract, and consistent with the MaineDOT Agreement, Portland may use Project funds for directly associated project management costs, permit maintenance and compliance, and other such Project-related uses necessary to complete the Project ("Associated Project Costs"). Following the receipt of an Associated Project Costs invoice by Portland that is approved for payment by Portland, Portland will then request proportionate reimbursement from MaineDOT and South Portland for their proportionate share of such invoiced cost, such that funds shall be remitted to Portland no later than ten (10) days following Portland's request for payment by MaineDOT and South Portland of each's proportionate share of the invoiced Associated Project Cost. Consistent with Section 4 above, Portland will use MaineDOT (State Match Funds), Portland Funds and South Portland Funds on a *pari passu* (equal footing) basis for these purposes as follows:

|                |        |
|----------------|--------|
| MaineDOT       | 54.55% |
| Portland       | 36.36% |
| South Portland | 9.09%  |

8. The Cities may terminate this Agreement at any time for cause upon at least fourteen (14) days prior written notice to the other parties of default or breach and a reasonable time to cure such default or breach as the circumstances reasonably warrant.
9. This Agreement may not be assigned by any party without the prior written consent of the other parties.
10. No waiver of any breach of any one or more of the conditions of this Agreement by a party shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.
11. This Agreement and its attachments Exhibits A through F represent the entire and complete agreement and understanding between and among the Parties and supersedes any prior agreement or understanding, written or oral, between and among the Parties

with respect to the subject matter of this Agreement. This Agreement cannot be amended except by written instrument executed by all Parties.

12. This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine without regard to its principles of conflicts of laws. Except as otherwise expressly agreed by the Parties in writing, exclusive venue for any civil action shall be in Portland, Maine.
13. This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a pdf or electronic document shall be considered the equivalent of an original signature.
14. The Parties warrant and represent that they have the full right and authority to enter into this Agreement, that there is no impediment that would inhibit their ability to perform their obligations under this Agreement, that this Agreement is a legal, valid and binding obligation, enforceable against each Party in accordance with its terms, and that the person signing this Agreement on behalf of the Parties has the authority to do so.

*Signature page follows.*

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the date first set forth above.

WITNESS:

CITY OF PORTLAND

\_\_\_\_\_

By: \_\_\_\_\_  
Danielle P. West\*  
Its City Manager

WITNESS:

CITY OF SOUTH PORTLAND

\_\_\_\_\_

By: \_\_\_\_\_  
Scott T. Morelli\*  
Its City Manager

WITNESS:

BOARD OF HARBOR  
COMMISSIONERS FOR  
PORTLAND HARBOR

\_\_\_\_\_

By: \_\_\_\_\_  
\*  
Its Chairman

*\* I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to me; (c) is capable of verification; and (d) is under my sole control.*

Approved as to form:

Approved as to funds:

\_\_\_\_\_  
Portland City Corporation Counsel's Office

\_\_\_\_\_  
Portland Finance Director



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

|                                   |                                    |
|-----------------------------------|------------------------------------|
| CITY OF PORTLAND                  | ) NATURAL RESOURCES PROTECTION ACT |
| South Portland, Cumberland County | ) COASTAL WETLAND ALTERATION       |
| PORTLAND HARBOR CAD CELL          | ) WATER QUALITY CERTIFICATION      |
| L-28487-4E-A-N (approval)         | ) FINDINGS OF FACT AND ORDER       |

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341), and Chapters 310, 315, and 335 of Department rules, the Department of Environmental Protection has considered the application of CITY OF PORTLAND with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project Development: The Portland Harbor, located at the mouth of the Fore River, is heavily developed with individually owned piers, marinas, and other waterfront property. The north side of the harbor is located within the limits of the City of Portland and the south side of the harbor is located within the City of South Portland. Years of accumulating sediment have resulted in shallowing depths for vessels that use the piers, leaving some areas exposed at low tide. Dredging of berthing and vessel-support areas is complicated by disposal of the dredged material. Before financing for dredging can be procured, waterfront owners face upfront costs for expensive sediment assessments to determine how and where dredged material may be disposed. Because it is generally accepted that dredged material from around the piers would be unsuitable for open-ocean disposal and upland disposal is too expensive because of handling costs, dredging has been deferred limiting all-tide access and negatively affecting the viability of the working waterfront.

B. Summary: The applicant is seeking approval to construct a Confined Aquatic Disposal (CAD) cell to be used for the disposal of dredged materials generated from multiple sources in the Portland Harbor. The proposed CAD cell will be located on publicly owned, submerged land within the municipality of the City of South Portland, between the U.S. Coast Guard Station and South Port Marina, in shallow subtidal waters on the southern bank of the Fore River.

The trapezoidal-shaped cell includes a footprint of 386,233 square feet (approximately 8.9 acres) and will be excavated to a depth of -49 feet mean lower low water (MLLW) with one foot of allowable over dredge. The cell walls are designed with 3H:1V side slopes. The proposed project will be setback approximately 180 feet from the federal channel. A 152-foot wide (at the base) by 143-foot long entrance from the federal channel to the CAD cell will be excavated to a depth of -15 MLLW. The entrance

channel for the CAD cell will allow for safe, all-tide passage of barge, scow and tugs during construction and disposal of dredged material from the Portland Harbor sites when it becomes operational.

The CAD cell and entrance channel will be excavated/dredged using a barge-mounted crane with a clamshell bucket that will remove approximately 376,858 cubic yards of sediment. The applicant proposes to transport the excavated material from the CAD cell to the Portland Disposal Site. In a memorandum, dated April 20, 2020, the U.S. Army Corps of Engineers (the Corps) determined the excavated material from the CAD cell to be suitable for unconfined ocean disposal at the Portland Disposal Site. The project is shown on a set of drawings titled "Proposed CAD Cell Plan," prepared by Stantec Consulting Services, Inc., and dated November 13, 2019 with a last revision date of July 14, 2020. The applicant anticipates that the proposed project can be completed within one dredge season (November to March).

When completed, the CAD cell will have a holding capacity of 273,371 cubic yards. The operational lifetime of the CAD cell is projected to be five years. Once operational, material dredged from the piers, marinas and waterfronts of Portland Harbor will be placed in the CAD cell until filled to a design depth of -10 feet MLLW. Once dredged sediment in the CAD cell reaches a depth of -15 feet MLLW, suitable fill material will be used to bring the entrance channel up to the existing mudline (approximately -5 feet MLLW), effectively closing the entrance channel to prevent unconfined movement of dredged material into the open harbor. Continued use of the CAD cell is expected to be limited to periods of high water when sufficient draft is available for a tug and scow to enter the CAD cell area. Once the design capacity depth of -10 feet MLLW is reached, the deposited dredged material is expected to settle, leaving a shallow depression. Natural sedimentation within the depression will serve as a cap over the dredged material. Once closed, the applicant proposes to conduct periodic bathymetric surveys (3-, 6-, and 12-months) to monitor cap elevation and to identify potential erosion areas. Following this first year of monitoring, bathymetric surveys of the CAD cell will be performed annually.

The Department is reviewing a separate permit application (DEP #L-28486-4E-A-N, received December 6, 2019) filed by the Portland Harbor Commission, the agency seeking approval to dredge berthing and vessel-support areas at 47 properties along the Portland Harbor waterfront with dredged material to be disposed of within the CAD cell. Approval of the Portland Harbor Commission's application would be contingent on the approval for construction of the CAD cell.

C. Current Use of the Site: The project site is a shallow subtidal area adjacent to waterfront property owned by Central Maine Power, South Port Marina, and the U.S. Coast Guard.

D. Title, right or interest: An application must include documentation demonstrating that the applicant has title, right or interest in the property proposed to be developed or used for the project sufficient for the nature and duration of the proposed development or

use. Although the proposed project will be constructed on state-owned land, that land is located within the municipal boundaries of the City of South Portland. In a letter dated, December 5, 2019, the City of South Portland acknowledged its participation in the proposed project and its support for the applicant to continue to seek Department approval of the proposed project.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. § 480-D(1), requires the applicant to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix K to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site and surroundings, including an aerial photograph of the project site. Department staff visited the project site on December 10, 2019.

The proposed project is located in the Portland Harbor at the mouth of the Fore River, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The shoreline of the proposed project is developed with existing marinas, wharves, and commercial buildings associated with the marine services. There will be no permanent changes to the scenic and aesthetic values of the Portland Harbor because dredging activities will take place within subtidal areas; therefore, the project site will look the same upon completion of the project.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project and the Matrix showed an acceptable potential visual impact rating for the proposed project. Based on the information submitted in the application, the visual impact rating, and the site visit, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department of Marine Resources (DMR) reviewed the project and stated that the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the Fore River or Portland Harbor.



### 3. SOIL EROSION:

The NRPA, in 38 M.R.S. § 480-D(2), requires the applicant to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

The application included geophysical and boring log data documenting the sediments within the project area. The surficial sediment is composed of unconsolidated black silt and very fine-grained sand with shell fragments that may vary in depth from three to five feet. Underlying the black unconsolidated sediment is soft, gray marine clay, which continues to the bottom of the proposed project at -49 feet MLLW.

The applicant noted that the Fore River experiences resuspension of the unconsolidated sediment resulting from natural events such as tidal currents and wind-wave action from storm events. Also, turbidity plumes originating from the tidal mud flats result in turbid water. The applicant acknowledged that excavating the unconsolidated silt and soft marine clay will likely contribute to an increase in the turbidity of the river. During the May 16, 2019 technical meeting between the applicant and the regulatory agencies, it was determined that placement of a silt curtain would not be practicable for the proposed project. To minimize the impacts from the proposed project, the applicant proposes to utilize best management practices that include managing dredging operations. Reducing the velocity of lifting the loaded bucket through the water column correspondingly reduces the suspension of sediment. Reducing the velocity of the bucket before it hits the bottom will also serve to reduce suspension of sediment. The expectation is that as the project continues, the optimum dredging rate that results in minimal turbidity issues will be determined. Another best management practice the applicant will utilize is to avoid overloading scows thereby reducing spillage of dredged material over the sides, especially during transport to the Portland Disposal Site. The applicant intends to provide oversight of dredging operations using a third-party inspector. The inspector will ensure that the best management practices are followed and that the project complies with the requirements of the Order.

Once operational, the CAD cell walls and shallow water depth will serve to restrict suspended sediment from moving outside of the project site. The applicant provided examples of studies from other CAD cell projects in New England that documented the movement of turbidity plumes and their duration. The studies indicate that turbidity plumes from depositing dredged material into a mid-channel cell tend to be short lasting events (1 to 2 hours). The intensity of the measured turbidity plumes varied with water depth. Given the location of the proposed project and the shallow and low-velocity water conditions at the project site, suspended sediment is expected to quickly settle and not migrate far from the project site, minimizing negative impacts to marine organisms.

As noted above, the applicant proposes to conduct periodic, post-closure bathymetric surveys (3-, 6-, and 12-months) to monitor cap elevation and to identify potential erosion areas. Following this first year of monitoring, bathymetric surveys of the CAD cell will

be performed annually. The Department recommends that this monitoring be performed for a period of five years following closure of the CAD cell, and that monitoring reports, describing the condition of the site, be submitted to the Department for review by the end of the calendar year that the bathymetric survey is performed.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment provided that the applicant retains a third-party inspector to monitor dredging operations to ensure turbid discharges from the project site are minimized to the greatest extent possible and post-closure surveys are performed and monitoring reports submitted to the Department for review by the end of the calendar year that the bathymetric survey is performed, as outlined above.

#### 4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The site of the proposed project is very shallow subtidal land composed of black, consolidated silts and very fine-grained sands. The sediment surface is being colonized by non-native, European oysters. Green crabs, periwinkles, and clam worms are found within the project site.

Department staff reviewed a Geographic Information System (GIS) database that contains information provided by both the DMR and the Department of Inland Fisheries and Wildlife (MDIFW). The GIS database indicates that tidal wading bird and waterfowl habitat, defined as a Significant Wildlife Habitat in the NRPA, is found adjacent to but not within the boundaries the project site.

MDIFW reviewed the proposed project and stated that there are no Essential Wildlife Habitats at the project site. MDIFW, in their comments dated March 10, 2020, stated that minimal impacts to wildlife that use the tidal wading bird and waterfowl habitat would be anticipated during the winter months when the CAD cell would be constructed and when dredged material would be deposited into the CAD cell.

DMR reviewed the project and provided comments dated April 8, 2020. DMR concurred with the applicant's proposal to restrict construction of the CAD cell to the period between November 1 and March 15 in order to minimize potential adverse impacts to marine resources. DMR noted that sediment type, shallow depths, and estuarine conditions within the project area provide only marginal habitat for finfish species such as red hake, winter flounder, windowpane flounder, and winter skate. DMR also noted that the project site, with water depths of 0 to 15 feet, is too shallow to support lobsters but that lobsters may occupy the walls of the CAD cell during winter months following construction and prior to filling the CAD cell. Finally, DMR noted that the project site is

within the ranges of short-nose and Atlantic sturgeon and Atlantic salmon. The short-nose sturgeon and Atlantic salmon are fish species listed as endangered under the federal Endangered Species Act but are not listed as an endangered species under Maine's Endangered Species Act. Given the shallow water depths, the vessel activity in the harbor, and the amount of development along the shoreline, DMR concluded that the presence of these fish species is not expected at the project site.

DMR recommended that the applicant conduct outreach efforts directly with the lobster industry through venues such as the Lobster Zone Councils and the Lobster Advisory Council. The applicant agreed to undertake these efforts. DMR also recommended that the applicant or contractor conduct outreach via written notice thirty days in advance of the project start date to the local Lobster Zone Council, and via coordination with DMR staff who will send email notification to all Zone F members. Notice should include specific nautical bearings of the haul route and width for the safe travel of the spoils barge to avoid entanglement with fishing gear. Transportation considerations are further discussed in Finding 8.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life provided that the dredging is completed between the period of November 1 and March 15 and that the applicant contacts the Lobster Zone Council prior to start of dredging and disposal operations.

5. WATER QUALITY CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(5), requires the applicant to demonstrate that the proposed project will not violate any state water quality law, including those governing the classification of the State's waters.

The waters that are or may be affected by the proposed project are currently classified as Class SC (38 M.R.S. § 469(1)). Class SC waters must be suitable as a habitat for fish and other estuarine and marine life, and that discharges to these waters may cause some changes to estuarine and marine life provided that the receiving waters are of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community.

As discussed in Finding 4, the waters affected by the proposed project are used by fish and other estuarine and marine life and as habitat for such populations. Based on the location of the proposed project, the construction methods proposed, and the project's design, the Department finds that the proposed project will maintain and protect existing uses and the level of water quality necessary to protect those existing uses; will protect the existing water quality of affected waters, will not significantly impair the viability of the existing estuarine and marine life found in Portland Harbor; and will not result in a significant degradation of existing recreation and fishing uses.

Additionally, the State's water quality standards include an antidegradation policy found at 38 M.R.S. § 464(4)(F). This policy provides that existing uses and the level of water quality necessary to protect those existing uses must be maintained and protected. As discussed in Findings 2, 4, and 7, and based on comments from DMR and the Corps, the applicant has demonstrated that the proposed activity (dredging in the Portland Harbor and disposing of dredged material at the Portland Disposal Site) will not result in a significant degradation of recreational uses, fishing, and commercial harvesting of shellfish and other estuarine and marine life and as habitat for such species.

Based on sediment chemistry, the restricted work window, and the offshore location of the disposal site, the Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to construct a trapezoidal-shaped CAD cell which will alter an area of 386,233 square feet (approximately 8.9 acres) of subtidal land and will be excavated to a depth of -49 feet mean lower low water (MLLW) with one foot of allowable over dredge. Excavated material is proposed to be disposed of at the Portland Disposal Site.

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018), interpret and elaborate on the NRPA criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions or values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. Additionally, for activities proposed in, on, or over wetlands of special significance the activity must be among the types listed in Chapter 310, § 5(A) or a practicable alternative less damaging to the environment is considered to exist and the impact is unreasonable.

A CAD cell is a water dependent use and its proposed construction is among the activities specifically provided for in Chapter 310, § 5(A)(1)(c). The applicant submitted an alternatives analysis for the proposed project completed by Stantec Consulting Services, Inc., and dated December 2019. The purpose of the project is to provide a readily available, cost effective option for the disposal of dredged materials from the numerous piers, marinas, and waterfronts in the Portland Harbor. The dredged material

to be disposed of in the CAD cell is generally accepted to be unsuitable for open-ocean disposal because of the historic industrial activities in the Portland Harbor and the contribution of contaminants from nonpoint sources such as stormwater outfalls.

The applicant, together with other agencies that serve the commercial enterprises that use the Portland Harbor, examined the current conditions around the harbor waterfront affecting the viability of the waterfront and determined that the loss of berthing space due to sedimentation has created a need for dredging these areas that must be addressed.

Noting the costs that waterfront owners face to dredge and dispose of material individually, the applicant examined how these needs could be met as a group, rather than on an individual basis. The two most typical disposal options available to individual waterfront owners are upland disposal or open ocean disposal at the Portland Disposal Site. However, these options have considerable costs to individual waterfront owners. To determine the scale and estimated costs of a harbor-wide effort, the applicant identified the number of pier, marina, and waterfront owners that could participate, and then quantified the dredging needs (area and volume to be removed) for each participant. After reviewing this data and performing a comparative analysis of disposal options, the applicant determined that construction of a CAD cell would provide a more cost-efficient disposal option to meet the project purpose.

The no-action alternative was dismissed because it did not meet the project purpose. This alternative would allow sedimentation to continue, resulting in the loss, or restricted use of, berthing areas which negatively impacts Portland Harbor's commercial working waterfront.

The Department concurs with the applicant's conclusions that the no-action alternative would not meet the stated project need and purpose and thus is not a practicable alternative.

Once the dredging needs for each participant was calculated and the size of a CAD cell was determined, the applicant examined five locations within the vicinity of the Portland Harbor for the proposed project. A scoring matrix that included technical considerations (construction costs, area available for use, influences on cap integrity, and land title), habitat assessment (mapped shellfish beds, water quality, identified wildlife habitat, and impacts to the lobster fishery), and permitting/public feedback was created to rank each location. Sub-bottom profiling was also considered in ranking each location. Based on this methodology for site selection, the proposed project site was rated highest overall.

Chapter 310 requires an applicant to consider the extent of project impacts in terms of loss of wetland area, functions, or values and then balance those impacts with the availability of practicable alternatives to the activity that would be less damaging to the environment. The Department finds that the site selection criterion used by the applicant adequately assesses of the reasonableness of any impacts to the practicability of constructing the proposed project for each location that was examined.

Dredging methods for a typical dredge project include hydraulic, hopper, or mechanical, and disposal methods that include upland or open ocean. For the construction of the CAD cell, only the use of a barge-mounted crane with a clamshell bucket would be appropriate to excavate the material to the depth proposed and to shape the side slopes of the CAD cell walls.

The applicant determined that disposal of excavated material from the CAD cell at the Portland Disposal Site to be the most practicable, in terms of costs and time of operation. The Corps has determined that the excavated/dredged material from the project site is suitable for unconfined open ocean at the Portland Disposal Site.

The Department finds that the dredging and disposal methods proposed are the most practicable alternatives that would have the least amount of environmental impact that meets the project purpose.

B. Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, an applicant must demonstrate that the amount of coastal wetland to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project.

The applicant examined several design concepts for the location and shape of the CAD cell. Initial concepts included placing the CAD cell further landward. This placement location was dismissed because doing so would impact the tidal wading bird and waterfowl habitat and place the CAD cell in intertidal waters. After shifting the location to be entirely within subtidal waters, the applicant examined multiple design concepts based on the projected capacity needed to meet the project purpose. The applicant considered construction of a two-celled structure in order to accommodate placement of the unconsolidated, black, surface sediments. This design was determined unnecessary and was dismissed. Given that the marine clay sediment is expected to maintain the 3H:1V side slopes, the applicant determined that the proposed project would result in the smallest footprint necessary for meeting the overall purpose of the project.

C. Compensation. In accordance with Chapter 310, § 5(C)(6)(b), compensation may be required to achieve the goal of no net loss of coastal wetland functions and values. The applicant has demonstrated that the proposed project will not permanently alter the characteristics of the project area. The removal of sediment from around the piers and marinas, allows for improved access to, and support for, the commercial working waterfront with greater all-tide berthing and safer movement of vessels during periods of low water. Additionally, the removal of sediments that are repeatedly resuspended as a result of vessel traffic and natural events will sequester pollutants that affect sediment and water quality. For these reasons, the applicant asserts that with the placement of potentially contaminated dredged material from the numerous sites around Portland Harbor into a CAD cell located, would improve the overall condition of the harbor.

Based on the information provided in the application and comments from DMR and MDIFW, the Department finds that the impact to wetland functions from the proposed project will be temporary and not significant. Therefore, no compensation is required.

The Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. GEOLOGICAL CONSIDERATIONS:

For any activity that involves dredging, dredge spoils disposal or transporting dredge spoils by water, the NRPA requires the applicant to demonstrate that the disposal site is geologically suitable pursuant to 38 M.R.S. § 480-D(9).

The Portland Disposal Site is located in Bigelow Bight, 7.1 nautical miles east of Dyer Point in Cape Elizabeth, Maine. It is one of ten regional disposal sites for dredged material in New England managed by the Corps, as part of the Disposal Area Monitoring System (DAMOS) Program. The Portland Disposal Site was first used for the disposal of dredged material in 1979. Since that time, it has been periodically monitored as part of the DAMOS Program. The site is a one-nautical mile square with sides running true north-south and east-west. It is characterized by a flat, sandy valley, surrounded by rocky outcrops. Water depths range from 42 meters on the rock ridges to 64 meters in the valley.

The application included grain-size analyses conducted on samples from the proposed site and noted that the material to be excavated/dredged is composed primarily of silt and clay. The Corps reviewed the applicant's sediment sampling data and in its Suitability Determination for the Portland CAD Cell, dated April 20, 2020, found that the material to be excavated/dredged is suitable for unconfined ocean disposal at the Portland Disposal Site.

Based on the evidence in the record, the Department finds that the applicant has demonstrated that the disposal site is geologically suitable.

8. DREDGED MATERIAL DISPOSAL AND TRANSPORTATION CONSIDERATIONS:

For any activity that involves dredging, dredge spoils disposal or transporting dredge spoils by water, the NRPA requires the applicant to demonstrate that the transportation route minimizes adverse impacts on the fishing industry pursuant to 38 M.R.S. § 480-D(9).

As discussed in Finding 4, DMR provided comments on the proposed project and its potential impact on the fishing industry. The excavated material/dredge spoils will be transported by water to the Portland Disposal Site.



The applicant submitted a map that outlines the proposed transportation route to the Portland Disposal Site which was reviewed by DMR. As discussed in Finding 4, the applicant agreed to conduct outreach directly with the lobster industry through venues such as the Lobster Zone Councils and the Lobster Advisory Council. To further minimize this impact and in accordance with 38 M.R.S. § 480-D(9), the Department finds that one week prior to commencing the dredging operation, the applicant must:

- a. Clearly mark or designate the dredging area, the spoils disposal area, and the transportation route on a plan.
- b. Publish the plan with the dredging area, the spoils disposal area and the approved transportation route and plan in a newspaper of general circulation in the area adjacent to the transportation route.
- c. Publish in a local newspaper of general circulation in the area adjacent to the transportation route a procedure that the applicant will use to respond to inquiries regarding the loss of fishing gear during the dredging operation.

DMR requested that the contractor for this project equip their spoil barge with a Vessel Monitoring System to track the location and time period when the barge will be transiting areas that are in close proximity to lobster fishing gear. DMR also requested that the barge operator monitor local marine radio fishing channels when transiting the route to the Portland Disposal Site.

Provided the applicant marks the transportation route on a plan and publishes the required notices; equips the spoils barge with a Vessel Monitoring System; and monitors local marine radio fishing channels when transiting the route to the Portland Disposal Site as described above, and given the limited window for these activities set forth herein, the Department finds that the applicant has demonstrated that the transportation route minimizes adverse impacts on the fishing industry.

9. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341):

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses provided that the applicant marks the transportation route and publishes the appropriate notices one week prior to commencing the dredging operation as described in Finding 8.



- B. The proposed activity will not cause unreasonable erosion of soil or sediment provided that the applicant retains a third-party inspector to monitor dredging operations to ensure turbid discharges from the project site are minimized to the greatest extent possible and post-closure surveys are performed and monitoring reports are submitted to the Department for review, as described in Finding 3.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that disposal operations are performed between November 1 and March 15, and that the applicant contacts the Lobster Zone Council prior to start of dredging operations, as described in Finding 4; that the applicant marks the transportation route and publishes the appropriate notices one week prior to commencing the dredging operation; and that the barge scow is equipped with a Vessel Monitoring System to track the location and time period when the barge will be transiting to and from the project site and the Portland Disposal Site, as described in Finding 8.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

THEREFORE, the Department APPROVES the above noted application of the CITY OF PORTLAND to construct a CAD cell as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

- 1. Standard Conditions of Approval, a copy attached.
- 2. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
- 3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This

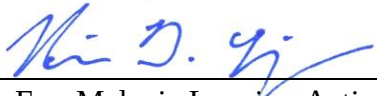
License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

4. All dredging activities and disposal of the dredged material shall be limited to the period between November 1 and March 15.
5. The applicant shall equip the barge scow with a Vessel Monitoring System and monitor local marine radio fishing channels when traveling the route to the Portland Disposal Site.
6. Prior to start of dredging operations, the applicant shall contact the appropriate Lobster Zone Councils to notify them of upcoming dredge activities.
7. The applicant shall comply with the provisions of 38 M.R.S. §480-9(D) and shall:
  - a. Clearly mark or designate the dredging area, the disposal area, and the transportation route;
  - b. Publish in a newspaper of general circulation in the area adjacent to the route the approved transportation route of the dredge spoils;
  - c. Publish in a newspaper of general circulation in the area adjacent to the route a procedure that the applicant will use to respond to inquiries regarding the loss of fishing gear during the dredging operation.
8. The applicant shall employ a third-party inspector to monitor and report on dredging operations to ensure turbid discharges from the project site are minimized to the greatest extent possible.
9. The applicant shall conduct periodic bathymetric surveys 3-, 6-, and 12-months following closure of the CAD cell to monitor the cap elevation and to identify potential erosion areas. Following this first year of monitoring, bathymetric surveys of the CAD cell shall be performed annually for the next four years. Monitoring reports, describing the condition of the site, shall be submitted to the Department for review by the end of the calendar year that the bathymetric survey is performed.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

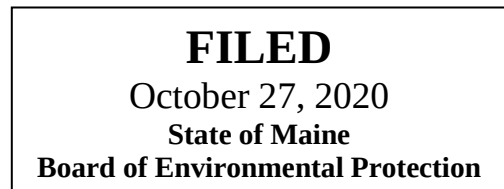
DONE AND DATED IN AUGUSTA, MAINE, THIS 26<sup>TH</sup> DAY OF OCTOBER, 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:   
For: Melanie Loyz, Acting Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

RLG/L28487AN/ATS#85413





## Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. §§ 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse, and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high-water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

Revised September 2016



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

**Dated: November 2018**

**Contact: (207) 287-2452**

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### **SUMMARY**

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

### **I. ADMINISTRATIVE APPEALS TO THE BOARD**

#### **LEGAL REFERENCES**

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 C.M.R. ch. 2.

#### **DEADLINE TO SUBMIT AN APPEAL TO THE BOARD**

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

#### **HOW TO SUBMIT AN APPEAL TO THE BOARD**

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

### INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status.* The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

### OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a license holder may proceed with a project pending the outcome of an appeal, but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

## WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal and will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the license holder, and interested persons of its decision.

## II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

## ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452, or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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**Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.**

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DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751

March 30, 2021

Regulatory Division  
CENAE-RDC

Jon Jennings  
Economic Development Department  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Mr. Jennings:

This correspondence is in regard to your Department of the Army (DA) permit for the construction of a CAD cell within Portland Harbor at South Portland, Maine. This project has been assigned number NAE-2017-01950. Please refer to this number in all communication concerning this matter.

Enclosed is an initial proffered DA permit for the proposed work. **If you have no objections to the permit and special conditions, please sign, date, and return to this office for validation.** Upon receipt of the signed permit, the permit will be validated and returned to you without delay. Your DA permit will not be valid until we have returned a copy to you bearing both your signature and the signature of the appropriate Corps official.

This initial proffered permit is a limited authorization containing a specific set of conditions. Since it has also been determined that the activities authorized do not impair the usefulness of the United States Army Corps of Engineers federal navigation project and is not injurious to the public interest, this permit also constitutes your approval under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408). Please read the permit thoroughly to familiarize yourself with those conditions, **including any conditions contained on the enclosed state water quality certification.** If a contractor performs the work for you, both you and the contractor are responsible for ensuring that the work is performed in compliance with the permit's terms and conditions, as any violations could result in civil or criminal penalties.

This letter contains an initial proffered permit for your proposed project. If you object to this permit due to certain terms and conditions therein, you may request that the permit be modified accordingly. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to object to this permit, you must submit a completed RFA form to the District Engineer at the following address:



District Engineer  
Corps of Engineers, New England District  
696 Virginia Road  
Concord, MA 01742-2751

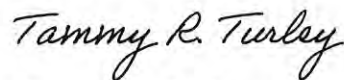
In order for an objection to be considered by the Corps, the Corps must determine that it is complete, and that it has been received by the District Engineer within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by April 30, 2021. It is not necessary to submit an RFA form to the District Engineer if you do not object to the decision in this letter.

You previously signed a Preliminary Jurisdictional Determination Form, a copy of which is attached to this permit decision. The Preliminary JD is not appealable. You may request an approved JD (which may be appealed), by contacting the Corps district office for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

You may not appeal conditions contained in the State water quality certification under this program as they are automatically included in the Federal permit. This authorization does not obviate the need to obtain other Federal, state, or local authorizations required by law.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). If you have any questions regarding this correspondence, please contact Colin Greenan at [colin.m.greenan@usace.army.mil](mailto:colin.m.greenan@usace.army.mil) or 978-318-8676 at our Augusta, Maine Project Office.

Sincerely,



Tammy R. Turley  
Chief, Regulatory Division

Enclosures

cc:

Mike Marsh, U.S. Environmental Protection Agency Region 1, [marsh.mike@epa.gov](mailto:marsh.mike@epa.gov)  
Robert Green, Maine Department of Environmental Protection, [robert.l.green@maine.gov](mailto:robert.l.green@maine.gov)  
William Needelman, City of Portland, Maine, [wbn@portlandmaine.gov](mailto:wbn@portlandmaine.gov)  
Michael Johnson, Stantec, [michael.johnson@stantec.com](mailto:michael.johnson@stantec.com)



## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

|                                       |                                                                    |                         |
|---------------------------------------|--------------------------------------------------------------------|-------------------------|
| Applicant:<br>City of Portland, Maine | File Number:<br>NAE-2017-01950                                     | Date:<br>March 30, 2021 |
| Attached is:                          |                                                                    | See Section below       |
| X                                     | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A                       |
|                                       | PROFFERED PERMIT (Standard Permit or Letter of permission)         | B                       |
|                                       | PERMIT DENIAL                                                      | C                       |
|                                       | APPROVED JURISDICTIONAL DETERMINATION                              | D                       |
| X                                     | PRELIMINARY JURISDICTIONAL DETERMINATION                           | E                       |

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

If you only have questions regarding the appeal process you may also contact:

Ms. Naomi Handell  
Regulatory Program Manager  
U.S. Army Corps of Engineers  
North Atlantic Division – Fort Hamilton  
301 General Lee Avenue – First Floor  
Brooklyn, New York 11252-6700  
[naomi.j.handell@usace.army.mil](mailto:naomi.j.handell@usace.army.mil)

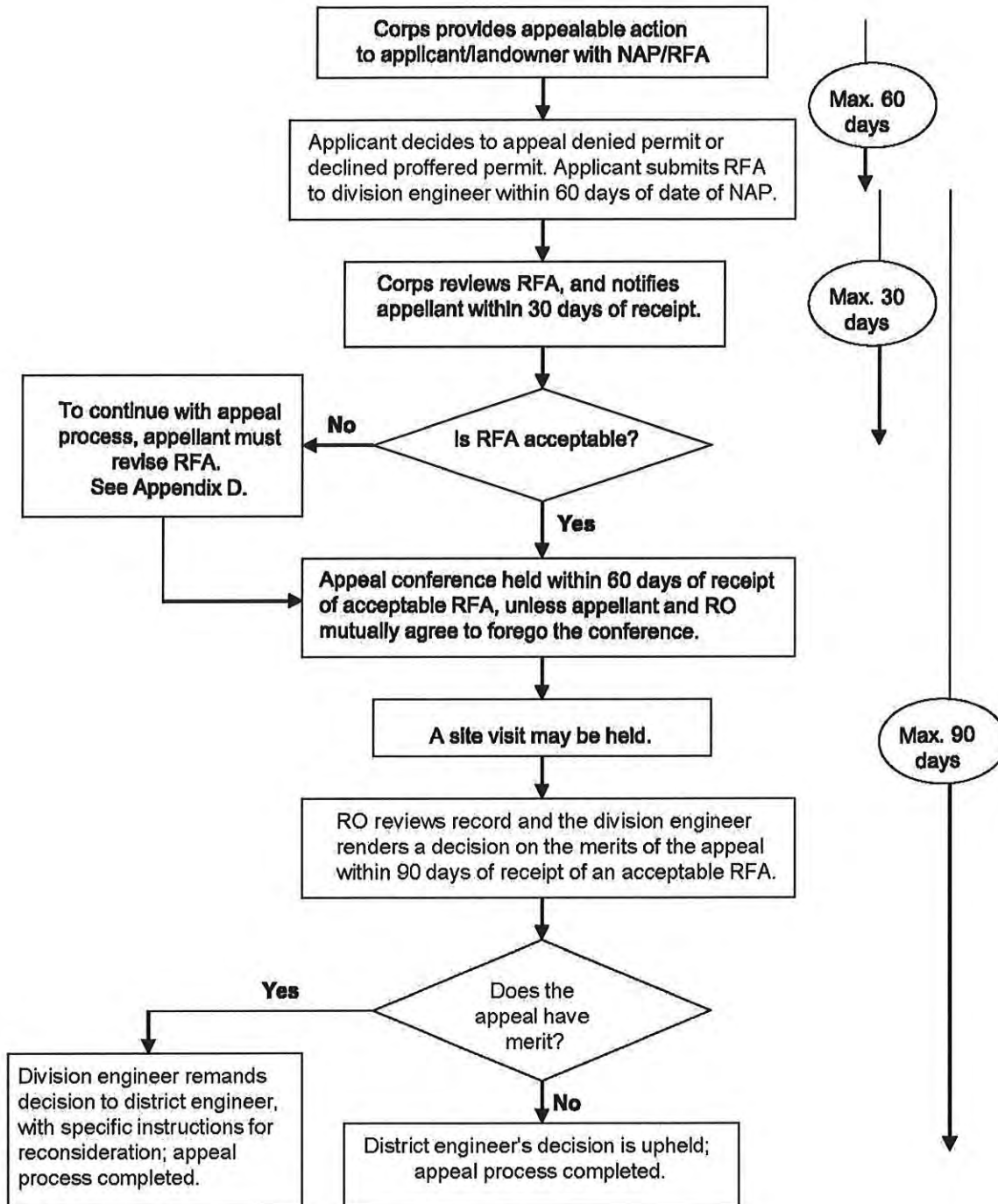
**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

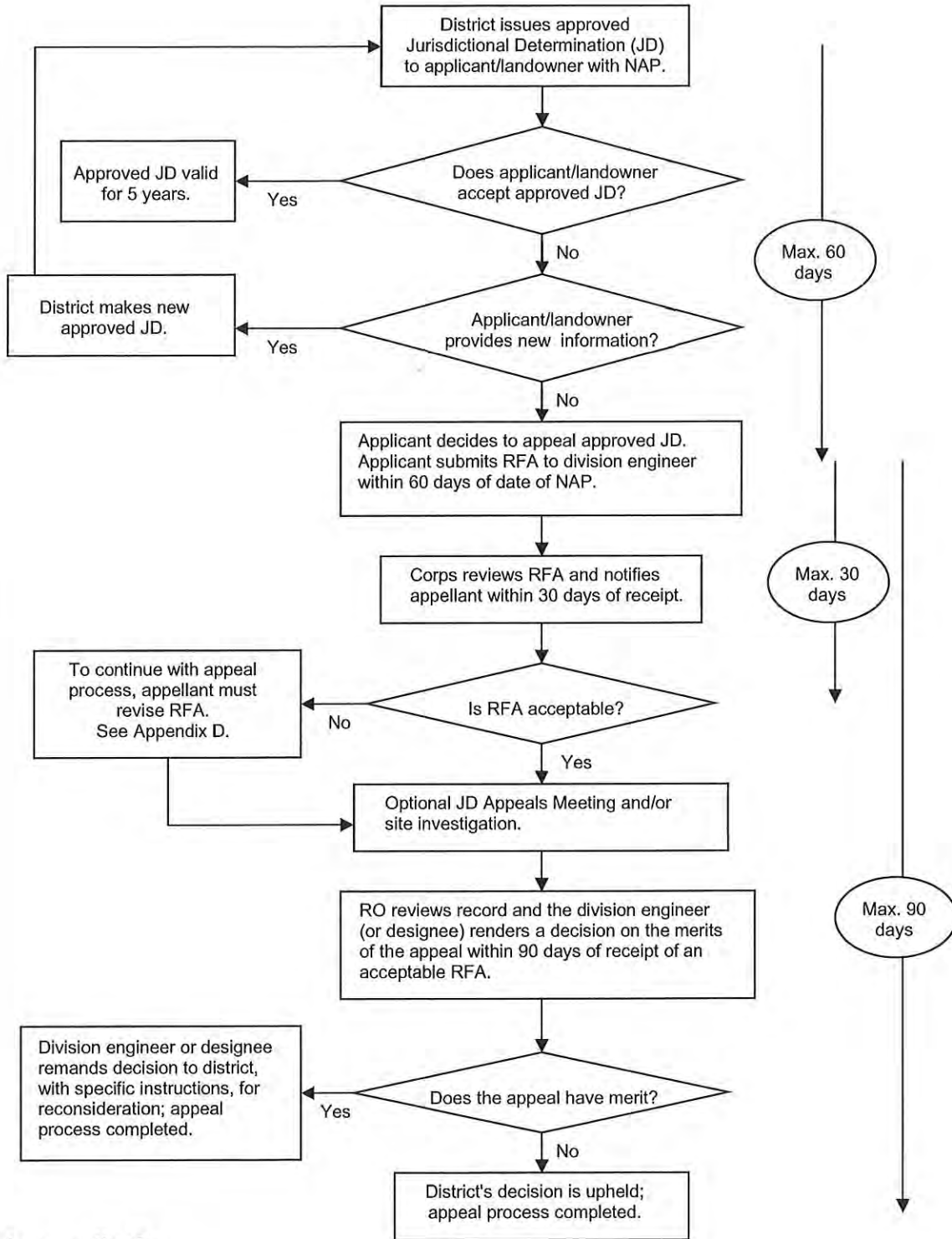
Telephone number:

## Administrative Appeal Process for Permit Denials and Proffered Permits



NOTE: If new information is provided to the Corps, the applicant will be asked if the applicant wishes to revise the project or record. If so, the appeal will be withdrawn and the case returned to the District for appropriate action. If not, then the Division Engineer will rule on the merits of the appeal based on the administrative record without consideration of the new information. However, the new information may cause the District Engineer to take action under 33 CFR 325.7, independent of the appeal process.

## Administrative Appeal Process for Approved Jurisdictional Determination



### Appendix C



## DEPARTMENT OF THE ARMY PERMIT

Permittee Jon Jennings, City of Portland, 389 Congress Street, Portland, Maine 04101

Permit No. NAE-2017-01950

Issuing Office New England District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

### Project Description:

Construction of a confined aquatic disposal (CAD) cell within Portland Harbor at South Portland, Maine for the future disposal of material generated from dredging activities within and around Portland Harbor. Construction of the CAD cell will require dredging approximately 376,858 cubic yards of material from an 8.9 acre area of shallow subtidal habitat.

### *Project Description continued on Page 4*

This work is shown on the attached plans entitled "Project Location", "Proposed CAD Cell Plan", "Proposed CAD Cell Grading Plan", "Proposed CAD Cell Profile", "Proposed CAD Cell Channel Profile", "Proposed CAD Cell Sections A & B", and "Proposed CAD Cell Section C" on seven sheets all dated "2021.01.12".

### Project Location:

Between the entrance channels to the U.S. Coast Guard Station and South Port Marina within Portland Harbor at South Portland, Maine (USGS Portland East quadrangle sheet; Lat/Long 43.645820°N; -70.251411°W).

### Permit Conditions:

#### General Conditions:

1. The time limit for completing the work authorized ends on March 16, 2031. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. The permittee shall ensure that a copy of this permit is at both the dredge site and the disposal site whenever work is being performed and that all personnel performing work at the sites of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for work.

**Special Conditions continued on Page 4**

**Further Information:**

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

(X) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

(X) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1415).

2. **Limits of this authorization.**

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.



Page 698



*Project Description continued from Page 1*

The CAD cell will be dredged to a depth of -50 feet mean lower low water and with 3:1 side slopes. The dredging will be done mechanically via conventional clamshell bucket. The CAD cell is designed to accommodate approximately 273,371 cubic yards of dredged material. A 20,870 SF containment berm will be placed to close off the entrance channel to the CAD cell and to ensure containment of future deposited dredged material.

Dredged material generated from the construction of the CAD cell is proposed for unconfined open water placement at the Portland Disposal Site (PDS) which is located approximately 7.1 nautical miles east of Dyer Point at Cape Elizabeth, Maine at latitude 43.568517°N; and longitude -70.032310°W and is show on the attached plan.

*Special Conditions continued from Page 2*

If the permit is issued after the construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract as a change order. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

2. Transport and open water disposal of dredged material at the Portland Disposal Site shall be completed prior to March 16<sup>th</sup>, 2024. Transport and open water disposal after March 15<sup>th</sup>, 2024 shall not proceed without prior written permission from the Corps as additional testing may be required in order to ensure that additional dredged material is suitable for this disposal site.

**3. In order to comply with the permission to alter the Portland Harbor Federal Navigation Project under 33 USC § 408, the permittee shall comply with all of the terms and conditions and special conditions contained in the attached document entitled "Appendix K".**

4. This authorization requires the permittee to 1) notify the Corps before beginning work so the Corps may inspect the project, and 2) submit a Compliance Certification Form. The permittee shall complete and return the enclosed Work Start Notification Form to the Corps at least two weeks before the anticipated starting date. The permittee shall also complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.

5. The permittee shall hold a pre-construction meeting with the Corps and their contractor(s) in order to discuss the terms and conditions of this authorization as they relate to the Corps Portland Harbor Federal Navigation Project.

*Special Conditions continued below on Page 5*



*Special Conditions continued from Page 4*

6. At least two weeks prior to the placement of the containment berm, the permittee shall hold a meeting with the Corps and their contractor(s) in order to discuss the terms and conditions of this authorization as they relate to the Corps Portland Harbor Federal Navigation Project.

7. The work authorized by this permit shall be conducted between November 1<sup>st</sup> and March 15<sup>th</sup> of any year in order to minimize potential impacts to endangered species, essential fish habitat, and local water quality.

8. Disposal vessels including tugs, barges, and scows transiting between the dredge site and the disposal site shall operate at speeds not to exceed 10 knots in order to reduce the potential for vessel collisions with Endangered Species Act-listed whale, turtle, and fish species. For unanticipated conditions, a vessel may operate at a speed necessary to maintain safe maneuvering speed instead of the required 10 knots.

9. The captain or a designated endangered species observer shall:

a. Check communication media for the latest information regarding North Atlantic right whale sighting locations. These media may include, but are not limited to, the Whale Alert app ([www.fisheries.noaa.gov/resource/tool-app/whale-alert-smartphone-app](http://www.fisheries.noaa.gov/resource/tool-app/whale-alert-smartphone-app)), <https://portal.nrwbuoys.org/ab/dash/> or <https://www.nefsc.noaa.gov/psb/surveys>. Check communication media before the initial disposal operation to determine the potential presence of whales in the area; and

b. Lookout for turtles and whales and advise the captain of turtle or whale sightings.

c. Report any interactions (i.e., vessel strikes, captures, etc.) with any ESA-listed species as soon as possible (within 24-hours) to the NMFS Marine Animal Response Hotline at (866) 755-NOAA or USCG via CH-16 and immediately report any injured or dead marine mammals or sea turtles to NMFS at (866) 755-NOAA.

d. Every three months after the initial dredge action for as long as the dredging and disposal continues and at the end of a disposal operation, submit a report by email to [cenae-r-me@usace.army.mil](mailto:cenae-r-me@usace.army.mil) and [incidental.take@noaa.gov](mailto:incidental.take@noaa.gov), summarizing the vessel route taken, number of trips, sightings of ESA-listed species, and any action taken to avoid interactions with ESA-listed species.

10. The vessel captain shall:

a. Lookout for turtles and whales; and

b. Avoid transit and disposal when visibility is lessened (e.g., at night, fog) to an extent that would preclude an endangered species observer from spotting a whale within 1,500 feet or a sea turtle within 600 feet. Disposal shall not be permitted if these requirements cannot be met due to weather or sea conditions. In that regard, the permittee and contractor should be aware of predicted conditions before departing for the disposal site. The intent of this condition is to reduce the potential for vessel collisions with endangered species, including right whales.

c. Avoid harassment of or direct impact to turtles and whales except when precluded by safety considerations; and

*Special Conditions continued below on Page 6*



*Special Conditions continued from Page 5*

d. Ensure that the disposal vessel adheres to the enclosed NMFS regulations for approaching right whales, 50 CFR 224.103(c), which restrict approaches within 1,500 feet (500 yards) of a right whale and specify avoidance measures for vessels that encounter right whales; and

e. Ensure that dredged material is not released if whales are within 1,500 feet or turtles are within 600 feet of the specified disposal point. The captain must check in with the endangered species observer prior to releasing the dredged material. If whales or turtles are within these distances and appear to be moving away from the specified disposal point, within these distances and appear to be remaining stationary, or outside these distances but appear to be moving towards the specified disposal point, the vessel captain shall wait until they have cleared the specified disposal point by these distances and are not moving towards it, and then proceed with disposal at the specified disposal point.

11. The permittee shall notify the First U.S. Coast Guard District, Local Notice to Mariners Office, (617) 223-8356, and Aids to Navigation Office, (617) 223-8347, at least ten working days in advance of the intended start date of the location and estimated duration of the dredging and disposal operations.

12. The permittee shall also notify the U.S. Coast Guard, Sector Northern New England, Waterways Management Section, (207) 347-5026, at least ten working days in advance of the intended start date of the location and estimated duration of the dredging and disposal operations.

13. For the initiation of disposal activity and any time disposal operations resume after having ceased for one month or more, the permittee or the permittee's representative shall notify the Corps at least ten working days before the date that disposal operations are expected to begin or resume. To facilitate this process, the permittee submit the enclosed Disposal Request Log Sheet (see below for contact and submittal information). Disposal operations shall not begin or resume until the Corps issues an Open-Water Disposal Approval Letter for the initiation or continuation of open-water disposal. The letter will include disposal point coordinates to use for this specific project at that time. These coordinates may differ from those specified for other projects using the same disposal site or even from those specified earlier for this project. It is not necessary to wait ten days before starting disposal operations. They may start as soon as the Open-Water Disposal Approval Letter is issued.

14. Except when directed otherwise by the Corps for site management purposes, all disposal of dredged material shall adhere to the following:

a. The permittee shall release the dredged material at a specified set of coordinates within the disposal site provided in the Open-Water Disposal Approval Letter with the scow traveling at speeds not exceeding two knots.

*Special Conditions continued below on Page 7*



*Special Conditions continued from Page 6*

b. Disposal shall occur with the scow within 300 feet of the disposal coordinates provided in the Open-Water Disposal Approval Letter.

c. If scow speed exceeds 2.0 knots during any disposal event or disposal occurs beyond 300 feet of the provided disposal coordinates, the permittee is responsible for providing a written explanation and supporting documentation for the non-compliance. Disposal is not permitted if these requirements cannot be met due to weather or sea conditions. In that regard, special attention needs to be given to predicted conditions prior to departing for the disposal site.

15. National Dredging Quality Management Program Requirements:

a. Every discharge of dredged material at any site (e.g., open water disposal area confined aquatic disposal cell beach nourishment, nearshore disposal) requires monitoring by the contractor. This disposal monitoring of dredging projects shall be performed using the Dredging Quality Management (DQM) system software and hardware system developed by the Corps. The only exception in the requirement of DQM monitoring is for dredging with a cutterhead dredging apparatus. The DQM system shall be certified by the Corps within a year of the disposal activity. See the National DQM Support Center site <http://dqm.usace.army.mil> for additional DQM information. Questions regarding certification should be addressed to the Corps New England District DQM Point of Contact at (978) 318-8338.

b. The permittee is responsible for ensuring that the system is operational throughout the project and that project data are submitted to the National DQM Support Center in accordance with the specifications provided at the aforementioned website. If any component of the system is inoperable, disposal shall not take place unless otherwise authorized by the Corps New England District DQM Point of Contact (call (978) 318-8338)). If any of the DQM certified telemetry ceases operation during a disposal trip, an alternative recording of the absent data stream must be maintained. The breakdown of any DQM-certified telemetry shall be reported to the DQM Point of Contact and repaired within 48 hours to keep the scow fully compliant with permit conditions. Unless weather, safety or sea state conditions prevent it, the hull doors shall be fully closed on split hull scows before the vessel leaves the disposal site.

c. The DQM system used by the permittee shall be capable of providing the information necessary for the Scow Monitoring Profile Specification. The permittee is also responsible to provide the Corps (see below for submittal information) with a record of estimated barge volume of dredged material for each trip. The permittee shall submit a weekly report to Corps that provides estimated volume (cubic yards), date and disposal time for each trip. The permittee shall make the data collected by the DQM system available to the Corps upon request.

16. If any material is released beyond the limits specified in this permit, the Captain of the disposal vessel, the permittee's representative or the permittee shall notify the Corps immediately at (978) 318-8338. Leave a voice message with the relevant information if no one answers. Information provided shall include disposal coordinates, permit number, volume disposed, date and time of disposal, circumstances of incident, disposal vessel name, name of caller, and phone number of caller. In addition, a detailed written report shall be provided to the Corps within 48 hours following any such incident.

*Special Conditions continued below on Page 8*

*Special Conditions continued from Page 7*

17. Unless otherwise stated, all submittals and coordination related to these special conditions shall be submitted via: a) MAIL: PATS Branch - Regulatory Division, Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, b) EMAIL: [cenae-r@usace.army.mil](mailto:cenae-r@usace.army.mil), or c) FAX: (978) 318-8303. Direct general dredge related questions to (978) 318-8338. Documents which are not addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit.



33 USC Section 408 for Portland Harbor CAD Cell Project  
 South Portland, Maine  
 Portland Harbor CAD Cell

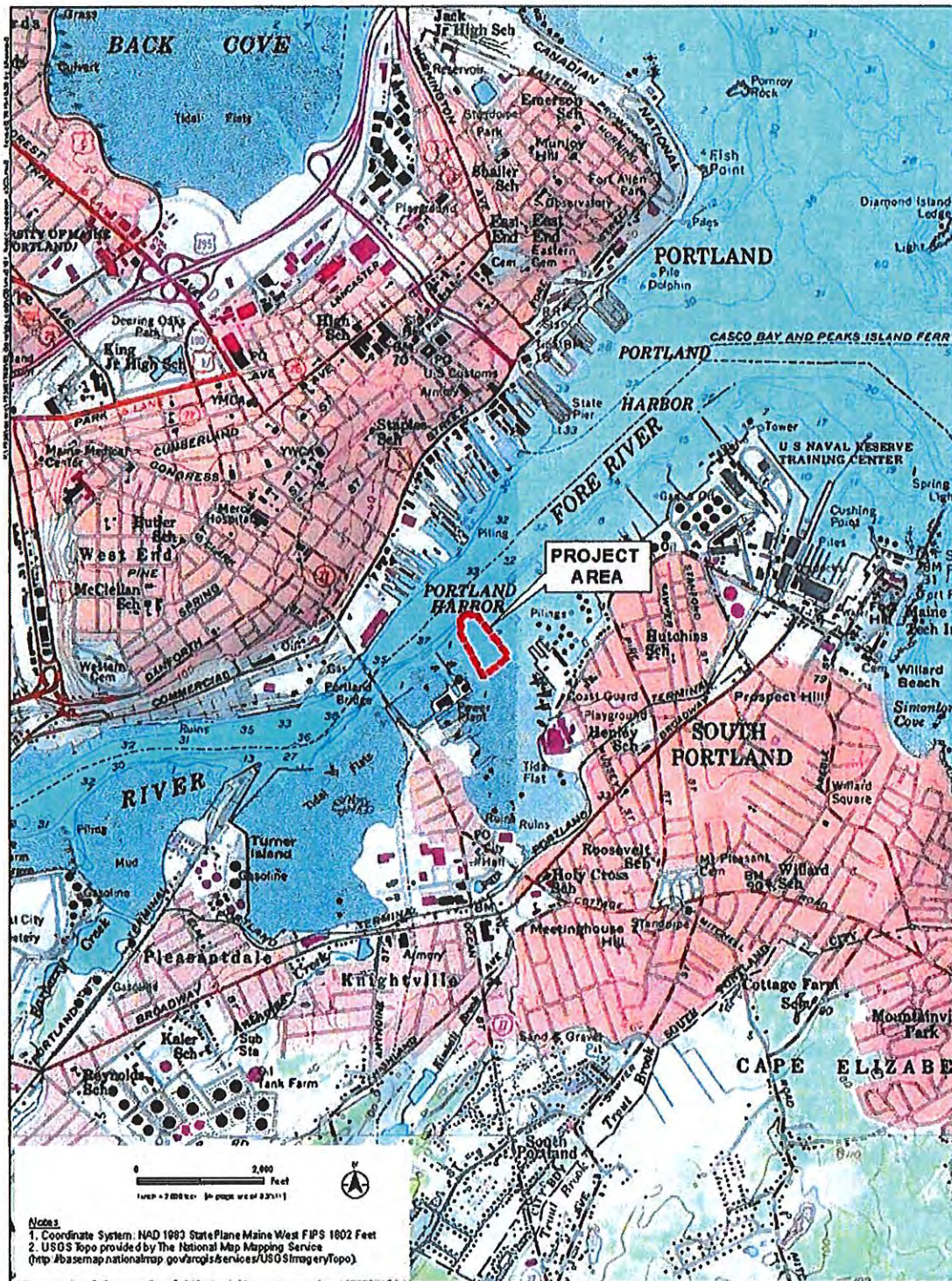
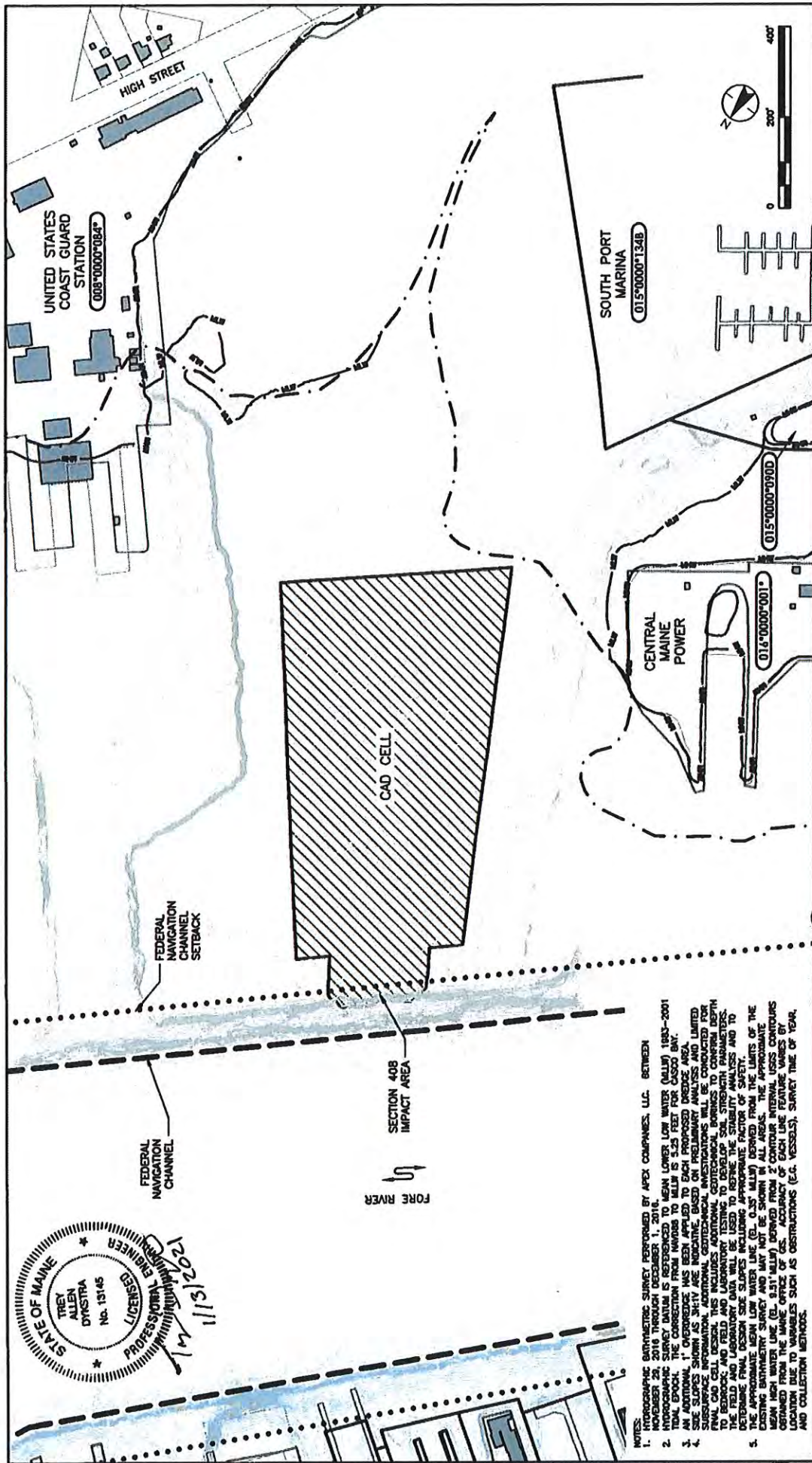


Figure 1. Project Location: 7.5 Minute Series USGS Topographic Quadrangle – Portland, ME







STATE OF MAINE  
 TREY ALLEN DYCKSTRA  
 No. 13145  
 LICENSED PROFESSIONAL ENGINEER  
 11/13/2021

NOTES:  
 1. HYDROGRAPHIC SURVEY PERFORMED BY APEX COMPANIES, LLC. BETWEEN 1983-2001.  
 2. HYDROGRAPHIC SURVEY DATA IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TOTAL EPOCH. THE CORRECTION FROM NAVD83 TO MLLW IS 5.23 FEET FOR CASCO BAY.  
 3. AN ADDITIONAL 1" OVERECCENTRE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.  
 4. SEE SLOPES SHOWN AS 3H:1V ARE INDICATIVE, BASED ON PRELIMINARY ANALYSIS AND LIMITED SUBSURFACE INFORMATION. ADDITIONAL INVESTIGATIONS WILL BE REQUIRED TO CONFIRM DESIGN TO BEDROCK, AND FIELD AND LABORATORY TESTING TO DEVELOP SOIL STRENGTH PARAMETERS. THE FIELD AND LABORATORY DATA WILL BE USED TO REFINES THE STABILITY ANALYSIS AND TO DETERMINE FINAL DESIGN SIDE SLOPES INCLUDING APPROPRIATE FACTOR OF SAFETY.  
 5. THE APPROXIMATE MEAN LOWER LOW WATER (MLLW) IS SHOWN ALONG THE PERIMETER OF THE CAD CELL. THE APPROXIMATE MEAN HIGH WATER (MHW) IS SHOWN ALONG THE PERIMETER OF THE CAD CELL.  
 6. THE APPROXIMATE MEAN WATER LINE (EL. 8.31' MLLW) DERIVED FROM 2' CONTOUR INTERVAL USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF GE. ACCURACY OF EACH LINE FEATURE VARIES BY LOCATION DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G. VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

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**City of Portland**

Portland Harbor  
CAD Cell Project

Project No. 195601208

**Proposed CAD Cell Plan**

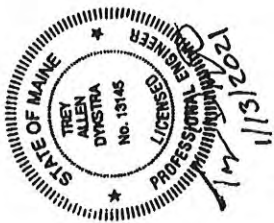
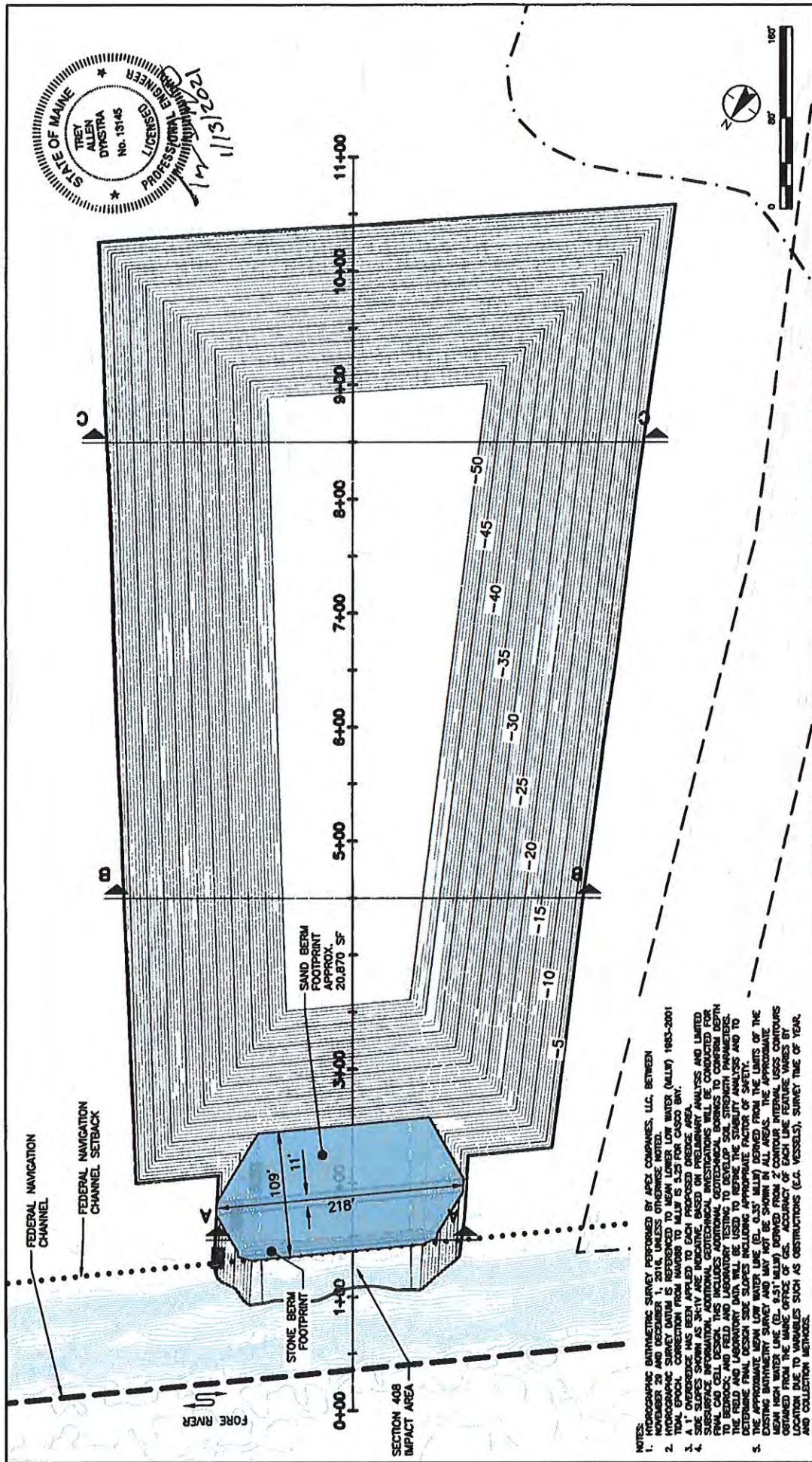
Revised on: 2021.01.12

Reference Sheet: 2

**Legend**

- 1" HYDROGRAPHIC CONTOUR
- DREDGED AREA
- TAX MAP PARCEL LINE
- TAX MAP PARCEL NUMBER
- APPROXIMATE SUBMERGED LANDS REGULATORY LIMIT (1920)
- APPROXIMATE MEAN LOWER LOW WATER
- APPROXIMATE MEAN HIGH WATER



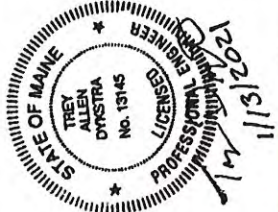
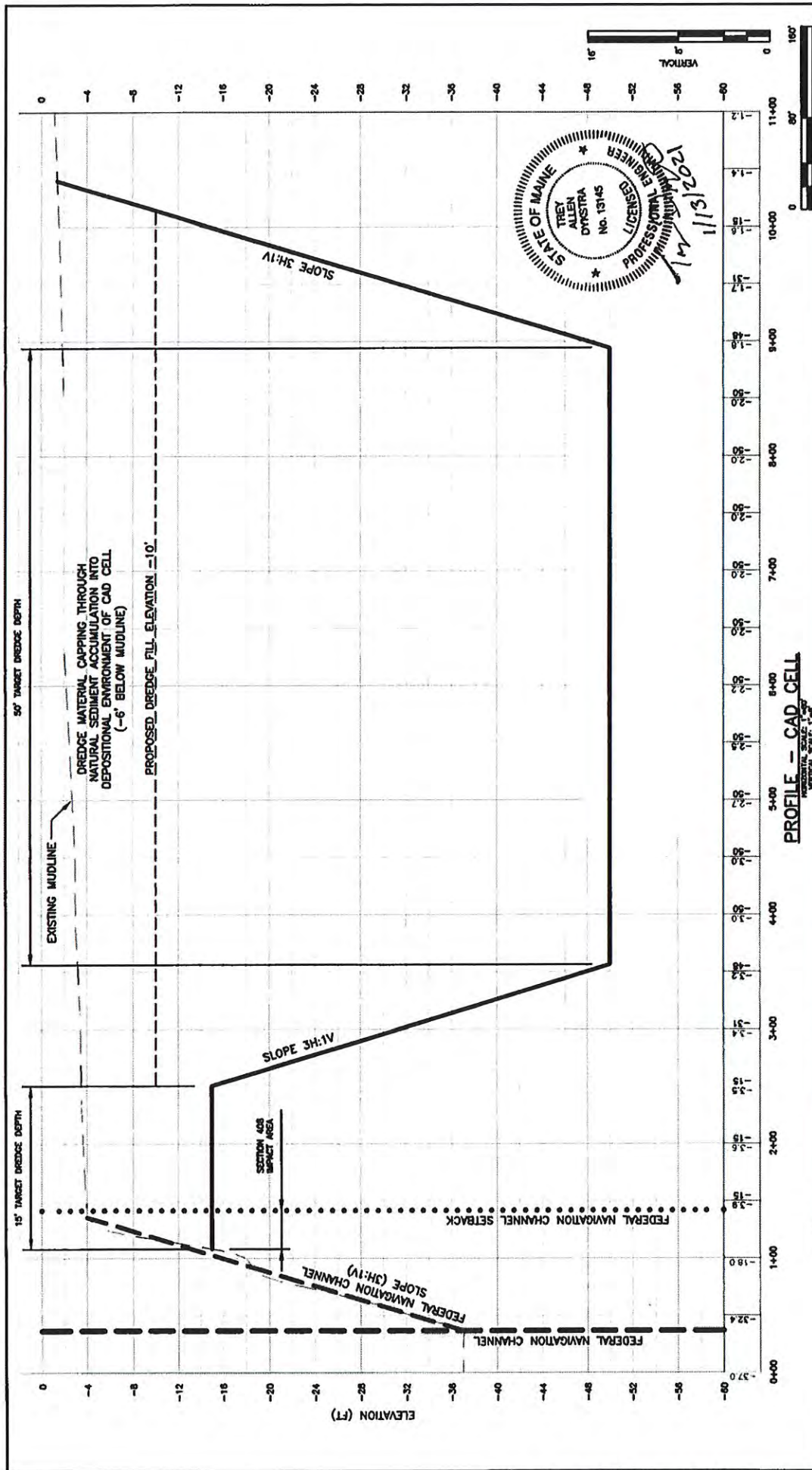


|                                                                                                                                              |  |                                                                                  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------|--|
| <b>Stantec</b><br>Stantec Consulting Services Inc.<br>30 Fort Drive, Suite 400, Portland, ME 04106<br>Tel: (207) 726-1199<br>www.stantec.com |  | <b>FOR PERMITTING PURPOSES ONLY</b><br>NOT FOR CONSTRUCTION                      |  |
| Title: <b>Proposed CAD Cell Grading Plan</b>                                                                                                 |  | Client/Project: <b>City of Portland<br/>Portland Harbor<br/>CAD Cell Project</b> |  |
| Revision: _____ Date: <b>2021.01.12</b>                                                                                                      |  | Project No: <b>195601208</b>                                                     |  |
| Reference Sheet: _____ Page No: <b>3</b>                                                                                                     |  |                                                                                  |  |

NOTES:

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 28 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOW WATER (MLLW) 1983-2001 DATUM. SURVEY DATA IS BASED ON A 1' VERTICAL ACCURACY.
3. A 1' OVERLAP HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
4. SIDE SLOPES SHOWN AS 3H:1V ARE INDICATIVE, BASED ON PRELIMINARY ANALYSES AND LIMITED SURFACE INFORMATION. ADDITIONAL GEOTECHNICAL INVESTIGATIONS WILL BE CONDUCTED FOR THE CAD CELL. THIS INCLUDES ADDITIONAL GEOTECHNICAL ANALYSES TO CORRELATE WITH THE FIELD AND LABORATORY DATA WILL BE USED TO REFINE THE STABILITY ANALYSES AND TO DETERMINE FINAL DESIGN SIDE SLOPES INCLUDING APPROPRIATE FACTOR OF SAFETY.
5. THE APPROXIMATE MEAN LOW WATER LINE (E.L. 0.35' MLLW) DERIVED FROM THE LIMITS OF THE EXISTING BATHYMETRIC SURVEY AND MAY NOT BE SHOWN IN ALL AREAS. THE APPROXIMATE MEAN LOW WATER LINE IS BASED ON THE BEST AVAILABLE DATA AND MAY VARY FROM THE LOCATION DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G. VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.





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**City of Portland**  
Portland Harbor  
CAD Cell Project

Project No: 195601208

City of Portland  
Portland Harbor  
CAD Cell Project

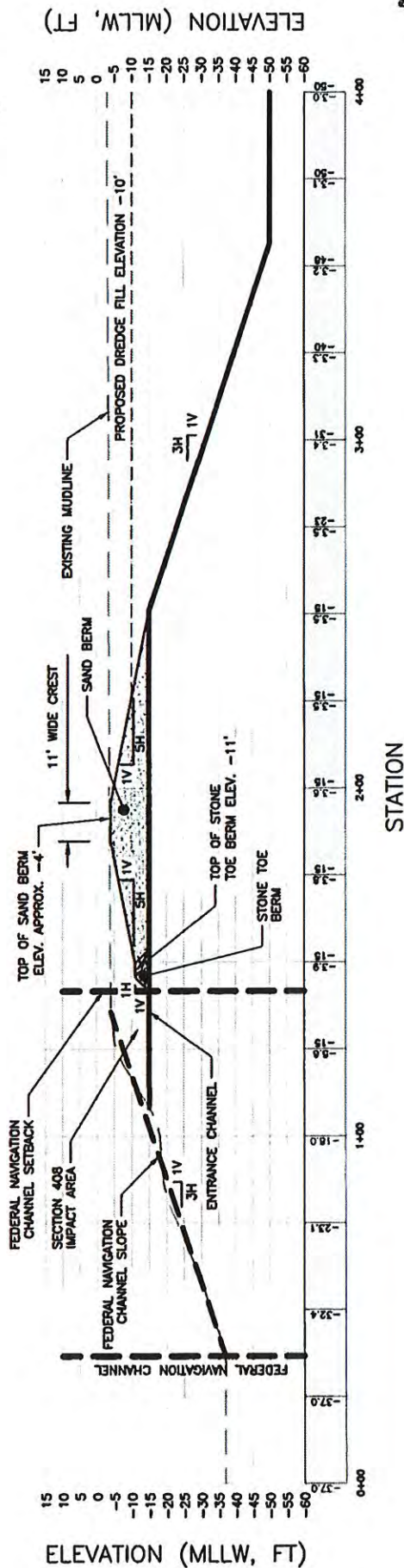
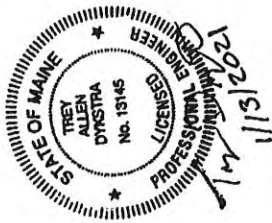
Project No: 195601208

**Proposed CAD Cell Profile**

Revision: 2021.01.12

Figure No: 4

Reference Sheet



# PROFILE -- ENTRANCE CHANNEL

Legend  
 --- EXISTING BATHYMETRY  
 --- PROPOSED TARGET DREDGE DEPTH

NOTES:  
 1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC. BETWEEN 1983-2001. SURVEY DATA IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001. TOTAL EPOCH. THE CORRECTION FROM NAVD83 TO MLLW IS 3.25 FEET FOR CASCO BAY.  
 2. AN ADDITIONAL 1" OVERCORRECTION HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA. SIDE SLOPES SHOWN AS 3H:1V ARE INDICATIVE BASED ON PRELIMINARY ANALYSIS AND LIMITED SUBSURFACE INFORMATION. ADDITIONAL GEOTECHNICAL INVESTIGATIONS WILL BE CONDUCTED FOR THE PROPOSED DREDGE AREAS TO DETERMINE SOIL STRENGTH PARAMETERS AND TO DETERMINE FINAL DESIGN SIDE SLOPES INCLUDING APPROPRIATE FACTOR OF SAFETY.

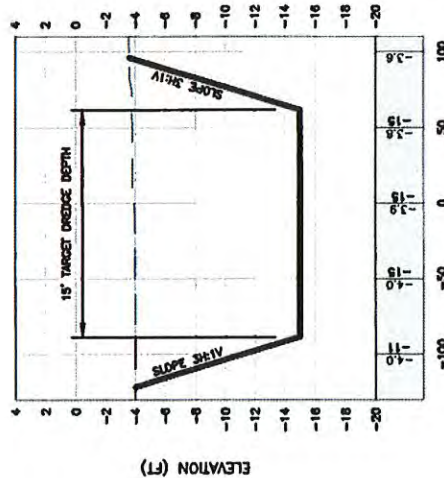
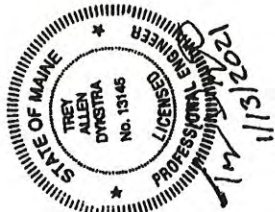
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 Scarborough, ME 04072  
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 Fax: (207) 875-7328  
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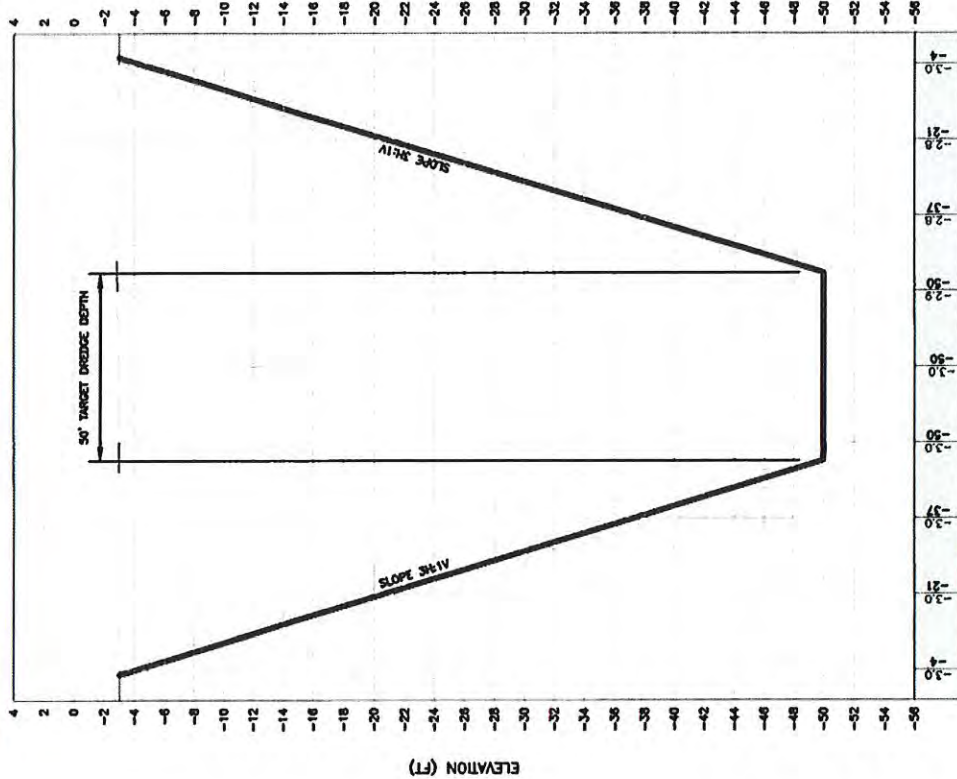
Title: Proposed CAD Cell  
 Entrance Channel Profile  
 Revision: \_\_\_\_\_ Date: 2021.01.12  
 Reference Sheet: \_\_\_\_\_ Figure No: 5

Client/Project:  
 City of Portland  
 Portland Harbor  
 CAD Cell Project  
 Project No: 195601208





Section A (STA. 1+50)



Section B (STA. 4+50)

SECTION(S) - CAD CELL



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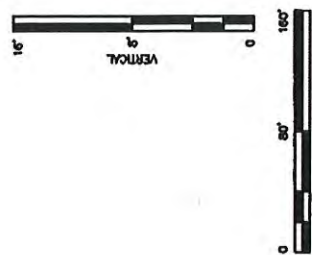
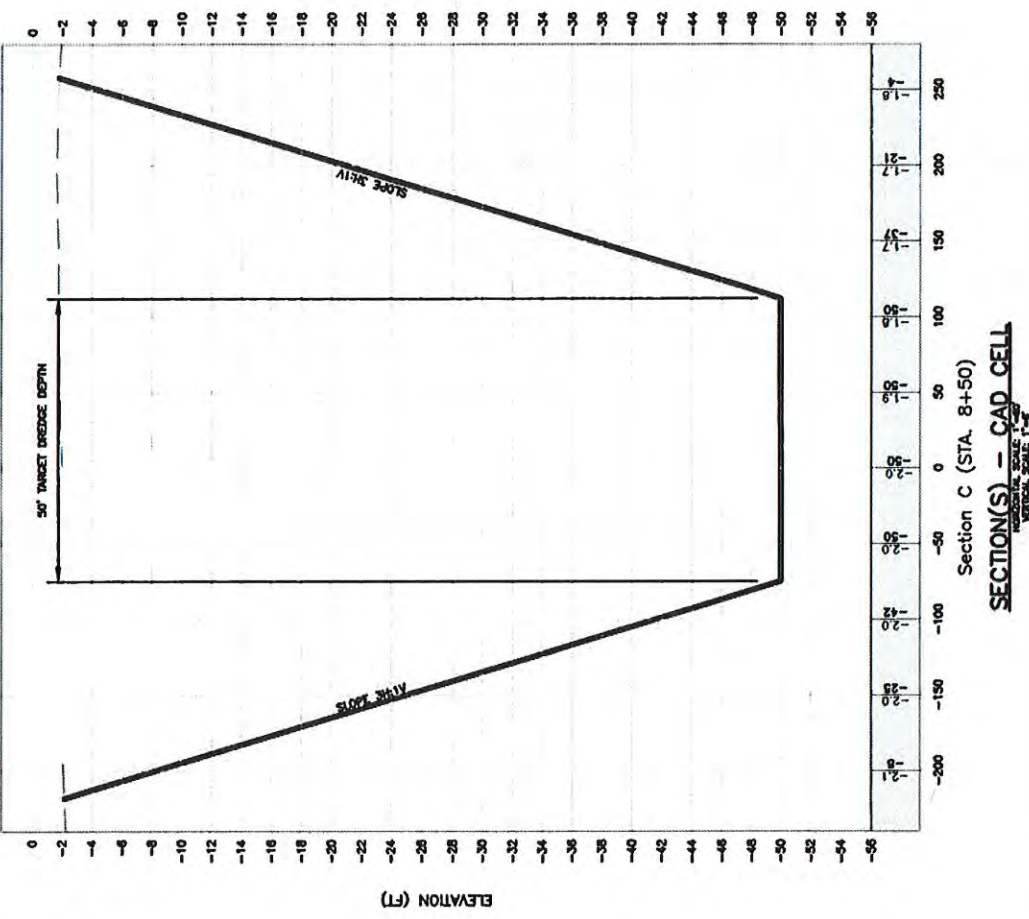
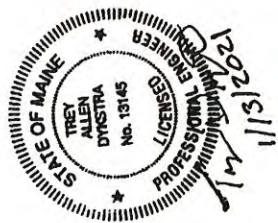
NOVEMBER, 2019

NOTES:  
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 2018 THROUGH DECEMBER 1, 2018.  
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1985-2001 TIDAL EPOCH. THE CORRECTION FROM NAVD83 TO MLLW IS 5.25 FEET FOR CASCO BAY.  
3. AN ADDITIONAL 1' OVERBURDEN HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.  
4. SIDE SLOPES SHOWN AS 3H:1V ARE LOCATING BASED ON PRELIMINARY ANALYSIS AND LIMITED SURVEY DATA. THESE SLOPES ARE NOT TO BE USED FOR FINAL DESIGN. THE FINAL DESIGN SHALL BE BASED ON ADDITIONAL GEOTECHNICAL BORINGS TO DETERMINE SOIL STRENGTH PARAMETERS. THE FIELD AND LABORATORY DATA WILL BE USED TO REFINES THE STABILITY ANALYSIS AND TO DETERMINE FINAL DESIGN SIDE SLOPES INCLUDING APPROPRIATE FACTOR OF SAFETY.

Legend  
— EXISTING BATHYMETRY  
— PROPOSED TARGET DREDGE DEPTH

City of Portland  
Portland Harbor  
CAD Cell Project

Title: Proposed CAD Cell Sections A & B  
Revision: \_\_\_\_\_ Date: 2021.01.12  
Reference Sheet: \_\_\_\_\_ Page No: 6



Client/Project: City of Portland  
 Portland Harbor  
 CAD Cell Project  
 Project No: 195601208

Title: Proposed CAD Cell  
 Section C

Rev on: \_\_\_\_\_ Date: 2021.01.12  
 Reference Sheet: \_\_\_\_\_ Figure No: 7

NOTES:

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APCC COMPANIES, LLC, BETWEEN NOVEMBER 20, 2018 THROUGH DECEMBER 1, 2018.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TOTAL EPOCH. THE CORRECTION FROM NAVD83 TO MLLW IS 5.25 FEET FOR CASCO BAY.
3. AN ADDITIONAL 1" OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
4. SIDE SLOPES SHOWN AS 2:1 AND 3:1 ARE INDICATIVE BASED ON PRELIMINARY ANALYSIS AND LIMITED DATA. THE FINAL DESIGN SHALL BE BASED ON ADDITIONAL GEOTECHNICAL ANALYSIS AND LIMITED DATA. THE FIELD AND LABORATORY TESTING TO DEVELOP SOIL STRENGTH PARAMETERS, TO BEDROCK, AND LABORATORY DATA WILL BE USED TO REFINE THE STABILITY ANALYSIS AND TO DETERMINE FINAL DESIGN SIDE SLOPES INCLUDING APPROPRIATE FACTOR OF SAFETY.

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November 2019

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**US Army Corps  
of Engineers®**  
New England District

**INDIVIDUAL PERMIT  
WORK-START NOTIFICATION FORM**  
(Minimum Notice: Two weeks before work begins)

**EMAIL THIS FORM TO:** [colin.m.greenan@usace.army.mil](mailto:colin.m.greenan@usace.army.mil)

A Corps of Engineers Permit (No. NAE-2017-01950) was issued to the City of Portland, Maine. The work is located in Portland Harbor at South Portland, Maine. The permit authorized the permittee to construct an 8.9 acre confined aquatic disposal (CAD) cell within Portland Harbor for the future disposal of material generated from dredging activities within and around Portland Harbor. A 20,870 SF containment berm will be placed to close off the entrance channel to the CAD cell and to ensure containment of future deposited dredged material. Approximately 376,858 cubic yards of dredged material resulting from the construction of the CAD cell will be disposed of at the Portland Disposal Site (PDS).

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (     ) \_\_\_\_\_ (     ) \_\_\_\_\_

Proposed Work Dates:     Start: \_\_\_\_\_

Finish: \_\_\_\_\_

PERMITTEE'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

*FOR USE BY THE CORPS OF ENGINEERS*

Project Manager: GREENAN Submittals Required: YES

Inspection Recommendation: inspect as convenient





**US Army Corps  
of Engineers®**  
New England District

**DISPOSAL REQUEST FORM**

Complete and send this form to: 978-318-8303 (fax), [cenae-r@usace.army.mil](mailto:cenae-r@usace.army.mil), or:  
Policy and Technical Support Branch  
Regulatory Division  
U.S. Army Corps of Engineers, New England District  
696 Virginia Road  
Concord, MA 01742-2751

|                      |                |
|----------------------|----------------|
| Request Date         |                |
| Corps File Number    | NAE-2017-01950 |
| Permit Issuance Date |                |

**Permittee's Information**

|                   |                                                                               |
|-------------------|-------------------------------------------------------------------------------|
| Name              | City of Portland, Maine                                                       |
| Street            | 389 Congress Street                                                           |
| City/State/Zip    | Portland, Maine 04101                                                         |
| Contact Person    | Jon Jennings                                                                  |
| Phone # and Email | 207-438-5534 <a href="mailto:jjp@portlandmaine.gov">jjp@portlandmaine.gov</a> |

**Contractor's Information**

|                   |  |
|-------------------|--|
| Name              |  |
| Street            |  |
| City/State/Zip    |  |
| Contact Person    |  |
| Phone # and Email |  |

**Dredge Information**

|                                                   |          |
|---------------------------------------------------|----------|
| Dredge site location                              |          |
| Disposal area name                                |          |
| Start and end dates                               |          |
| List any Corps provided time of year restrictions |          |
| Is this continuing work?                          |          |
| Permitted volume                                  | cu. yds. |
| Previous volume disposed                          | cu. yds. |
| Proposed volume to be disposed                    | cu. yds. |
| Project dredge depth                              |          |

|                      |                              |
|----------------------|------------------------------|
| Disposal vessel name | Date vessel certified in DQM |
|                      |                              |
|                      |                              |



**US Army Corps  
of Engineers®**  
New England District

(Minimum Notice: Permittee must sign and return notification  
within one month of the completion of work.)

### COMPLIANCE CERTIFICATION FORM

**Corps Project Number:** NAE-2017-01950

**Name of Permittee:** Jon Jennings, City of Portland, Maine

**Permit Issuance Date:** \_\_\_\_\_

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

\*\*\*\*\*  
\* MAIL TO: U.S. Army Corps of Engineers, New England District \*  
\* Policy Analysis/Technical Support Branch, ATTN: Marie Farese \*  
\* Regulatory Division \*  
\* 696 Virginia Road \*  
\* Concord, Massachusetts 01742-2751 \*  
\*\*\*\*\*

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

**I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.**

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date of Work Completion

( ) \_\_\_\_\_

Telephone Number



DEPARTMENT ORDER

IN THE MATTER OF

|                             |                                    |
|-----------------------------|------------------------------------|
| PORTLAND HARBOR COMMISSION  | ) NATURAL RESOURCES PROTECTION ACT |
| Portland and South Portland | ) COASTAL WETLAND ALTERATION       |
| Cumberland County           | ) SIGNIFICANT WILDLIFE HABITAT     |
| PORTLAND HARBOR DREDGE      | ) WATER QUALITY CERTIFICATION      |
| L-28486-4E-A-N (approval)   | )                                  |
| L-28486-FS-B-N (approval)   | )                                  |
| L-28486-TW-C-N (approval)   | ) FINDINGS OF FACT AND ORDER       |

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Clean Water Act (33 U.S.C. § 1341), and Chapters 310, 315, and 335 of Department rules, the Department of Environmental Protection has considered the application of PORTLAND HARBOR COMMISSION with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History of Project Development: The Portland Harbor, located at the mouth of the Fore River, is heavily developed with individually owned piers, marinas, and other waterfront property. The north side of the harbor is located within the limits of the City of Portland and the south side of the harbor is located within the City of South Portland. Years of accumulating sediment have resulted in shallowing depths for vessels that use the piers, leaving some areas exposed at low tide.

The accumulated sediment contains pollutants from stormwater runoff, spills, and legacy contaminants from previous industrial activities along the waterfront. Dredging of berthing and vessel-support areas is complicated by disposal of the dredged material. Before financing for dredging can be procured, waterfront owners face upfront costs for expensive sediment assessments to determine how and where dredged material may be disposed. Because it is generally accepted that dredged material from around the piers would be unsuitable for open-ocean disposal and upland disposal is too expensive because of handling costs, dredging has been deferred and resulted in conditions that limit all-tide access, negatively affecting the working waterfront.

To address the disposal needs of the piers, marinas and waterfronts of Portland Harbor, the City of Portland received Department approval (Department Order #L-28487-4E-A-N, dated October 26, 2020) to construct a Confined Aquatic Disposal (CAD) cell to be used for the disposal of dredged materials generated from multiple sources in the Portland Harbor. When completed, the CAD cell will have a holding capacity of 273,371 cubic yards with an operational lifetime projected to be five years. The CAD cell will be located on publicly owned, submerged land within the municipality of the City of South



Portland, between the U.S. Coast Guard Station and South Port Marina, in shallow subtidal waters on the southern bank of the Fore River.

B. Summary: The applicant, in cooperation with the Cities of Portland and South Portland and the Maine Department of Transportation (MDOT), is proposing to dredge areas around the piers, marinas and waterfronts of Portland Harbor, outside of the federal navigational project. The proposed Portland Harbor Dredge Project will provide full-tide accessible berthing to maintain the working waterfronts, promote commercial economic growth of the harbor, and improve water quality. The scope of the project includes dredging at 33 locations along 21 piers, 10 marinas and boatyards, the Portland public boat launch, and the Portland commercial barge landing. Overall the proposed project includes dredging of 47 separate parcels. All dredged material will be disposed in the CAD cell. Given the scope of the proposed project, the applicant expects the work to be done over several dredging seasons.

Working with each property owner, the applicant identified unique, three-dimensional prisms, areas and depths to be dredged, that will meet the specific needs at each property owner and calculated the volume of material that needs to be dredged for each prism. In total, the proposed project will mechanically dredge 33 separate areas that cover an area of approximately 46.8 acres (2,038,000 square feet) of coastal wetlands, including approximately 1.19 acres (51,728 square feet) of coastal wetlands containing eelgrass, and remove approximately 244,678 cubic yards of silt and fine-grained sand. The proposed project is shown on a set of drawings titled "Portland Harbor Dredge Areas," prepared by Stantec Consulting Services, Inc., and dated November 13, 2019.

C. Current Use of the Site: The project area includes sites on both sides of the Fore River in the Cities of Portland and South Portland, beginning at Cassidy Point and extending seaward to Spring Point Marina in South Portland, and East End Beach to Maine Yacht Center in Portland.

D. Title, Right or Interest: An application must include documentation demonstrating that the applicant has title, right or interest in the property proposed to be developed or used for the project sufficient for the nature and duration of the proposed development or use. For those properties not otherwise owned by the applicant, the City of Portland, the City of South Portland, or the MDOT, the application included Letters of Authorization from each of the property owners granting the applicant authorization to dredge material from the prism unique to their property and to dispose of the dredged material in the CAD cell.

## 2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. § 480-D(1), requires the applicant to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project area and surroundings, including an aerial photograph of the project site. Department staff visited the project area on December 10, 2019.

The proposed project area is located in the Portland Harbor at the mouth of the Fore River, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The shoreline of the proposed project area is developed with existing marinas, wharves, and commercial buildings associated with the marine services. There will be no permanent changes to the scenic and aesthetic values of the Portland Harbor because dredging activities will take place within subtidal areas; therefore, the project area will look the same upon completion of the project.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project and the Matrix showed an acceptable potential visual impact rating for the proposed project. Based on the information submitted in the application, the visual impact rating, and the site visit, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department of Marine Resources (DMR) reviewed the project and stated that the proposed project should not cause any significant adverse impact to navigation or recreation based on the nature of the project and its location.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the Fore River or Portland Harbor.

### 3. SOIL EROSION:

The NRPA, in 38 M.R.S. § 480-D(2), requires the applicant to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

Within the harbor, the surficial sediment is composed of unconsolidated black silt with very fine-grained sand that varies in depth from one to five feet. Depending on location and previous disturbance around the wharves and piers, a layer of fine-grained sand is found below the unconsolidated silt, and underlying these sediments is the soft, gray marine clay of the Presumpscot Formation (in situ sediment). At the sites proposed to be dredge located in the outer harbor, the unconsolidated black silt layer is not present.

The applicant noted that the Fore River experiences resuspension of the unconsolidated sediment resulting from natural events such as tidal currents and wind-wave action from storm events. Also, turbidity plumes originating from the tidal mud flats result in turbid water. The applicant acknowledged that dredging these sediments will likely contribute to an increase in the turbidity of the river.

During the May 16, 2019 technical meeting between the applicant and the regulatory agencies, it was determined that placement of a silt curtain around each dredge prism would not be practicable for the proposed project. The applicant proposes to minimize turbidity impacts from the proposed project by managing dredging operations. Reducing the velocity of lifting the loaded bucket through the water column correspondingly reduces the suspension of sediment and reducing the velocity of the bucket before it hits the bottom will also serve to reduce suspension of sediment. The expectation is that as the project continues, the optimum dredging rate that results in minimal turbidity issues will be determined. Another best management practice the applicant will utilize is to avoid overloading scows thereby reducing spillage of dredged material over the sides, especially during transport to the CAD cell. The applicant intends to provide oversight of dredging operations using a third-party inspector. The inspector will ensure that the best management practices are followed and that the project complies with the requirements of the Order.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment provided that the applicant retains a third-party inspector to monitor dredging operations to ensure turbid discharges from the project area are minimized to the greatest extent possible, as outlined above.

#### 4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

The sites where dredging is proposed are shallow subtidal lands composed of black, consolidated silts and very fine-grained sands. Hard substrates found within the project area are man-made structures (pilings) or debris. The surface sediment is colonized primarily by non-native, European oysters, green crabs, periwinkles, and clam worms. In the outer harbor at East End Beach to the north and Spring Point Marina to the south, eelgrass beds are present.

A. Wildlife Habitat Considerations: Department staff reviewed a Geographic Information System (GIS) database that contains information provided by both the DMR and the Department of Inland Fisheries and Wildlife (MDIFW). The GIS database indicates that tidal wading bird and waterfowl habitat, defined as a significant wildlife habitat in the NRPA, is found at three locations within the proposed project area: East

End Beach, Spring Point Marina, and at the entrance channel for South Port Marina. Shorebird staging area, also a significant wildlife habitat, is found in the vicinity of the East End Beach boat launch and barge landing. MDIFW reviewed the proposed project and stated that there are no Essential Wildlife Habitats at the project site.

In comments dated March 10, 2020, MDIFW stated that, given the time of year restrictions for dredging the Portland Harbor, minimal impacts to wildlife that use the tidal wading bird and waterfowl habitat and shorebird staging area would be anticipated.

B. Marine Habitat Considerations: DMR reviewed the project and provided comments dated April 8, 2020. DMR concurred with the applicant's proposal to restrict harbor dredging to the period between November 1 and March 15 in order to minimize potential adverse impacts to marine resources. Included in the application was a report titled, "Essential Fish Habitat Assessment", prepared by Stantec Consulting Services, Inc., and dated December 5, 2019. The assessment identified the fish species with federally designated essential fish habitat criteria that could be found in the proposed project area, together with the habitat requirements for each species during their entire life cycle. The assessment compared those requirements to the existing conditions within the Fore River and Portland Harbor. With the exception of impacts to eelgrass within the proposed project site, the assessment determined that the project will result in temporary impacts to subtidal areas, and that organisms that use these areas will be able to quickly recolonize, thereby, reducing the recovery time for fish species using the area.

DMR noted that the project area is within the ranges of short-nose and Atlantic sturgeon and Atlantic salmon. The short-nose sturgeon and Atlantic salmon are fish species listed as endangered under the federal Endangered Species Act but are not listed as an endangered species under Maine's Endangered Species Act. Given the shallow water depths, the vessel activity in the harbor, and the amount of development along the shoreline, DMR concluded that the presence of these fish species is not expected within the project area.

DMR noted that sediment type, shallow depths, and estuarine conditions within the project area provide only marginal habitat for finfish species such as red hake, winter flounder, windowpane flounder, and winter skate. DMR also noted that, with the exception of the Ocean Gateway Marine Terminal site, the project area, is too shallow to support lobsters, with water depths of 0 to 15 feet. In December 2017, the applicant conducted a lobster survey of the dredge area proposed at the Ocean Gateway facility. The dive surveys noted Jonah Crabs in burrows found in the side walls of the existing berthing area but did not observe lobsters. Based on the lobster survey, DMR determined that no other action for protection of lobsters would be required.

The applicant submitted the results of an eelgrass survey conducted in September 2017 documenting the conditions of eelgrass beds found at East End Beach and Spring Point Marina. The East End Beach eelgrass bed contains a mix of moderate to high-density eelgrass with pockets of low-density eelgrass found throughout the eelgrass bed at this location. The area around the commercial barge landing has been scoured due to use,

leaving this area devoid of eelgrass. The eelgrass bed at the Spring Point Marina is characterized as high-density plant growth at the center of the bed with moderate-density growth at the margins. The survey noted that eelgrass has colonized in an area previously dredged at Spring Point Marina. The survey also documented noticeable amounts of silt and epiphytes covering individual plants in both locations. After consideration, DMR recommended that compensation for impacts to the eelgrass beds be required.

In its comments, the DMR also recommended that the applicant or the contractor for the project to conduct outreach via written notice thirty days in advance of the project start date to the local Lobster Zone Council, and through coordination with DMR staff who will send email notification to all Zone F members. The applicant agreed to undertake these efforts. Notice should include specific nautical bearings of the haul routes and width for the safe travel of the spoils barge to avoid entanglement with fishing gear. Transportation considerations are further discussed in Finding 8.

C. Examination of the Proposed Project: Of the 33 dredge areas identified by the applicant proposed to be dredged, only two, the East End Beach barge landing and the Spring Point Marina, include habitat of special concern. As noted above, each site has eelgrass present within the areas proposed to be dredged.

The East End Beach barge landing dredge area is approximately 140 feet wide by 310 feet long and will be dredged to a depth of minus six feet mean lower low water (MLLW) with one foot of allowable overdredge. Side slopes are designed to be 3H:1V to reduce sloughing. Within the dredge footprint for this site, approximately 40,611 square feet is covered by eelgrass. The eelgrass in this location is part of a larger bed extending from East End Beach to the mouth of the Fore River (approximately 26.5 acres). The September 2017 eelgrass survey documented moderate to high-density eelgrass with pockets of low-density growth as well as a scour mark in a sandy silt substrate at the entrance to the barge launch. The plants in this area were observed with a cover of silt and epiphytes. The siltation is likely the result of propwash from vessels moving barges daily in this area. The applicant estimates that the amount of eelgrass impacted by the proposed dredging of this area represents approximately 3% of the entire eelgrass bed.

The Spring Point Marina dredge area is composed of three dredge areas: the inner marina travel way, the outermost docks and travel way, and the seaward entrance to the marina. Eelgrass is found in the travel way of the second prism, an area approximately 50 feet wide by 450 feet long that will be dredged to a depth of minus eight MLLW. Side slopes are designed to be 3H:1V to reduce sloughing. Within the dredge footprint for this site, approximately 11,187 square feet is covered by eelgrass, and is part of a larger bed (approximately 1.5 acres) located between the Spring Point Marina's berthing docks and the Southern Maine Community College's pier. The September 2017 eelgrass survey documented high-density eelgrass within the project area. The plants in this area were also observed with a cover of silt and epiphytes. The applicant estimates that the amount of eelgrass impacted by the proposed dredging of this area represents approximately 16% of the entire eelgrass bed.

The applicant initially considered payment of an In-Lieu Fee for impacts to the eelgrass beds. Following the February 2, 2020 meeting with state and federal regulators to discuss options for eelgrass mitigation efforts other than payment of an In-Lieu Fee, the applicant examined the potential for replacing mooring tackle within the eelgrass beds found in the mooring fields the applicant regulates. Conversion of traditional block and chain moorings to conservation moorings, which are designed to reduce the footprint of chains dragging across the seafloor, is an accepted practice that allows for the natural regrowth of eelgrass in the footprint of the mooring scar created when mooring chains are dragged around the block anchor during the tidal cycle.

The applicant, as the regulatory body responsible for the placement and maintenance of moorings within Portland Harbor, including the Cities of Portland and South Portland and the Casco Bay Islands located within the municipal boundary of the City of Portland, intends to require conservation moorings for all new permits for sites located within an eelgrass bed and will initiate a voluntary transition of existing mooring tackle to conservation moorings when reissuing permits for sites located within an eelgrass bed.

The applicant proposes to implement a conservation mooring program beginning in the summer of 2021 to transition mooring ownership to conservation moorings. The intent of the program is to remove block and chain moorings from scarred mooring sites to promote eelgrass recovery within the scarred area. The applicant identified mooring scars at eight of the mooring fields it oversees and determined the area of mooring scar impacts to be more than twice the area of eelgrass impacts resulting from the proposed dredging projects.

The applicant proposes to tabulate the area of scarred mooring locations where block and chain moorings have been removed annually, with a final report summarizing the effectiveness of the program and documenting the total area of scarred mooring locations where block and chain moorings have been removed to allow for eelgrass recovery on the fifth year of monitoring. Reporting requirements are discussed further in Finding 4(D)(3).

The applicant noted that site-specific conditions, such as depth of sediment, sediment type, tidal range and water depth at a mooring site, as well as the size of the vessel that will be moored, will affect the number of conservation moorings that could be deployed, and correspondingly, affect the return of eelgrass to these scarred areas. Given these circumstances and an acknowledgement that a complete return of eelgrass in the scarred areas may not occur within the specified time period, the applicant recognizes that an amendment to the mitigation plan may be necessary following the final assessment of conditions.

The Department reviewed comments from staff from the Division of Environmental Assessment, Bureau of Water Quality; DMR; the U. S. Environmental Protection Agency; and NOAA National Marine Fisheries Service. A consensus of opinions was that the depth of the seafloor, post-dredge, will remain shallow enough for eelgrass to recolonize most of the two sites, but the amount of boat traffic through the two sites will



continue to cause turbid conditions that will impair regrowth of eelgrass in these areas and that the proposed implementation of a conservation mooring program offers the best opportunity for eelgrass in Casco Bay.

D. General Standards Applicable to all Activities: Chapter 310, *Wetlands and Waterbodies Protection*, 06-096 C.M.R. ch. 310 (last amended November 11, 2018) and Chapter 335, *Significant Wildlife Habitat*, 06-096 C.M.R. ch. 335 (last amended January 7, 2014), of the Department's rules interpret and elaborate on the NRPA criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. In making this determination, the Department considers the area of the significant wildlife habitat affected by the activity, including areas beyond the physical boundaries of the project and the cumulative effects of frequent minor alterations of the significant wildlife habitat. A proposed project would generally be found to be unreasonable if it would degrade the significant wildlife habitat, disturb the subject wildlife, or affect the continued use of the significant wildlife habitat by the subject wildlife, either during or as a result of the activity, and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a high value waterfowl and wading bird habitat alteration must provide an examination of the following:

- (1) Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment and this analysis is considered by the Department in its assessment of the reasonableness of any impacts. The application included an alternatives analysis for the proposed project. The purpose of the proposed project is to restore suitable water depth that will provide full-tide accessible berthing to maintain the working waterfronts in Portland Harbor, which will promote commercial economic growth of the harbor and improve water quality. The alternatives analysis considered a no-action alternative, alternate dredging methods (hydraulic, hopper, or mechanical), and alternate disposal methods (upland, nearshore placement, or open ocean).

The stated project need for the proposed maintenance dredge project is to restore suitable water depth that will provide full-tide accessible berthing to maintain the working waterfronts in Portland Harbor. The applicant submitted bathymetric surveys that identified shoaling conditions in the areas proposed to be dredged. The applicant considered the no-action alternative and noted that taking no action to remove accumulated sediment would inhibit safe vessel operations around the piers and marinas and would further reduce the available all-tide mooring space required at these locations. The no-action alternative was dismissed because it did not meet the stated project need.

Of the three most common dredging methods, hydraulic dredge, hopper dredge, or mechanical bucket dredge, the applicant determined that use of a mechanical bucket dredge is the most practicable method for the proposed project given the type of sediment to be dredged, the confines of the workspace between piers and



wharves, and the variable dimensions of each dredge prism. A mechanical bucket dredge involves the use of a barge-mounted crane, backhoe, or cable-arm with a bucket to excavate the dredge material. The dredge material is placed in a scow for transport to a disposal site by tug.

The alternatives analysis examined potential disposal methods: upland placement, unconfined open water placement, or nearshore placement. The applicant examined and dismissed upland disposal of dredged materials as a practicable disposal method because this method is typically several times more costly than open ocean disposal due to additional handling and transportation requirements. These limitations to upland disposal are consistent with the Department's experience with other similar dredging operations. Given the composition of the dredge material, the accumulated pollutants in the sediment from stormwater runoff, spills, and legacy contaminants from previous industrial activities along the waterfront Portland Harbor, and the likelihood that the material proposed to be dredged would not pass expensive sediment testing required for unconfined open ocean placement, the applicant chose to forego this disposal option.

The applicant, in cooperation with the Cities of Portland and South Portland and other parties chose to examine the practicability of using a confined disposal facility or a CAD cell to dispose of dredged material from the project areas. A confined disposal facility is a constructed containment structure (retention dikes, berms, or similar structures) to provide storage for dredged material in nearshore waters. While this type of disposal method would be able to accept dredged material from the project area, the constraints for siting and constructing a structure to handle the expected volume of dredged material, together with the environmental impact (loss of habitat), make this disposal option impracticable. As discussed in Finding 1, in collaboration with other parties, the City of Portland has received already Department approval to construct a CAD cell for the disposal of dredged materials generated from multiple sources in the Portland Harbor.

The Department finds that the selected dredging and disposal methods are the most practicable alternatives that would have the least amount of environmental impact.

(2) Minimal Alteration. In support of an application and to address the analysis of the reasonableness of any impacts of a proposed project, an applicant must demonstrate that the amount of coastal wetland to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant stated that for the majority of the project area, removing bottom material will not permanently alter the characteristics of the existing bottom sediment and habitat characteristics. For the two sites where eelgrass is present, the proposed project includes mitigation efforts that will be implemented to account for eelgrass impacts. Dredging is proposed during the winter to minimize the impacts to shorebirds and marine life that use the area.

Based on the conclusions of the alternatives analysis above, the Department finds that the applicant has adequately demonstrated that the amount of coastal wetland to be altered by the proposed project is the minimum amount necessary to meet the stated project need and purpose.

(3) Compensation. In accordance with Chapter 335, § 3(D)(1), if an impact to significant wildlife habitat will cause habitat functions or values to be lost or degraded, compensation is required to achieve the goal of no net loss of significant wildlife habitat functions and values.

The total eelgrass impact area resulting from the proposed project is calculated to be 1.19 acres (51,728 square feet). If an in-lieu fee were applied to this area, it would total \$444,861.

As outlined in its Eelgrass Mitigation Plan, dated May 17, 2020, the applicant will mitigate for eelgrass impacts resulting from dredging at the East End Beach barge landing and the Spring Point Marina by implementing the conservation mooring program discussed above. This plan is intended to allow for the natural regrowth of eelgrass at multiple locations in and around Portland Harbor by removing block and chain moorings that have scarred eelgrass beds in the mooring fields.

As outlined in the Eelgrass Mitigation Plan, the applicant documented 26 mooring scar areas within the mooring fields it oversees and calculated the mean scar area to be 437 square feet. During meetings with the regulatory agencies, the parties agreed that, the applicant will receive a credit of 437 square feet for each scarred area where the existing mooring is either changed over to a conservation mooring or the mooring is removed from the eelgrass bed altogether, even if a scarred area is less than 437 square feet. Conversely, if a scarred area is greater than 437 square feet, then a credit of only 437 square feet will be granted. Once the applicant has replaced enough of these moorings such that the total credit area is twice the area of eelgrass impact from dredging the two sites (103,456 square feet), then compensation will be deemed complete.

The applicant will draft annual reports documenting the area of scarred mooring locations where block and chain moorings have been removed and the credit that will apply for mitigation during that reporting period. The report will be submitted to the Department, beginning in August of the year the proposed project is started and in August of each calendar year following, concluding with a final report prepared on the fifth year of monitoring. The final report will summarize the effectiveness of the program and document the total area of scarred mooring locations where block and chain moorings have been removed to allow for eelgrass recovery. Full compensation will be attained when the conservation mooring program documents that the area of scarred mooring sites which have block and chain moorings have been removed is double the area of eelgrass impacts resulting from dredging.

In the event that the conservation mooring program is not successful in removing mooring tackle from scarred areas to meet the area required for compensation, at the end of the five-year program, the applicant proposes to pay an In-Lieu Fee, based on the current compensation rate of \$8.60 per square foot for coastal wetland impacts in Cumberland County, for the area of eelgrass impacted by the proposed project but prorated to account for the credited area accrued at the end of the Eelgrass Mitigation Plan survey period.

The Department reserves the right to reopen review of this project or to reconsider the compensation plan if new information warrants a change in the Finding of Fact.

The Department finds that the applicant has avoided and minimized significant wildlife habitat impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project provided that the applicant submits reports documenting survey results of its Eelgrass Mitigation Plan to the Department annually beginning the year the proposed project is started and conclude with a final report prepared on the fifth year of monitoring, as described above.

The Department further finds that the activity will not unreasonably harm any freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life provided that the applicant contacts the Lobster Zone Council prior to start of dredging operations.

5. WATER QUALITY CONSIDERATIONS:

The NRPA, in 38 M.R.S. § 480-D(5), requires the applicant to demonstrate that the proposed project will not violate any state water quality law, including those governing the classification of the State's waters.

The waters that are or may be affected by the proposed project are currently classified as Class SC (38 M.R.S. § 469(1)). Class SC waters must be suitable as a habitat for fish and other estuarine and marine life, and that discharges to these waters may cause some changes to estuarine and marine life provided that the receiving waters are of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community.

As discussed in Finding 4, the waters affected by the proposed project are used by fish and other estuarine and marine life and as habitat for such populations. Based on the location of the proposed project, the construction methods proposed, and the project's design, the Department finds that the proposed project will maintain and protect existing uses and the level of water quality necessary to protect those existing uses; will protect the existing water quality of affected waters, will not significantly impair the viability of

the existing estuarine and marine life found in Portland Harbor; and will not result in a significant degradation of existing recreation and fishing uses.

Additionally, the State's water quality standards include an antidegradation policy found at 38 M.R.S. § 464(4)(F). This policy provides that existing uses and the level of water quality necessary to protect those existing uses must be maintained and protected. As discussed in Findings 2, 4, and 7, and based on comments from DMR, the applicant has demonstrated that the proposed activity (dredging in the Portland Harbor and disposing of dredged material at the CAD cell located within the harbor) will not result in a significant degradation of recreational uses, fishing, and commercial harvesting of shellfish and other estuarine and marine life and as habitat for such species.

Based on sediment chemistry, the restricted work window, and the location of the disposal site, the Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to dredge 33 separate areas that cover approximately 46.8 acres (2,038,000 square feet) of coastal wetlands, including approximately 1.19 acres (51,728 square feet) of coastal wetlands containing eelgrass, and remove approximately 244,678 cubic yards of silt and fine-grained sand.

Chapter 310 interprets and elaborates on the NRPA criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves a coastal wetland alteration must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. An examination of the applicant's alternatives analysis and minimization efforts, as well as, requirements for compensation for impacts to eelgrass are discussed in Finding 4(D).

Based on the evidence in the record and discussion in Finding 4, the Department finds that the applicant has avoided and minimized coastal wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. GEOLOGICAL CONSIDERATIONS:

For any activity that involves dredging, dredge spoils disposal or transporting dredge spoils by water, the NRPA requires an applicant to demonstrate that the disposal site is geologically suitable pursuant to 38 M.R.S. § 480-D(9).

The CAD cell, authorized in Department Order #L-28487-4E-A-N, dated October 26, 2020, will be located on publicly owned, submerged land within the municipality of the City of South Portland, between the U.S. Coast Guard Station and South Port Marina, in shallow subtidal waters on the southern bank of the Fore River. The CAD cell will be excavated in the marine clay of the Presumpscot Formation and used specifically for the disposal of dredged materials generated from the multiple sources authorized by this Order. The trapezoidal-shaped cell includes a footprint of 386,233 square feet (approximately 8.9 acres), will be excavated to a depth of -49 feet MLLW, and will have a holding capacity of 273,371 cubic yards. The cell walls are designed with 3H:1V side slopes. The proposed project will be setback approximately 180 feet from the federal channel.

The CAD cell walls and shallow water depth will serve to restrict suspended sediment from moving outside of the CAD cell footprint. Given the location of the proposed project and the shallow and low-velocity water conditions at the CAD cell, suspended sediment resulting from disposal of dredged material is expected to quickly settle and not migrate far from the CAD cell, minimizing negative impacts to marine organisms. Vessels moving through the harbor are not expected to resuspend dredged material that has been placed within the CAD cell.

Based on the evidence in the record, the Department finds that the applicant has demonstrated that the disposal site is geologically suitable.

8. DREDGED MATERIAL DISPOSAL AND TRANSPORTATION CONSIDERATIONS:

For any activity that involves dredging, dredge spoils disposal, or transporting dredge spoils by water, the NRPA requires an applicant to demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable pursuant to 38 M.R.S. § 480-D(9).

The applicant submitted a map that outlines the proposed transportation route from the project area to the CAD cell which was reviewed by DMR. To further minimize potential impacts during transportation, and in accordance with 38 M.R.S. § 480-D(9), the Department finds that one week prior to commencing the dredging operation for each season in which dredging will occur, the applicant must:

- a. Clearly mark or designate the dredging area, the spoils disposal routes, and the transportation routes.

- b. Publish the transportation routes in a local newspaper of general circulation.
- c. Publish in a local newspaper of general circulation the procedure that the applicant will use to respond to inquiries regarding the loss of fishing gear during the dredging operation.

DMR requested that the dredge contractor for this project equip their barge scow with a Vessel Monitoring System to track the location and time period when the barge will be transiting areas that are in close proximity to fishing gear.

Provided the applicant marks the transportation route on a plan and publishes required notices, equips the spoils barge with a Vessel Monitoring System when transiting the route to the CAD cell, and given the limited window for these activities set forth herein, the Department finds that the applicant has demonstrated that the transportation route minimizes adverse impacts on the fishing industry provided that dredging is completed between the period of November 1 and March 15 and the barge scow is equipped with a Vessel Monitoring System to track the location and time period when the barge will be transiting to and from the dredge sites and the CAD cell.

9. OTHER CONSIDERATIONS:

The Department finds, based on the design, proposed construction methods, and location, the proposed project will not inhibit the natural transfer of soil from the terrestrial to the marine environment, will not interfere with the natural flow of any surface or subsurface waters, and will not cause or increase flooding. The proposed project is not located in a coastal sand dune system, is not a crossing of an outstanding river segment, and does not involve dredge spoils disposal or the transport of dredge spoils by water.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Clean Water Act (33 U.S.C. § 1341):

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that the applicant:
  - Performs all actions resulting in a discharge of dredged are limited to the period between November 1 and March 15;

- Contacts the appropriate Lobster Zone Council prior to start of dredging operations;
  - Marks the transportation routes on a plan or nautical chart and publishes the appropriate notices, which include the marked transportation routes, one week prior to commencing the dredging operation at the beginning of each dredge season in which dredging will occur;
  - Equips the barge scow with a Vessel Monitoring System to track the location and time period when the barge will be transiting to and from the dredge sites and the disposal site;
  - Retains a third-party inspector to monitor dredging operations to ensure turbid discharges from the dredge sites are minimized to the greatest extent possible;
  - Submits reports to the Department annually, beginning the year the proposed project is started, documenting the total area of scarred mooring locations where block and chain moorings have been removed; and
  - Submits a final report prepared on the fifth year of monitoring that documents the total area of scarred mooring locations where block and chain moorings have been removed to allow for eelgrass recovery.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

THEREFORE, the Department APPROVES the above noted application of the PORTLAND HARBOR COMMISSION to dredge multiple sites with the Portland Harbor and dispose of dredged material in the Portland CAD cell, as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

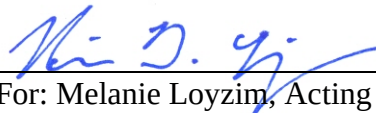


4. All activities resulting in discharges of dredged material shall be limited to the period between November 1 and March 15.
5. Prior to the start of dredging operations, the applicant shall contact the appropriate Lobster Zone Councils to notify them of upcoming dredge activities.
6. For each dredge season in which dredging will occur, the applicant shall comply with the provisions of 38 M.R.S.A 480-9(D) and shall:
  - a. Clearly mark or designate the dredging area, the disposal areas, and the transportation routes;
  - b. Publish in a newspaper of general circulation in the area adjacent to the routes the approved transportation route of the dredge spoils;
  - c. Publish in a newspaper of general circulation in the area adjacent to the routes a procedure that the applicant will use to respond to inquiries regarding the loss of fishing gear during the dredging operation.
7. The applicant shall ensure that the barge scow is equipped with a Vessel Monitoring System when traveling the route to the CAD cell site.
8. The applicant shall employ a third-party inspector to monitor and report on dredging operations to ensure turbid discharges from the dredge sites are minimized to the greatest extent possible.
9. The applicant shall submit to the Department annually, beginning in August of the year the proposed project is started and in August of each calendar year following, annual reports documenting the area of scarred mooring locations where block and chain moorings have been removed during that reporting period.
10. The applicant shall submit a final report prepared on the fifth year of monitoring that summarizes the effectiveness of the program and documents the total area of scarred mooring locations where block and chain moorings have been removed to allow for eelgrass recovery.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

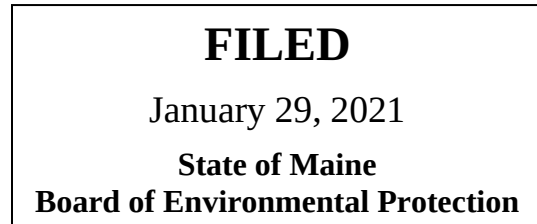
DONE AND DATED IN AUGUSTA, MAINE, THIS 29<sup>TH</sup> DAY OF JANUARY, 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:   
For: Melanie Loyzim, Acting Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

RLG/L28486ANBNCN/ATS#85412, 87042, 87043





## Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S. §§ 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

Revised September 2016



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

**Dated: November 2018**

**Contact: (207) 287-2452**

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### **SUMMARY**

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

### **I. ADMINISTRATIVE APPEALS TO THE BOARD**

#### **LEGAL REFERENCES**

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 C.M.R. ch. 2.

#### **DEADLINE TO SUBMIT AN APPEAL TO THE BOARD**

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

#### **HOW TO SUBMIT AN APPEAL TO THE BOARD**

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

### **INFORMATION APPEAL PAPERWORK MUST CONTAIN**

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status.* The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

### **OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD**

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a license holder may proceed with a project pending the outcome of an appeal, but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

## WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, and will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the license holder, and interested persons of its decision.

## II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

## ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452, or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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**Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.**

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EXHIBIT D FOLLOWS  
(USACE Dredging Permit)



## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

|                                                            |                                                                    |                             |
|------------------------------------------------------------|--------------------------------------------------------------------|-----------------------------|
| <b>Applicant:</b><br>Dan Haley, Portland Harbor Commission | <b>File Number:</b><br>NAE-2020-00214                              | <b>Date:</b><br>May 4, 2021 |
| <b>Attached is:</b>                                        |                                                                    | See Section below           |
| X                                                          | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A                           |
|                                                            | PROFFERED PERMIT (Standard Permit or Letter of permission)         | B                           |
|                                                            | PERMIT DENIAL                                                      | C                           |
|                                                            | APPROVED JURISDICTIONAL DETERMINATION                              | D                           |
| X                                                          | PRELIMINARY JURISDICTIONAL DETERMINATION                           | E                           |

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

If you only have questions regarding the appeal process you may also contact:

Ms. Naomi Handell  
Regulatory Program Manager  
U.S. Army Corps of Engineers  
North Atlantic Division – Fort Hamilton  
301 General Lee Avenue – First Floor  
Brooklyn, New York 11252-6700  
[naomi.j.handell@usace.army.mil](mailto:naomi.j.handell@usace.army.mil)

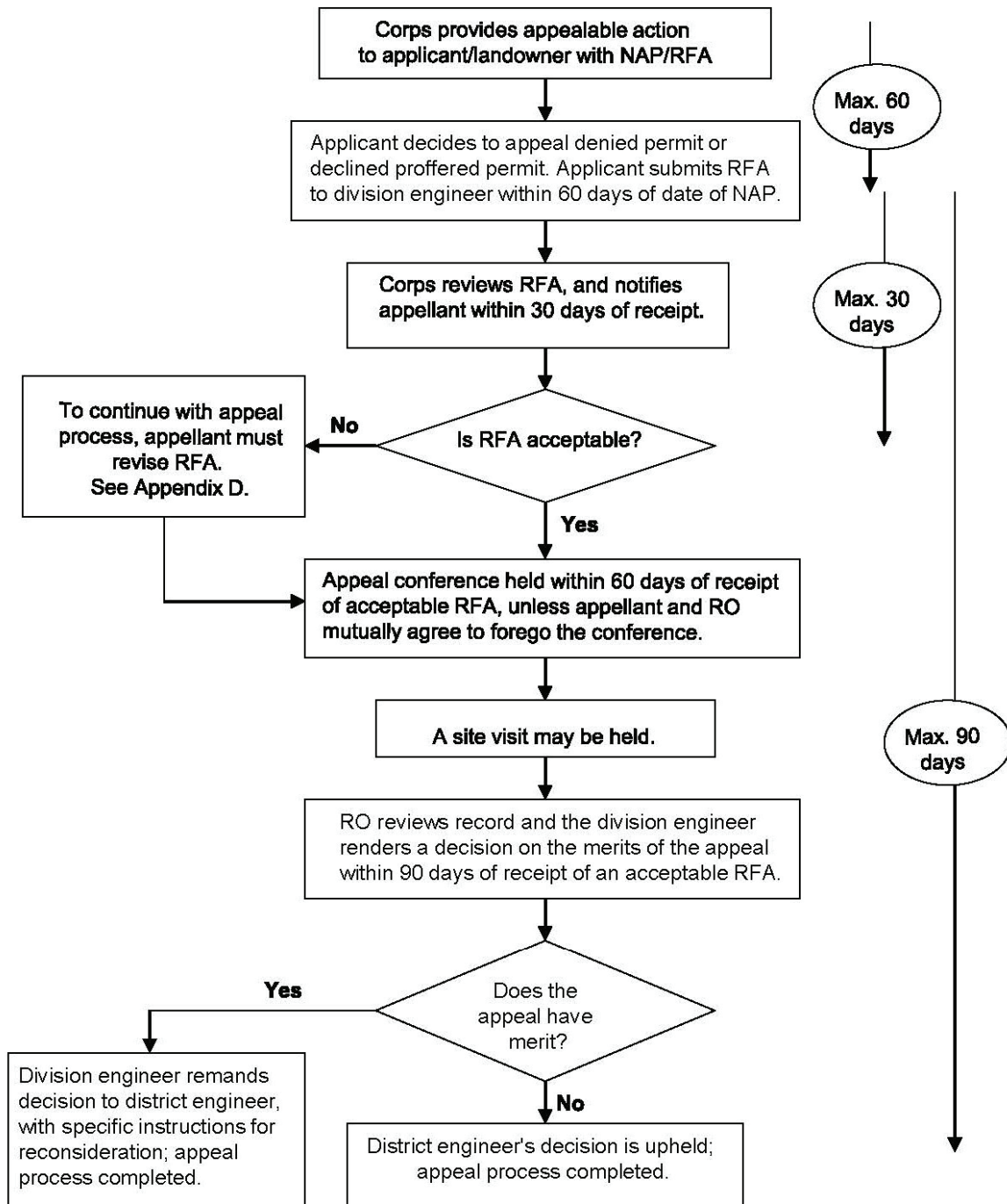
**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

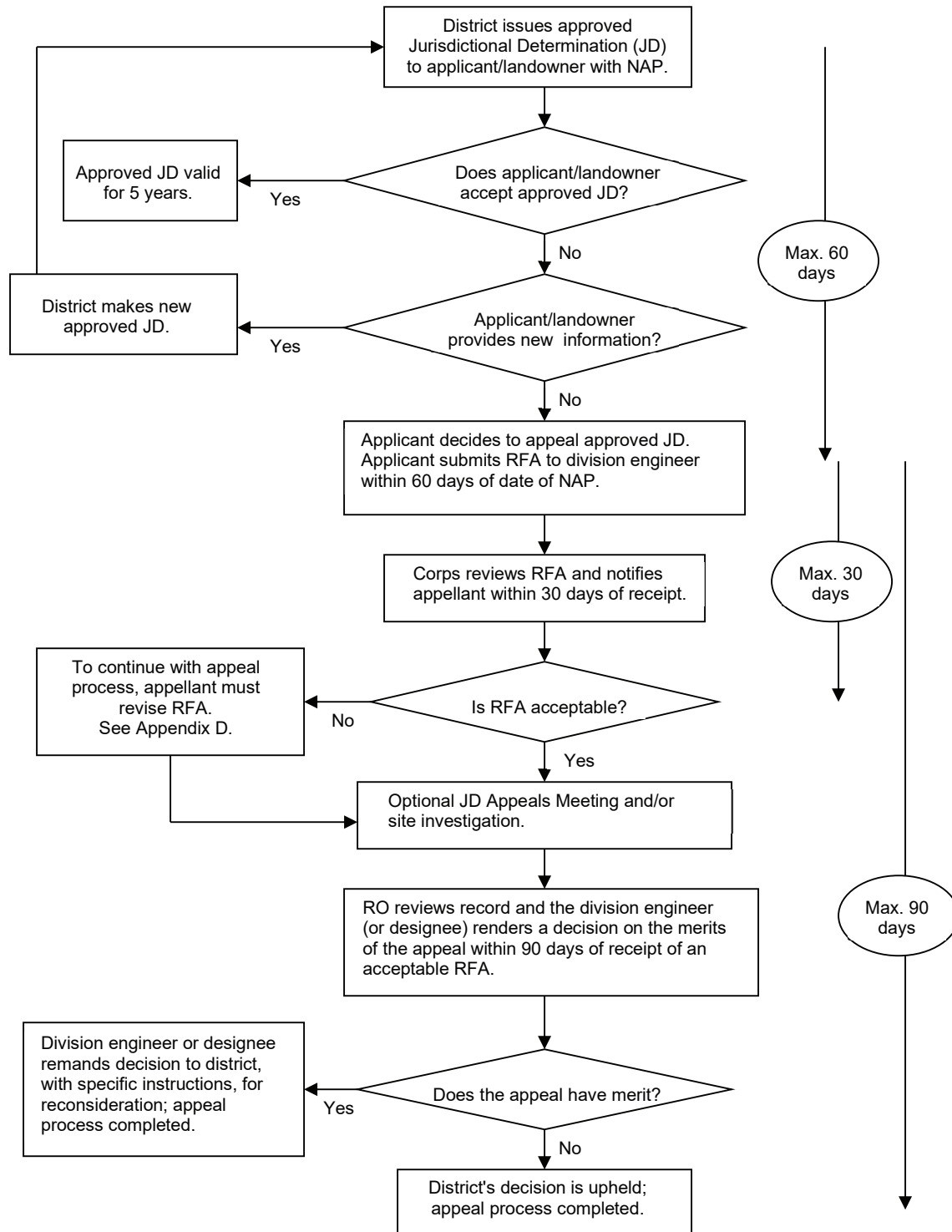
Telephone number:

## Administrative Appeal Process for Permit Denials and Proffered Permits



NOTE: If new information is provided to the Corps, the applicant will be asked if the applicant wishes to revise the project or record. If so, the appeal will be withdrawn and the case returned to the District for appropriate action. If not, then the Division Engineer will rule on the merits of the appeal based on the administrative record without consideration of the new information. However, the new information may cause the District Engineer to take action under 33 CFR 325.7, independent of the appeal process.

## Administrative Appeal Process for Approved Jurisdictional Determination



### Appendix C

## Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

### **BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PJD:** 13APR2021

**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:** Thomas Dobbins, Portland Harbor Commission, Marine Trade Center, 2 Portland Fish Pier, Suite 105, Portland, Maine 04101

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** CENAE-RDC, Portland Harbor Maintenance Dredging, NAE-2020-00214

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**

**(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)**

State: Maine County/parish/borough: Cumberland City: Portland and South Portland

Center coordinates of site (lat/long in degree decimal format):

Lat.: see below Long.: see below

Universal Transverse Mercator: see below

Name of nearest waterbody: Fore River

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination. Date: 12 APR 2021

☐ Field Determination. Date(s):

**TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.**

| Site number                  | Latitude (decimal degrees) | Longitude (decimal degrees) | Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable) | Type of aquatic resource (i.e., wetland vs. non-wetland waters) | Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404) |
|------------------------------|----------------------------|-----------------------------|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| CAD cell                     | 43.645820°N                | -70.251411°W                | 8.9 acres                                                                                    | Non-wetland waters (Tidal)                                      | Section 10/404                                                                                            |
| Maine Yacht Center east      | 43.677429°N                | -70.250894°W                | 1.22 acres                                                                                   | Non-wetland waters (TIDAL)                                      | Section 10                                                                                                |
| Maine Yacht Center west      | 43.677422°N                | -70.251659°W                | 1.28 acres                                                                                   | Non-wetland waters (TIDAL)                                      | Section 10                                                                                                |
| East End Beach Barge Landing | 43.670303°N                | -70.240863°W                | 1.14 acres                                                                                   | Non-wetland waters (TIDAL)                                      | Section 10                                                                                                |

|                                 |             |              |            |                            |            |
|---------------------------------|-------------|--------------|------------|----------------------------|------------|
| East End Beach Public Launch    | 43.671124°N | -70.241929°W | 0.50 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Ocean Gateway Pier              | 43.660186°N | -70.241253°W | 2.05 acres | Non-wetland waters (TIDAL) | Section 10 |
| Amethyst Lot                    | 43.661025°N | -70.244537°W | 1.15 acres | Non-wetland waters (TIDAL) | Section 10 |
| Ocean Gateway                   | 43.659882°N | -70.245388°W | 0.40 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Maine State Pier north          | 43.657012°N | -70.246981°W | 3.51 acres | Non-wetland waters (TIDAL) | Section 10 |
| Maine State Pier south          | 43.656884°N | -70.248842°W | 0.82 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Maine Wharf south               | 43.656751°N | -70.249869°W | 0.13 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Custom House Wharf north        | 43.656616°N | -70.250075°W | 0.29 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Custom House Wharf south        | 43.656196°N | -70.250583°W | 0.24 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Portland Pier north (shoreward) | 43.656095°N | -70.250753°W | 0.16 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Portland Pier north (seaward)   | 43.655535°N | -70.250017°W | 0.01 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Portland Pier south             | 43.655290°N | -70.250425°W | 0.16 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Long Wharf north DiMillos       | 43.655290°N | -70.250425°W | 0.56 acre  | Non-wetland waters (TIDAL) | Section 10 |

|                                              |                            |                              |           |                                  |            |
|----------------------------------------------|----------------------------|------------------------------|-----------|----------------------------------|------------|
| Long Wharf<br>south<br>DiMillos              | 43.655602°N                | -70.252506°W                 | 0.19 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Chandler's<br>Wharf<br>north                 | 43.655433°N                | -70.252619°W                 | 0.09 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Chandler's<br>Wharf south                    | 43.654386°N                | -70.252353°W                 | 0.05 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Widgery's<br>Wharf<br>north/south            | 43.654168°N<br>43.653790°N | -70.252450°W<br>-70.252533°W | 0.49 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Union Wharf<br>north                         | 43.652934°N                | -70.251888°W                 | 0.40 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Union Wharf<br>south<br>(shoreward)          | 43.654249°N                | -70.254048°W                 | 0.32 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Union Wharf<br>south<br>(seaward)            | 43.653100°N                | -70.252909°W                 | 0.50 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Merrill's<br>Wharf                           | 43.654070°N                | -70.254127°W                 | 0.11 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Merrill's<br>Wharf/<br>Portland Fish<br>Pier | 43.653400°N                | -70.253581°W                 | 0.18 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Portland Fish<br>Pier<br>north               | 43.652516°N                | -70.253097°W                 | 0.99 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Portland Fish<br>Pier<br>south               | 43.651465°N                | -70.254676°W                 | 0.11 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Gulf of<br>Maine<br>Research<br>Institute    | 43.651166°N                | -70.255025°W                 | 0.29 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |
| Hobson's<br>Pier<br>(end)                    | 43.650123°N                | -70.254985°W                 | 0.03 acre | Non-wetland<br>waters<br>(TIDAL) | Section 10 |



|                          |                                           |                                              |            |                            |            |
|--------------------------|-------------------------------------------|----------------------------------------------|------------|----------------------------|------------|
| Hobson's Pier south      | 43.650409°N                               | -70.256537°W                                 | 0.11 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Berlin Mills Wharf north | 43.650282°N                               | -70.256563°W                                 | 0.20 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Berlin Mills Wharf south | 43.649815°N                               | -70.256469°W                                 | 0.26 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Holyoke Wharf north      | 43.649704°N                               | -70.256564°W                                 | 0.25 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Holyoke Wharf south      | 43.649187°N                               | -70.256168°W                                 | 0.10 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Sturdivants Wharf north  | 43.649038°N                               | -70.256137°W                                 | 0.21 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Sturdivants Wharf south  | 43.648823°N                               | -70.256307°W                                 | 0.13 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Deake's Wharf            | 43.648830°N<br>43.648772°N<br>43.648280°N | -70.256808°W<br>-70.257401°W<br>-70.256652°W | 0.39 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Portland Shipyard        | 43.643750°N<br>43.643399°N                | -70.262599°W<br>-70.264942°W                 | 0.64 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Ricker's Wharf           | 43.642177°N<br>43.641671°N                | -70.274253°W<br>-70.275259°W                 | 0.19 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Turner's Island          | 43.640550°N                               | -70.266461°W                                 | 1.19 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Southport Marina         | 43.644896°N<br>43.641691°N                | -70.252256°W<br>-70.251224°W                 | 7.75 acres | Non-wetland waters (TIDAL) | Section 10 |
| Centerboard Yacht Club   | 43.649566°N<br>43.649357°N                | -70.245342°W<br>-70.246831°W                 | 3.71 acres | Non-wetland waters (TIDAL) | Section 10 |

|                                  |                            |                              |            |                            |            |
|----------------------------------|----------------------------|------------------------------|------------|----------------------------|------------|
| Aspasia Marina                   | 43.649708°N<br>43.649891°N | -70.244314°W<br>-70.243324°W | 1.70 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Sunset Marina                    | 43.651010°N                | -70.243390°W                 | 2.58 acres | Non-wetland waters (TIDAL) | Section 10 |
| Saltwater Grill                  | 43.650520°N                | -70.242903°W                 | 0.52 acre  | Non-wetland waters (TIDAL) | Section 10 |
| City of South Portland City Pier | 43.651137°N                | -70.242487°W                 | 0.28 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Liberty Shipyard                 | 43.654226°N                | -70.237664°W                 | 1.25 acre  | Non-wetland waters (TIDAL) | Section 10 |
| Breakwater Marina                | 43.649960°N                | -70.231791°W                 | 3.13 acres | Non-wetland waters (TIDAL) | Section 10 |
| Spring Point Marina              | 43.650870°N                | -70.229714°W                 | 4.88 acres | Non-wetland waters (TIDAL) | Section 10 |

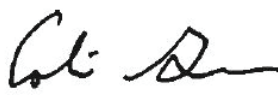
- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:  
Maps and plans from Joint USACE/MaineDEP Application dated 2DEC2019
- ☐ Data sheets prepared/submitted by or on behalf of the PJD requestor.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report. Rationale: \_\_\_\_\_.
- ☐ Data sheets prepared by the Corps: \_\_\_\_\_.
- ☐ Corps navigable waters' study: \_\_\_\_\_.
- ☐ U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Portland East, ME
- ☐ Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_.
- ☒ National wetlands inventory map(s). Cite name: 1:24,000 Portland East, ME
- ☐ State/local wetland inventory map(s): \_\_\_\_\_.
- ☐ FEMA/FIRM maps: \_\_\_\_\_.
- ☐ 100-year Floodplain Elevation is: \_\_\_\_\_. (National Geodetic Vertical Datum of 1929)
- ☒ Photographs:
  - ☒ Aerial (Name & Date): Google Earth, 6JUN1997 - 17JUL2019
  - ☒ Other (Name & Date): Joint USACE/MaineDEP Application dated 2DEC2019
- ☐ Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- ☐ Other information (please specify): Corps permit: \_\_\_\_\_.

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

  
\_\_\_\_\_  
13APR2021  
Signature and date of  
Regulatory staff member  
completing PJD

\_\_\_\_\_  
Signature and date of  
person requesting PJD  
(REQUIRED, unless obtaining  
the signature is impracticable)<sup>1</sup> *Daniel Haley Jr.*

<sup>1</sup> Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

## DEPARTMENT OF THE ARMY PERMIT

Permittee Dan Haley, Portland Harbor Commission, 2 Portland Fish Pier, Suite 105, Portland, Maine 04101

Permit No. NAE-2020-00214

Issuing Office New England District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

### Project Description:

Perform maintenance dredging at 47 separate waterfront parcels in and around Portland Harbor including 21 piers, 10 marinas, and 3 public boat launches in order to restore historic berthing, vessel support, and public access areas. The cumulative dredge volume including a 1-ft. allowable over-dredge is approximately 244,678 cubic yards over approximately 46.8 ac.

### Project Description continued on Page 4

This work is shown on the attached plans entitled "Proposed Dredge Footprint" and "Portland Harbor CAD Cell" in four sheets undated, "Portland Harbor CAD Cell Project" in one sheet dated "2020.01.24", and "Portland Harbor Commission Portland Harbor Dredge Project" in 60 sheets dated "2019.11.13" and 12 sheets dated "2020-03-24" respectively.

### Project Location:

At 47 separate waterfront parcels in and around Portland Harbor at Portland and South Portland, Maine (USGS PORTLAND EAST and PORTLAND WEST quadrangle sheets).

### Permit Conditions:

#### General Conditions:

1. The time limit for completing the work authorized ends on March 16, 2031. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.



4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. The permittee shall ensure that a copy of this permit is at both the dredge sites and the disposal site whenever work is being performed and that all personnel performing work at the sites of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for work.

**Special Conditions continued on Page 4**

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- Page 749



*Project Description continued from Page 1*

Each dredge site has been designed with 3:1 sideslopes to minimize sloughing and erosion. The dredging will be done using barge-mounted mechanical equipment. Dredged material will be placed in a hopper barge or dump scow for transport and disposal. Dredged material will be disposed of at the Portland confined aquatic disposal (CAD) cell located within the harbor at latitude 43.645931°N; and longitude -70.251492°W. All work will be conducted between November 1<sup>st</sup> and March 15<sup>th</sup> of any year.

*Special Conditions continued from Page 2*

If the permit is issued after the construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract as a change order. The term “entire permit” includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

2. The work authorized by this permit shall be conducted between November 1<sup>st</sup> and March 15<sup>th</sup> of any year in order to minimize potential impacts to endangered species, essential fish habitat, and local water quality.

**3. In order to comply with the permission to alter the Portland Harbor Federal Navigation Project under 33 USC § 408, the permittee shall comply with all of the terms and conditions and special conditions contained in the attached document entitled “Appendix K”.**

4. This authorization requires the permittee to 1) notify the Corps before beginning work so the Corps may inspect the project, and 2) submit a Compliance Certification Form. The permittee shall complete and return the enclosed Work Start Notification Form to the Corps at least two weeks before the anticipated starting date. The permittee shall also complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work. **These forms are attached after the plans.**

5. The permittee shall hold a pre-construction meeting with the Corps and their contractor(s) in order to discuss the terms and conditions of this authorization as they relate to the Corps Portland Harbor Federal Navigation Project.

6. Disposal vessels including tugs, barges, and scows transiting between the dredge sites and the disposal site shall operate at speeds not to exceed 10 knots in order to reduce the potential for vessel collisions with Endangered Species Act-listed turtle and fish species. For unanticipated conditions, a vessel may operate at a speed necessary to maintain safe maneuvering speed instead of the required 10 knots.

*Special Conditions continued below on Page 5*

***Special Conditions continued from Page 4***

7. The captain or a designated endangered species observer shall:
  - a. Lookout for turtles and advise the captain of turtle sightings.
  - b. Report any interactions (i.e., vessel strikes, captures, etc.) with any ESA-listed species as soon as possible (within 24-hours) to the NMFS Marine Animal Response Hotline at (866) 755-NOAA or USCG via CH-16 and immediately report any injured or dead marine mammals or sea turtles to NMFS at (866) 755-NOAA.
  - c. Every three months after the initial dredge action for as long as the dredging and disposal continues and at the end of a disposal operation, submit a report by email to [cenae-r-me@usace.army.mil](mailto:cenae-r-me@usace.army.mil) and [incidental.take@noaa.gov](mailto:incidental.take@noaa.gov), summarizing the vessel route taken, number of trips, sightings of ESA-listed species, and any action taken to avoid interactions with ESA-listed species.
8. The vessel captain shall:
  - a. Lookout for turtles; and
  - b. Avoid transit and disposal when visibility is lessened (e.g., at night, fog) to an extent that would preclude an endangered species observer from spotting a sea turtle within 600 feet. Disposal shall not be permitted if these requirements cannot be met due to weather or sea conditions. In that regard, the permittee and contractor should be aware of predicted conditions before departing for the disposal site. The intent of this condition is to reduce the potential for vessel collisions with endangered species, including turtles.
  - c. Avoid harassment of or direct impact to turtles except when precluded by safety considerations; and
  - d. Ensure that dredged material is not released if turtles are within 600 feet of the specified disposal point. The captain must check in with the endangered species observer prior to releasing the dredged material. If turtles are within these distances and appear to be moving away from the specified disposal point, within these distances and appear to be remaining stationary, or outside these distances but appear to be moving towards the specified disposal point, the vessel captain shall wait until they have cleared the specified disposal point by these distances and are not moving towards it, and then proceed with disposal at the specified disposal point.
9. The permittee shall notify the First U.S. Coast Guard District, Local Notice to Mariners Office, (617) 223-8356, and Aids to Navigation Office, (617) 223-8347, at least ten working days in advance of the intended start date of the location and estimated duration of the dredging and disposal operations.
10. The permittee shall also notify the U.S. Coast Guard, Sector Northern New England, Waterways Management Section, (207) 347-5026, at least ten working days in advance of the intended start date of the location and estimated duration of the dredging and disposal operations.

***Special Conditions continued below on Page 6***

*Special Conditions continued from Page 5*

11. For the initiation of disposal activity and any time disposal operations resume after having ceased for one month or more, the permittee or the permittee's representative shall notify the Corps at least ten working days before the date that disposal operations are expected to begin or resume. To facilitate this process, the permittee submit the enclosed Disposal Request Log Sheet (see below for contact and submittal information). Disposal operations shall not begin or resume until the Corps issues an Open-Water Disposal Approval Letter for the initiation or continuation of open-water disposal. The letter will include disposal point coordinates to use for this specific project at that time. These coordinates may differ from those specified for other projects using the same disposal site or even from those specified earlier for this project. It is not necessary to wait ten days before starting disposal operations. They may start as soon as the Open-Water Disposal Approval Letter is issued.

12. Except when directed otherwise by the Corps for site management purposes, all disposal of dredged material shall adhere to the following:

a. The permittee shall release the dredged material at a specified set of coordinates within the disposal site provided in the Open-Water Disposal Approval Letter with the scow traveling at speeds not exceeding two knots.

b. Disposal shall occur with the scow within 300 feet of the disposal coordinates provided in the Open-Water Disposal Approval Letter.

c. If scow speed exceeds 2.0 knots during any disposal event or disposal occurs beyond 300 feet of the provided disposal coordinates, the permittee is responsible for providing a written explanation and supporting documentation for the non-compliance. Disposal is not permitted if these requirements cannot be met due to weather or sea conditions. In that regard, special attention needs to be given to predicted conditions prior to departing for the disposal site.

13. National Dredging Quality Management Program Requirements:

a. Every discharge of dredged material at any site (e.g., open water disposal area confined aquatic disposal cell beach nourishment, nearshore disposal) requires monitoring by the contractor. This disposal monitoring of dredging projects shall be performed using the Dredging Quality Management (DQM) system software and hardware system developed by the Corps. The only exception in the requirement of DQM monitoring is for dredging with a cutterhead dredging apparatus. The DQM system shall be certified by the Corps within a year of the disposal activity. See the National DQM Support Center site <http://dqm.usace.army.mil> for additional DQM information. Questions regarding certification should be addressed to the Corps New England District DQM Point of Contact at (978) 318-8338.

*Special Conditions continued below on Page 7*

*Special Conditions continued from Page 6*

b. The permittee is responsible for ensuring that the system is operational throughout the project and that project data are submitted to the National DQM Support Center in accordance with the specifications provided at the aforementioned website. If any component of the system is inoperable, disposal shall not take place unless otherwise authorized by the Corps New England District DQM Point of Contact (call (978) 318-8338)). If any of the DQM certified telemetry ceases operation during a disposal trip, an alternative recording of the absent data stream must be maintained. The breakdown of any DQM-certified telemetry shall be reported to the DQM Point of Contact and repaired within 48 hours to keep the scow fully compliant with permit conditions. Unless weather, safety or sea state conditions prevent it, the hull doors shall be fully closed on split hull scows before the vessel leaves the disposal site.

c. The DQM system used by the permittee shall be capable of providing the information necessary for the Scow Monitoring Profile Specification. The permittee is also responsible to provide the Corps (see below for submittal information) with a record of estimated barge volume of dredged material for each trip. The permittee shall submit a weekly report to Corps that provides estimated volume (cubic yards), date and disposal time for each trip. The permittee shall make the data collected by the DQM system available to the Corps upon request.

14. If any material is released beyond the limits specified in this permit, the Captain of the disposal vessel, the permittee's representative or the permittee shall notify the Corps immediately at (978) 318-8338. Leave a voice message with the relevant information if no one answers. Information provided shall include disposal coordinates, permit number, volume disposed, date and time of disposal, circumstances of incident, disposal vessel name, name of caller, and phone number of caller. In addition, a detailed written report shall be provided to the Corps within 48 hours following any such incident.

15. Prior to performing maintenance dredging in submerged aquatic vegetation (SAV, eelgrass), the permittee shall compensate for the unavoidable impact to 1.185 ac. SAV by restoring 2.375 ac. of SAV. Restoration of SAV will occur through the removal of existing moorings in SAV located off Cliff Island, Cushing Island, Diamond Cove, East End Beach, Great Diamond Island, Little Diamond Island, Peaks Island, Spring Point, and Willard Beach. Candidate moorings are shown in the attached plans entitled "Candidate Moorings For Eelgrass Restoration" in 5 sheets undated and "Candidate Moorings" in 17 sheets dated "2021-04-29". In the event that an existing mooring cannot be removed, existing mooring tackle will be replaced with "SAV friendly" tackle that prevents the tackle from making contact with substrate. The permittee will be given 437 SF of credit for each mooring removed from SAV or mooring tackle in SAV that is replaced by "SAV friendly" tackle. The applicant shall submit annual reports by August 31<sup>st</sup> of any year documenting the number and location of moorings removed from SAV and/or mooring tackle in SAV replaced with "SAV friendly" tackle. Prior to performing maintenance dredging in SAV, the permittee shall submit a final report summarizing the effectiveness of their efforts to remove moorings from SAV and replace existing mooring tackle with "SAV friendly" tackle.

*Special Conditions continued below on Page 8*

*Special Conditions continued from Page 7*

In the event that all 2.375 ac. of restoration credit is not achieved through mooring manipulation, the permittee shall purchase credits from the Maine Natural Resource Conservation Program (MNRCP) for the remaining square footage of impacted SAV not mitigated by restoration. For example, if 2 ac. of restoration credit is achieved, the permittee shall purchase 0.185 ac. of credit from the MNRCP. Credits shall be purchased prior to performing maintenance dredging in SAV. As of the date of this permit, the current cost to purchase these credits is \$10.90 per square foot. The permittee shall send a cashier's check or bank draft for this amount, as calculated on the enclosed "In-Lieu-Fee (ILF) Project Impact Worksheet" to: ME DEP, Attn: ILF Program Administrator, State House Station 17, Augusta, ME 04333. The check must include the Corps file number "NAE-2020-00214" and the statement: "For ILF account only". No SAV impacts authorized by this permit shall begin until the Corps receives a copy of the letter from the Maine Department of Environmental Protection (MaineDEP) to the permittee stating that the MaineDEP has received the check and accepts responsibility for mitigation. The in-lieu-fee amount is valid for one year from the date of this permit and is subject to change.

17. Unless otherwise stated, all submittals and coordination related to these special conditions shall be submitted via: a) MAIL: PATS Branch - Regulatory Division, Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, b) EMAIL: [cenae-r@usace.army.mil](mailto:cenae-r@usace.army.mil), or c) FAX: (978) 318-8303. Direct general dredge related questions to (978) 318-8338. Documents which are not addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit.

**The following Statement,  
General Conditions and  
Special Conditions to be  
included in the DOA  
Permit**

Statement: *"...It has been determined that the activities authorized do not impair the usefulness of the USACE Navigation project and is not injurious to the Public Interest..."*

**APPENDIX K**

**Standard Terms and  
Conditions**

This appendix includes the standard conditions that must be included in all Section 408 approval notifications, except where marked as optional. Use of optional conditions should be based on scope and scale of the approved activity:

**LIMITS OF THE AUTHORIZATION**

1. This permission only authorizes you, the requester, to undertake the activity described herein under the authority provided in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 USC 408). This permission does not obviate the need to obtain other federal, state, or local authorizations required by law. This permission does not grant any property rights or exclusive privileges, and you must have appropriate real estate instruments in place prior to construction and/or installation.
2. The time limit for completing the work authorized ends coincidentally with the expiration of DoA permit # NAE-2020-00214 or in accordance with any extensions to DoA permit # NAE-2020-00214 granted by the USACE, New England District, Regulatory Division. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
3. Without prior written approval of the USACE, you must neither transfer nor assign this permission nor sublet the premises or any part thereof, nor grant any interest, privilege or license whatsoever in connection with this permission. Failure to comply with this condition will constitute noncompliance for which the permission may be revoked immediately by USACE.
4. The requester understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said work will cause unreasonable conditions and/or obstruction of USACE project authorized design, the requester will be

required upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim can be made against the United States on account of any such removal or alteration.

#### INDEMNIFICATION AND HOLD HARMLESS

5. The United States will in no case be liable for:
  - a. any damage or injury to the structures or work authorized by this permission that may be caused or result from future operations undertaken by the United States, and no claim or right to compensation will accrue from any damage; or
  - b. damage claims associated with any future modification, suspension, or revocation of this permission.
6. The United States will not be responsible for damages or injuries which may arise from or be incident to the construction, maintenance, and use of the project requested by you, nor for damages to the property or injuries to your officers, agents, servants, or employees, or others who may be on your premises or project work areas or the federal project(s) rights-of-way. By accepting this permission, you hereby agree to fully defend, indemnify, and hold harmless the United States and USACE from any and all such claims, subject to any limitations in law.
7. Any damage to the water resources development project or other portions of any federal project(s) resulting from your activities must be repaired at your expense.

#### REEVALUATION OF PERMISSION

8. The determination that the activity authorized by this permission would not impair the usefulness of the federal project and would not be injurious to the public interest was made in reliance on the information you provided. This permission only authorizes the permittee to undertake the activity in accordance with the limits of construction detailed on the Impact Area plans prepared by Stantec Consulting Services, Inc. If the permittee, in any way, modifies the plans, the design, the work area or construction methods that has received this authorization to alter the Portland Harbor FNP, they shall contact us immediately to discuss potential modification of this permission.
9. This office, at its sole discretion, may reevaluate its decision to issue this permission at any time circumstances warrant, which may result in a determination that it is appropriate or necessary to modify or revoke this permission. Circumstances that could require a reevaluation include, but are not limited to, the following:



- a. you fail to comply with the terms and conditions of this permission;
- b. the information provided in support of your application for permission proves to have been inaccurate or incomplete; or
- c. significant new information surfaces which this office did not consider in reaching the original decision that the activity would not impair the usefulness of the water resources development project and would not be injurious to the public interest.

## CONDUCT OF WORK UNDER THIS PERMISSION

10. You are responsible for implementing any requirements for mitigation, reasonable and prudent alternatives, or other conditions or requirements imposed, as a result, of environmental compliance.
11. Work/usage allowed under this permission must proceed in a manner that avoids interference with the inspection, operation, and maintenance of the federal project.
12. In the event of any deficiency in the design or construction of the requested activity, you are solely responsible for taking remedial action to correct the deficiency.
13. The right is reserved to the USACE to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to operate and/or to make any other use of the lands as may be necessary in connection with government purposes, and you will have no claim for damages on account thereof against the United States or any officer, agent or employee thereof.
14. You must provide copies of pertinent design, construction, and/or usage submittals/documents. USACE may request that survey and photographic documentation of the alteration work and the impacted project area be provided before, during, and after construction and/or installation.
15. You may be required to perform an inspection of the federal project with the USACE, prior to your use of the structure, to document existing conditions.
16. USACE shall not be responsible for the technical sufficiency of the alteration design nor for the construction and/or installation work.

## Special Conditions

17. **{Applies to all S408 Impact Areas 1-8}** A standard, Corps of Engineers, work-start notification form shall be submitted to the Corps a minimum of two weeks prior to the commencement of construction operations at each S408 Impact Area (IA) performed under this approval. A single work-start notification may be provided for IAs where dredging at one IA is to be combined in succession with other Impact Areas (e.g. IAs 1&2, 3&4)
18. Work associated with this permit shall not affect the depth or width of the Federal Navigation Project (FNP). Any material, machinery or equipment lost, dumped, thrown into, or otherwise entering the waterway shall be removed immediately. If immediate removal is impractical and the object entering the waterway is or could become an obstruction or hazard to navigation, the object shall be marked immediately to protect navigation and the U.S. Coast Guard, Waterways Management Section, First Coast Guard District, shall be notified immediately at (617) 223-8347.
19. **{Applies to S408 Impact Areas 7 & 8 only}** Pre & Post Construction. In order to ensure that the existing FNP is not compromised, pre and post-construction electronic **sweep** surveys covering the entire area of the approved work area to be dredged including within the limits of the authorized 35-foot deep Fore River channel and its 105-foot setback shall be performed prior to, and after, dredging is complete. The survey coverage should be sufficient to identify any underwater anomalies
  - a. To ensure that the proposed areas and method of surveying are acceptable, a detailed description of the method and the equipment to be employed shall be furnished to the Corps (see address in 19 below) at least **30** days prior to the start of each survey. The multi-beam swath method or multi-transducer sweep method is required and **all sounding information shall be in feet and tenths and relevant to the plane of the Mean Lower Low Water datum**. For hydrographic surveying techniques and information, refer to the Corps of Engineers Hydrographic Manual (EM 1110-2-1003), which may be viewed at ([www.nae.usace.army.mil/Missions/Regulatory/UsefulLinks.aspx](http://www.nae.usace.army.mil/Missions/Regulatory/UsefulLinks.aspx)).
  - b. The Corps may assign a government representative to accompany the survey party during performance of the sweep surveys. The permittee shall notify the Corps Survey Section Chief a minimum of ten working days prior to the start of each survey at (978) 318-8527 or "Survey Section Chief, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751."
  - c. Sweep surveys shall be done only during daylight hours.
  - d. Survey data shall be submitted to the Corps and shall be in a format that will allow verification of survey results. Plans adequately showing the results of the pre and post-construction sweep surveys along with a written description of how they were performed, copies of all field books and notes shall be submitted to the Corps for review and acceptance no later than 30 days after completion of each survey.

- e. Survey drawings shall include: at least one plan view for each work area showing sounding data as described above and the work area's horizontal alignment including state plane coordinates: a) relative to the Federal Navigation Project (FNP) including side-slopes and the waterway, b) the FNP limits, c) bar (graphic) scale, d) the dates of the survey and drawings e) north arrow, horizontal grid, and shoreline features.

19. All survey data, plan data and work start notification form outlined in items 17 and 18.a. – 18.f. above shall be submitted to: U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Programs and Project Management Division, Navigation Section. Documents which are not marked and addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit.

### Candidate Moorings For Eelgrass Restoration

| Mooring ID | Location                       | Latitude | Longitude |
|------------|--------------------------------|----------|-----------|
| 95483      | Cliff Island-Boat Cove         | 43.69633 | -70.10100 |
| 95967      | Cliff Island-Boat Cove         | 43.69533 | -70.10167 |
| 95969      | Cliff Island-Boat Cove         | 43.69650 | -70.10183 |
| 95973      | Cliff Island-Boat Cove         | 43.69567 | -70.10133 |
| 95974      | Cliff Island-Boat Cove         | 43.69767 | -70.10067 |
| 95975      | Cliff Island-Boat Cove         | 43.69733 | -70.10050 |
| 95976      | Cliff Island-Boat Cove         | 43.69700 | -70.10100 |
| 95979      | Cliff Island-Boat Cove         | 43.69617 | -70.10150 |
| 95980      | Cliff Island-Boat Cove         | 43.69700 | -70.10117 |
| 95982      | Cliff Island-Boat Cove         | 43.69700 | -70.10050 |
| 101711     | Cliff Island-Boat Cove         | 43.69791 | -70.10007 |
| 95389      | Cliff Island-NE Cove           | 43.69970 | -70.09205 |
| 95399      | Cliff Island-NE Cove           | 43.69892 | -70.09130 |
| 95462      | Cliff Island-NE Cove           | 43.69833 | -70.09230 |
| 95570      | Cliff Island-NE Cove           | 43.69867 | -70.09150 |
| 95758      | Cliff Island-NE Cove           | 43.69900 | -70.09167 |
| 95995      | Cliff Island-NE Cove           | 43.69858 | -70.09240 |
| 95997      | Cliff Island-NE Cove           | 43.69900 | -70.09233 |
| 95999      | Cliff Island-NE Cove           | 43.69917 | -70.09083 |
| 96002      | Cliff Island-NE Cove           | 43.70153 | -70.09718 |
| 96003      | Cliff Island-NE Cove           | 43.69917 | -70.09233 |
| 96004      | Cliff Island-NE Cove           | 43.69972 | -70.09110 |
| 96120      | Cliff Island-NE Cove           | 43.69947 | -70.09140 |
| 96136      | Cliff Island-NE Cove           | 43.70017 | -70.09183 |
| 101072     | Cliff Island-NE Cove           | 43.70010 | -70.09070 |
| 101475     | Cliff Island-NE Cove           | 43.70037 | -70.09053 |
| 120129     | Cliff Island-NE Cove           | 43.70013 | -70.09157 |
| 134918     | Cliff Island-NE Cove           | 43.69865 | -70.09303 |
| 140236     | Cliff Island-NE Cove           | 43.70007 | -70.09098 |
| 96121      | Cliff Island-Off Kennedy Beach | 43.69840 | -70.09198 |
| 95737      | Cliff Island-West Side         | 43.70065 | -70.09127 |
| 95804      | Cushing Island                 | 43.64633 | -70.20200 |
| 95806      | Cushing Island                 | 43.64222 | -70.20907 |
| 95810      | Cushing Island                 | 43.64247 | -70.20837 |
| 95821      | Cushing Island                 | 43.64225 | -70.20882 |
| 95827      | Cushing Island                 | 43.64225 | -70.20882 |
| 95828      | Cushing Island                 | 43.64658 | -70.20225 |
| 101073     | Cushing Island                 | 43.64192 | -70.20905 |
| 107506     | Cushing Island                 | 43.64245 | -70.20890 |
| 130632     | Cushing Island                 | 43.64250 | -70.20897 |
| 95768      | Diamond Cove                   | 43.68367 | -70.19100 |
| 95401      | Diamond Cove-Yacht Club        | 43.68467 | -70.18983 |
| 129148     | Diamond Cove-Yacht Club        | 43.68370 | -70.19168 |
| 95953      | Diamond Island Roads           | 43.66450 | -70.20767 |
| 95395      | East End Beach                 | 43.67150 | -70.23933 |
| 95433      | East End Beach                 | 43.66937 | -70.23747 |
| 95499      | East End Beach                 | 43.66800 | -70.23750 |
| 95621      | East End Beach                 | 43.66942 | -70.23862 |
| 95647      | East End Beach                 | 43.66950 | -70.23967 |
| 95720      | East End Beach                 | 43.67017 | -70.23965 |
| 96061      | East End Beach                 | 43.66785 | -70.23743 |

|        |                                  |          |           |
|--------|----------------------------------|----------|-----------|
| 96070  | East End Beach                   | 43.67017 | -70.23895 |
| 96076  | East End Beach                   | 43.66983 | -70.23850 |
| 96112  | East End Beach                   | 43.66952 | -70.23800 |
| 96115  | East End Beach                   | 43.66967 | -70.23967 |
| 96132  | East End Beach                   | 43.66995 | -70.24000 |
| 101069 | East End Beach                   | 43.66867 | -70.23850 |
| 101489 | East End Beach                   | 43.66927 | -70.23773 |
| 105736 | East End Beach                   | 43.66962 | -70.23900 |
| 106248 | East End Beach                   | 43.66900 | -70.23772 |
| 106249 | East End Beach                   | 43.66967 | -70.23837 |
| 128855 | East End Beach                   | 43.66863 | -70.23710 |
| 130356 | East End Beach                   | 43.66850 | -70.23832 |
| 134640 | East End Beach                   | 43.66917 | -70.23850 |
| 134771 | East End Beach                   | 43.66882 | -70.23828 |
| 134791 | East End Beach                   | 43.66933 | -70.23900 |
| 135727 | East End Beach                   | 43.67005 | -70.23933 |
| 136070 | East End Beach                   | 43.66857 | -70.23803 |
| 136570 | East End Beach                   | 43.66950 | -70.23863 |
| 142153 | East End Beach                   | 43.66918 | -70.23908 |
| 155358 | East End Beach                   | 43.66863 | -70.23833 |
| 157229 | East End Beach                   | 43.66940 | -70.23948 |
| 160367 | East End Beach                   | 43.66847 | -70.23785 |
| 162135 | East End Beach                   | 43.67008 | -70.23855 |
| 162197 | East End Beach                   | 43.66957 | -70.23965 |
| 165128 | East End Beach                   | 43.66980 | -70.23867 |
| 165303 | East End Beach                   | 43.66962 | -70.23900 |
| 136353 | Fore River                       | 43.64303 | -70.22558 |
| 95387  | Great Diamond Island             | 43.67217 | -70.19733 |
| 95784  | Great Diamond Island             | 43.67203 | -70.19807 |
| 105043 | Great Diamond Island             | 43.66950 | -70.19767 |
| 120331 | Great Diamond Island             | 43.67000 | -70.20100 |
| 123198 | Great Diamond Island             | 43.67188 | -70.19807 |
| 128173 | Great Diamond Island             | 43.67265 | -70.19702 |
| 129900 | Great Diamond Island             | 43.67160 | -70.19778 |
| 129922 | Great Diamond Island             | 43.67097 | -70.19902 |
| 134892 | Great Diamond Island             | 43.67002 | -70.20112 |
| 135981 | Great Diamond Island             | 43.67217 | -70.19773 |
| 140207 | Great Diamond Island             | 43.67212 | -70.19843 |
| 140232 | Great Diamond Island             | 43.67217 | -70.19783 |
| 162373 | Great Diamond Island             | 43.67183 | -70.19858 |
| 95786  | Great Diamond Island-Echo Cove   | 43.67158 | -70.19833 |
| 95787  | Great Diamond Island-Echo Cove   | 43.67183 | -70.19858 |
| 95790  | Great Diamond Island-Echo Cove   | 43.67162 | -70.19790 |
| 95451  | Great Diamond Island-Echo Point  | 43.67252 | -70.19633 |
| 95452  | Great Diamond Island-Echo Point  | 43.67252 | -70.19615 |
| 95965  | Great Diamond Island-Indian Cove | 43.68933 | -70.19300 |
| 95961  | Great Diamond Island-Sunset Cove | 43.68933 | -70.19317 |
| 95439  | Little Diamond Island            | 43.66533 | -70.20565 |
| 95638  | Little Diamond Island            | 43.66435 | -70.20747 |
| 95945  | Little Diamond Island            | 43.66350 | -70.20867 |
| 96036  | Little Diamond Island            | 43.66967 | -70.21000 |
| 96068  | Little Diamond Island            | 43.66328 | -70.20927 |
| 101125 | Little Diamond Island            | 43.66325 | -70.20898 |
| 101316 | Little Diamond Island            | 43.66827 | -70.20317 |
| 101321 | Little Diamond Island            | 43.66453 | -70.20728 |

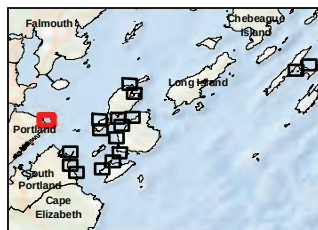
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|--------|----------------------------------|----------|-----------|
| 120488 | Little Diamond Island            | 43.66842 | -70.21207 |
| 135710 | Little Diamond Island            | 43.66355 | -70.20827 |
| 136387 | Little Diamond Island            | 43.66345 | -70.20913 |
| 155487 | Little Diamond Island            | 43.66453 | -70.20728 |
| 96130  | Little Diamond Island-East Side  | 43.66317 | -70.20943 |
| 95956  | Little Diamond Island-NW side    | 43.67000 | -70.20967 |
| 95957  | Little Diamond Island-NW side    | 43.66983 | -70.21000 |
| 95853  | Little Diamond Island-Peaks Side | 43.66383 | -70.20833 |
| 95938  | Little Diamond Island-Peaks Side | 43.66467 | -70.20700 |
| 95942  | Little Diamond Island-Peaks Side | 43.66383 | -70.20850 |
| 95946  | Little Diamond Island-Peaks Side | 43.66365 | -70.21283 |
| 95947  | Little Diamond Island-Peaks Side | 43.66423 | -70.20777 |
| 95948  | Little Diamond Island-Peaks Side | 43.66828 | -70.20315 |
| 95955  | Little Diamond Island-Peaks Side | 43.66333 | -70.20922 |
| 101216 | North Side Peaks Evergreen       | 43.67208 | -70.18927 |
| 95393  | Peaks Island                     | 43.67292 | -70.18877 |
| 95448  | Peaks Island                     | 43.65038 | -70.20017 |
| 95463  | Peaks Island                     | 43.66883 | -70.19480 |
| 95488  | Peaks Island                     | 43.66188 | -70.20157 |
| 95866  | Peaks Island                     | 43.65733 | -70.19983 |
| 95917  | Peaks Island                     | 43.66768 | -70.19635 |
| 95933  | Peaks Island                     | 43.67318 | -70.18842 |
| 96025  | Peaks Island                     | 43.66853 | -70.19540 |
| 96154  | Peaks Island                     | 43.65067 | -70.19637 |
| 101064 | Peaks Island                     | 43.65110 | -70.20098 |
| 101545 | Peaks Island                     | 43.66445 | -70.19877 |
| 122571 | Peaks Island                     | 43.67187 | -70.19020 |
| 123019 | Peaks Island                     | 43.66912 | -70.19423 |
| 129818 | Peaks Island                     | 43.66458 | -70.19937 |
| 130114 | Peaks Island                     | 43.66578 | -70.19875 |
| 130292 | Peaks Island                     | 43.66555 | -70.19938 |
| 130893 | Peaks Island                     | 43.65083 | -70.19650 |
| 133749 | Peaks Island                     | 43.65057 | -70.19718 |
| 134565 | Peaks Island                     | 43.66642 | -70.19893 |
| 135456 | Peaks Island                     | 43.65055 | -70.19685 |
| 157384 | Peaks Island                     | 43.66495 | -70.20022 |
| 164931 | Peaks Island                     | 43.66815 | -70.19602 |
| 130511 | Peaks Island-Bracket Point       | 43.64242 | -70.20873 |
| 95861  | Peaks Island-City Point          | 43.66015 | -70.20070 |
| 96049  | Peaks Island-City Point          | 43.66517 | -70.19858 |
| 130208 | Peaks Island-City Point          | 43.66545 | -70.19820 |
| 95928  | Peaks Island-Evergreen Landing   | 43.67042 | -70.19295 |
| 95930  | Peaks Island-Evergreen Landing   | 43.67238 | -70.18895 |
| 95931  | Peaks Island-Evergreen Landing   | 43.67268 | -70.18898 |
| 95480  | Peaks Island-Hadlocks Cove       | 43.65050 | -70.19700 |
| 95830  | Peaks Island-Hadlocks Cove       | 43.65033 | -70.19667 |
| 95833  | Peaks Island-Hadlocks Cove       | 43.65073 | -70.19762 |
| 95834  | Peaks Island-Hadlocks Cove       | 43.65125 | -70.19870 |
| 95836  | Peaks Island-Hadlocks Cove       | 43.65050 | -70.19657 |
| 95841  | Peaks Island-Hadlocks Cove       | 43.65107 | -70.19818 |
| 134471 | Peaks Island-Hadlocks Cove       | 43.65047 | -70.19612 |
| 95927  | Peaks Island-Near TEIA           | 43.67017 | -70.19233 |
| 95394  | Peaks Island-TEIA                | 43.66933 | -70.19382 |
| 95430  | Peaks Island-TEIA                | 43.67017 | -70.19283 |
| 95464  | Peaks Island-TEIA                | 43.67032 | -70.19267 |



|        |                               |          |           |
|--------|-------------------------------|----------|-----------|
| 95465  | Peaks Island-TEIA             | 43.67147 | -70.19042 |
| 95468  | Peaks Island-TEIA             | 43.67092 | -70.19160 |
| 95472  | Peaks Island-TEIA             | 43.67038 | -70.19170 |
| 95689  | Peaks Island-TEIA             | 43.67010 | -70.19263 |
| 95899  | Peaks Island-TEIA             | 43.66927 | -70.19305 |
| 95900  | Peaks Island-TEIA             | 43.67050 | -70.19248 |
| 95911  | Peaks Island-TEIA             | 43.67088 | -70.19118 |
| 95913  | Peaks Island-TEIA             | 43.67037 | -70.19200 |
| 95914  | Peaks Island-TEIA             | 43.67050 | -70.19293 |
| 95918  | Peaks Island-TEIA             | 43.67052 | -70.19170 |
| 96129  | Peaks Island-TEIA             | 43.67013 | -70.19190 |
| 101292 | Peaks Island-TEIA             | 43.67005 | -70.19318 |
| 120306 | Peaks Island-TEIA             | 43.67050 | -70.19227 |
| 128997 | Peaks Island-TEIA             | 43.67117 | -70.19100 |
| 130512 | Peaks Island-TEIA             | 43.67058 | -70.19120 |
| 134786 | Peaks Island-TEIA             | 43.67092 | -70.19102 |
| 157162 | Peaks Island-TEIA             | 43.67038 | -70.19170 |
| 157222 | Peaks Island-TEIA             | 43.67148 | -70.19080 |
| 166324 | Peaks Island-TEIA             | 43.67017 | -70.19177 |
| 95844  | Peaks Island-Torrington Point | 43.65070 | -70.19713 |
| 95884  | Peaks Island-Trefethens       | 43.66900 | -70.19333 |
| 95887  | Peaks Island-Trefethens       | 43.66497 | -70.19952 |
| 95888  | Peaks Island-Trefethens       | 43.66547 | -70.19883 |
| 95892  | Peaks Island-Trefethens       | 43.66498 | -70.19938 |
| 95895  | Peaks Island-Trefethens       | 43.66767 | -70.19717 |
| 95896  | Peaks Island-Trefethens       | 43.66577 | -70.19940 |
| 95932  | Peaks Island-Trefethens       | 43.67200 | -70.19050 |
| 96015  | Peaks Island-Trefethens       | 43.66917 | -70.19350 |
| 95857  | Peaks Island-West Side        | 43.66127 | -70.20113 |
| 95858  | Peaks Island-West Side        | 43.66108 | -70.20112 |
| 95642  | South Portland-Bay Street     | 43.64033 | -70.22217 |
| 95748  | South Portland-Bay Street     | 43.64033 | -70.22250 |
| 95750  | South Portland-Bay Street     | 43.64063 | -70.22268 |
| 95752  | Spring Point                  | 43.65167 | -70.22617 |
| 95759  | Spring Point                  | 43.65100 | -70.22783 |
| 101126 | Spring Point                  | 43.65183 | -70.22567 |
| 157076 | Spring Point                  | 43.66883 | -70.23853 |
| 96024  | Whitehead Passage             | 43.65100 | -70.19833 |
| 95386  | Willard Beach                 | 43.64350 | -70.22517 |
| 95396  | Willard Beach                 | 43.64435 | -70.22583 |
| 95400  | Willard Beach                 | 43.64317 | -70.22503 |
| 95503  | Willard Beach                 | 43.64400 | -70.22567 |
| 95520  | Willard Beach                 | 43.64468 | -70.22622 |
| 95525  | Willard Beach                 | 43.64283 | -70.22467 |
| 95596  | Willard Beach                 | 43.64318 | -70.22570 |
| 95618  | Willard Beach                 | 43.64370 | -70.22557 |
| 95626  | Willard Beach                 | 43.64533 | -70.22583 |
| 95643  | Willard Beach                 | 43.64418 | -70.22577 |
| 95648  | Willard Beach                 | 43.64378 | -70.22585 |
| 95730  | Willard Beach                 | 43.64422 | -70.22653 |
| 95736  | Willard Beach                 | 43.64363 | -70.22485 |
| 96072  | Willard Beach                 | 43.64395 | -70.22625 |
| 96099  | Willard Beach                 | 43.64390 | -70.22593 |
| 96143  | Willard Beach                 | 43.64310 | -70.22533 |
| 96153  | Willard Beach                 | 43.64353 | -70.22563 |



|        |               |          |           |
|--------|---------------|----------|-----------|
| 98489  | Willard Beach | 43.64353 | -70.22442 |
| 98490  | Willard Beach | 43.64505 | -70.22643 |
| 101129 | Willard Beach | 43.64450 | -70.22650 |
| 101318 | Willard Beach | 43.64432 | -70.22592 |
| 101636 | Willard Beach | 43.64493 | -70.22595 |
| 102929 | Willard Beach | 43.64418 | -70.22562 |
| 105665 | Willard Beach | 43.64403 | -70.22587 |
| 105689 | Willard Beach | 43.64303 | -70.22525 |
| 105778 | Willard Beach | 43.64345 | -70.22552 |
| 107480 | Willard Beach | 43.64333 | -70.22583 |
| 107551 | Willard Beach | 43.64400 | -70.22650 |
| 107713 | Willard Beach | 43.64517 | -70.22617 |
| 120259 | Willard Beach | 43.64538 | -70.22580 |
| 120838 | Willard Beach | 43.64397 | -70.22515 |
| 120882 | Willard Beach | 43.66730 | -70.23767 |
| 123195 | Willard Beach | 43.64383 | -70.22617 |
| 127857 | Willard Beach | 43.64395 | -70.22537 |
| 130557 | Willard Beach | 43.64442 | -70.22667 |
| 134807 | Willard Beach | 43.64473 | -70.22603 |
| 134903 | Willard Beach | 43.64433 | -70.22648 |
| 136472 | Willard Beach | 43.64397 | -70.22585 |
| 136544 | Willard Beach | 43.64463 | -70.22608 |
| 136739 | Willard Beach | 43.64400 | -70.22633 |
| 155350 | Willard Beach | 43.64367 | -70.22567 |
| 155471 | Willard Beach | 43.64500 | -70.22592 |
| 160345 | Willard Beach | 43.64342 | -70.22587 |
| 160444 | Willard Beach | 43.64563 | -70.22588 |
| 162161 | Willard Beach | 43.64337 | -70.22595 |
| 162181 | Willard Beach | 43.64333 | -70.22518 |



**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Case Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

0 300 Feet  
(At original document size of 8.5x11)  
1:3,600



Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

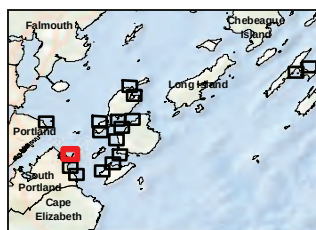
Figure No.

1

Title

Candidate Moorings  
Portland

Page 1 of 17



**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

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(At original document size of 8.5x11)  
1:3,600



Project Location  
Portland Harbor  
Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project  
Portland Harbor Commission  
Portland Harbor Dredge Project  
195601684

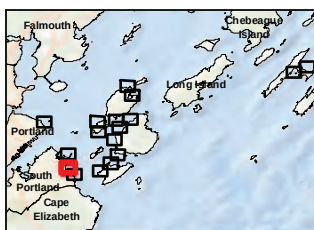
Figure No.

1

Title  
**Candidate Moorings  
South Portland**

Page 2 of 17





**Notes**  
 1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
 2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
 3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
 ● Existing Moorings in Mapped Eelgrass (2020)  
 ■ MaineDEP Mapped Eelgrass 2018

0 300 Feet  
 (At original document size of 8.5x11)  
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Project Location: Portland Harbor, Maine  
 Prepared by HCT on 2021-04-27  
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Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
 195601684

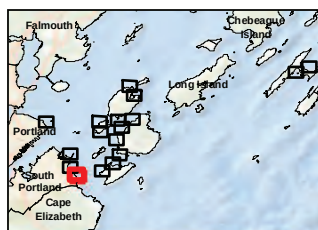
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Title  
**Candidate Moorings  
 South Portland**

Page 3 of 17





**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**

- Existing Moorings in Mapped Eelgrass (2020)
- MaineDEP Mapped Eelgrass 2018

0 300 Feet  
(At original document size of 8.5x11)  
1:3,600



Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
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Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

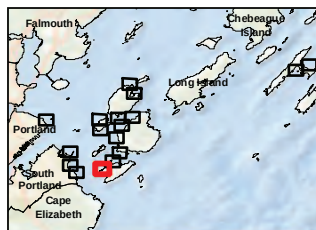
Figure No.

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Title  
**Candidate Moorings  
South Portland**

Page 4 of 17





**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

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(At original document size of 8.5x11)  
1:3,600



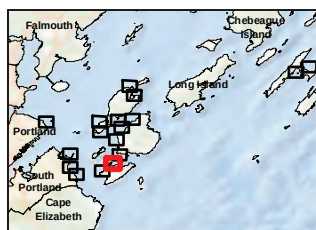
Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

Figure No.  
**1**

Title  
**Candidate Moorings  
Cushing Island**





**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

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(At original document size of 8.5x11)  
1:3,600



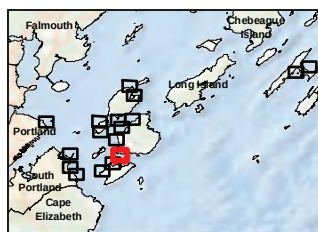
Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

Figure No.  
**1**

Title  
**Candidate Moorings  
Cushing Island**





**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Case Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

0 300 Feet  
(At original document size of 8.5x11)  
1:3,600



Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

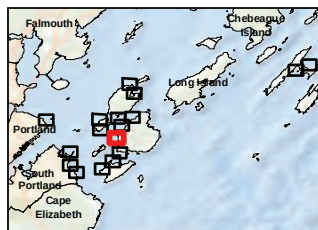
Figure No.

1

Title  
**Candidate Moorings  
Peaks Island**

Page 7 of 17





**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

0 300 Feet  
(At original document size of 8.5x11)  
1:3,600



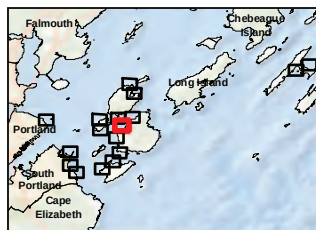
Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

Figure No.  
**1**

Title  
**Candidate Moorings  
Peaks Island**

V:\1956\active\195601684\03\_data\gis\_cad\gis\mxd\EelGrass\01684\_01\_CandidateMooredings\_Mpbk.mxd Revised: 2021-04-29 By: hturner



**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

0 300 Feet  
(At original document size of 8.5x11)  
1:3,600

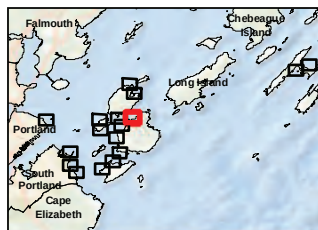
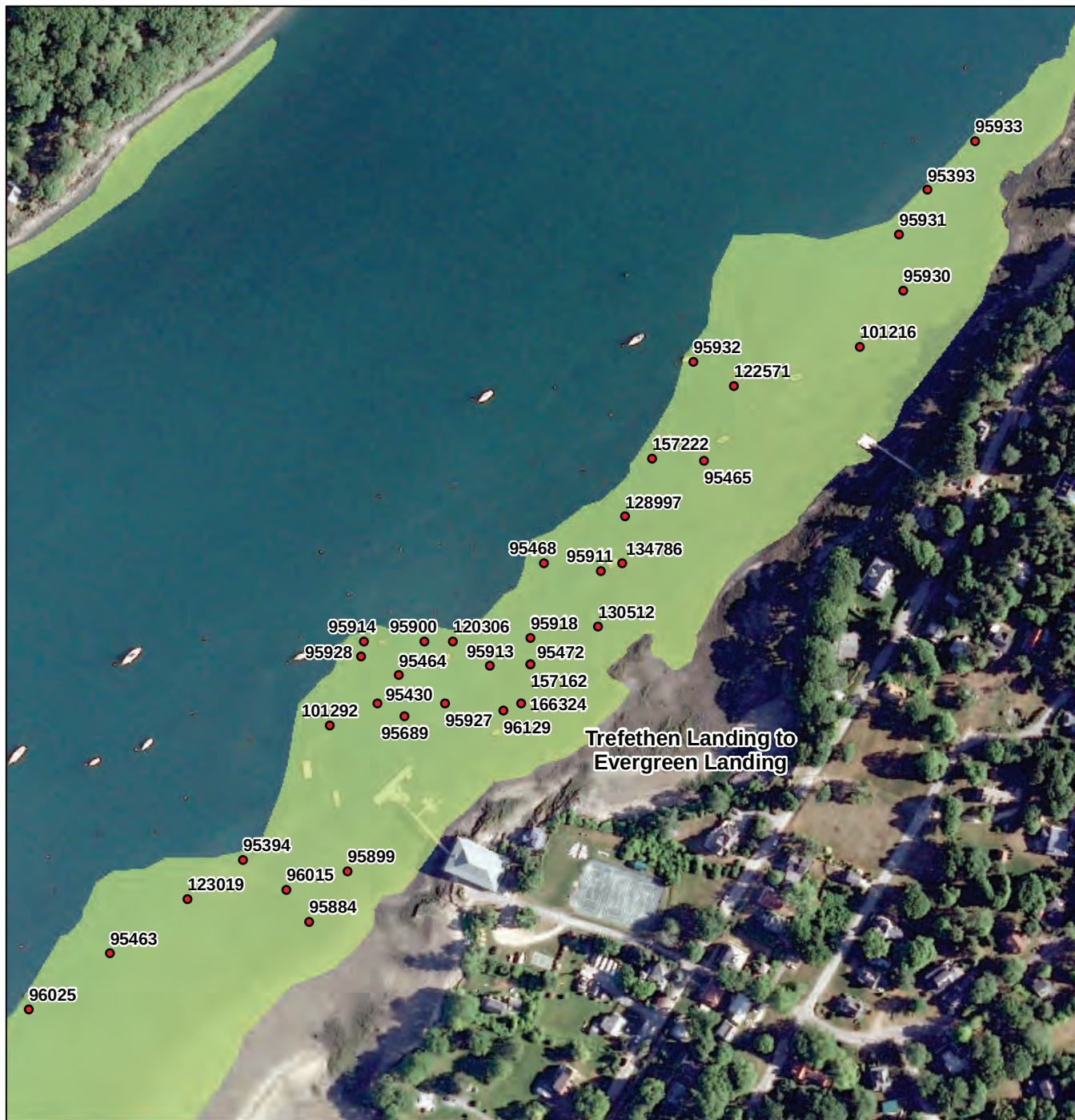


**Project Location**  
Portland Harbor  
Maine  
**Client/Project**  
Portland Harbor Commission  
Portland Harbor Dredge Project

Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29  
195601684

**Figure No.**  
**1**  
**Title**  
**Candidate Moorings**  
**Peaks Island**





**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Case Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

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1:3,600



Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
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IR Review by MPJ on 2021-04-29

Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

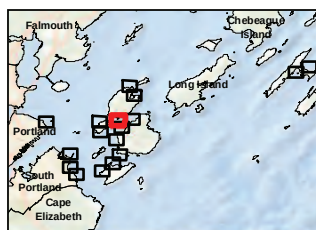
Figure No.

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Title  
**Candidate Moorings  
Peaks Island**



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**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

0 300 Feet  
(At original document size of 8.5x11)  
1:3,600



Project Location  
Portland Harbor  
Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project  
Portland Harbor Commission  
Portland Harbor Dredge Project  
195601684

Figure No.

1

Title

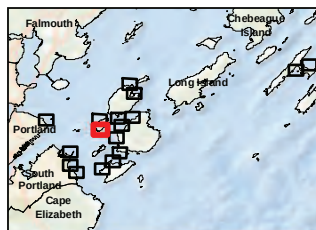
Candidate Moorings  
Great Diamond Island

Page 11 of 17

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.



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**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

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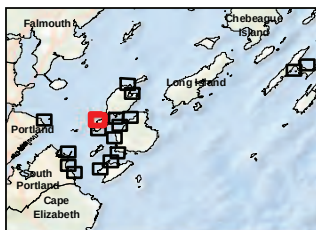


Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

Figure No. 1  
Title: Candidate Moorings, Little Diamond Island





**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

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1:3,600



Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

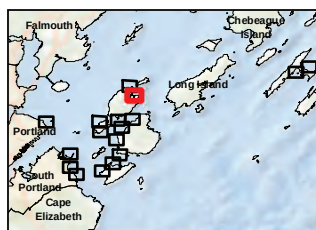
Figure No.

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Title  
**Candidate Moorings  
Little Diamond Island**

Page 13 of 17





**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Case Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

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(At original document size of 8.5x11)  
1:3,600



Project Location  
Portland Harbor  
Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project  
Portland Harbor Commission  
Portland Harbor Dredge Project  
195601684

Figure No.

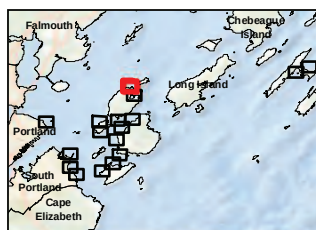
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Title

**Candidate Moorings  
Great Diamond Island**

Page 14 of 17





**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

0 300 Feet  
(At original document size of 8.5x11)  
1:3,600



Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

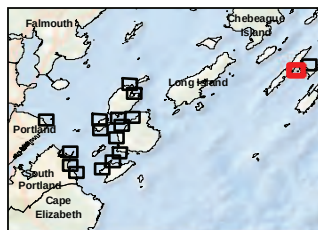
Figure No.

1

Title  
**Candidate Moorings  
Great Diamond Island**

Page 15 of 17





**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

0 300 Feet  
(At original document size of 8.5x11)  
1:3,600



Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

Figure No.

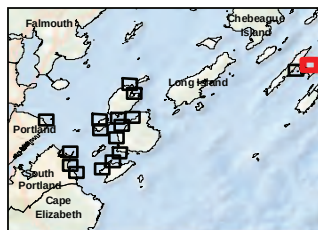
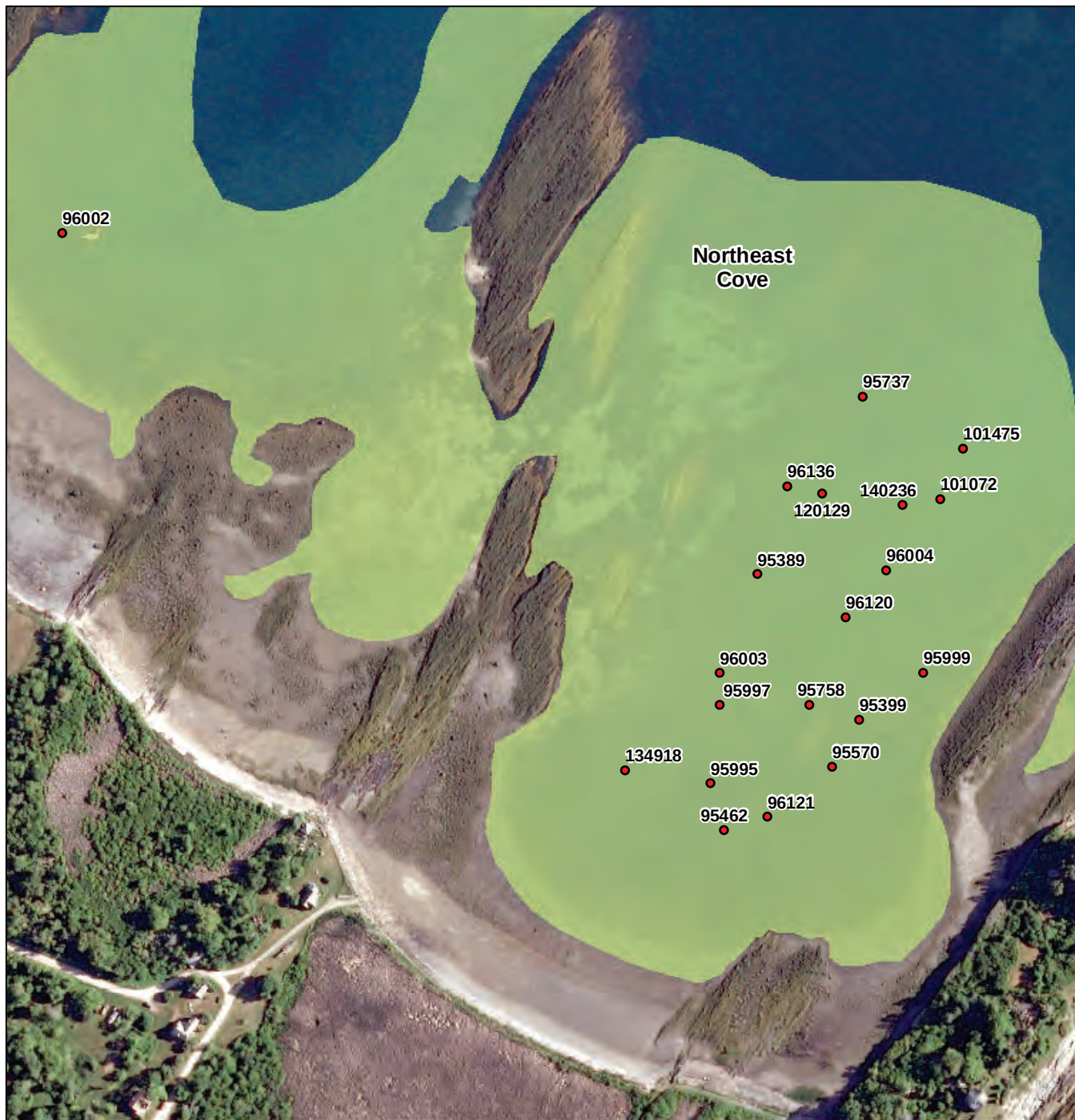
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Title

Candidate Moorings  
Cliff Island

Page 16 of 17





**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. Data Sources: Stantec, MEGIS, MaineDEP, Portland Harbor Master  
3. Background: 2018 Casco Bay Orthoimagery dataset (<https://gis.maine.gov/arcgis/services>)

**Legend**  
● Existing Moorings in Mapped Eelgrass (2020)  
■ MaineDEP Mapped Eelgrass 2018

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(At original document size of 8.5x11)  
1:3,600



Project Location: Portland Harbor, Maine  
Prepared by HCT on 2021-04-27  
TR Review by KWH on 2021-04-29  
IR Review by MPJ on 2021-04-29

Client/Project: Portland Harbor Commission, Portland Harbor Dredge Project  
195601684

Figure No.

1

Title

Candidate Moorings  
Cliff Island

Page 17 of 17





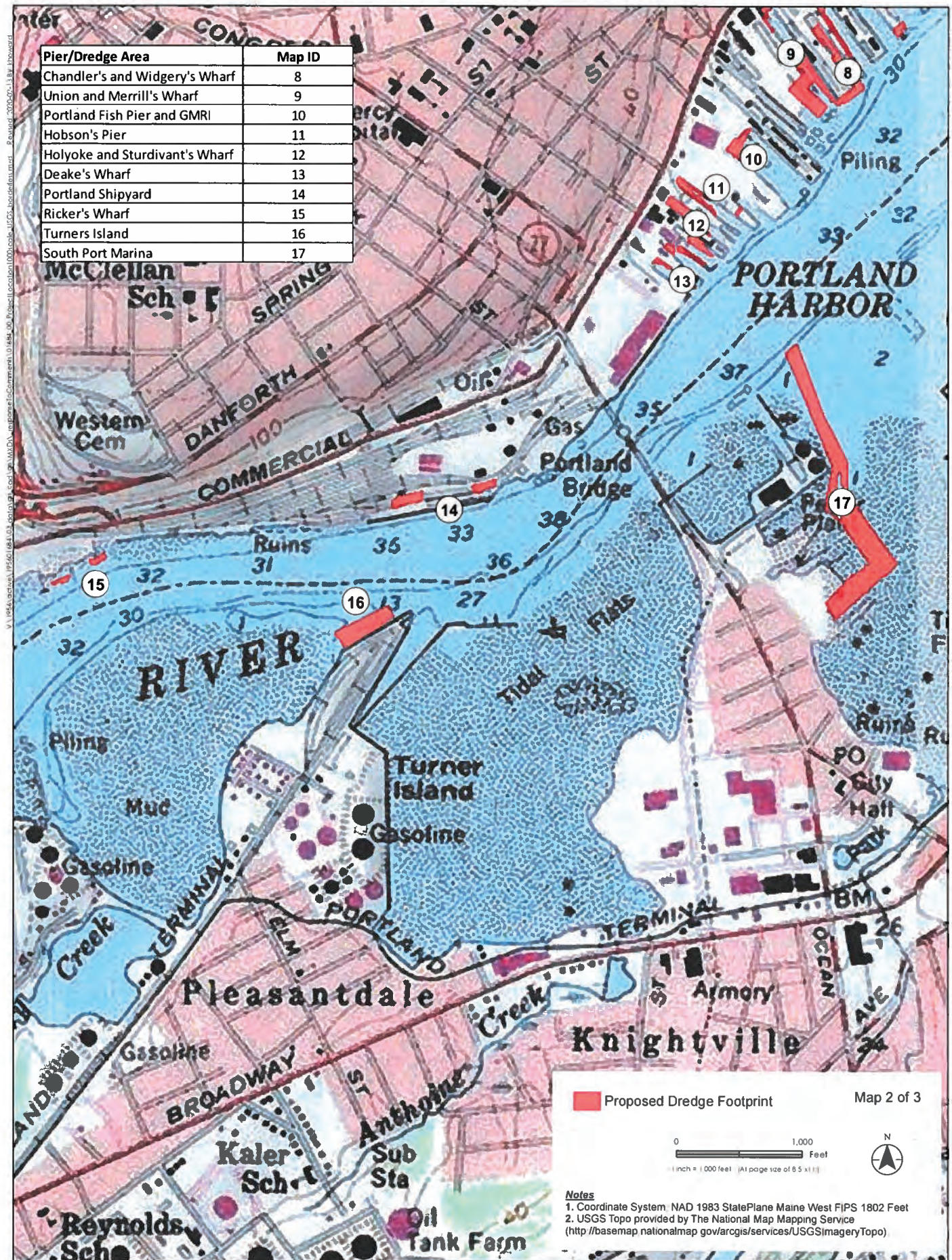
| Pier/Dredge Area                | Map ID |
|---------------------------------|--------|
| Maine Yacht Center              | 1      |
| East End Beach and Barge Launch | 2      |
| Ocean Gateway/Amethyst Lot      | 3      |
| Maine State Pier                | 4      |
| Custom House and Maine Wharf    | 5      |
| Portland Pier                   | 6      |
| Dimillo's/Long Wharf            | 7      |
| Chandler's and Widgery's Wharf  | 8      |
| Union and Merrill's Wharf       | 9      |

Proposed Dredge Footprint Map 1 of 3



**Notes**  
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet  
2. USGS Topo provided by The National Map Mapping Service (<http://basemap.nationalmap.gov/arcgis/services/USGS/mageryTopo>)





| Pier/Dredge Area               | Map ID |
|--------------------------------|--------|
| Chandler's and Widgery's Wharf | 8      |
| Union and Merrill's Wharf      | 9      |
| Portland Fish Pier and GMRI    | 10     |
| Hobson's Pier                  | 11     |
| Holyoke and Sturdivant's Wharf | 12     |
| Deake's Wharf                  | 13     |
| Portland Shipyard              | 14     |
| Ricker's Wharf                 | 15     |
| Turners Island                 | 16     |
| South Port Marina              | 17     |

Proposed Dredge Footprint

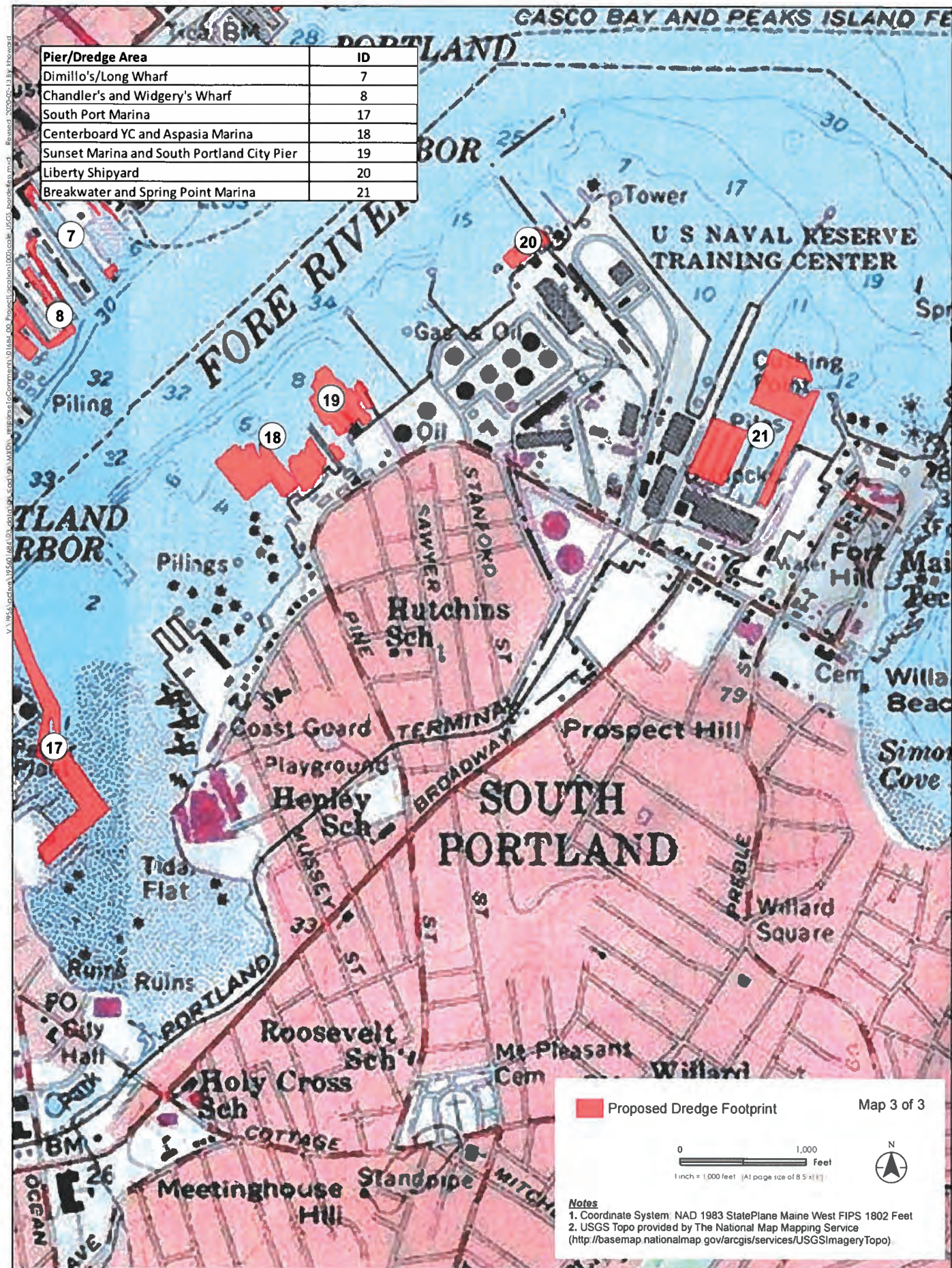
Map 2 of 3



**Notes**

- 1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet
- 2. USGS Topo provided by The National Map Mapping Service (<http://basemap.nationalmap.gov/arcgis/services/USGSImageryTopo>)





| Pier/Dredge Area                           | ID |
|--------------------------------------------|----|
| Dimillo's/Long Wharf                       | 7  |
| Chandler's and Widgery's Wharf             | 8  |
| South Port Marina                          | 17 |
| Centerboard YC and Aspasia Marina          | 18 |
| Sunset Marina and South Portland City Pier | 19 |
| Liberty Shipyard                           | 20 |
| Breakwater and Spring Point Marina         | 21 |

Proposed Dredge Footprint

Map 3 of 3



Notes

1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet
2. USGS Topo provided by The National Map Mapping Service (<http://basemap.nationalmap.gov/arcgis/services/USGSImageryTopo>)



Joint Natural Resource Protection Act Permit/USACE Individual Permit  
 South Portland, Maine  
 Portland Harbor CAD Cell  
 Attachment 1: Activity Description

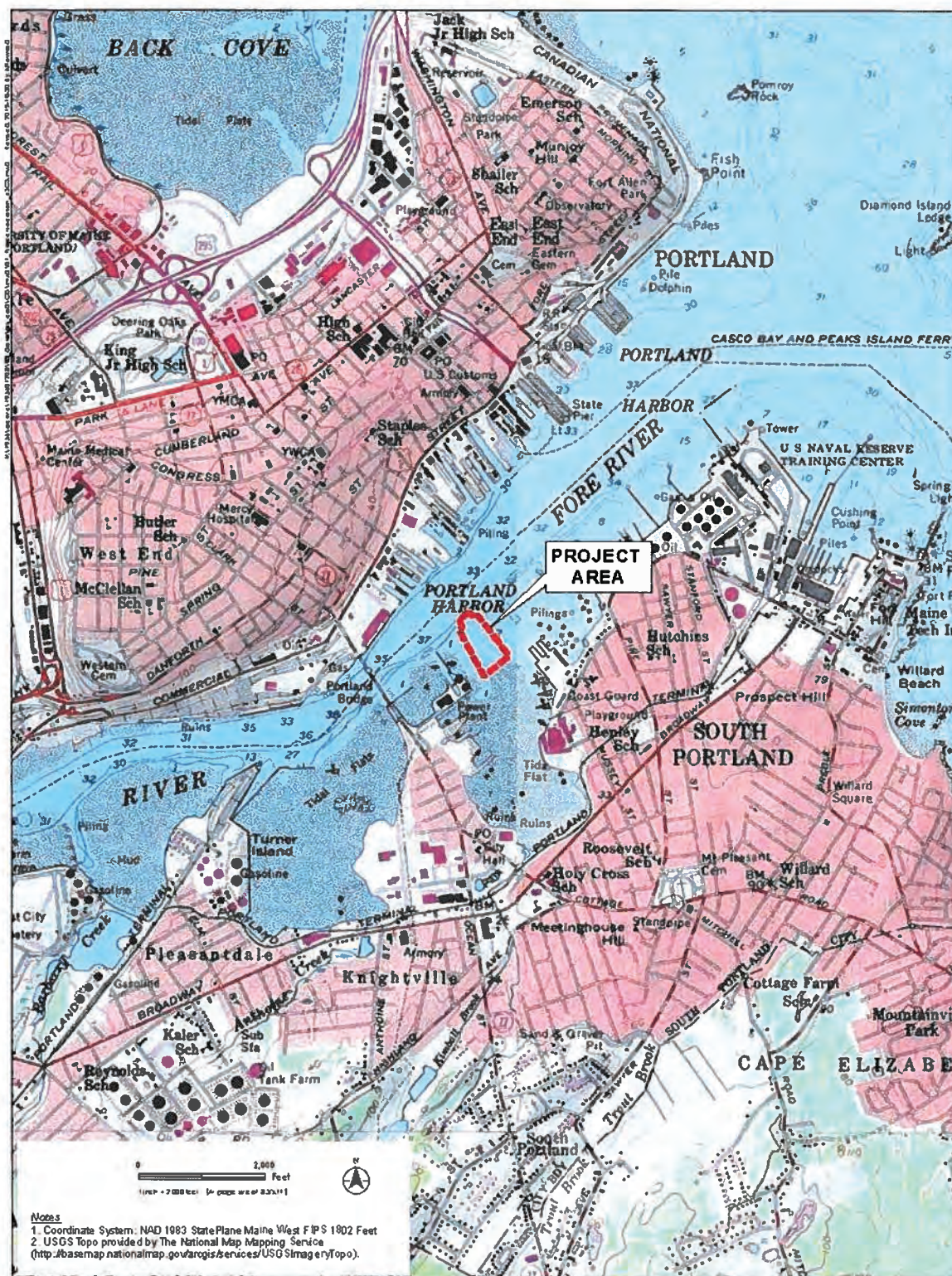
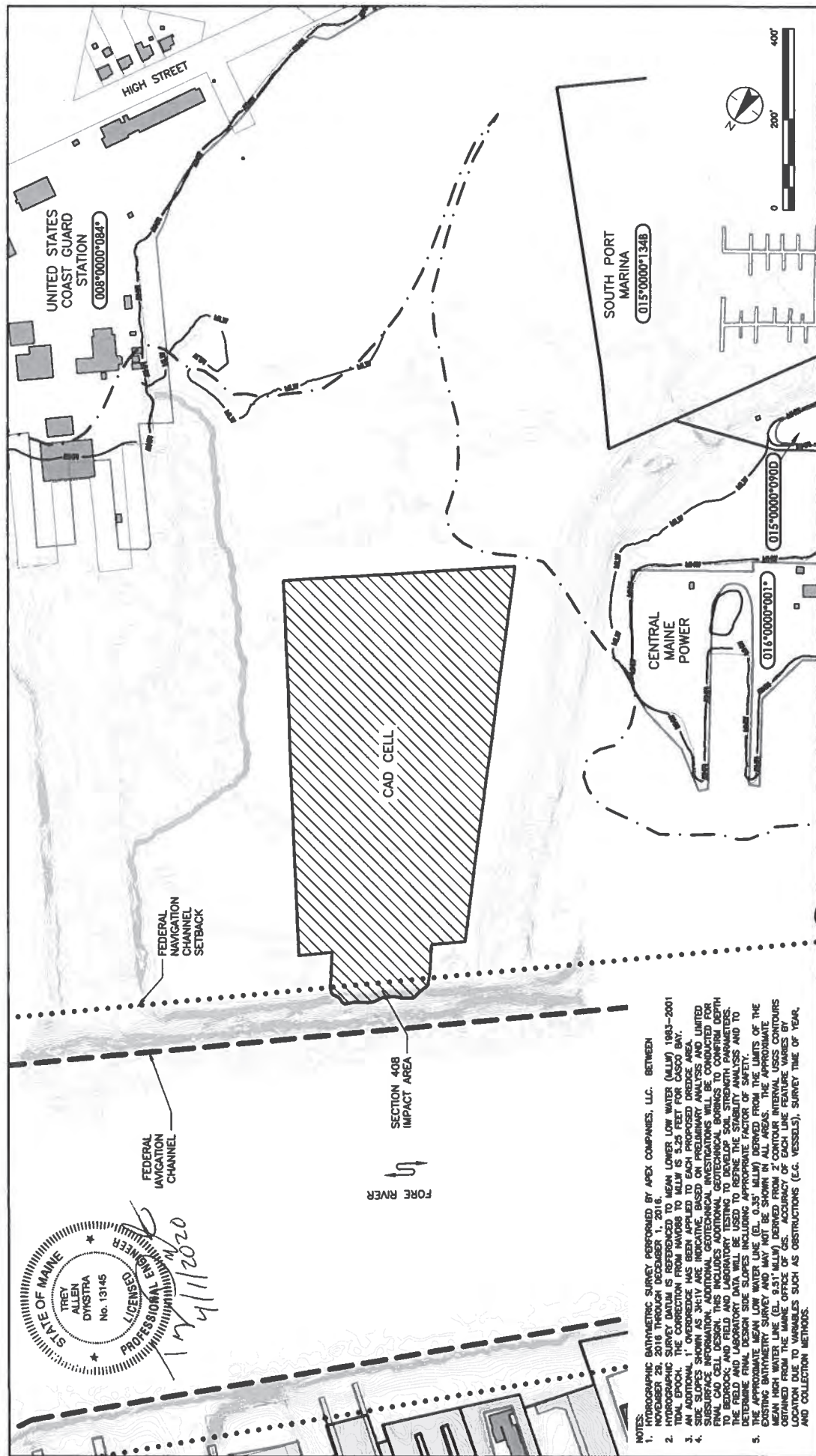


Figure 1. Project Location: 7.5 Minute Series USGS Topographic Quadrangle – Portland, ME







STATE OF MAINE  
 TREV ALLEN DYKSTRA  
 No. 13145  
 LICENSED PROFESSIONAL ENGINEER  
 12/4/2020

- NOTES:**
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC. BETWEEN NOVEMBER 23, 2016 THROUGH DECEMBER 1, 2016.
  2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 DATUM. EPOCH 1983-2001 DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 DATUM. EPOCH 1983-2001 DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 DATUM.
  3. AN ADJUNCT 1' GROUNDWATER HAS BEEN ADDED TO EACH PREPARED CROSS-SECTION.
  4. SIDE SLOPES SHOWN AS 3H:1V ARE INDICATIVE, BASED ON PRELIMINARY ANALYSIS AND LIMITED SUBSURFACE INFORMATION. ADDITIONAL GEOTECHNICAL INVESTIGATIONS WILL BE CONDUCTED FOR FINAL CAD CELL DESIGN. THIS INCLUDES ADDITIONAL GEOTECHNICAL BORINGS TO CONFIRM DEPTH OF SUBSURFACE INFORMATION. ADDITIONAL GEOTECHNICAL BORINGS TO CONFIRM DEPTH OF SUBSURFACE INFORMATION. ADDITIONAL GEOTECHNICAL BORINGS TO CONFIRM DEPTH OF SUBSURFACE INFORMATION.
  5. THE APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM THE LIMITS OF THE EXISTING BATHYMETRIC SURVEY AND MAY NOT BE SHOWN IN ALL AREAS. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM THE LIMITS OF THE EXISTING BATHYMETRIC SURVEY AND MAY NOT BE SHOWN IN ALL AREAS.

**Legend**

|  |                                                     |
|--|-----------------------------------------------------|
|  | 1' BATHYMETRIC CONTOUR                              |
|  | ESTIMATED DREDGE AREA                               |
|  | TAX MAP PARCEL LINE                                 |
|  | TAX MAP PARCEL NUMBER                               |
|  | APPROXIMATE SUBMERGED LANDS REGULATORY LIMIT (10FO) |
|  | APPROXIMATE MEAN LOW WATER                          |
|  | APPROXIMATE MEAN HIGH WATER                         |

**Stantec**

FOR PERMITTING PURPOSES ONLY  
 NOT FOR CONSTRUCTION

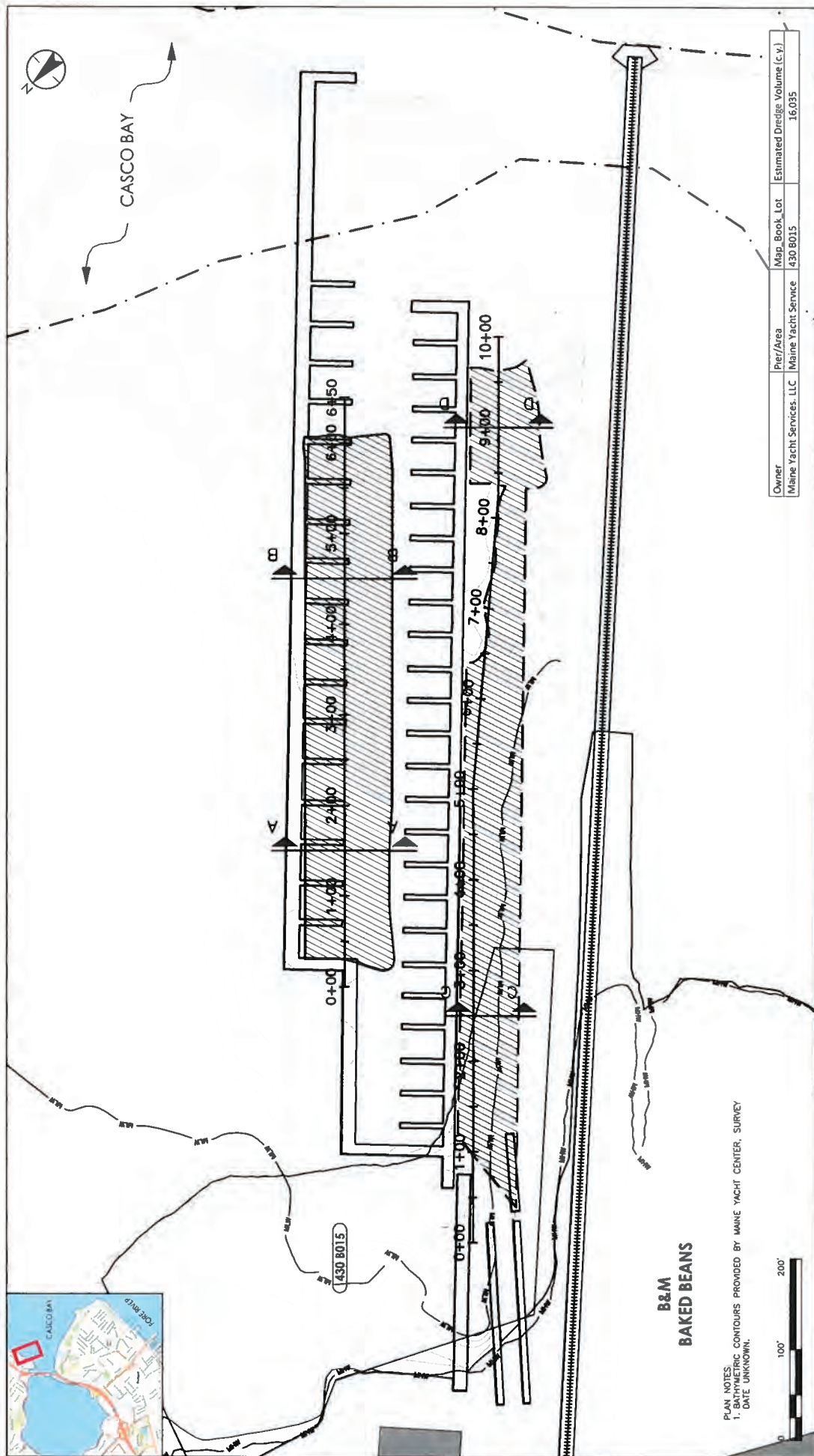
Stantec Consulting Services Inc.  
 30 Park Drive  
 Portland, ME 04106-1737  
 Tel: (207) 729-1199  
 www.stantec.com

Client/Project: City of Portland  
 Portland Harbor  
 CAD Cell Project

Plan: Proposed CAD Cell

Revision: \_\_\_\_\_ Date: 2020.01.24  
 Reference Sheet: \_\_\_\_\_ Figure No: 1

Project No: 195601208



**Owner**  
Maine Yacht Services, LLC

**Map Book Lot**  
430 8015

**Estimated Dredge Volume (c.y.)**  
16,035

**Maine Yacht Center  
Proposed Dredge  
Plan View**

Revision \_\_\_\_\_ Date 2019.11.13

Reference Sheet \_\_\_\_\_ Figure No. \_\_\_\_\_

**Client/Project**  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

**Project No.**  
195401684

**Legend**

- M.L.W. — APPROX. MEAN LOW WATER
- M.H.W. — APPROX. MEAN HIGH WATER
- STORMWATER DUTIAL
- BATHYMETRY CONTOUR
- DREDGE AREA INCL. MAP PARCEL LINE
- INCL. MAP AND PARCEL NUMBER
- ESTIMATED DREDGE AREA
- EXISTING BUILDING/STRUCTURE
- APPROXIMATE SUBMERGED LIMBS
- REGULATORY LIMIT (1833, 1856, OR 1870)

**PLAN NOTES:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APCI COMPANIES, LLC, BETWEEN NOVEMBER 29, 2016 AND DECEMBER 1, 2016.
2. THE CORRECTION FROM NAVD83 TO MLLW IS 5.25 FEET FOR CASCO BAY.
3. THE CORRECTION FROM NAVD83 TO MLLW IS 5.25 FEET FOR CASCO BAY.
4. AN ADDITIONAL 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. DREDGE ROCKS ARE INCLUDED IN THE DREDGE VOLUMES.
6. THE APPROXIMATE MEAN LOW WATER LINE (EL. 0.31' MLLW) DERIVED FROM THE LIMITS OF THE EXISTING BATHYMETRY SURVEY AND MAY NOT BE SHOWN IN ALL AREAS. THE APPROXIMATE MEAN HIGH WATER LINE (EL. 9.31' MLLW) DERIVED FROM 2' CONTOUR INTERVAL USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF GIS.
7. CASCO BAY MEAN LOW WATER LINE IS DERIVED FROM USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF GIS.
8. VESSELS, SURVEY TIME OF TIDE, AND COLLECTION METHODS.

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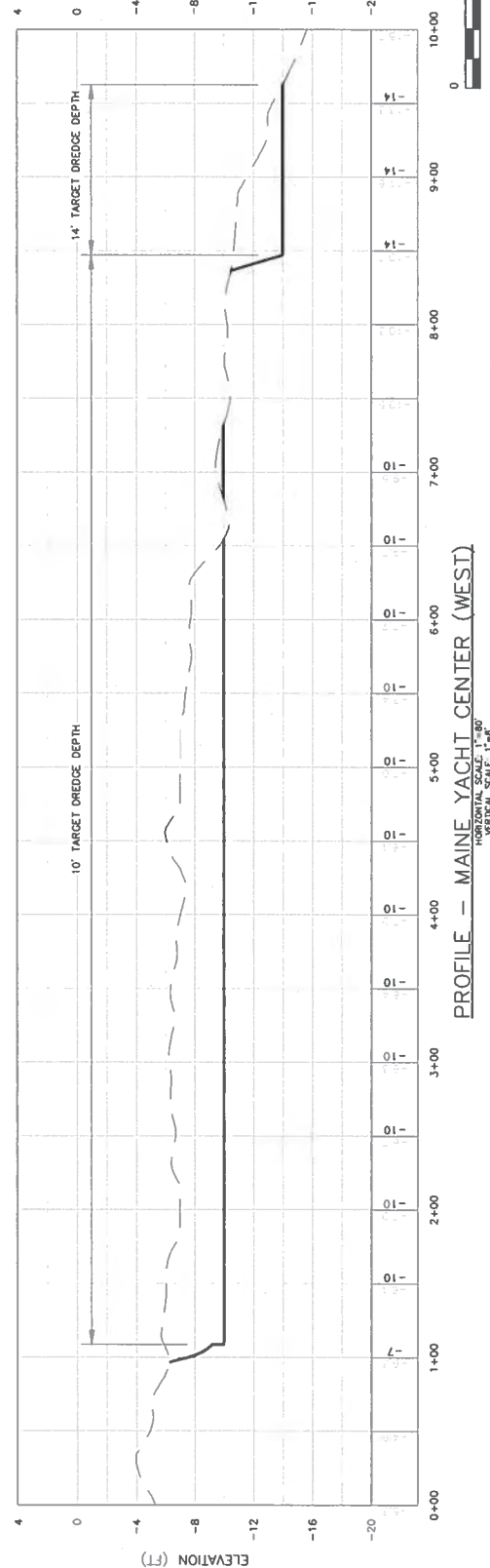
NOT FOR CONSTRUCTION

NOVEMBER 2019

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30 Park Drive  
Bath, ME 04608-1737  
Tel: (207) 251-1000  
www.stantec.com

**PLAN NOTES:**

1. BATHYMETRIC CONTOURS PROVIDED BY MAINE YACHT CENTER, SURVEY DATE UNKNOWN.



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30 Park Drive  
Topsham ME 04086-1737  
Tel. (207) 729-1199  
[www.slantec.com](http://www.slantec.com)

NOTES:

1. BATHYMETRIC SURVEY PERFORMED BY MAINE YACHT CENTER, SURVEY DATE UNKNOWN.
2. BATHYMETRIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001.
3. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS OF BATHYMETRIC SURVEY WERE USED TO DETERMINE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS OF BATHYMETRIC SURVEY WERE USED TO DETERMINE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS.
4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. PROPOSED DREDGE AREAS INCLUDE 3:1 SLOPES EXCEPT WHERE THEY PARALLEL EXISTING ROCK PILE SHORELINES. IN THOSE CASES, A SLOUGH CUT EDGE WAS APPLIED.

Legend

EXISTING BATHYMETRY

PROPOSED TARGET DREDGE DEPTH

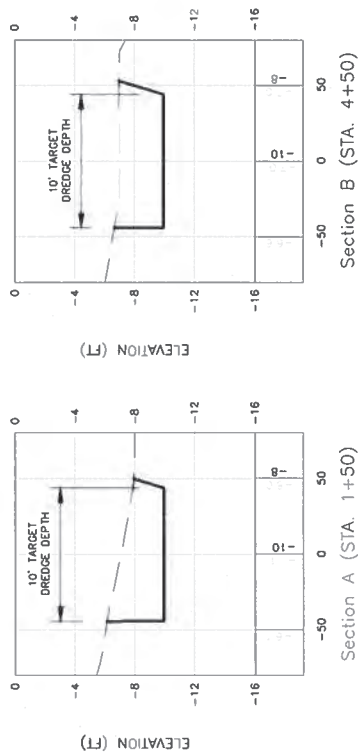
| Year/Project | Portland Harbor<br>Commission | Portland Harbor<br>Dredge Project |
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| 1991         | 1991                          | 1991                              |
| 1992         | 1992                          | 1992                              |
| 1993         | 1993                          | 1993                              |
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| 1995         | 1995                          | 1995                              |
| 1996         | 1996                          | 1996                              |
| 1997         | 1997                          | 1997                              |
| 1998         | 1998                          | 1998                              |
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| 2000         | 2000                          | 2000                              |
| 2001         | 2001                          | 2001                              |
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| 2026         | 2026                          | 2026                              |
| 2027         | 2027                          | 2027                              |
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| 2081         | 2081                          | 2081                              |
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| 2086         | 2086                          | 2086                              |
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| 2090         | 2090                          | 2090                              |
| 2091         | 2091                          | 2091                              |
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| 2093         | 2093                          | 2093                              |
| 2094         | 2094                          | 2094                              |
| 2095         | 2095                          | 2095                              |
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|              |                               |                                   |

Project No.  
195601684

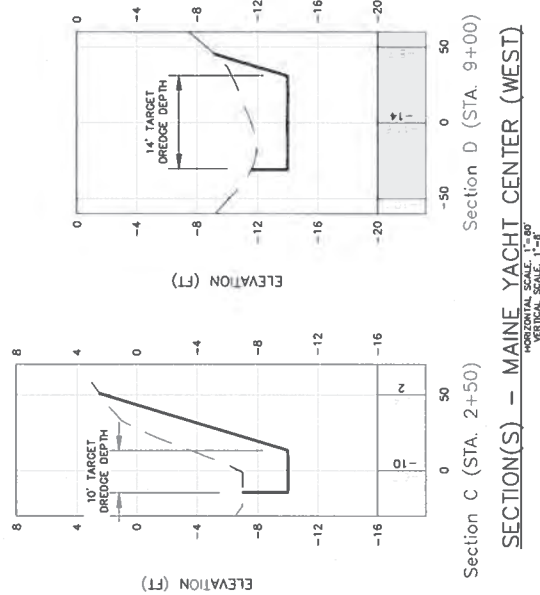
# Maine Yacht Center Proposed Dredge Profiles

|                 |            |
|-----------------|------------|
| Revision        | Date       |
|                 | 2019.11.13 |
| Reference Sheet | Figure No. |





SECTION(S) - MAINE YACHT CENTER (EAST)



SECTION(S) - MAINE YACHT CENTER (WEST)

Legend  
 — EXISTING BATHYMETRY  
 — PROPOSED TARGET DREDGE DEPTH

- NOTES:
1. BATHYMETRIC SURVEY PERFORMED BY MAINE YACHT CENTER, SURVEY DATE UNKNOWN
  2. BATHYMETRIC SURVEY DATUM REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001
  3. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. PROPOSED DREDGE WAS BEING APPLIED TO EACH PROPOSED DREDGE AREA PARALLEL TO EXISTING PIER AND ADJACENT SHORELINE. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED
  5. PROPOSED DREDGE WAS BEING APPLIED TO EACH PROPOSED DREDGE AREA PARALLEL TO EXISTING PIER OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED

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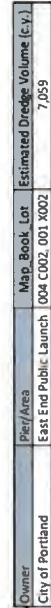
Client/Project  
 Portland Harbor  
 Commission  
 Portland Harbor  
 Dredge Project

Project No  
 195601684

Maine Yacht Center  
 Proposed Dredge  
 Sections

Revision  
 Date  
 2019.11.13

Reference Sheet  
 Figure No



**NOTES:**

HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.

CORRECTION FROM NAVDOG TO MLLW IS 9.25' FOR CASCO BAY

DIRECTION FROM NAVDOG TO MLLW IS 3.25° FOR CASCO BAY

ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHEMETRIC SURFACES WHERE ELEVATION DATA ARE APPROPRIATE.

A 1' OVERPOSSAGE WAS APPLIED TO EACH PROPOSED DREDGE AREA.

PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PERS OR ALONG APPROXIMATE NEAR LOW WATER LINE (EL. 9.31' MLLW) DERIVED FROM EXISTING BATHYMETRY SURVEY UNITS AND NOT BE SHOWN IN SUCH AS APPROXIMATE MEAN HIGH WATER LINE (EL. 9.31' MLLW) DERIVED FROM 2" LOCATION ONE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., CESSPOOLS), SURVEY LINE OF YEAR, AND COLLECTION MAY NOT BE USED TO VARIOUS SUCH AS OBSTRUCTIONS (E.G., CESSPOOLS).

REGULATORY LIMIT (1833, 1965, OR 1970)

Legend

|                   |     |                                |              |                         |
|-------------------|-----|--------------------------------|--------------|-------------------------|
| --                | -2- | 1' BATHYMETRY CONTOUR          | ---MLW---    | APPROX. MEAN LOW WATER  |
| -----             |     | DREDGE AREA, DUP MAP           | -----HIGH--- | APPROX. MEAN HIGH WATER |
| -----             |     | DUP MAP AND PARCEL NUMBER      | -----LOW---  | STORMWATER OUTFALL      |
| CSB (2002)        |     | ESTIMATED DREDGE AREA          |              |                         |
| [Hatched Box]     |     | EXISTING BUILDING/STRUCTURE    |              |                         |
| [Solid Black Box] |     | APPROXIMATE SALINITY/STRUCTURE |              |                         |



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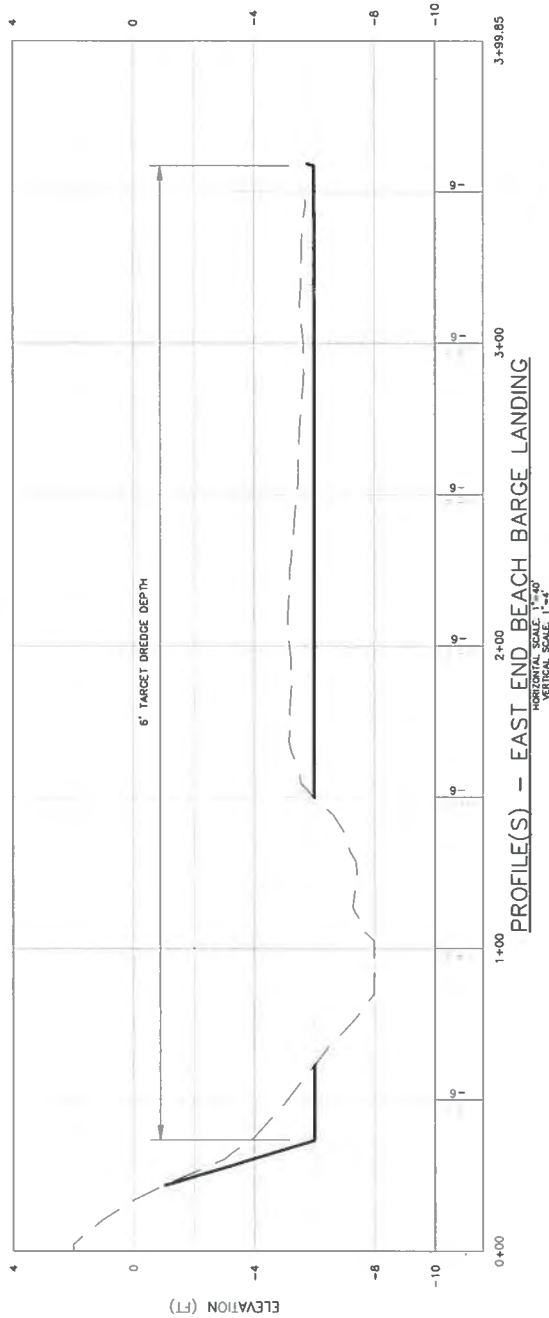
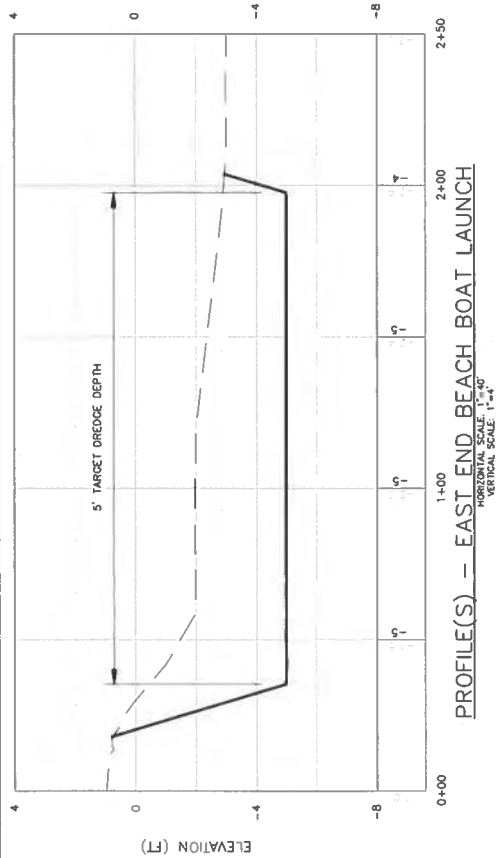
Stanlec Consulting Services Inc.  
30 Park Dr. v8  
Topsham ME 04086-1737  
Tel: (207) 729-1199  
[www.stanlec.com](http://www.stanlec.com)

Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Project No  
195601684

### East End Beach Proposed Dredging Plan View

|                 |            |
|-----------------|------------|
| Revision        | Date       |
|                 | 2019.11.13 |
| Reference Sheet | Figure No  |



- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY ARCY COMPANIES, LLC, BETWEEN JANUARY AND DECEMBER 2019. DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW).
  2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW).
  3. 1983-2001 TIDAL EPOCH CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
  4. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS ARE AS FOLLOWS:
    - A. 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
    - B. 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
  5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORLINES. IN THOSE CASES, A STRAIGHT OUT EDGE WAS APPLIED.

Legend

EXISTING BATHYMETRY

PROPOSED TARGET DREDGE DEPTH



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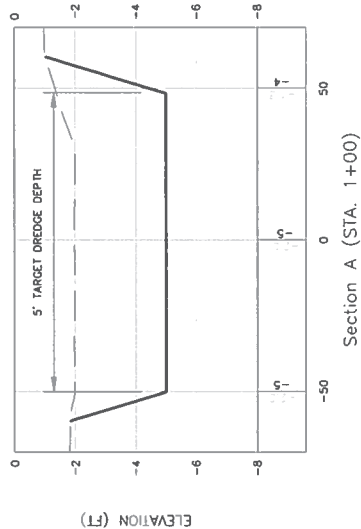
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Project No.  
195601684

East End Beach  
Proposed Dredge  
Profiles

Revision  
Date  
2019.11.13  
Figure No.  
Reference Sheet



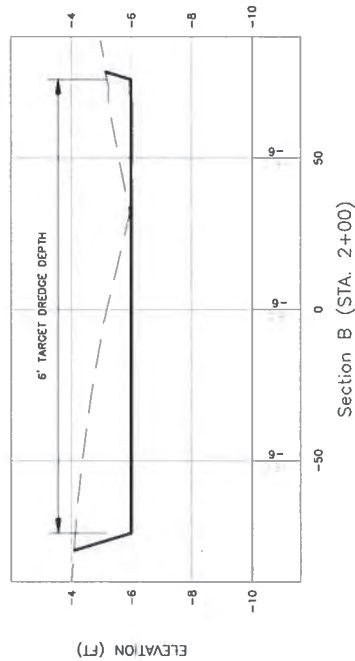


SECTION(S) - EAST END BEACH BOAT LAUNCH

Section A (STA. 1+00)

HORIZONTAL SCALE: 1"=40'

VERTICAL SCALE: 1"=4'



SECTION(S) - EAST END BEACH BARGE LANDING

Section B (STA. 2+00)

HORIZONTAL SCALE: 1"=40'

VERTICAL SCALE: 1"=4'

- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  2. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  3. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. PROPOSED DREDGE AREA INCLUDES 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

Legend

EXISTING BATHYMETRY  
PROPOSED TARGET DREDGE DEPTH

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November 2019

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Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

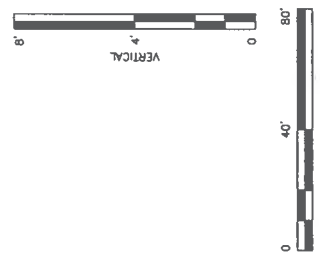
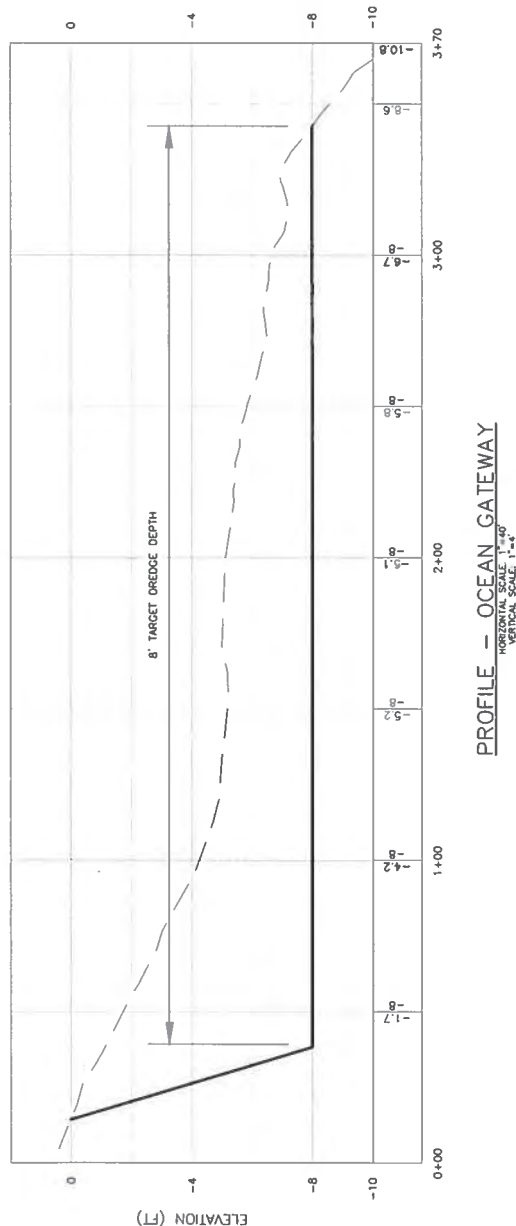
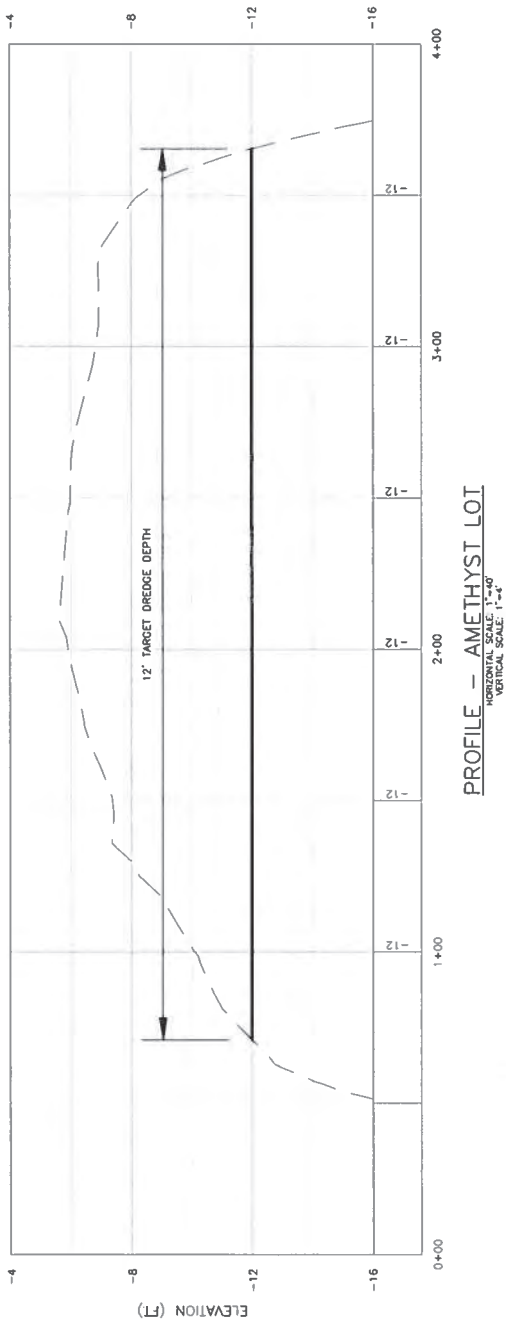
Project No.  
195401684

Title  
East End Beach  
Proposed Dredge  
Sections

Revision  
Date  
2019.11.13

Reference Sheet  
Figure No.





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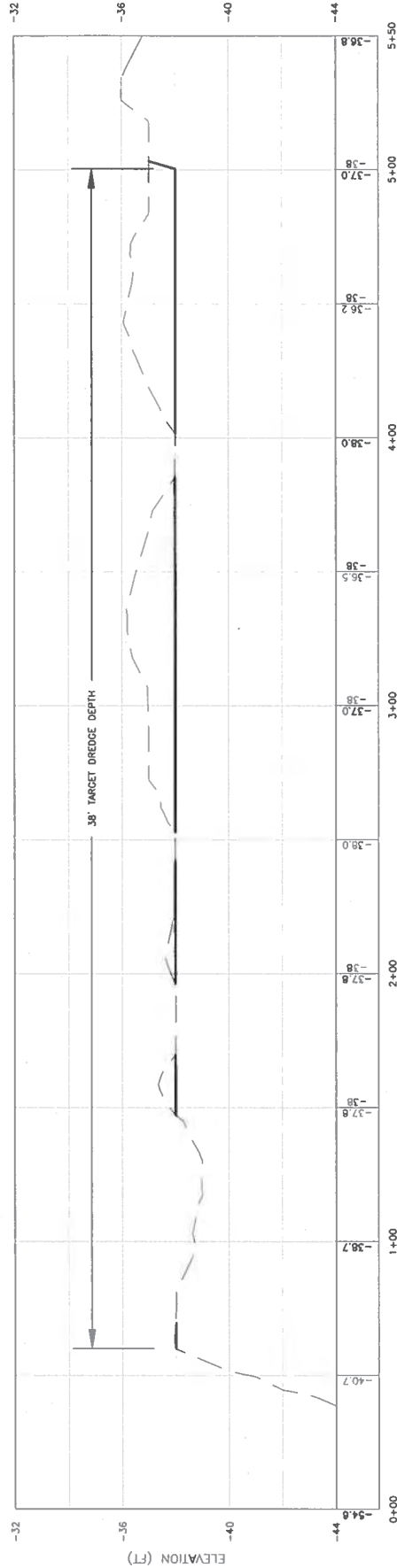
Stantec Consulting Services Inc.  
 30 First Drive  
 Topsham ME 04086-1737  
 Tel: (207) 726-1199  
 www.stantec.com

- NOTES:**
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 28 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  2. ELEVATION DATA WAS CORRECTED TO MEAN LOW WATER (MLW) BASED ON THE 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLW IS 5.25 FOR CASCO BAY.
  3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. PROPOSED DREDGE AREA WAS APPLIED TO EACH PROPOSED DREDGE AREA.
  5. PROPOSED DREDGE AREA INCLUDES 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

**Legend**

— EXISTING BATHYMETRY  
 — PROPOSED TARGET DREDGE DEPTH

|                                                              |            |                                                     |            |
|--------------------------------------------------------------|------------|-----------------------------------------------------|------------|
| Client/Project                                               |            | Title                                               |            |
| Portland Harbor Commission<br>Portland Harbor Dredge Project |            | Amethyst Lot/Ocean Gateway Proposed Dredge Profiles |            |
| Revision                                                     | Date       | Revision                                            | Date       |
|                                                              | 2019.11.13 |                                                     | 2019.11.13 |
| Project No. 195601684                                        |            | Reference Sheet                                     |            |
|                                                              |            | Figure No.                                          |            |



PROFILE - OCEAN GATEWAY PIER  
HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'

Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Title  
Amethyst Lot/Ocean  
Gateway Proposed Dredge  
Profiles

Revision  
2019.11.13

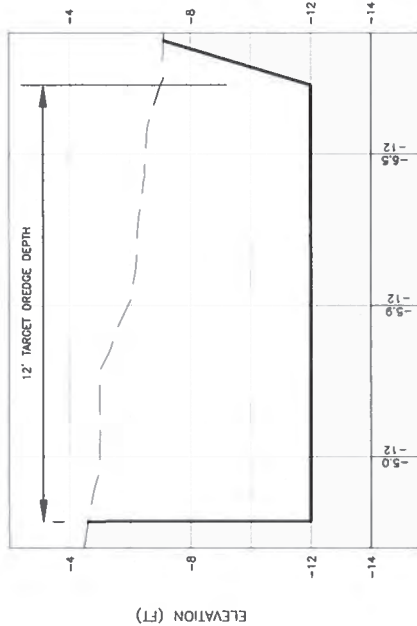
Reference Sheet  
Figure No  
195601684

- Legend  
— EXISTING BATHYMETRY  
— PROPOSED TARGET DREDGE DEPTH
- NOTES:  
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 28 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.  
2. HORIZONTAL BATHYMETRIC SURVEY DATA WAS CORRECTED FOR TIDE AND WATER (MLW).  
3. 1983-2001 TOTAL EPOCH CORRECTION FROM NAVD83 TO MLW IS 5.25 FOR CASCO BAY. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.  
4. PROPOSED DREDGE AREA WAS APPLIED TO EACH PROPOSED DREDGE AREA.  
5. EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

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NOVEMBER 2019

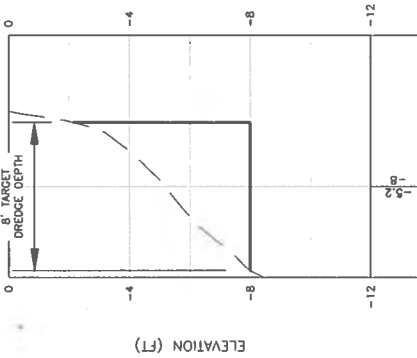
Stantec Consulting Services Inc.  
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Beverly Hills, MA 04864-1737  
Tel: (207) 726-1199  
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Section A (STA. 2+00)

**SECTION(S) - AMETHYST LOI**

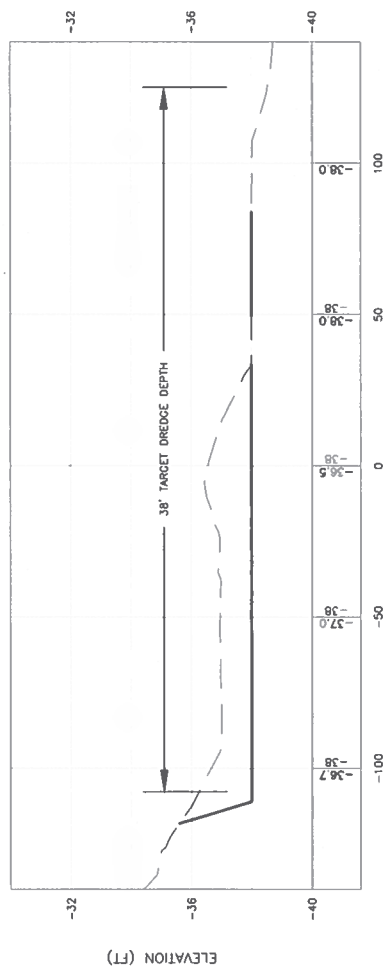
HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'



Section B (STA. 1+50)

**SECTION(S) - OCEAN GATEWAY**

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'



Section C (STA. 3+50)

**SECTION(S) - OCEAN GATEWAY PIER**

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'

Legend  
— EXISTING BATHYMETRY  
— PROPOSED TARGET DREDGE DEPTH

- NOTES
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  2. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  3. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. PROPOSED DREDGE AREA WAS APPLIED TO EACH PROPOSED DREDGE AREA.
  5. PROPOSED DREDGE AREA INCLUDES 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

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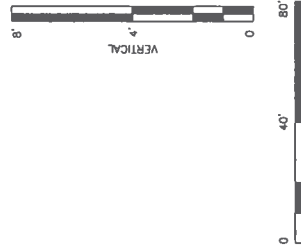
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Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

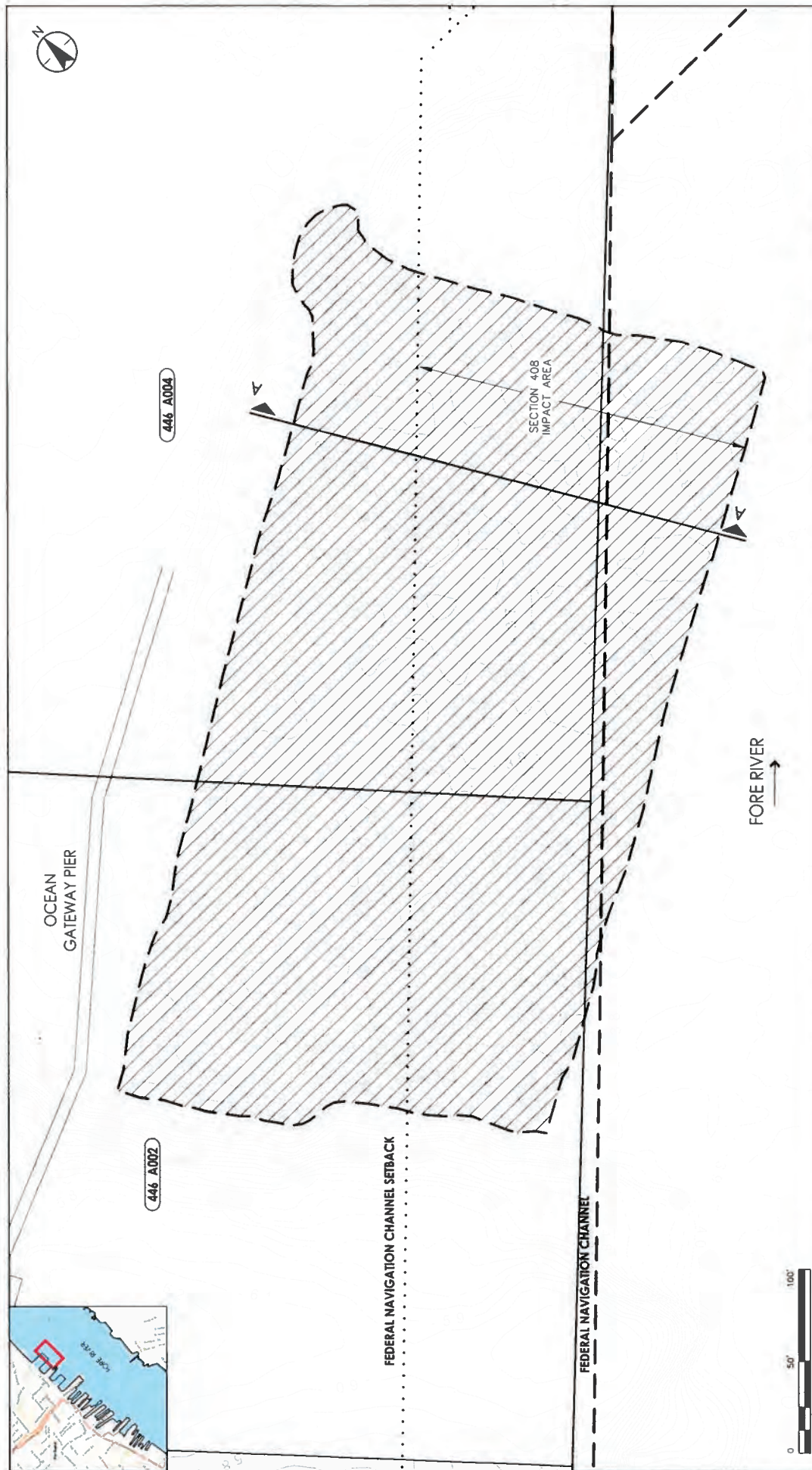
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Gateway Proposed Dredge  
Sections

Revision  
Date  
2019.11.13

Reference Sheet  
Figure No  
195401684







**Client/Project**  
 Portland Harbor  
 Commission  
 Portland Harbor  
 Dredge Project  
 Section 408 Impacts  
 Project No.  
 195431208

**Title**  
 Impact Area 8  
 Ocean Gateway Proposed  
 Dredge Plan View

**Revision**  
 Date: 2020.03.24  
 Figure No.

**Legend**

|                                 |                         |
|---------------------------------|-------------------------|
| 1' BATHYMETRY CONTOUR           | APPROX. MEAN LOW WATER  |
| DREDGE AREA TIE MAP PARCEL LINE | APPROX. MEAN HIGH WATER |
| TIE MAP AND PARCEL NUMBER       | STORMWATER DUTAIL       |
| ESTIMATED DREDGE AREA           |                         |
| EXISTING BUILDING/STRUCTURE     |                         |
| APPROXIMATE SUBMERGED UNITS     |                         |

REGULATORY UNIT (1843, 1865, OR 1878)

**NOTES:**

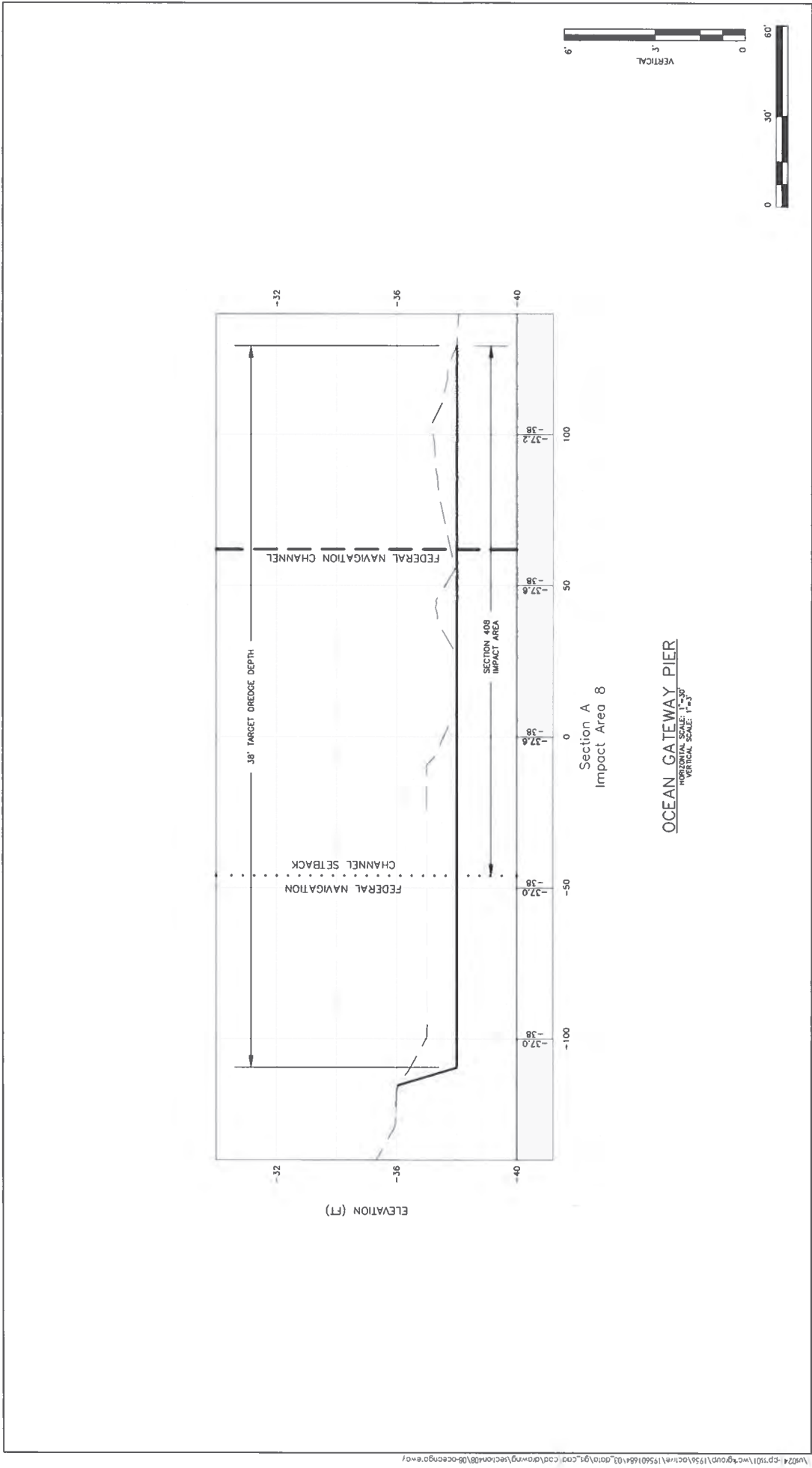
1. PHOTOGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2019. SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25' FOR CASCO BAY. SURVEY DATUM WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
3. PROPOSED DREDGE AREA INCLUDES 3:1 SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG EXISTING BUILDINGS/STRUCTURES.
4. A 1' OVERKORRECTION HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRIC SURVEY LIMITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF GIS. ACCURACY OF EACH LINE FEATURE VARIES BY 2'.
6. APPROXIMATE MEAN HIGH WATER LINE (EL. 9.51' MLLW) DERIVED FROM 2' USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF GIS. ACCURACY OF EACH LINE FEATURE VARIES BY 2'.

CONTOUR DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

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 Portsmouth NH 03801-1737  
 Tel: 603.271.1000  
 www.stantec.com

**Notes:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
2. HORIZONTAL SURFACE ELEVATION IS BASED ON THE 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
3. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THE FOLLOWING ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE:  
 a. 1" OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.  
 b. EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

**Legend**

EXISTING BATHYMETRY  
 PROPOSED TARGET DREDGE DEPTH

**Client/Project**

Portland Harbor  
 Commission  
 Portland Harbor  
 Dredge Project  
 Section 408 Impacts

**Project No.**  
 195601208

**Title**

Impact Area 8  
 Ocean Gateway Proposed  
 Dredge Section View

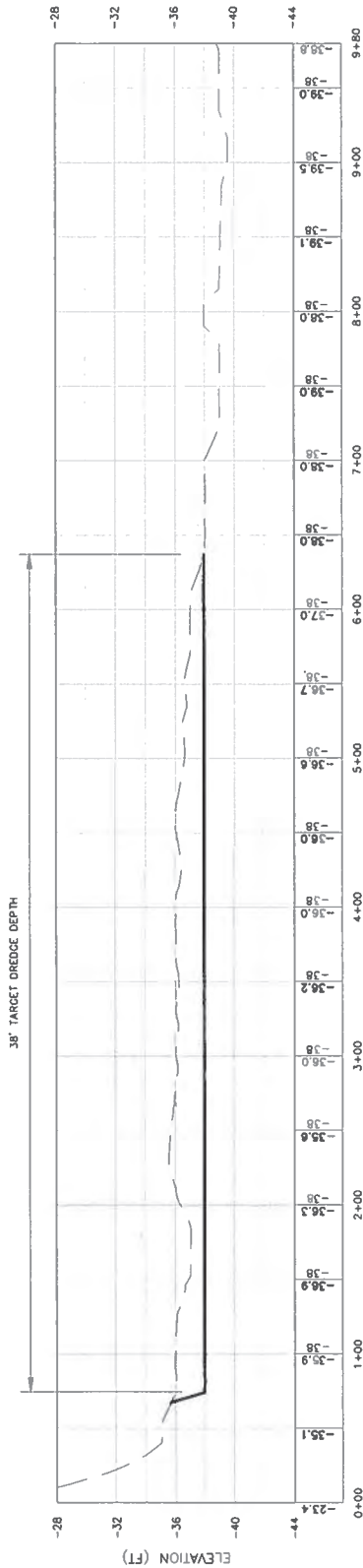
**Revision**  
 2020.03.24

**Date**  
 2020.03.24

**Reference Sheet**  
 Figure No.

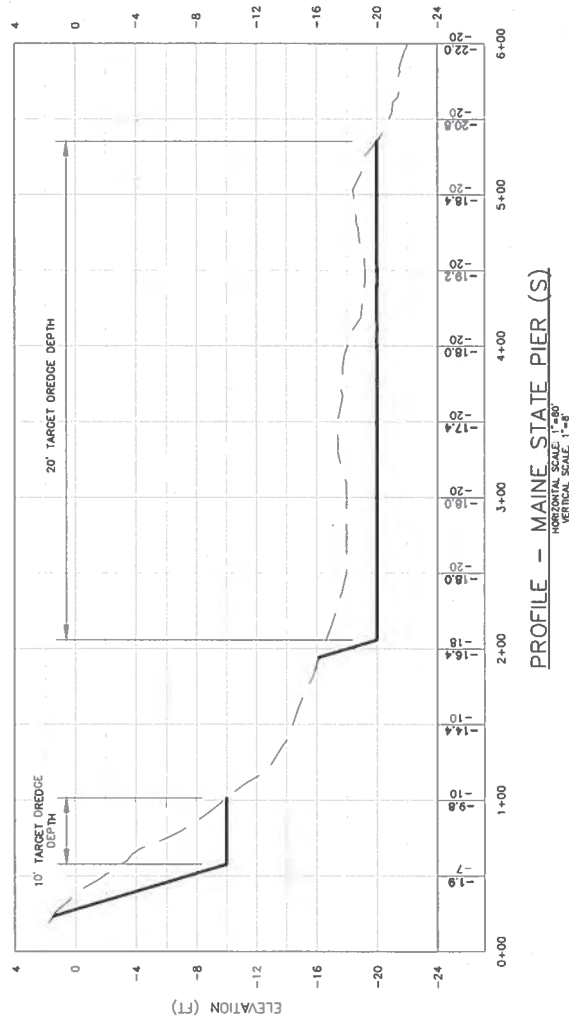






PROFILE - MAINE STATE PIER (N)

HORIZONTAL SCALE: 1"=80'  
VERTICAL SCALE: 1"=8'



PROFILE - MAINE STATE PIER (S)

HORIZONTAL SCALE: 1"=80'  
VERTICAL SCALE: 1"=8'

- Legend
- EXISTING BATHYMETRY
  - PROPOSED TARGET DREDGE DEPTH
- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 28 AND DECEMBER 1, 2019. OTHER THAN THE DATA SHOWN, ALL DATA IS UNLESS OTHERWISE NOTED.
  2. HYDROGRAPHIC SURVEY DATA IS CORRECTED TO MEAN LOW WATER (MLW) 1983-2001 TOTAL EPOCH CORRECTION FROM NAVD83 TO MLW IS 5.25 FOR CASCO BAY.
  3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS OF THIS ASSUMPTION ARE SHOWN IN THE DASHED LINE.
  4. 1' DREDGE DEPTH WAS APPLIED TO EACH PROPOSED DREDGE AREA.
  5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY ARE PARALLEL TO EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

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November 2019

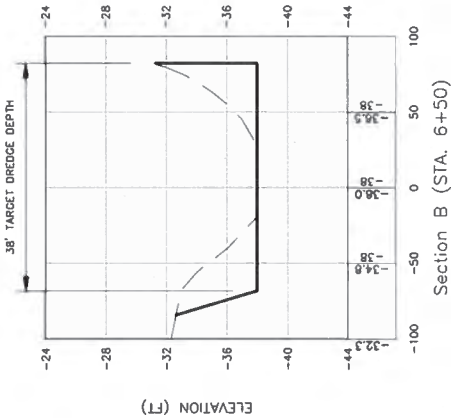
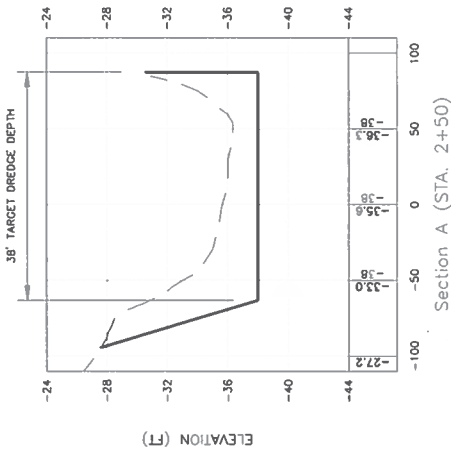
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Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Maine State Pier  
Proposed Dredge  
Profiles

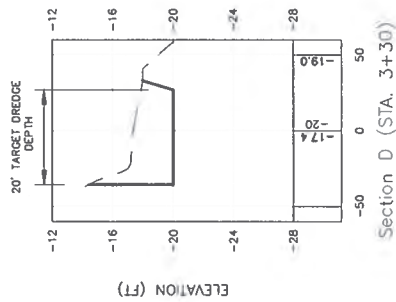
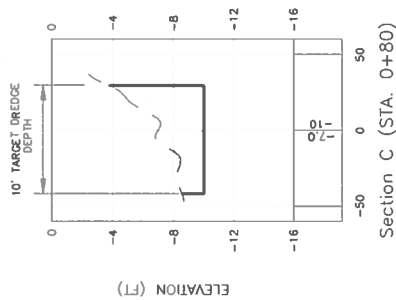
Revision: \_\_\_\_\_ Date: 2019.11.13  
Reference: Ingot Figure 16c

Project No: 195601684



### SECTION(S) - MAINE STATE PIER (N)

HORIZONTAL SCALE: 1"=80'  
VERTICAL SCALE: 1"=8'



### SECTION(S) - MAINE STATE PIER (S)

HORIZONTAL SCALE: 1"=80'  
VERTICAL SCALE: 1"=8'

- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC. BETWEEN NOVEMBER 2018 AND JANUARY 2019. UNLESS OTHERWISE NOTED, ALL ELEVATIONS ARE IN FEET ABOVE MEAN SEA LEVEL (MSL).
  2. HYDROGRAPHIC SURVEY DATA IS REFERENCED TO MEAN WATER (MLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLW IS 5.25 FOR CASCO BAY.
  3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS ARE APPROXIMATE.
  4. THOSE AREAS SHOWN IN PROPOSED DREDGE AREA FOOTPRINTS ARE APPROXIMATE TO EACH PROPOSED DREDGE AREA.
  5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

Legend  
— EXISTING BATHYMETRY  
— PROPOSED TARGET DREDGE DEPTH

Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Title  
Maine State Pier  
Proposed Dredge  
Sections  
Revision  
Date  
2019.11.13  
Reference Sheet  
Figure No.

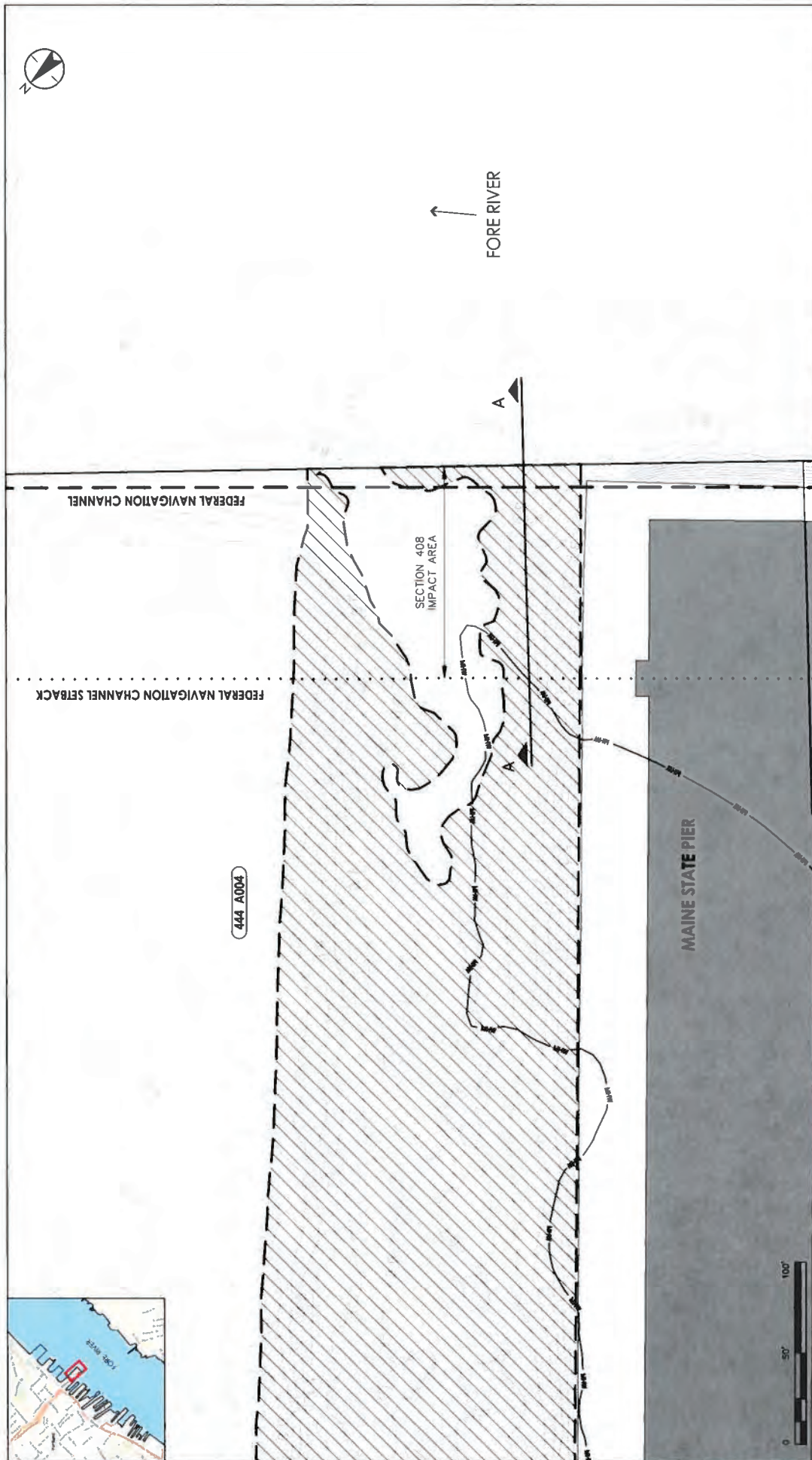
Project No.  
195401684



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**Impact Area 7**

**Maine State Pier Proposed Dredge Plan View**

Revision: \_\_\_\_\_ Date: 2020.03.24

Reference Sheet: \_\_\_\_\_ Figure No. \_\_\_\_\_

**Client/Project**

Portland Harbor Commission  
Portland Harbor Dredge Project  
Section 408 Impacts

**Project No.** 195601208

**Legend**

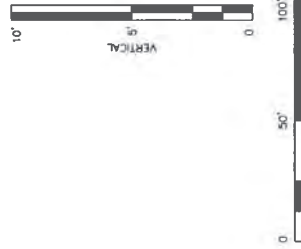
- 1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2019. SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH.
- 2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
- 3. EXISTING SURFACES SHOWN IN THIS DRAWING ARE APPROXIMATE. RESULTS IN THOSE AREAS ARE APPROXIMATE.
- 4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
- 5. PROPOSED DREDGE AREA INCLUDES 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIER OR ALONG MAINE STATE PIER.
- 6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRIC SURVEY LIMITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF GIS. ACCURACY OF EACH LINE FEATURE VARIES BY METHOD DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

**Legend**

- 1' BATHYMETRIC CONTOUR
- DREDGE AREA TAX MAP PARCEL LINE
- TAX MAP AND PARCEL NUMBER
- ESTIMATED DREDGE AREA
- EXISTING BUILDING/STRUCTURE
- APPROXIMATE SUBMERGED UNDS. REGULARITY LIMIT (1833, 1868, OR 1870)

**Legend**

- APPROX. MEAN LOW WATER
- APPROX. MEAN HIGH WATER
- STORMWATER OUTFALL



Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project  
Section 408 Impacts  
Project No.  
195601208

Legend

|                     |                              |
|---------------------|------------------------------|
| EXISTING BATHYMETRY | PROPOSED TARGET DREDGE DEPTH |
|---------------------|------------------------------|

NOTES:

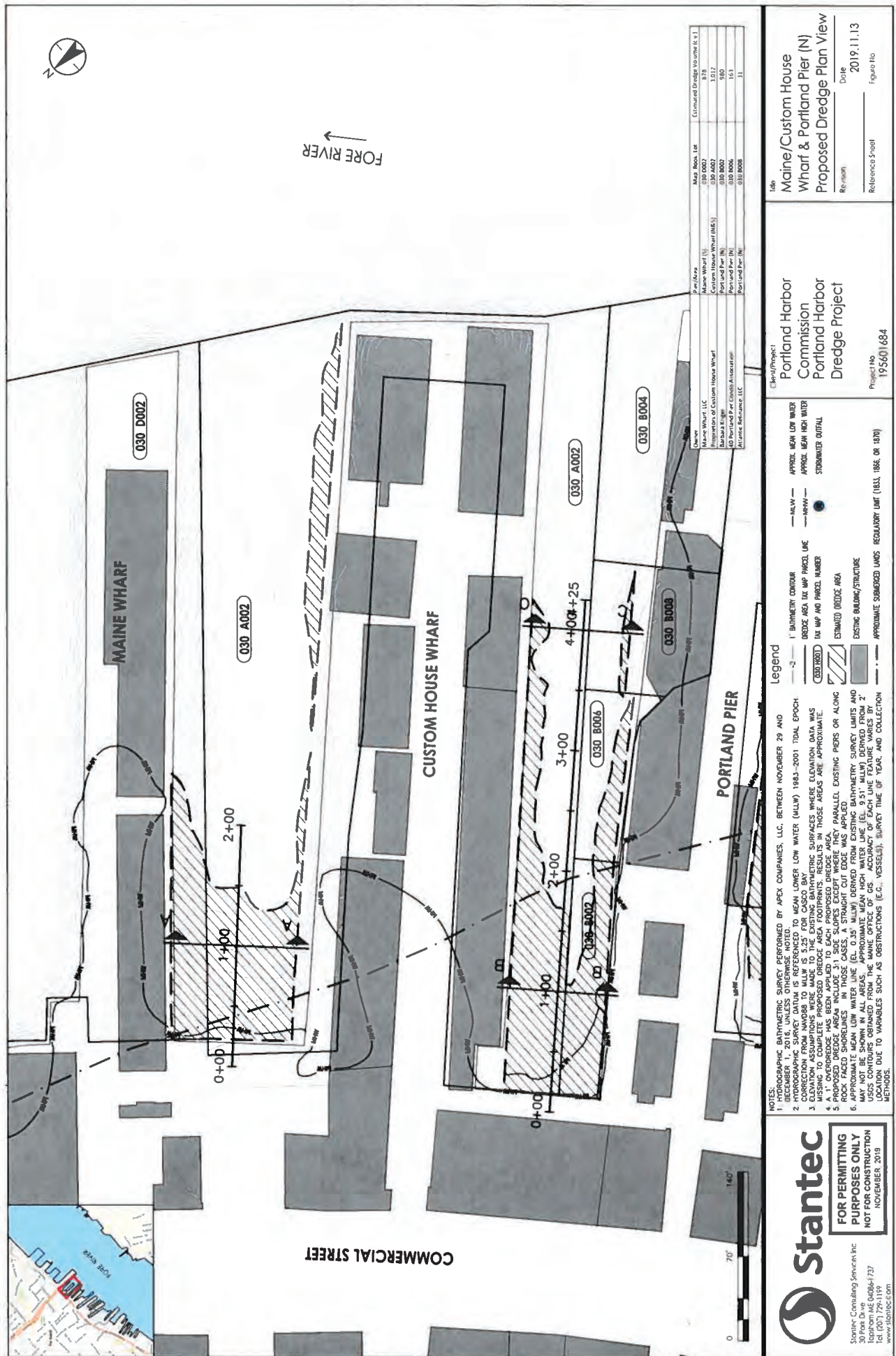
1. LITHOGRAPHIC BATHYMETRIC SURVEY PERFORMED BY ABEY COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2015 UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE THERE ARE NO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS RESULTS IN THOSE AREAS ARE APPROXIMATE.
4. A 1' OVEREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHOULDERLINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

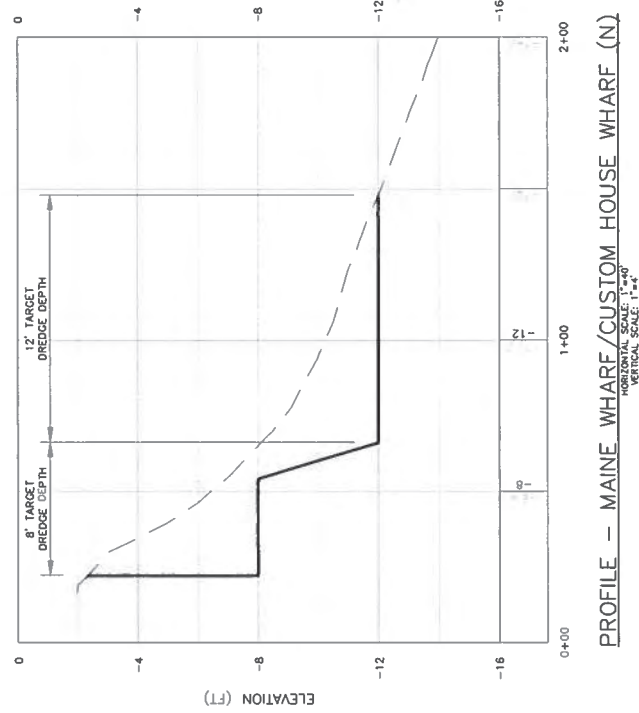
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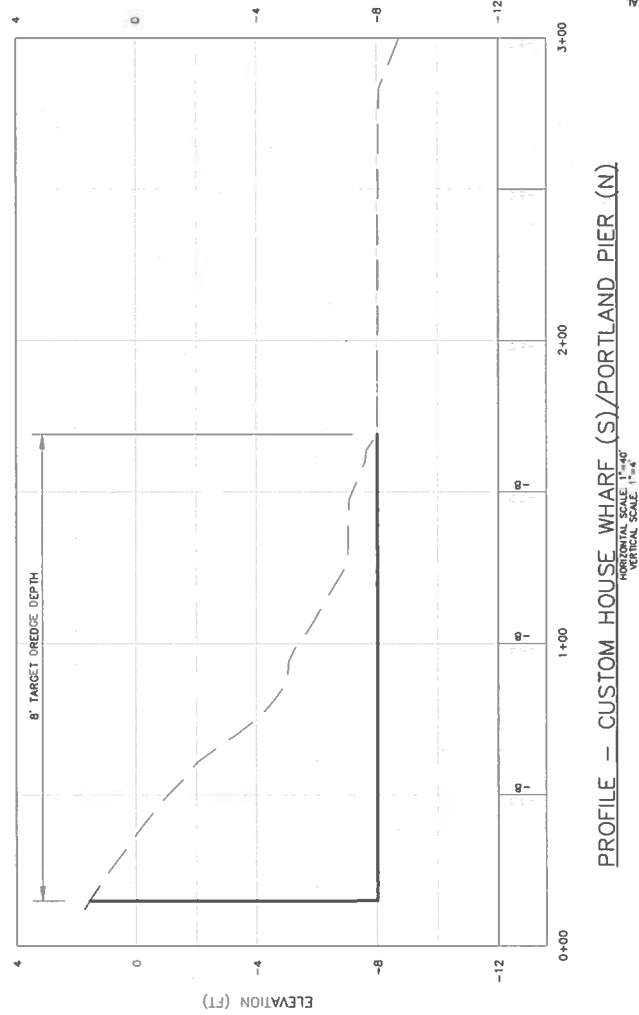
Stantec Consulting Services Inc.  
200 Bay Drive  
Wapackan, WI 54984-1737  
(202) 726-1199







PROFILE -- MAINE WHARF/CUSTOM HOUSE WHARF (N)



PROFILE -- CUSTOM HOUSE WHARF (S)/PORTLAND PIER (N)

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- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  2. ELEVATION DATA IS BASED ON DATUM OF MEAN LOW WATER (MLW).
  3. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. PROPOSED DREDGE AREA INCLUDES 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

- Legend
- EXISTING BATHYMETRY
  - PROPOSED TARGET DREDGE DEPTH

Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

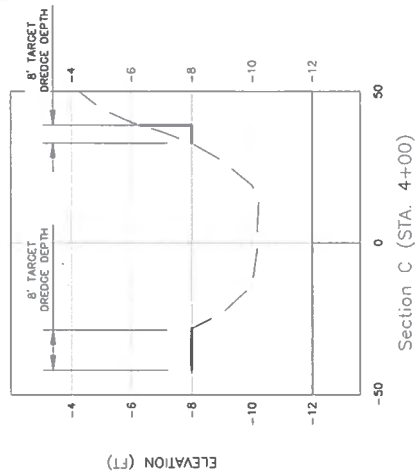
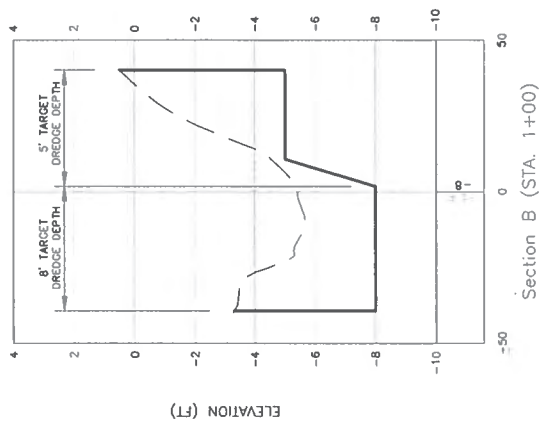
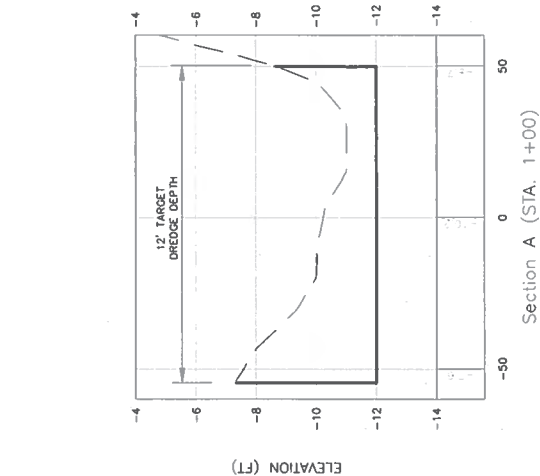
Project No  
195601684

Title  
Maine/Custom House  
Wharf & Portland Pier (N)  
Proposed Dredge Profile

Revision  
Date  
2019.11.13

Reference Sheet  
Figure No





# SECTION(S) — MAINE WHARF/CUSTOM HOUSE WHARF (N)

# SECTION(S) — CUSTOM HOUSE WHARF (S)/PORTLAND PIER (N)

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'



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- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 16, 2019. UNLESS OTHERWISE NOTED, ALL ELEVATIONS ARE MEAN LOW WATER (MLW).
  2. THE DATUM FOR THIS SURVEY IS 82.5 FEET BELOW MEAN LOW WATER (MLW).
  3. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

Legend

EXISTING BATHYMETRY

PROPOSED TARGET DREDGE DEPTH

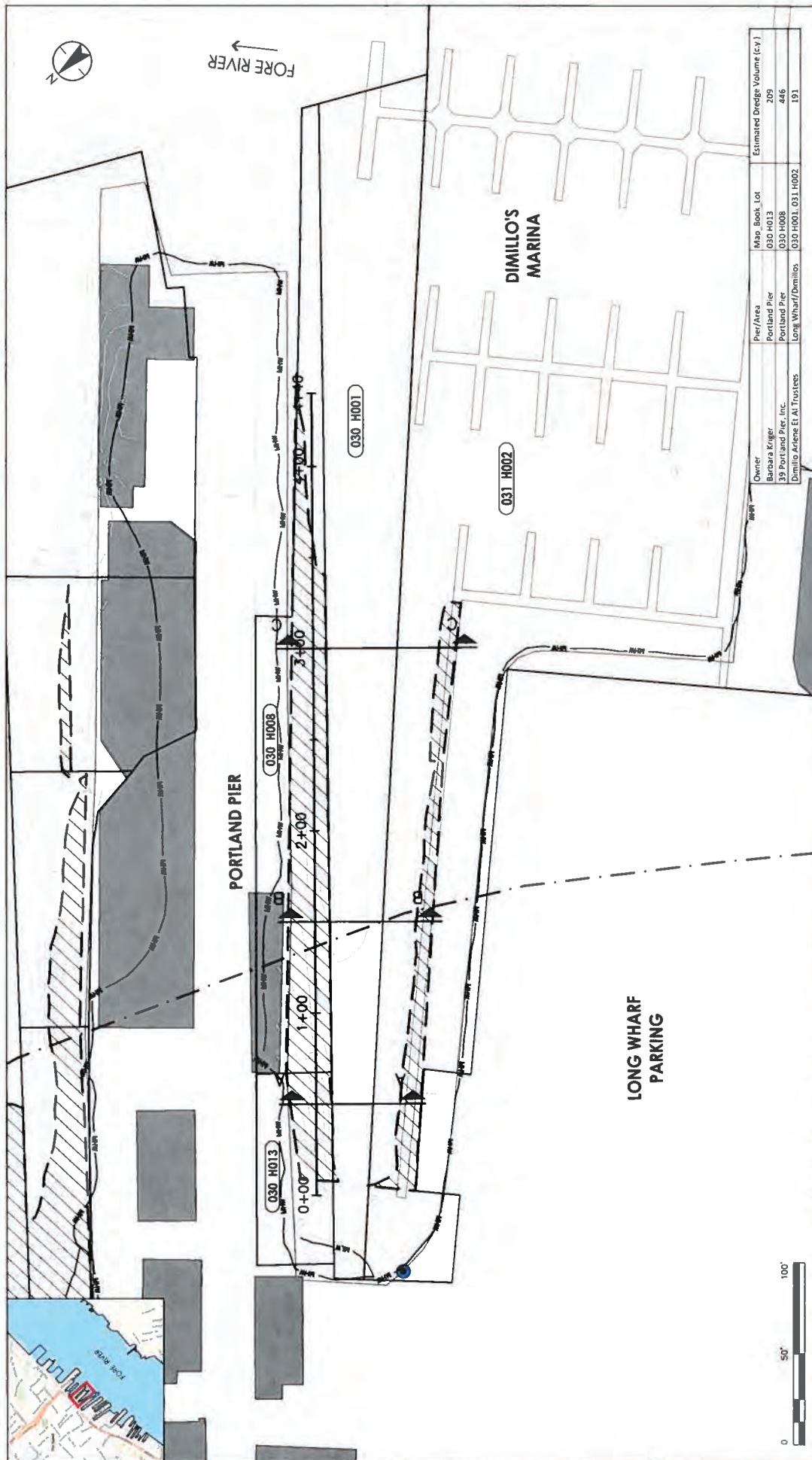
Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Project No.  
195601684

Title  
Maine/Custom House  
Wharf & Portland Pier (N)  
Proposed Dredge Sections

Revision  
Date  
2019.11.13

Reference Sheet  
Figure No.



**Client/Project**

Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

**Project No**  
195401684

**Portland Pier (S)/Long Wharf Proposed Dredge Plan View**

**Revision**  
2019.11.13  
Figure No

**Owner**  
Barbara Kruger  
39 Portland Pier, Inc.  
Dimillo Arlene Et Al Trustees

**Map Book Lot**  
030 H013  
030 H008  
030 H001, 031 H002

**Pier/Area**  
Portland Pier  
Portland Pier  
Long Wharf/Dimillos

**Estimated Dredge Volume (cy)**  
209  
446  
191

**Legend**

- 1. BATHYMETRY CONTOUR
- 2. DREDGE AREA IN MAP PARCEL LINE
- 3. DREDGE AREA IN MAP PARCEL NUMBER
- 4. 1" OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA
- 5. PROPOSED DREDGE AREA INCLUDES CASCO SLIDES EXCEPT THOSE WHICH ARE APPLIED
- 6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRY SURVEY LIMITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF CS. ACCURACY OF EACH LINE FEATURE VARIES BY 2' DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., REBELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

**NOTES:**

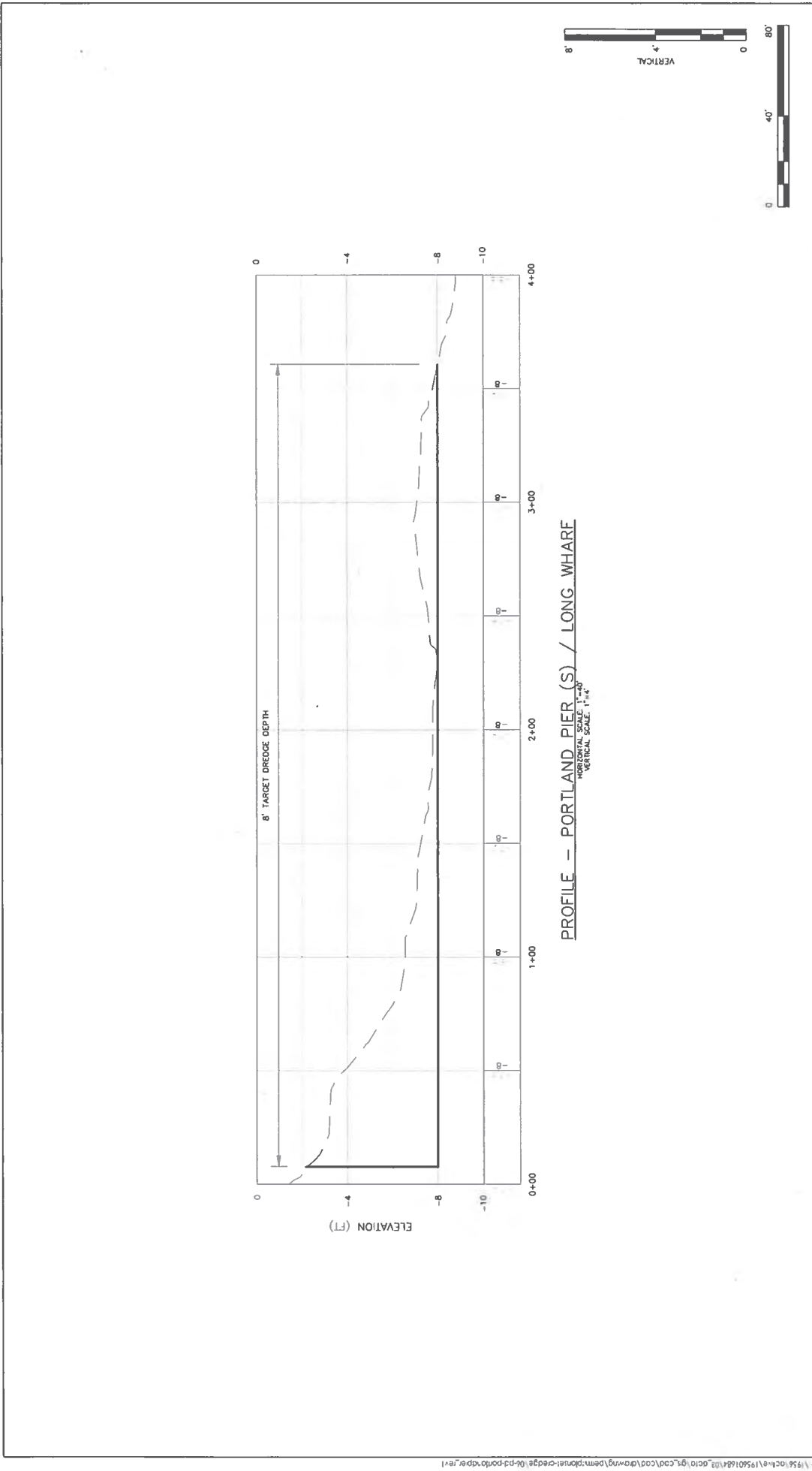
1. BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 20, 2018. UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH.
3. CORRECTION FROM NAVD83 TO MLLW IS 5.25' FOR CASCO BAY. SURFACE SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
4. 1" OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. PROPOSED DREDGE AREA INCLUDES CASCO SLIDES EXCEPT THOSE WHICH ARE APPLIED.
6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRY SURVEY LIMITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF CS. ACCURACY OF EACH LINE FEATURE VARIES BY 2' DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., REBELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

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**NOTES:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATA CORRECTED TO MEAN LOW WATERS (MLLW).
3. 1980 DATUM TIDAL EPOCH CORRECTION FROM MACHES TO MLLW IS 5.25 FOR CASCO BAY.
4. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
5. PROPOSED DREDGE AREA INCLUDES 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

**Legend**

- EXISTING BATHYMETRY
- - - PROPOSED TARGET DREDGE DEPTH

**Notes:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.

2. HYDROGRAPHIC SURVEY DATA CORRECTED TO MEAN LOW WATERS (MLLW).

3. 1980 DATUM TIDAL EPOCH CORRECTION FROM MACHES TO MLLW IS 5.25 FOR CASCO BAY.

4. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.

5. PROPOSED DREDGE AREA INCLUDES 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

**Client/Project**

Portland Harbor Commission  
Portland Harbor Dredge Project

**Project No**  
195601684

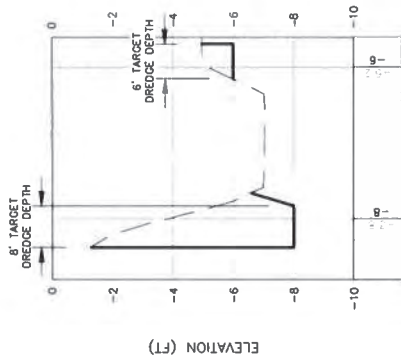
**Title**

Portland Pier (S)/Long Wharf Proposed Dredge Profiles

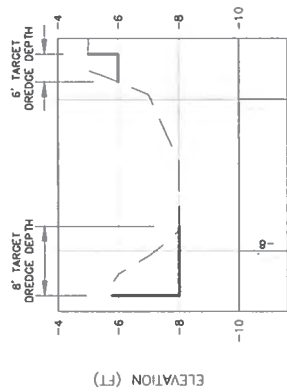
**Revision**  
2019.11.13

**Date**  
2019.11.13

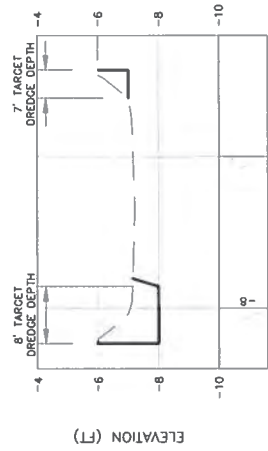
**Reference Sheet**  
Figure No



Section A (STA. 0+50)



Section B (STA. 1+50)



Section C (STA. 3+00)

SECTION(S) - PORTLAND PIER (S)/ LONG WHARF

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'



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NOVEMBER, 2019

NOTES:

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) BAY.
3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

Legend

- EXISTING BATHYMETRY
- PROPOSED TARGET DREDGE DEPTH

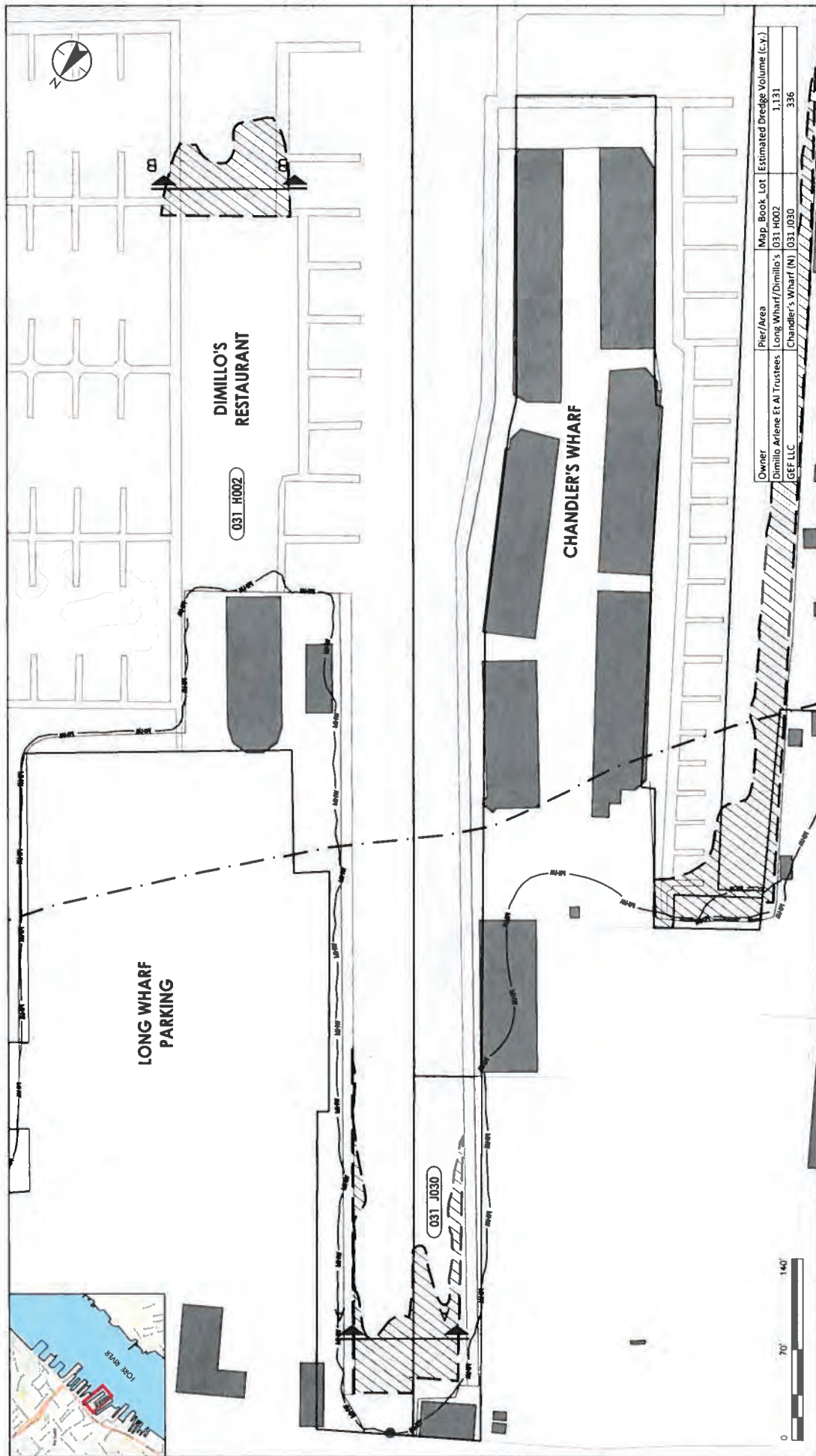
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Project No  
195601684

Portland Pier (S)/Long  
Wharf Proposed Dredge  
Sections

Revision  
Date  
2019.11.13  
Figure No





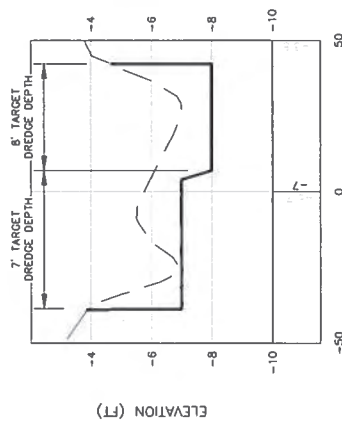
|                                                                                             |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                  |                                             |                                                       |
|---------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------|
| <b>Client/Project</b><br>Portland Harbor<br>Commission<br>Portland Harbor<br>Dredge Project |  | <b>Owner</b><br>Dimillo Ariene Et Al Trustees<br>GEF LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Pier/Area</b><br>Long Wharf/Dimillo's<br>Chandler's Wharf (N) | <b>Map Book Lot</b><br>031 H002<br>031 J030 | <b>Estimated Dredge Volume (c.y.)</b><br>1,131<br>336 |
| <b>Title</b><br>Dimillo's/Long and<br>Chandler's Wharf (N)<br>Proposed Dredge Plan View     |  | <b>Revision</b><br>Date: 2019.11.13<br>Reference Sheet: Figure No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                  |                                             |                                                       |
| <b>Project No.</b><br>195401684                                                             |  | <b>Notes:</b><br>1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND NOVEMBER 30, 2019.<br>2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH CORRECTION FROM NAVD83 TO MLLW IS 5.25' FOR CASCO BAY.<br>3. ELEVATIONS ARE REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH.<br>4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.<br>5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PERS OR ALONG EXISTING BUILDING/STRUCTURE.<br>6. APPROXIMATE MEAN LOWER WATER LINE (EL. 0.15') DERIVED FROM EXISTING BATHYMETRIC SURVEY LIMITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF GIS. ACCURACY OF EACH LINE FEATURE VARIES BY LOCATION DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS. |                                                                  |                                             |                                                       |

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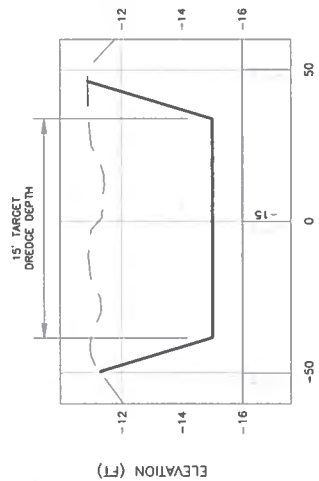
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Bath, ME 04501-1737  
Tel: (207) 729-1199  
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Section A (STA. 0+50)

SECTION - LONG/CHANDLER'S WHARF (N)

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'



Section B (STA. 0+30)

SECTION - DIMILLO'S LONG WHARF

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'



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Tel: (207) 726-1177  
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NOTES:

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC BATHYMETRIC SURVEY DATA FOR CASCO BAY WATERS (MLW) BAY 1983-2001 TOTAL EPOCH CORRECTION FROM NAVD83 TO MLW IS 5.25 FOR CASCO BAY.
3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
4. PROPOSED DREDGE AREAS WERE BEING DREDGED TO EACH PROPOSED DREDGE AREA.
5. EXISTING PIERS OR ALONG ROCK FACED SHORELINES IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

Legend

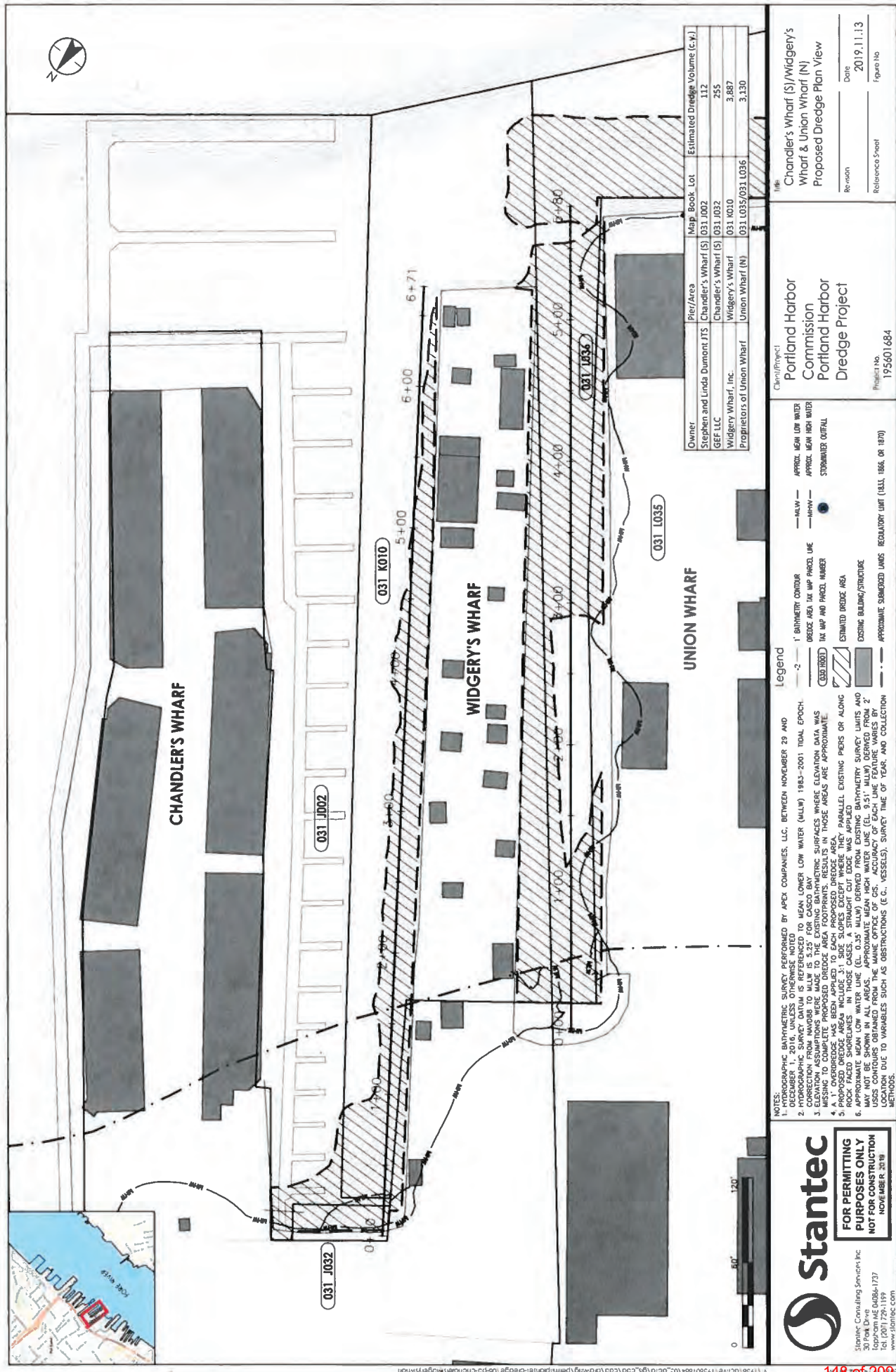
- EXISTING BATHYMETRY
- PROPOSED TARGET DREDGE DEPTH

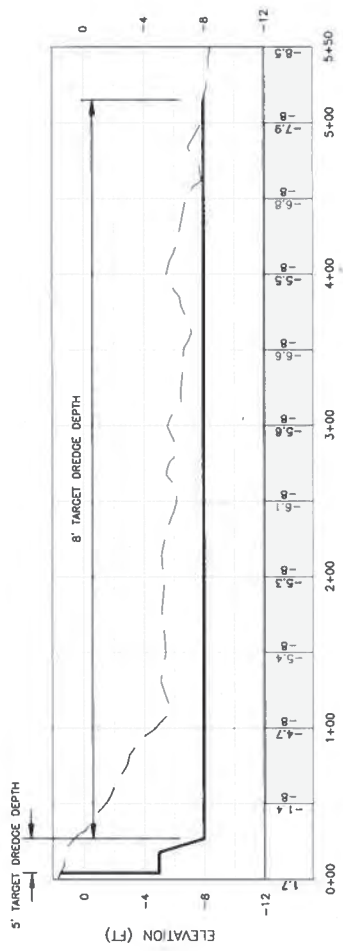
Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Project No  
195601684

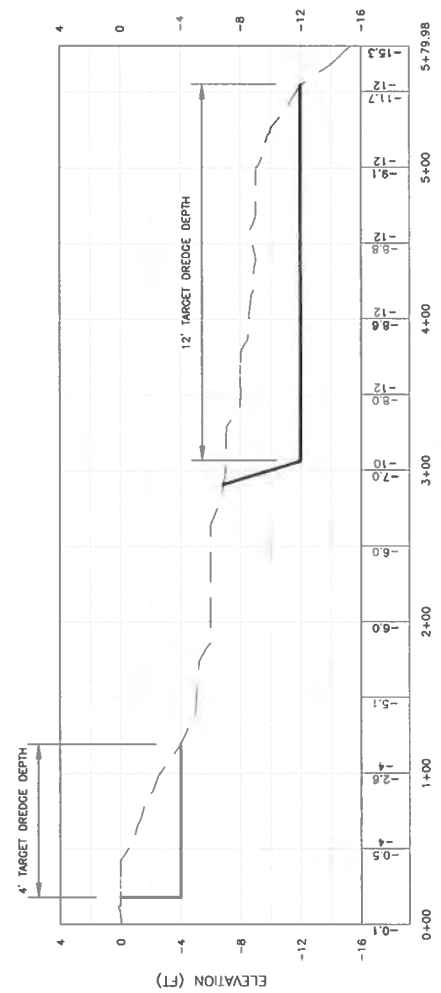
Title  
Dimillo's/Long and  
Chandler's Wharf (N)  
Proposed Dredge Sections  
Revision  
Date  
2019.11.13  
Reference Sheet  
Figure No



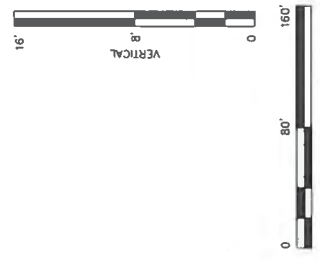




PROFILE - WIDGERY'S WHARF (N)  
HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'



PROFILE - WIDGERY'S WHARF (S)  
HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'



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Burlington, VT 05406-737  
Tel: 802.254.2000  
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- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC. BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  2. ELEVATION DATA WAS CORRECTED FOR TIDAL EFFECTS TO MLLW (MAY 1983-2001) TIDAL EPOCH CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
  3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

Legend

— EXISTING BATHYMETRY

— PROPOSED TARGET DREDGE DEPTH

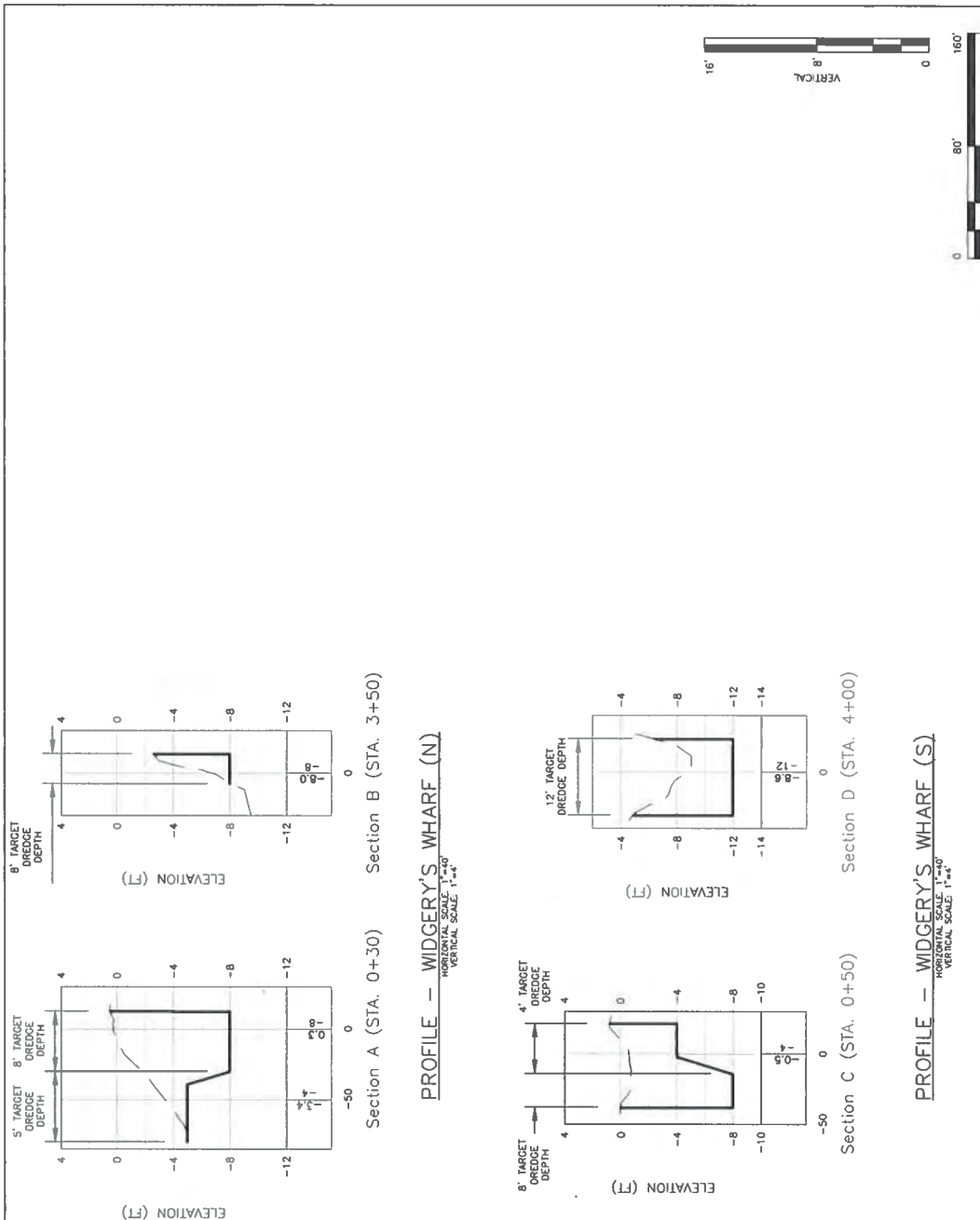
Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Project No  
195601684

Title  
Chandler's Wharf (S)/  
Widgery's Wharf & Union Wharf (N)  
Proposed Dredge Profiles

Revision  
Date  
2019.11.13

Reference Sheet  
Figure No.



PROFILE — WIDGERY'S WHARF (S)



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www.stantec.com

- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  2. ELEVATIONS ARE REFERENCED TO THE MEAN HIGHER HIGH WATER (MHHW).
  3. 1985-2001 TIDAL EPOCH CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. PROPOSED DREDGE AREAS WERE DETERMINED TO EACH PROPOSED DREDGE AREA.
  5. EXISTING PIERS OR ALONG ROCK FACED SHORELINES IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

Legend  
— EXISTING BATHYMETRY  
— PROPOSED TARGET DREDGE DEPTH

Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

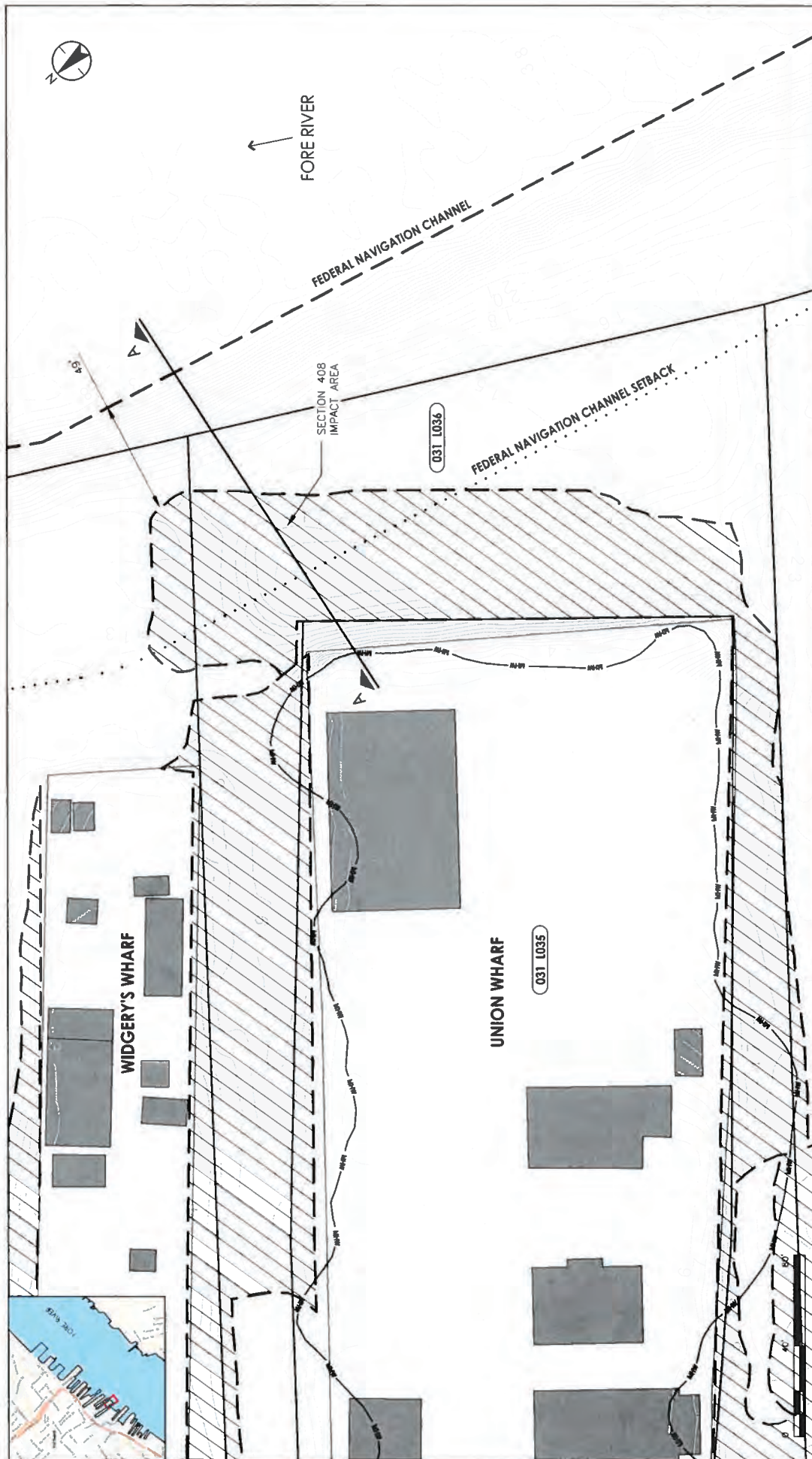
Project No  
195601684

Task  
Chandler's Wharf (S)/  
Widgery's Wharf & Union Wharf (N)  
Proposed Dredge Sections

Revision  
Date  
2019.11.13

Reference Sheet  
Figure No





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**Impact Area 6**  
**Union Wharf Proposed Dredge Plan View**

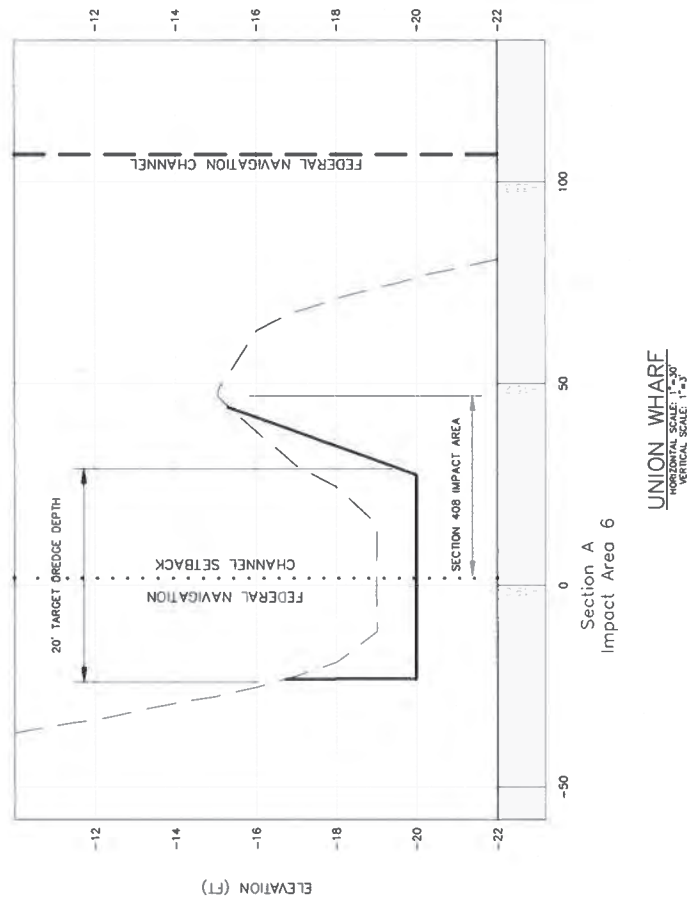
Revision: \_\_\_\_\_ Date: 2020.03.24  
Reference Sheet: \_\_\_\_\_ Figure No: \_\_\_\_\_

**Client/Project:** Portland Harbor Commission  
Portland Harbor Dredge Project  
Section 408 Impacts  
Project No: 195601208

**Legend**

- 1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2019.
- 2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 3.25' FOR CASCO BAY.
- 3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS NOT AVAILABLE. THESE ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS NOT AVAILABLE. THESE ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS NOT AVAILABLE.
- 4. A 1:1 OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
- 5. PROPOSED DREDGE AREA INCLUDES 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIER OR ALONG EXISTING BUILDING/STRUCTURE. EXISTING BUILDING/STRUCTURE ARE SHOWN IN GREY.
- 6. APPROXIMATE MEAN HIGH WATER LINE (EL. 9.51' MLLW) DERIVED FROM EXISTING BATHYMETRIC SURVEY LIMITS AND MAY NOT BE SHOWN IN ALL AREAS. APPROXIMATE MEAN HIGH WATER LINE (EL. 9.51' MLLW) DERIVED FROM 2' USCS CONTOURS OBTAINED FROM THE MAINE OFFICE OF GS. ACCURACY OF EACH LINE FEATURE VARIES BY LOCATION DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

- - - 1' BATHYMETRIC CONTOUR  
 - - - DREDGE AREA TAX MAP PARCEL LINE  
 - - - DREDGE AREA TAX MAP PARCEL NUMBER  
 - - - ESTIMATED DREDGE AREA  
 - - - EXISTING BUILDING/STRUCTURE  
 - - - APPROXIMATE SUBMERGED LANDS REGULATORY LIMIT (1831, 1856, OR 1870)



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**NOTES:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016; UNLESS OTHERWISE NOTED, ALL ELEVATIONS ARE IN MEANS SEA LEVEL.
2. TIDE GAUGE LOCATION: 870000, 1610000, DATUM: MLLW, CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE COMPLETELY PROPOSED DREDGE AREA FOOTPRINTS RESULTS IN THOSE AREAS ARE APPROXIMATE
4. A 1' OVEREDGE WAS APPLIED TO EACH PROPOSED DREDGE AREA.
5. EXISTING DREDGE AREAS INCLUDE: LORAIN CREEK, KENNEBEC RIVER PARALLEL, AND A LARGE PORTAL DRAINAGE ALONG NORTH FACED SHOULDER. IN THOSE CASES, STRAIGHT CUT EDGE WAS APPLIED.

Legend

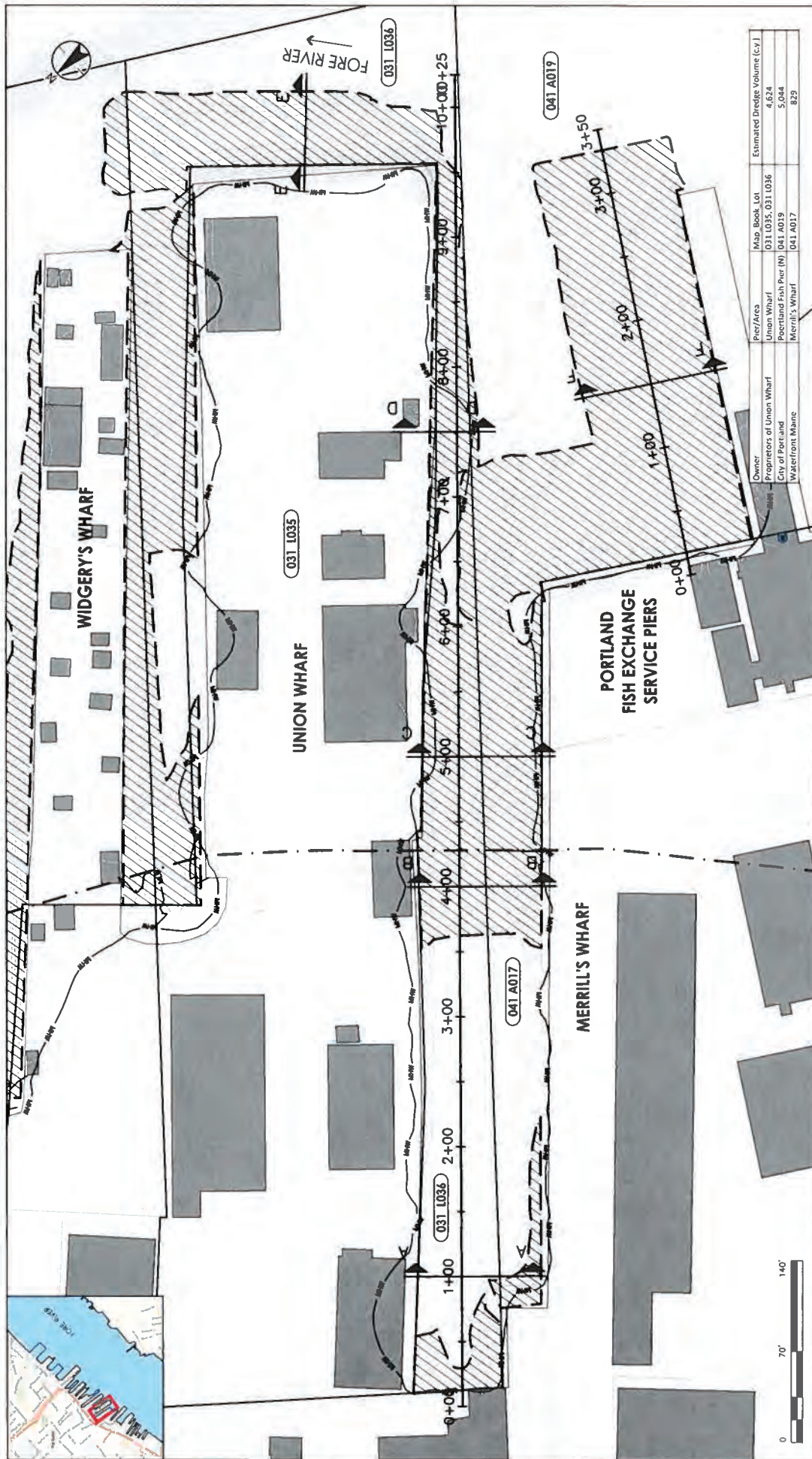
EXISTING BATHYMETRY

PROPOSED TARGET DREDGE DEPTH

Client/Project  
 Portland Harbor  
 Commission  
 Portland Harbor  
 Dredge Project  
 Section 408 Impacts  
 Project No.  
 195601208

|                                                                       |          |                    |           |
|-----------------------------------------------------------------------|----------|--------------------|-----------|
| Title<br>Impact Area 6<br>Union Wharf Proposed<br>Dredge Section View | Revision | Date<br>2020.03.24 | Figure No |
| Reference Sheet                                                       |          |                    |           |





**Notes:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2018. UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CAGO BAY.
3. ELEVATION DATA WAS DERIVED FROM SURVEY POINTS LOCATED ALONG THE WHARF AND ADJACENT AREAS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
4. A 1' OVEREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. PROPOSED DREDGE AREAS IN THOSE CASES WHERE EXISTING DREDGE AREAS WERE NOT IDENTIFIED.
6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRY SURVEY LIMITS AND MAY NOT BE SHOWN IN ALL AREAS. APPROXIMATE MEAN HIGH WATER LINE (EL. 9.51' MLLW) DERIVED FROM 2' USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF COASTAL AND ESTUARINE SCIENCE. SURVEY TIME OF YEAR AND COLLECTION METHODS.

**Legend**

- 1' BATHYMETRY CONTOUR
- DREDGE AREA TO MAP PARCEL LINE
- TO MAP PARCEL NUMBER
- ESTIMATED DREDGE AREA
- EXISTING BUILDING/STRUCTURE
- APPROXIMATE SUBMERGED LANDS (1831, 1885, 1910)

**Owner**  
Proprietors of Union Wharf  
City of Portland  
Waterfront Maine

**Map Book Lot**  
031 L035, 031 L036  
041 A019  
041 A017

**Estimated Dredge Volume (Cv)**  
4,624  
5,044  
829

**Map Book Lot**  
031 L035, 031 L036  
041 A019  
041 A017

**Project No.**  
195601684

**Revision**  
2019.11.13  
Figure No.

**Union Wharf (S) & Merrill's Wharf/  
Portland Fish Pier (N)  
Proposed Dredge Plan View**

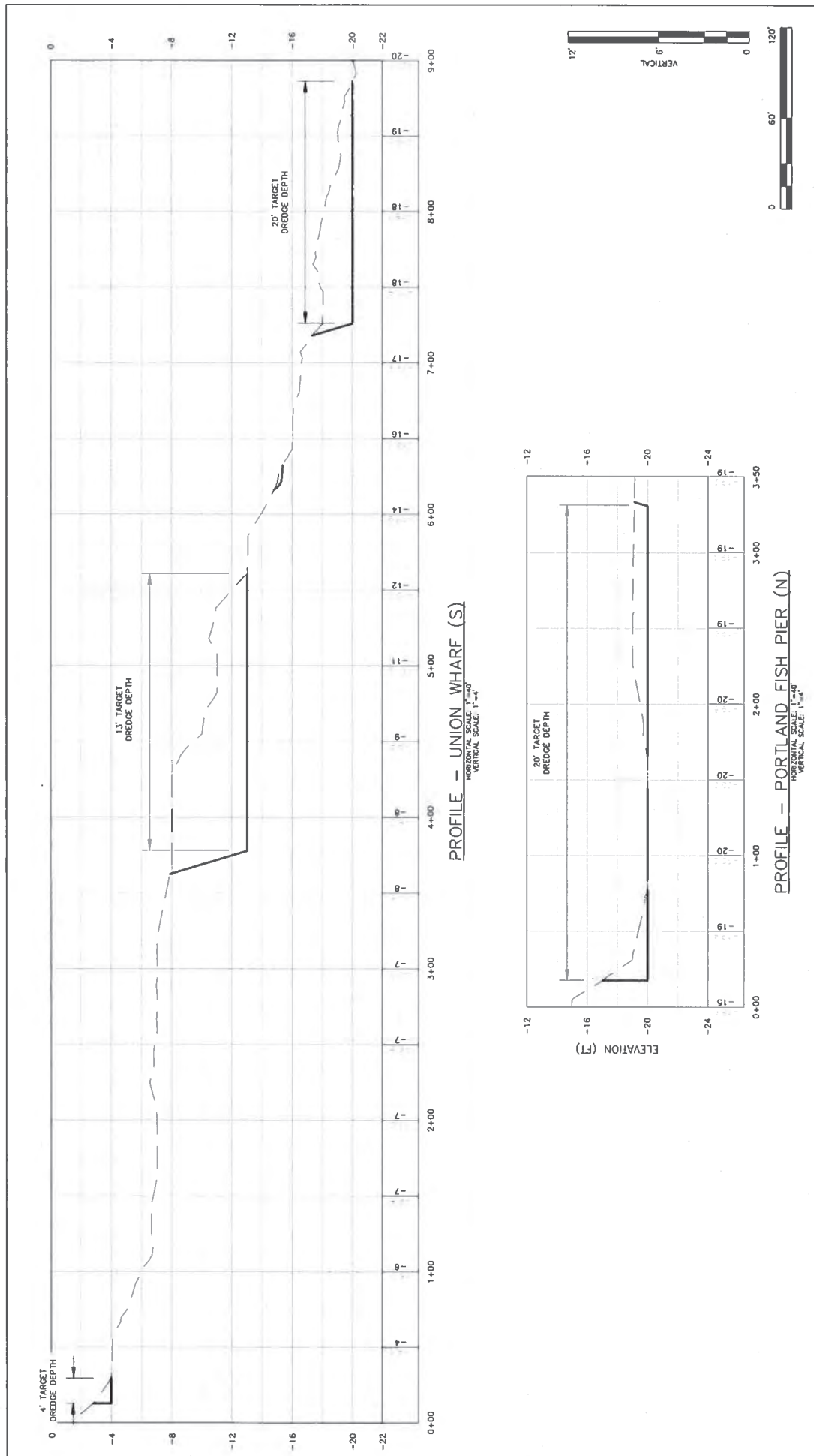
**Portland Harbor  
Commission  
Portland Harbor  
Dredge Project**

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NOVEMBER 2019

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**Legend**

— EXISTING BATHYMETRY  
— PROPOSED TARGET DREDGE DEPTH

**Client/Project**  
Portland Harbor Commission  
Portland Harbor Dredge Project

**Project No**  
195601684

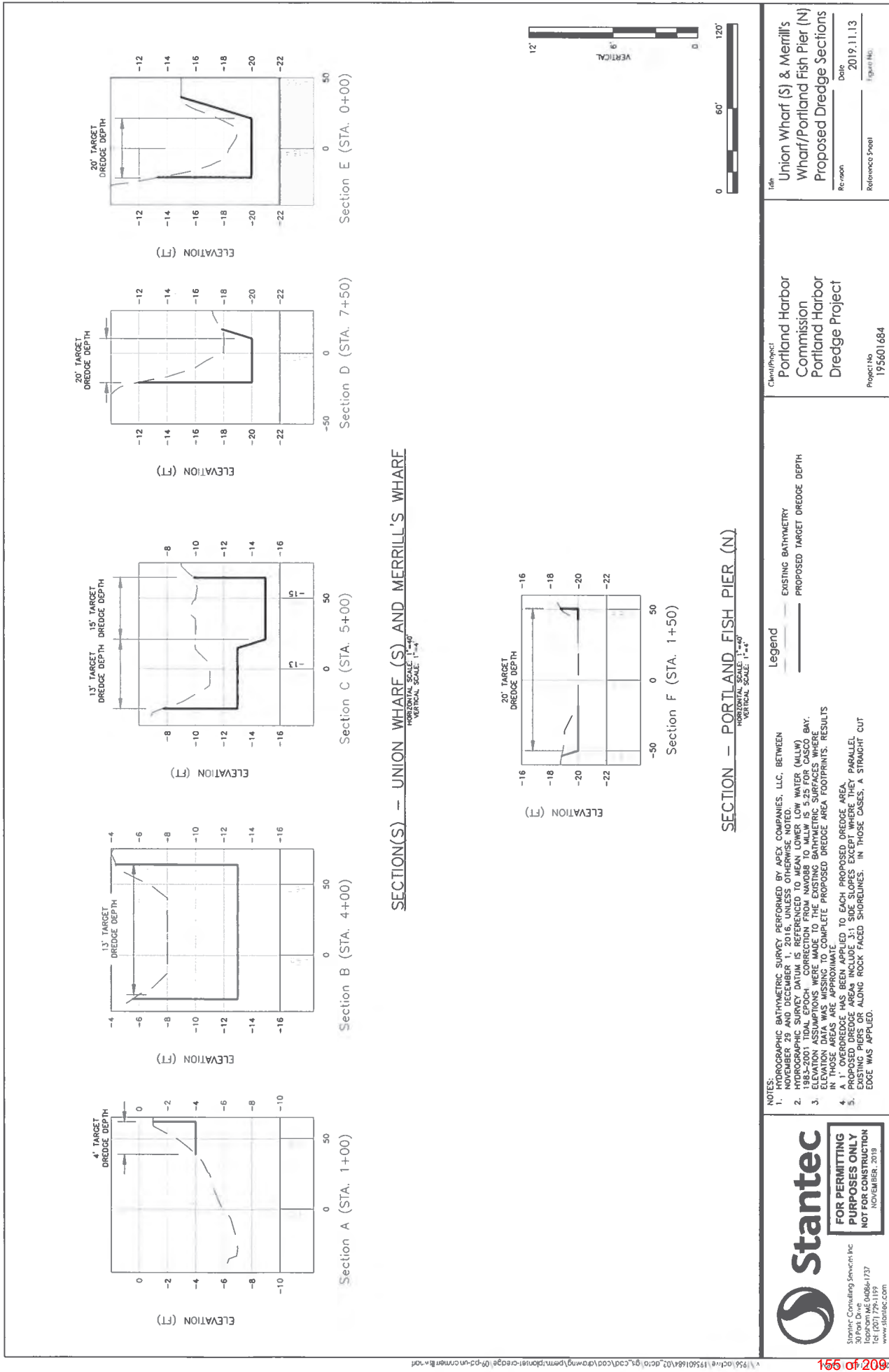
**NOTES:**

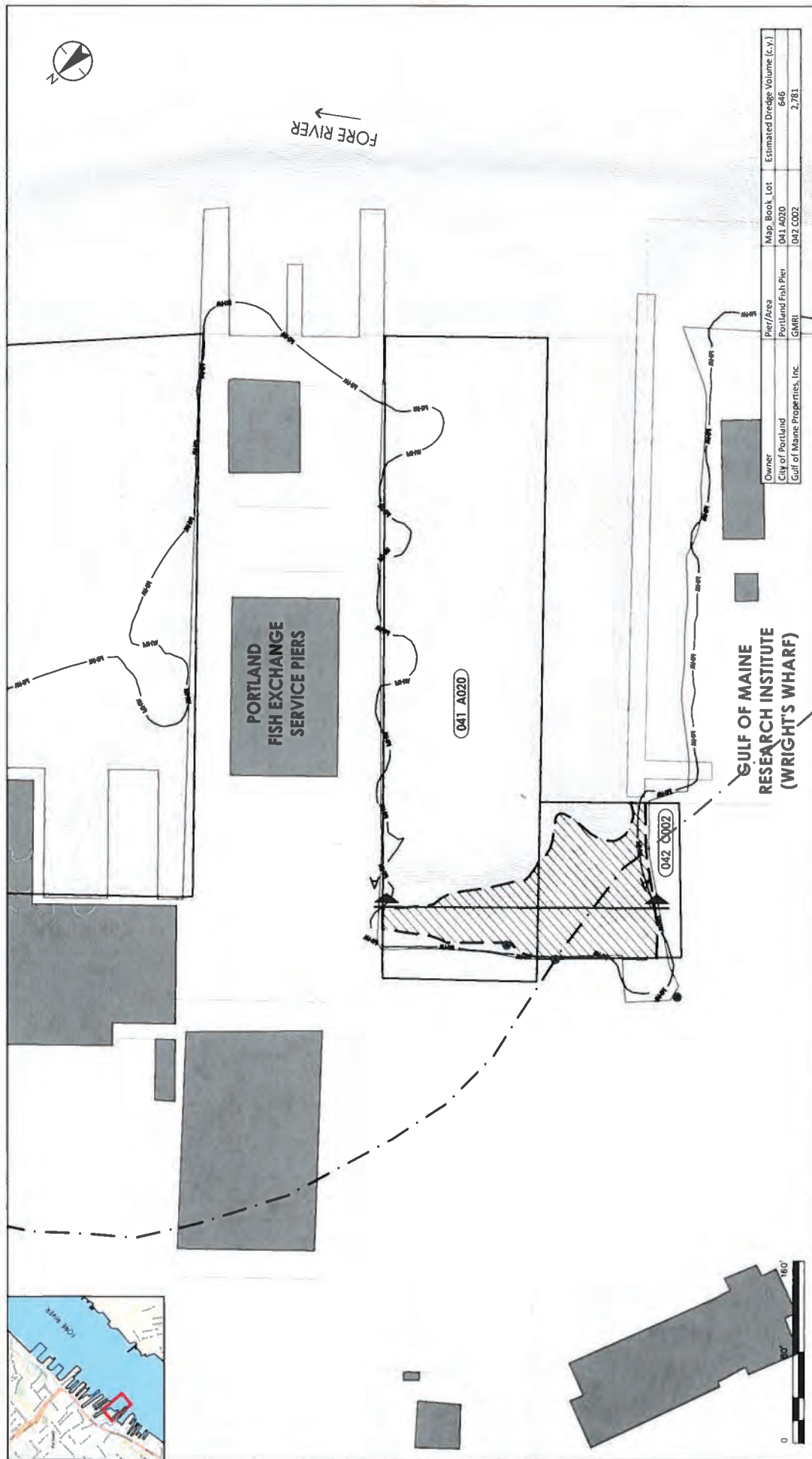
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 2016 AND DECEMBER 2016. UNLESS OTHERWISE NOTED, ALL ELEVATIONS ARE IN MEANS SEA LEVEL (MSL).
2. PROPOSED DREDGE DEPTH IS BASED ON THE 1983-2001 TIDAL EPOCH CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THESE AREAS WERE ASSUMED TO BE THE SAME AS THE ADJACENT AREAS.
4. PROPOSED DREDGE AREA WAS APPLIED TO EACH PROPOSED DREDGE AREA.
5. EXISTING PIER OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

**Union Wharf (S) & Merrill's Wharf/Portland Fish Pier (N)**  
**Proposed Dredge Profile**

**Date** 2019.11.13  
**Figure No**

**Reference Sheet**





| Owner                          | Pier/Area          | Map Book Lot | Estimated Dredge Volume (c.y.) |
|--------------------------------|--------------------|--------------|--------------------------------|
| City of Portland               | Portland Fish Pier | 041 A020     | 646                            |
| Gulf of Maine Properties, Inc. | GMRI               | 042 C002     | 2,781                          |

#### Legend

- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2019.
  2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TOTAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25' FOR CASCO BAY.
  3. CONTOUR INTERVALS ARE 1' UNLESS OTHERWISE NOTED. SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS, RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
  5. PROPOSED DREDGE AREA INCLUDES 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG EXISTING BULKHEADS/STRUCTURES.
  6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRIC SURVEY LIMITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF GIS. ACCURACY OF EACH LINE FEATURE VARIES BY DISTANCE FROM THE MAINE OFFICE OF GIS. VESSELS, SURVEY TIME OF YEAR, AND COLLECTION METHODS.
- Legend:
- MLW — MEAN LOWER LOW WATER
  - APPROX. MEAN LOW WATER
  - APPROX. MEAN HIGH WATER
  - STORMWATER DITCH
  - 1' BATHYMETRIC CONTOUR
  - DREDGE AREA IN MAP PARCEL LINE
  - EXISTING BULKHEAD/STRUCTURE
  - APPROXIMATE SUBMERGED UNDS. REGULATORY LIMIT (EL. 18.5, 18.6, OR 18.7)

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Client/Project  
Portland Harbor  
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Portland Harbor  
Dredge Project

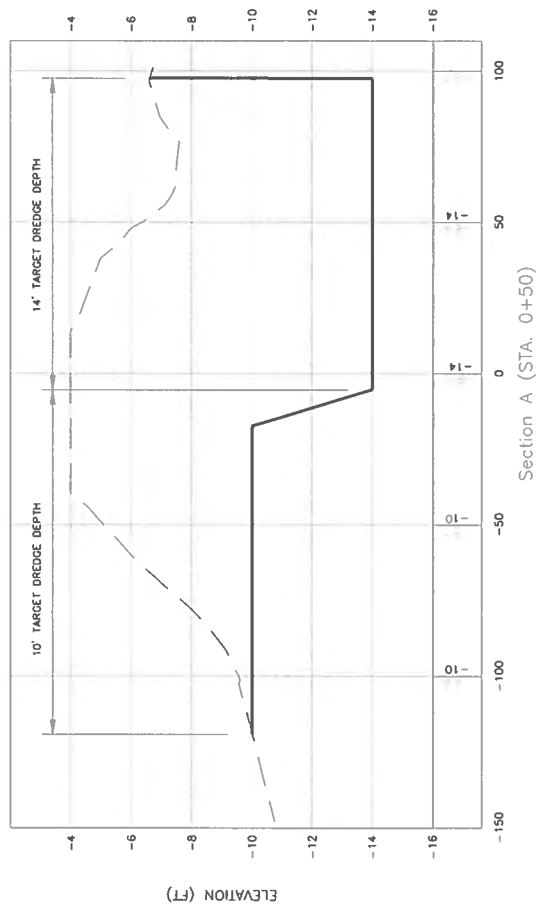
Project No.  
195601684

Revision  
001

2019.11.13

Figure No.  
195601684

Portland Fish Pier (S) & GMRI Proposed Dredge Plan View



SECTION(S) - PORTLAND FISH PIER (S) & GMRI

NOTES:

- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY, PERFORMED BY APEX COMPANIES, LLC, BETWEEN 1982-1983. SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (ALLU).
  2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (ALLU) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.23 FOR CAY ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATUM WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS ARE SHOWN IN RED.
  3. A 1' OVERBEDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
  4. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

|                                                                                                     |                   |                           |
|-----------------------------------------------------------------------------------------------------|-------------------|---------------------------|
| Title<br><b>Portland Fish Pier (S) &amp; GMRI<br/>         Proposed Dredge<br/>         Section</b> | Revision<br>_____ | Date<br><b>2019.11.13</b> |
| Reference Sheet                                                                                     |                   | Figure No<br>_____        |

Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

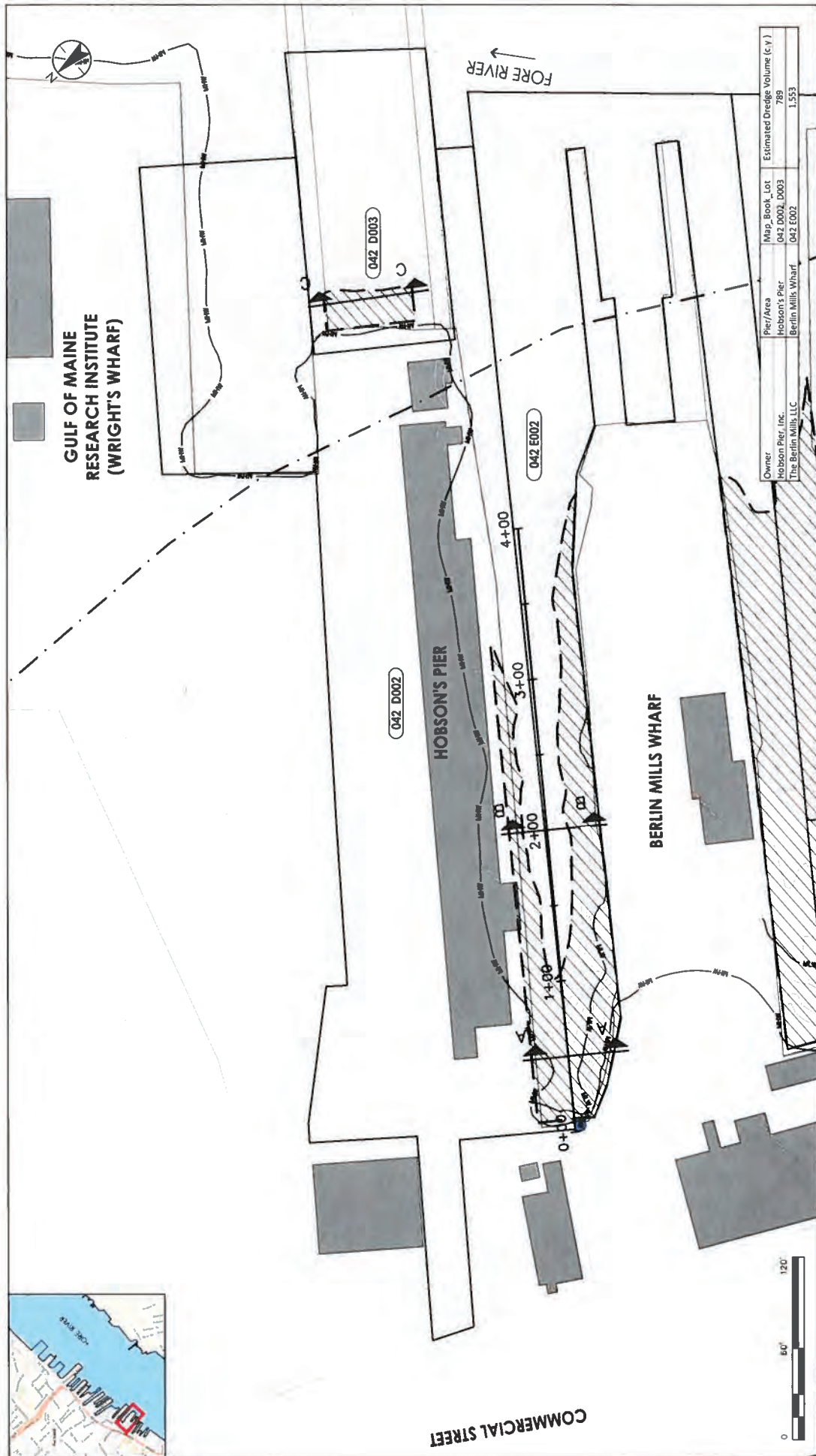
Project No  
195601684



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**Notes:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND NOVEMBER 30, 2019. UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1985-2001 TOTAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
3. ELEVATIONS OF SURFACES WHERE ELEVATION DATA WAS OBTAINED ARE APPROXIMATE. RESULTS IN THOSE AREAS ARE APPROXIMATE.
4. A 1' OVERBURDEN HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA. PARALLEL EXISTING PIERS OR ALONG EXISTING PIERS ARE NOT DREDGED.
5. PROPOSED DREDGE AREA INCLUDES 3' SIDE SLOPES EXCEPT WHERE NOTED OTHERWISE.
6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.15' MLLW) DERIVED FROM EXISTING BATHYMETRY SURVEY LIMITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF DES. ACCURACY OF EACH LINE FEATURE VARIES BY 2' DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., WESELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

**Legend**

- MLW — APPROX. MEAN LOW WATER
- MHH — APPROX. MEAN HIGH WATER
- SLOPE — SLOPE
- 1' BATHYMETRY CONTOUR
- DREDGE AREA TAX MAP PARCEL LINE
- TAX MAP AND PARCEL NUMBER
- ESTIMATED DREDGE AREA
- EXISTING BUILDING/STRUCTURE
- APPROXIMATE SUBMERGED UNITS REGULATORY LIMIT (1833, 1866, OR 1870)

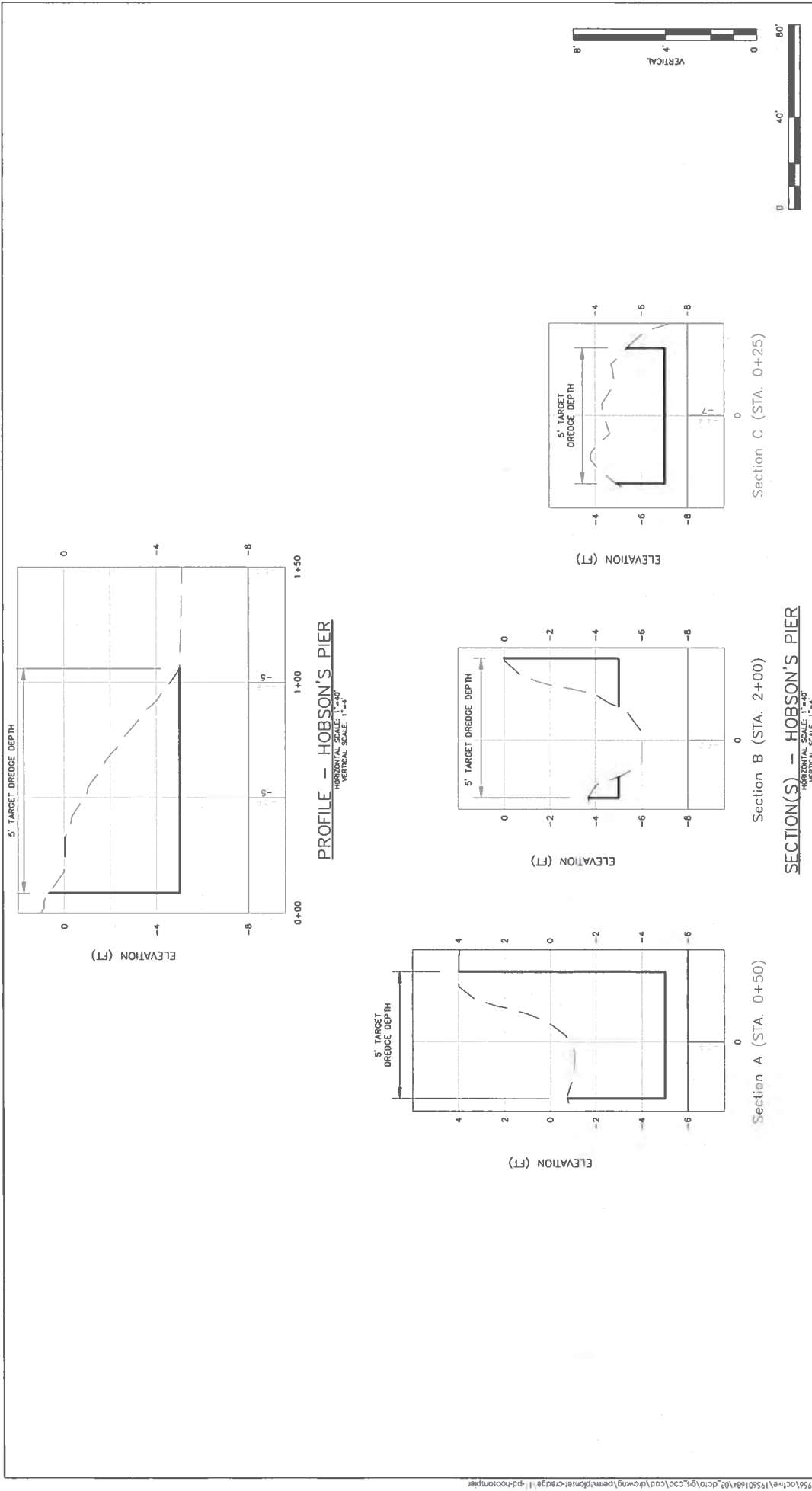
**Owner:** Hobson's Pier, Inc.  
**Pier/Area:** Hobson's Pier  
**Map Book, Lot:** 042 D002, D003  
**Estimated Dredge Volume (c.y.):** 789  
**042 E002** 1,553

**Client/Project:** Portland Harbor Commission  
**Hobson's Pier/Berlin Mills Wharf (N) Proposed Dredge Plan View**  
**Revision:** 2019.11.13  
**Reference Sheet:** 195601684

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NOVEMBER 2019

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30 Park Drive  
Bath, ME 04609-1737  
Tel: (207) 289-1000  
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**Scale:** 0 60' 120'



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30 Park Drive  
Baltimore, MD 21201-1737  
baltimore@stantec.com  
stantec.com

**Client/Project**  
Portland Harbor Commission  
Portland Harbor Dredge Project

**Project No**  
195601684

**Title**  
Hobson's Pier/Berlin Mill's Wharf (N) Proposed Dredge Profile and Sections

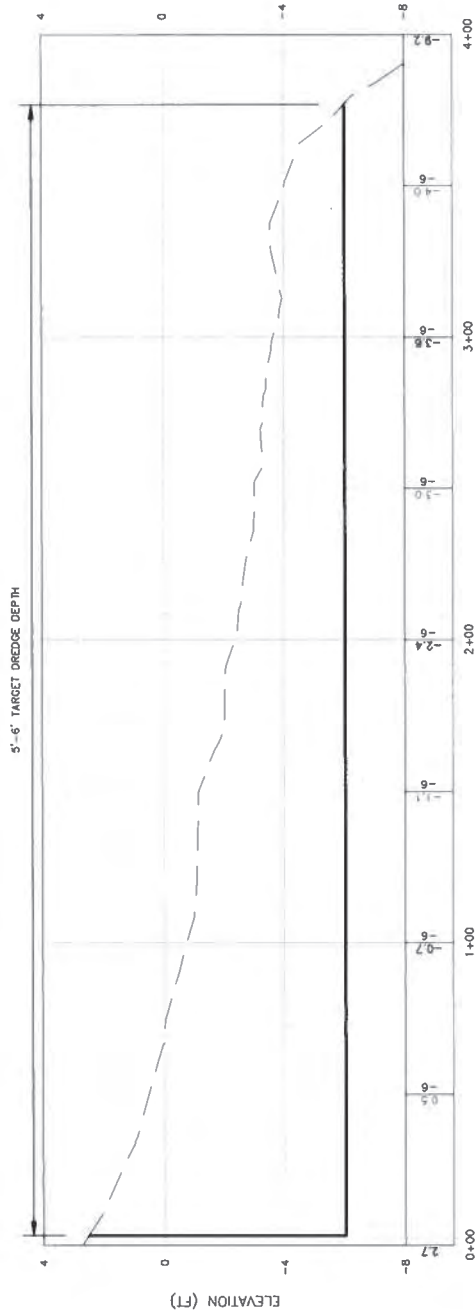
**Revision**  
2019.11.13

**Date**  
2019.11.13

**Figure No**  
195601684

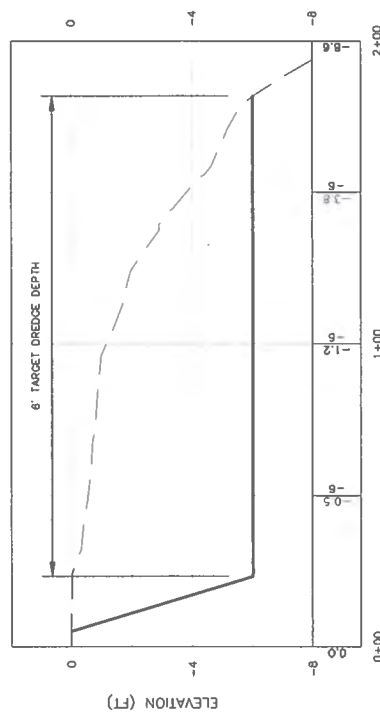






PROFILE - BERLIN MILLS WHARF (S) / HOLYOKE WHARF (N)

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'



PROFILE - HOLYOKE WHARF (S) / STURDIVANT'S WHARF (N)

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'



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#### NOTES

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATA WAS OBTAINED FROM THE CHARTERED WATER (CALW) 1983/2000 TIDE GAUGE CORRECTION FROM MAREL TO CALW IS 5.25 FOR CASCO BAY.
3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
4. OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. PROPOSED DREDGE AREAS ARE PARALLEL TO EXISTING PIERS OR STRAIGHT CUT EDGE WAS APPLIED.

#### Legend

- EXISTING BATHYMETRY
- PROPOSED TARGET DREDGE DEPTH

Client/Project

Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Project No.  
195601684

Info

Berlin Mill's (S) / Holyoke Wharf  
and Sturdivant's Wharf (N)  
Proposed Dredge Profiles

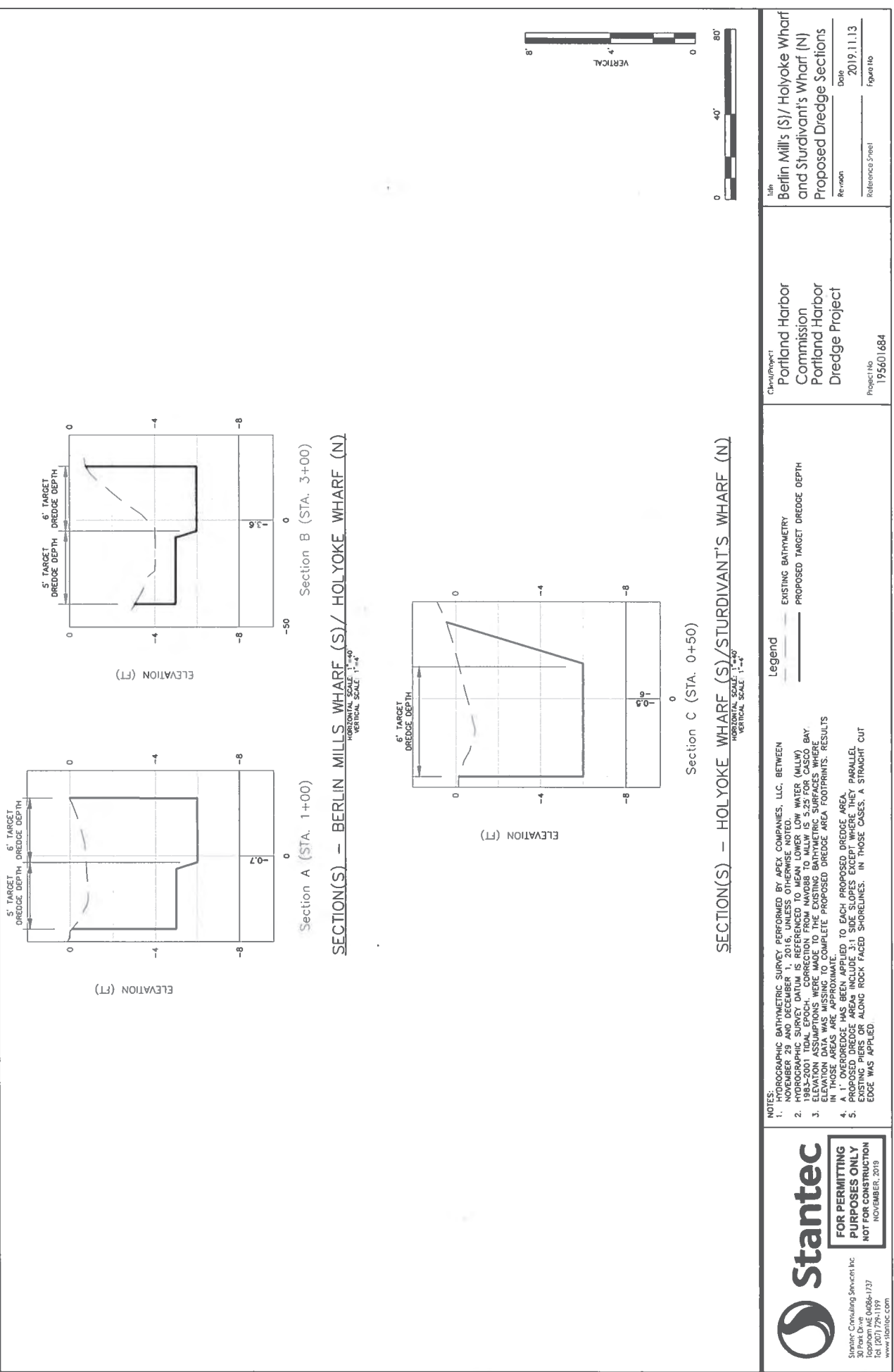
Revision

Date

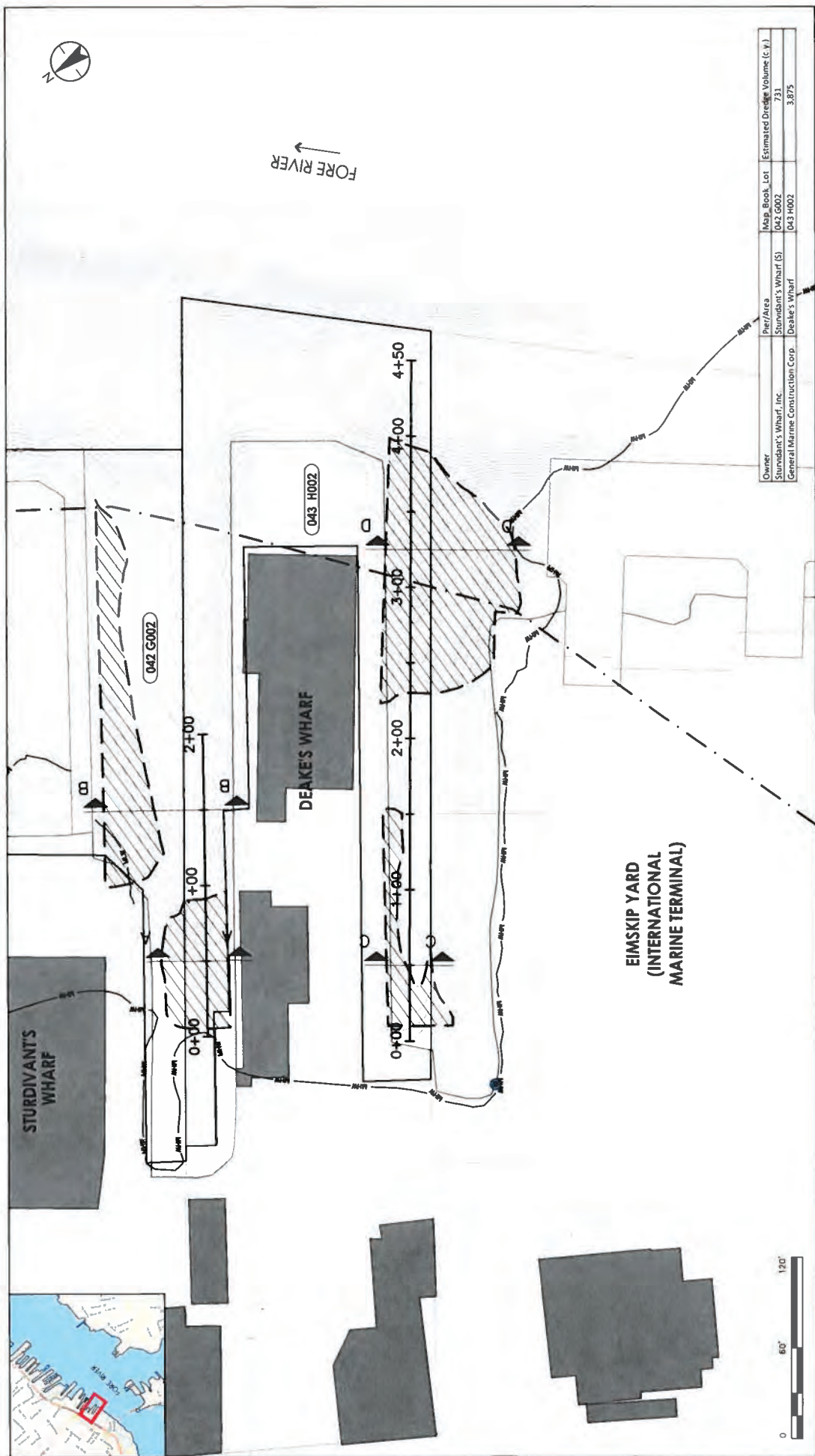
2019.11.13

Reference Sheet

Figure 1c







| Owner                             | Pier/Area              | Map Book Lot | Estimated Dredge Volume (c.y.) |
|-----------------------------------|------------------------|--------------|--------------------------------|
| Sturdivant's Wharf, Inc.          | Sturdivant's Wharf (S) | 042 G002     | 731                            |
| General Marine Construction Corp. | Deake's Wharf          | 043 H002     | 3,875                          |

**Title:** Sturdivant's Wharf (S)/  
 Deake's Wharf Proposed  
 Dredge Plan View  
**Revision:** \_\_\_\_\_  
**Date:** 2019.11.13  
**Reference Sheet:** \_\_\_\_\_  
**Figure No:** \_\_\_\_\_

**Project No:** 195601684  
**Portland Harbor  
 Commission  
 Portland Harbor  
 Dredge Project**

- Legend**
- MLW — APPROX. MEAN LOW WATER
  - MHW — APPROX. MEAN HIGH WATER
  - STURDIVANT OUTFALL
  - 1' BATHYMETRY CONTOUR
  - DREDGE AREA IN MAP PARCEL LINE
  - EXISTING BUILDING/STRUCTURE
  - ESTIMATED DREDGE AREA
  - APPROXIMATE SUBMERGED LANDS (BASED 1885, OR 1870)

**NOTES:**  
 1. HYDROGRAPHIC BATHYMETRY SURVEY PERFORMED BY APD COMPANY, LLC, BETWEEN NOVEMBER 29 AND NOVEMBER 30, 2018.  
 2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH.  
 3. CORRECTION FROM NAVD83 TO MLLW IS 5.23' FOR CASCO BAY.  
 4. SURFACE ELEVATIONS SHOWN ON THIS PLAN ARE DERIVED FROM 2' BATHYMETRY SURVEY DATA, WHICH MAY VARY FROM ACTUAL SURFACE ELEVATIONS DUE TO VARIATIONS IN SURVEY DATA.  
 5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG EXISTING BUILDINGS/STRUCTURES.  
 6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.45' MLLW) DERIVED FROM EXISTING BATHYMETRY SURVEY UNITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF COASTAL AND ESTUARINE SCIENCE.  
 7. USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF COASTAL AND ESTUARINE SCIENCE.  
 8. APPROXIMATE SUBMERGED LANDS (BASED 1885, OR 1870) SURVEY TIME OF YEAR AND COLLECTION METHOD.

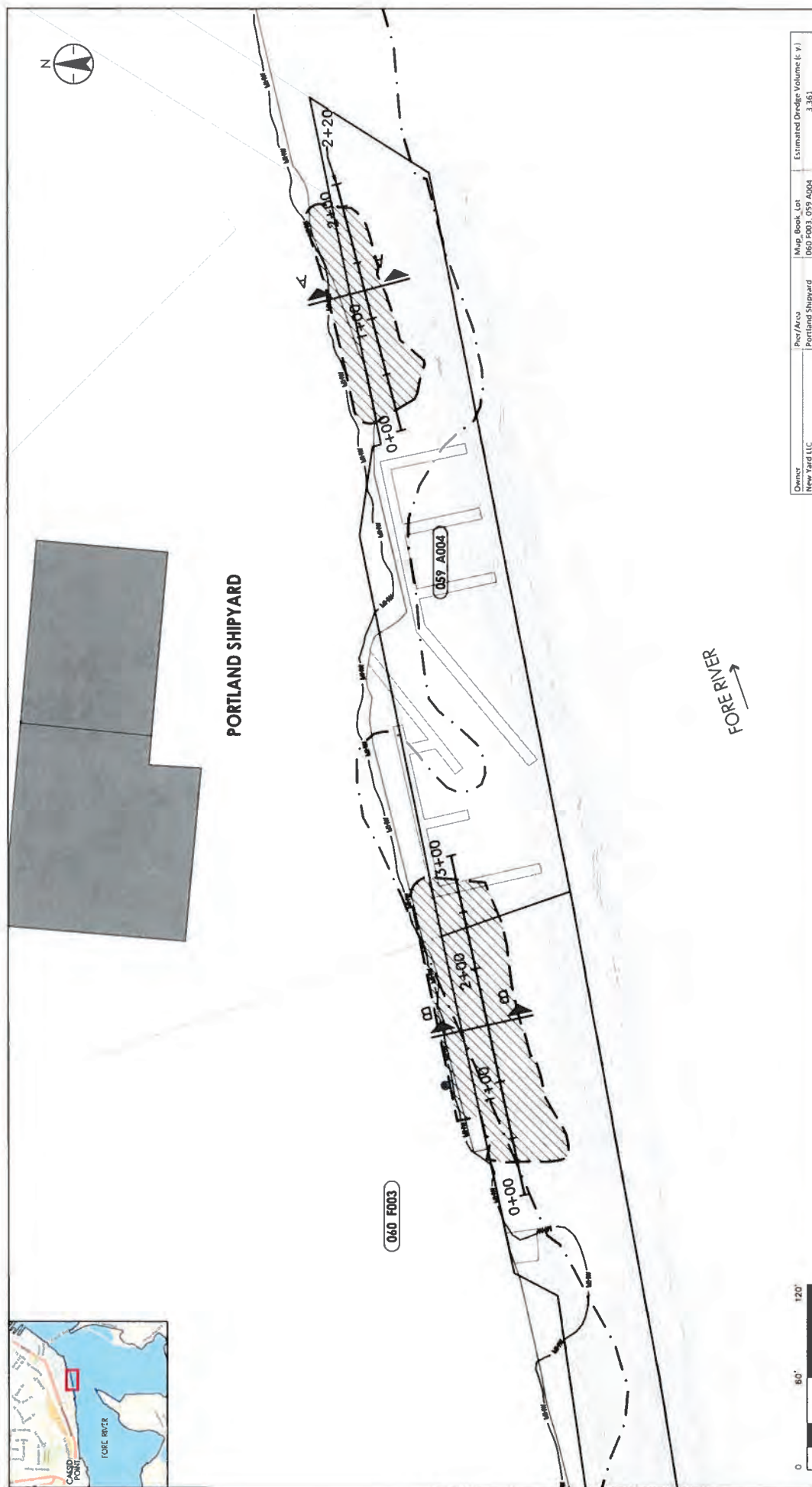
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|       |              |          |                   |              |                    |                                 |       |
|-------|--------------|----------|-------------------|--------------|--------------------|---------------------------------|-------|
| Owner | New Yard LLC | Per/Acre | Portland Shipyard | Map Book Lot | 060 F003, 059 A004 | Estimated Dredge Volume (c. y.) | 3,361 |
|-------|--------------|----------|-------------------|--------------|--------------------|---------------------------------|-------|

# Legend

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND NOVEMBER 30, 2019. SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 Tidal Epoch.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 Tidal Epoch.
3. CORRECTION FROM NAVD83 TO MLLW IS 5.25' FOR CASCO BAY.
4. EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS OBTAINED FROM THE PROPOSED DREDGE AREA. THESE SURFACES ARE APPROXIMATE.
5. PROPOSED DREDGE AREA INCLUDES 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIER OR ALONG EXISTING BULKHEAD/STRUCTURE.
6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.15' MLLW) DERIVED FROM EXISTING BATHYMETRIC SURVEY LIMITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF DCS. ACCURACY OF EACH LINE FEATURE VARIES BY METHOD DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

- MLW
- APPROX. MEAN LOW WATER
- APPROX. MEAN HIGH WATER
- STORMWATER OUTFALL
- 1' BATHYMETRIC CONTOUR
- DREDGE AREA TAX MAP PARCEL LINE
- IN MAP AND PARCEL NUMBER
- ESTIMATED DREDGE AREA
- EXISTING BULKHEAD/STRUCTURE
- APPROXIMATE SUBMERGED LIMITS (1833, 1856, OR 1870)

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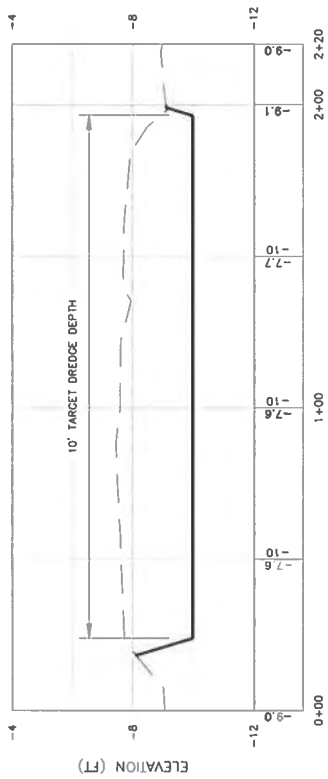
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Tel (207) 729-1199  
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Client/Project  
**Portland Harbor Commission  
Portland Harbor Dredge Project**

1d8  
**Portland Shipyard  
Proposed Dredge  
Plan View**

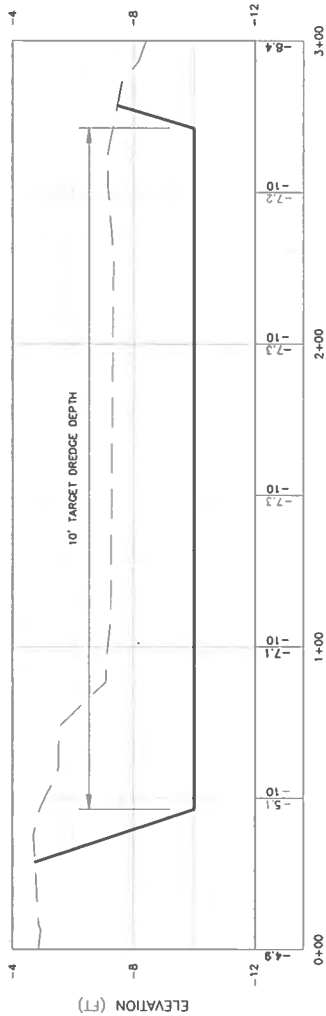
Revision  
Date  
2019.11.13  
Reference Sheet  
Figure No.

Project No.  
195601684



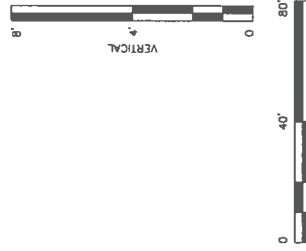
PROFILE - PORTLAND SHIPYARD (E)

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=40'



PROFILE - PORTLAND SHIPYARD (W)

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=40'



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30 Fleet Drive  
Boston, MA 02108-1737  
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**NOTES:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATA REFERENCED TO LOWER LOW WATER (MLLW).
3. 1982-2001 TIDAL EPOCH CORRECTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
4. OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. PROPOSED DREDGE AREAS HAVE A 1:12 SLOPE PARALLEL TO EXISTING PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

**Legend**

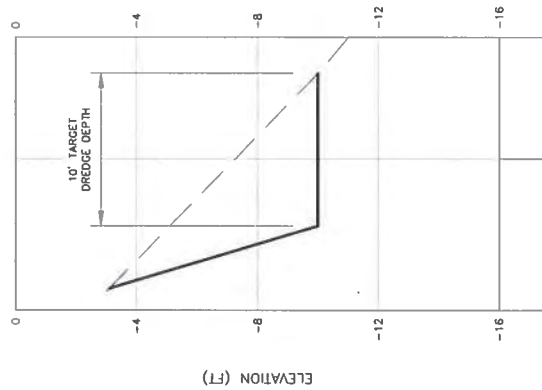
- EXISTING BATHYMETRY
- PROPOSED TARGET DREDGE DEPTH

Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Project No.  
195601684

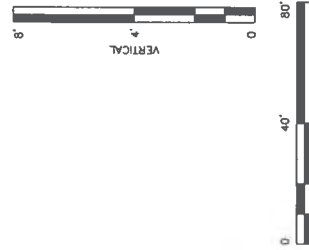
Portland Shipyard  
Proposed Dredge  
Profiles

Revision  
Date  
2019.11.13  
Reference Sheet  
Figure No.



Section B (STA. 1+50)

SECTION(S) - PORTLAND SHIPYARD



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Cobham ME 04086-1737  
Tel (207) 729-1199  
[www.stanlec.com](http://www.stanlec.com)

NOTES:

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) BAY
3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES, WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE
4. PROPOSED DREDGE AREAS WERE ADDED TO EACH PROPOSED DREDGE AREA
5. PROPOSED DREDGE AREAS INCLUDE 3:1-SLOPE EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

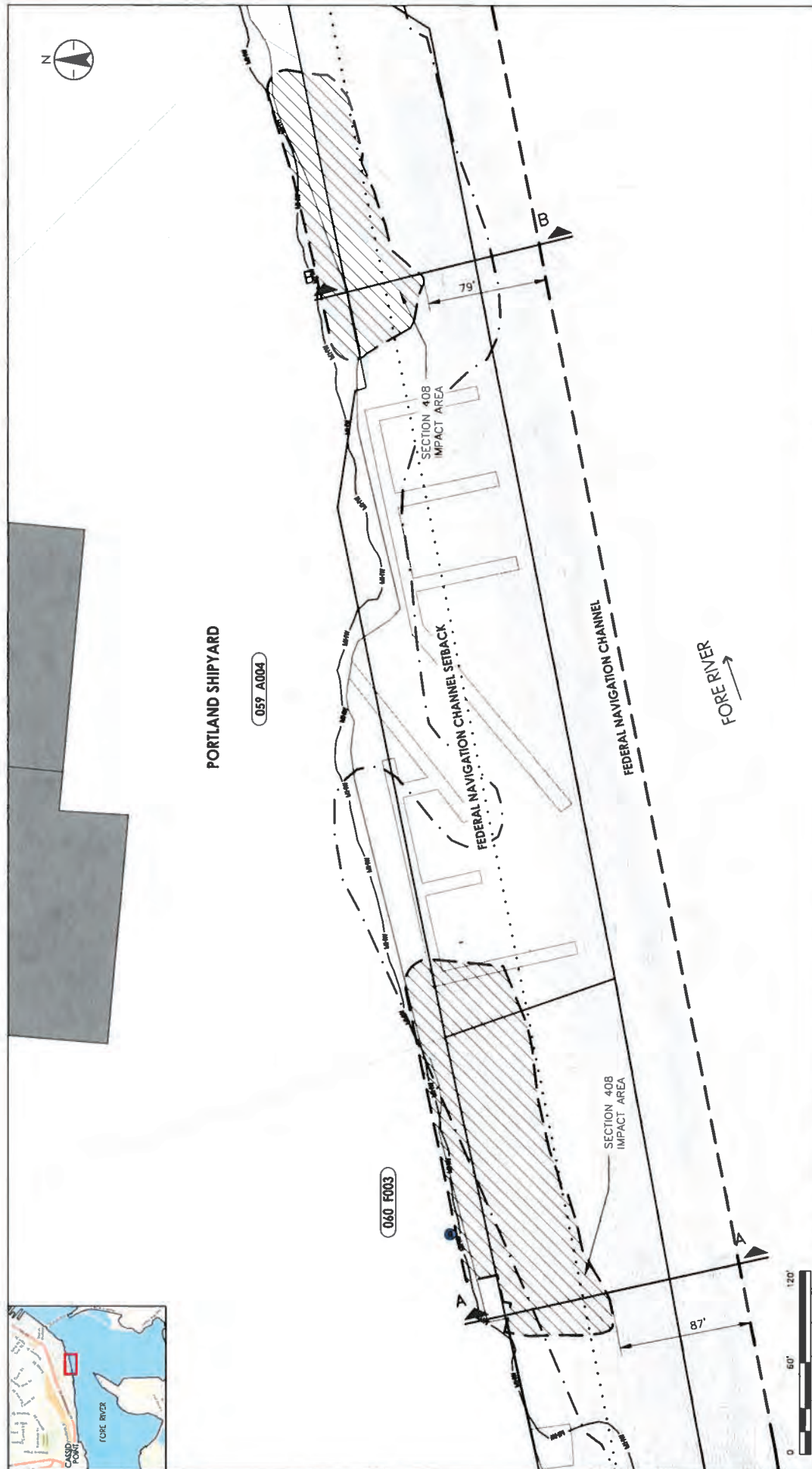
Legend

EXISTING BATHYMETRY

PROPOSED TARGET DREDGE DEPTH

Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

|                 |            |
|-----------------|------------|
| Revision        | Date       |
|                 | 2019.11.13 |
| Reference Sheet | Figure No  |



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**Impact Area 3 & 4  
Portland Shipyard Proposed  
Dredge Plan View**

Revision: \_\_\_\_\_ Date: 2020.03.24  
Reference Sheet: \_\_\_\_\_ Figure No: \_\_\_\_\_

**Portland Harbor  
Commission  
Portland Harbor  
Dredge Project  
Section 408 Impacts**

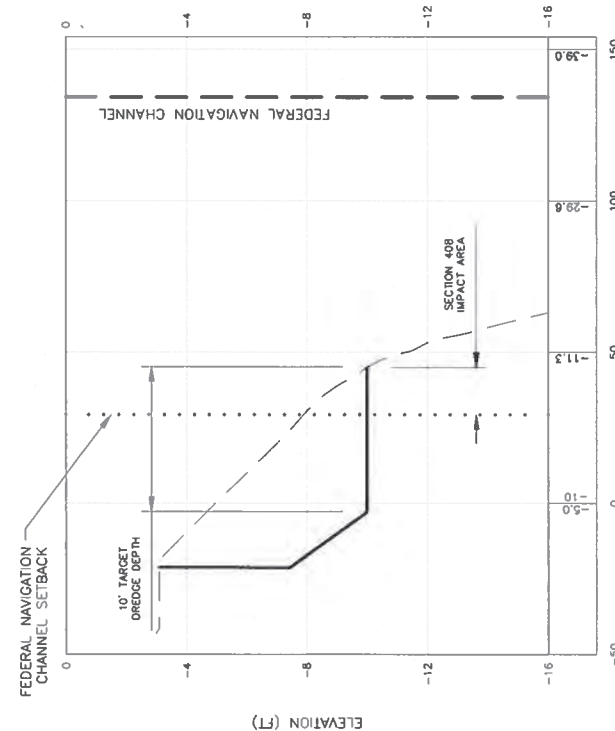
Project No: 195601208

**Legend**

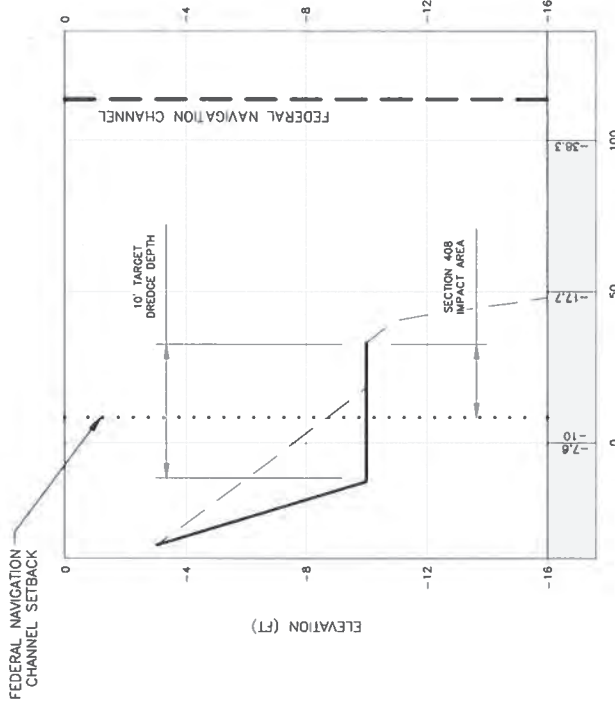
- 1' BATHYMETRY CONTOUR
- DREDGE AREA 1% IMP. PARCEL LINE
- ESTIMATED DREDGE AREA
- EXISTING BUILDING/STRUCTURE
- APPROXIMATE SUBMERGED LIMBS
- REGULATORY UNIT (1811, 1866, OR 1870)

**NOTES:**

- HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COUPANES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2019.
- HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25' FOR CASCO BAY.
- EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS IN THOSE AREAS ARE APPROXIMATE.
- A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
- PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIER OR ALONG EXISTING BUILDING/STRUCTURE.
- APPROXIMATE MEAN LOW WATER LINE (EL. 0.45' MLLW) DERIVED FROM EXISTING BATHYMETRIC SURVEY LIMITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF OS. ACCURACY OF EACH LINE FEATURE VARIES BY LOCATION DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHOD.



Section A  
Impact Area 3



Section B  
Impact Area 4

**PORTLAND SHIPYARD**  
HORIZONTAL SCALE 1"=40'  
VERTICAL SCALE 1"=4'



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Portland, ME 04106-1737  
Tel: (207) 633-8800  
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- NOTES:**
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN DECEMBER 10 AND DECEMBER 15, 2019. SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW). CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
  2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW). CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
  3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE SHARP CORNERS AND IRREGULARITIES WERE OBSERVED. COMPLETE PROPOSED DREDGE AREA FOOTPRINTS RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
  5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

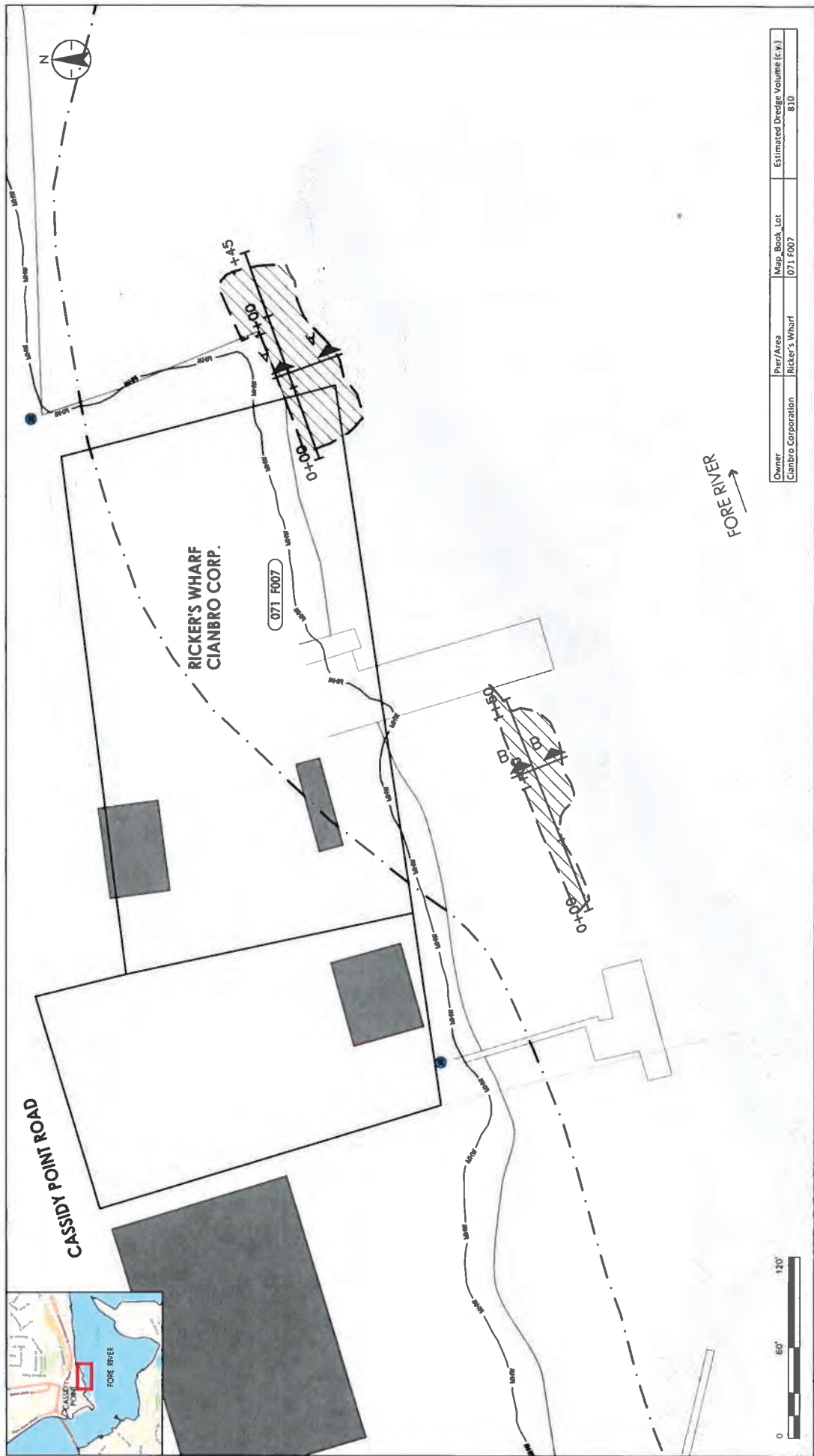
**Legend**

— EXISTING BATHYMETRY  
— PROPOSED TARGET DREDGE DEPTH

**Portland Harbor  
Commission  
Portland Harbor  
Dredge Project  
Section 408 Impacts**  
Project No.  
195601208

**Impact Area 3 & 4  
Portland Shipyard Proposed  
Dredge Section Views**  
Revision  
Date  
2020.03.24  
Reference Sheet  
Figure No.





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**Legend**

- APPROX. MEAN LOW WATER
- APPROX. MEAN HIGH WATER
- STORMWATER OUTFALL
- 1' BATHYMETRY CONTOUR
- DREDDGE AREA TAX MAP PARCEL LINE
- DREDDGE AREA TAX MAP AND PARCEL NUMBER
- ESTIMATED DREDDGE AREA
- EXISTING BUILDING/STRUCTURE
- APPROXIMATE SUBMERGED LANDS REGULATORY LIMIT (1833, 1866, OR 1870)

**Notes:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 11, 2018. UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25' FOR CASCO BAY.
3. SURFACE ELEVATIONS SHOWN ON THIS MAP ARE APPROXIMATE. RESULTS IN THOSE AREAS ARE APPROXIMATE.
4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDDGE AREA.
5. PARALLEL EXISTING PIER OR ALONG ROCK FACED SHORES IN THESE CASES, STRAIGHT CUT EDGE WAS APPLIED.
6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRIC SURVEY LIMITS AND MAY NOT BE SHOWN IN ALL AREAS. APPROXIMATE MEAN HIGH WATER LINE (EL. 9.51' MLLW) DERIVED FROM 2' TIDE GAUGE RECORDS FOR FORE RIVER, PORTLAND, ME. LOCATIONS OF TIDE GAUGES ARE SHOWN BY THE LOCATION OF THE TIDE GAUGE SYMBOLS.

**Table:**

| Owner               | Pier/Area      | Map Book Lot | Estimated Dredge Volume (c.y.) |
|---------------------|----------------|--------------|--------------------------------|
| Cianbro Corporation | Ricker's Wharf | 071 F007     | 810                            |

**Portland Harbor Commission**

**Portland Harbor Dredge Project**

Project No: 195601684

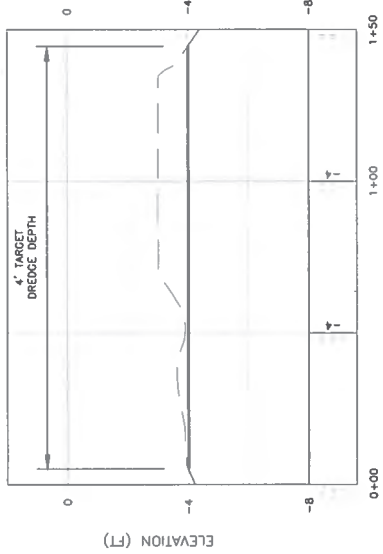
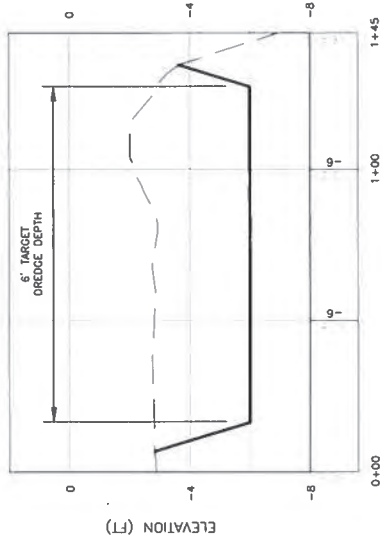
**Ricker's Wharf Cianbro Corp. Proposed Dredge Plan View**

Revision: \_\_\_\_\_

Date: 2019.11.13

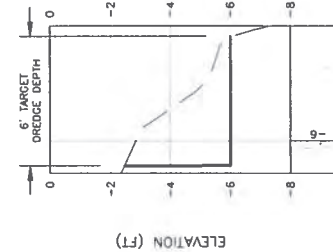
Figure No: \_\_\_\_\_



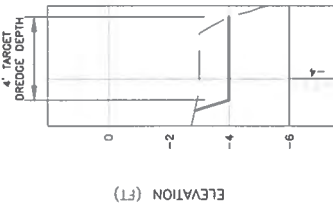


# PROFILES-RICKER'S WHARF

HORIZONTAL SCALE 1"=40'  
VERTICAL SCALE 1"=4'



Section A (STA. 0+60)



Section B (STA. 1+00)

# SECTION(S)-RICKER'S WHARF

HORIZONTAL SCALE 1"=40'  
VERTICAL SCALE 1"=4'

## Legend

EXISTING BATHYMETRY  
PROPOSED TARGET DREDGE DEPTH

- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016 UNLESS OTHERWISE NOTED.
  2. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS RESULTS IN THOSE AREAS ARE APPROXIMATE.
  3. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. PROPOSED DREDGE AREAS BEING DREDGED TO EACH PROPOSED DREDGE AREA.
  5. EXISTING PIERS OR ALONG ROCK FACED SHORELINES IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

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November, 2019

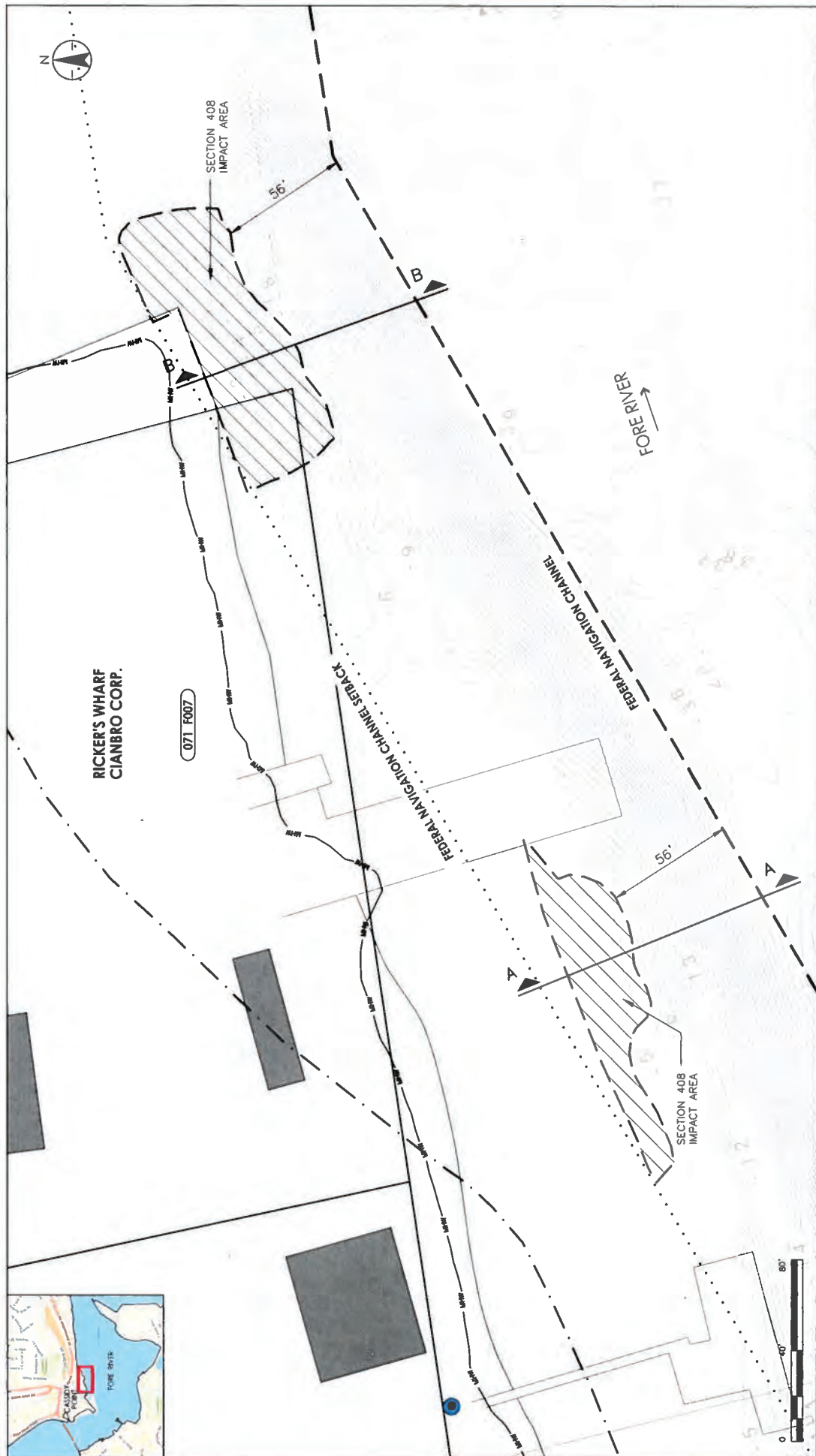
Stantec Consulting Services Inc.  
30 Park Drive  
Lapram ME 04064-1237  
Tel: (207) 726-1199  
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**Ricker's Wharf  
Proposed Dredge  
Profiles & Sections**

Revision: \_\_\_\_\_  
Date: 2019.11.13  
Reference Sheet: \_\_\_\_\_  
Figure No: 195601684

**Portland Harbor  
Commission  
Portland Harbor  
Dredge Project**

Class/Project: \_\_\_\_\_  
Project No: 195601684



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Portland, ME 04106-1737  
Tel: 207.799.1191  
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**NOTES:**

1. HYDROGRAPHIC SURVEYING SURVEY PREPARED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 11, 2015, UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1985-2001 TIDAL EPOCH. CORRECTION FROM MANDOB TO MLLW IS 3.25' FOR CASCO BAY SURFACES WHERE ELEVATION DATA WAS AVAILABLE. SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1985-2001 TIDAL EPOCH.
3. MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. PROPOSED DREDGE AREA INCLUDES EXISTING AND PROPOSED PARALLEL EXISTING PIERS OR ALONG SIDE SURFACES EXCEPT WHERE NOTED OTHERWISE.
6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRY SURVEY UNITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF CG. ACCURACY OF EACH LINE FEATURE MARKS BY 2' DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., REBELLS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

**Legend**

- 1' BATHYMETRY CONTOUR
- DREDGE AREA TAX MAP PARCEL LINE
- TAX MAP AND PARCEL NUMBER
- ESTIMATED DREDGE AREA
- EXISTING BUILDING/STRUCTURE
- APPROXIMATE SUBMERGED UNITS
- REGULATORY LIMIT (1831, 1865, OR 1870)
- MLW
- APPROX. MEAN LOW WATER
- APPROX. MEAN HIGH WATER
- STORMWATER OUTFALL

**Impact Area 1 & 2**  
**Ricker's Wharf Proposed Dredge Plan View**

Portland Harbor  
Commission  
Portland Harbor  
Dredge Project  
Section 408 Impacts

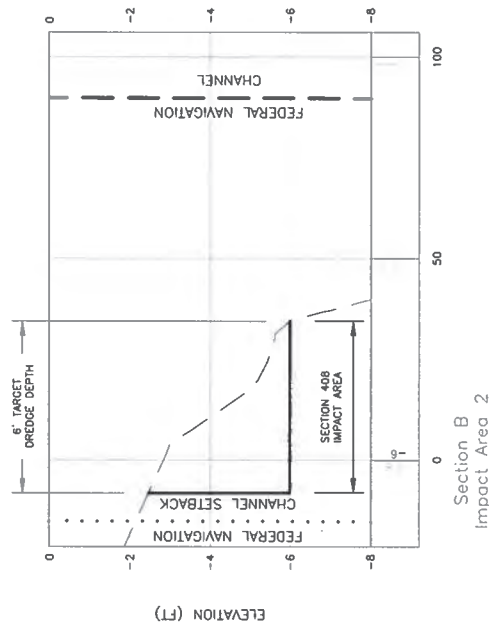
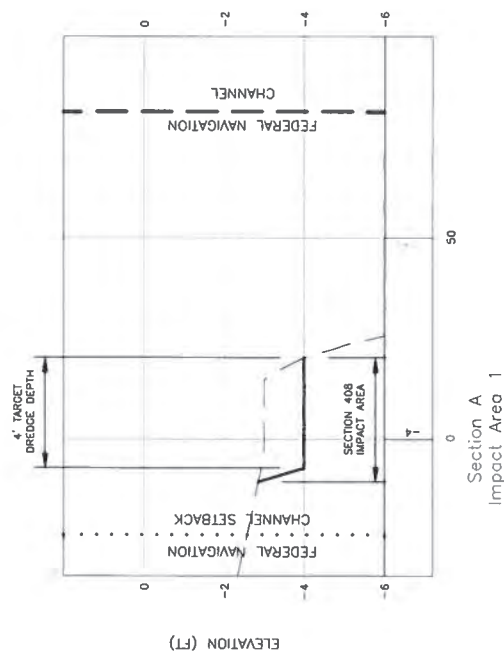
Project No: 195401208

Reason: 2020.03.24

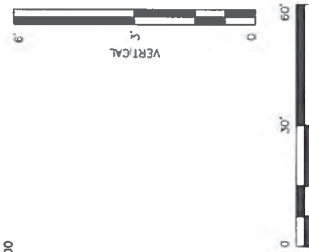
Date: 2020.03.24

Reference Sheet: Figure No

\\u0241-fp1501\w\c\group\195401208\195401208.dwg (Section 408 Impact Area) - 02/27/2020 10:00:00 AM



**RICKER'S WHARF**  
HORIZONTAL SCALE: 1"=30'  
VERTICAL SCALE: 1"=3'



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Topsham ME 04086-1737  
Tel: (207) 729-1199  
[www.slantec.com](http://www.slantec.com)

- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  2. WATER (MLW) 1983-2001. TIDAL EPOCH: CORRECTION FROM NOV08 TO MLW IS 5.25 FOR CASCO BAY.
  3. ELEVATION DATA WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. A-1 OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
  5. A-2 OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA PARALLEL TO EXISTING PIERS OR ALONG ROCK FACED SHORELINES.
  6. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

### Legend

|     | EXISTING BATHYMETRY | PROPOSED TARGET DREDGE DEPTH |
|-----|---------------------|------------------------------|
| 1   | 0.0                 | 0.0                          |
| 2   | 0.0                 | 0.0                          |
| 3   | 0.0                 | 0.0                          |
| 4   | 0.0                 | 0.0                          |
| 5   | 0.0                 | 0.0                          |
| 6   | 0.0                 | 0.0                          |
| 7   | 0.0                 | 0.0                          |
| 8   | 0.0                 | 0.0                          |
| 9   | 0.0                 | 0.0                          |
| 10  | 0.0                 | 0.0                          |
| 11  | 0.0                 | 0.0                          |
| 12  | 0.0                 | 0.0                          |
| 13  | 0.0                 | 0.0                          |
| 14  | 0.0                 | 0.0                          |
| 15  | 0.0                 | 0.0                          |
| 16  | 0.0                 | 0.0                          |
| 17  | 0.0                 | 0.0                          |
| 18  | 0.0                 | 0.0                          |
| 19  | 0.0                 | 0.0                          |
| 20  | 0.0                 | 0.0                          |
| 21  | 0.0                 | 0.0                          |
| 22  | 0.0                 | 0.0                          |
| 23  | 0.0                 | 0.0                          |
| 24  | 0.0                 | 0.0                          |
| 25  | 0.0                 | 0.0                          |
| 26  | 0.0                 | 0.0                          |
| 27  | 0.0                 | 0.0                          |
| 28  | 0.0                 | 0.0                          |
| 29  | 0.0                 | 0.0                          |
| 30  | 0.0                 | 0.0                          |
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| 37  | 0.0                 | 0.0                          |
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| 39  | 0.0                 | 0.0                          |
| 40  | 0.0                 | 0.0                          |
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| 74  | 0.0                 | 0.0                          |
| 75  | 0.0                 | 0.0                          |
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| 80  | 0.0                 | 0.0                          |
| 81  | 0.0                 | 0.0                          |
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| 95  | 0.0                 | 0.0                          |
| 96  | 0.0                 | 0.0                          |
| 97  | 0.0                 | 0.0                          |
| 98  | 0.0                 | 0.0                          |
| 99  | 0.0                 | 0.0                          |
| 100 | 0.0                 | 0.0                          |

Client/Project:

Client/Project:  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Project No.  
195601208

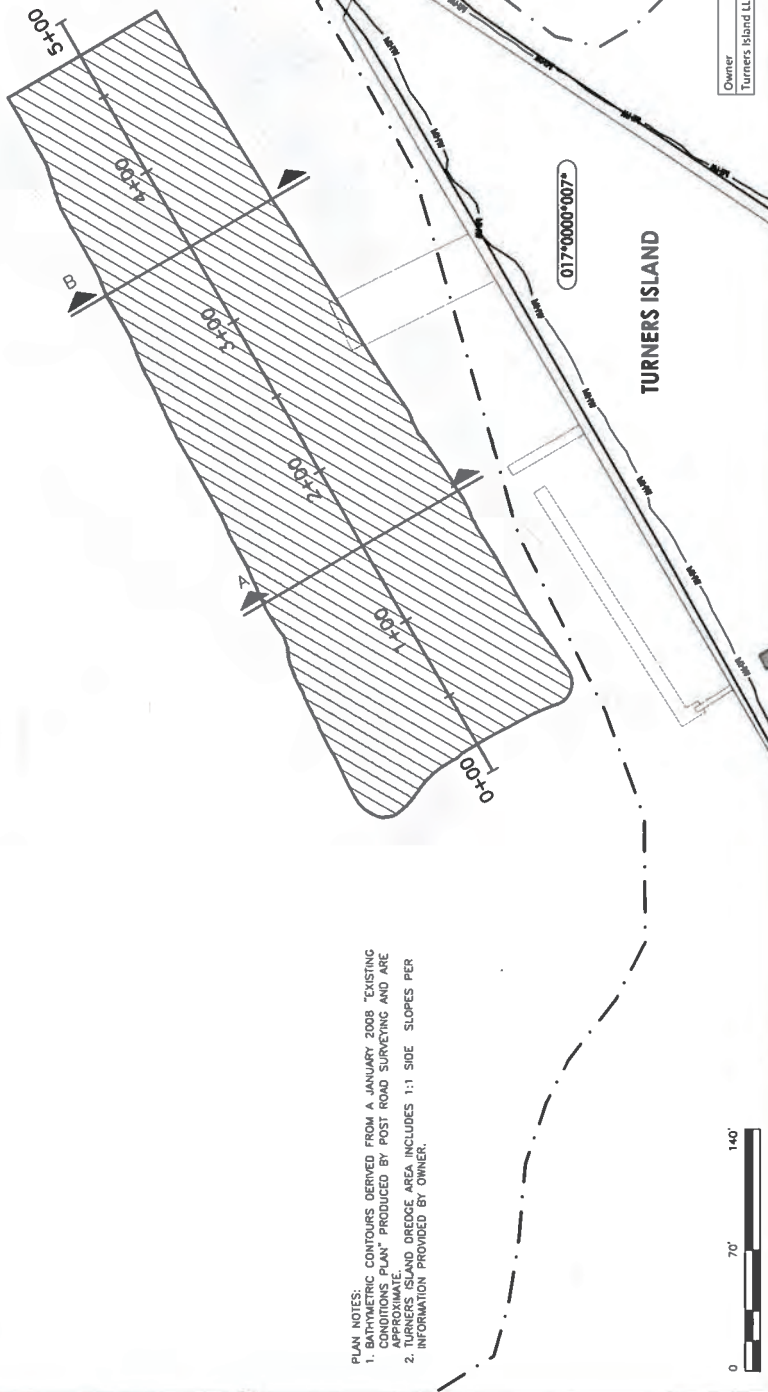
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Impact Area 1 & 2  
Ricker's Wharf Proposed  
Dredge Section View

|                  |            |
|------------------|------------|
| Revisão          | Date       |
|                  | 2020.03.24 |
| Referencia 3ºvol | Figura No  |



FORE RIVER



PLAN NOTES:  
1. BATHYMETRIC CONTOURS DERIVED FROM A JANUARY 2008 "EXISTING CONDITIONS PLAN" PRODUCED BY POST ROAD SURVEYING AND ARE APPROXIMATE.  
2. TURNERS ISLAND DREDGE AREA INCLUDES 1:1 SIDE SLOPES PER INFORMATION PROVIDED BY OWNER.

| Owner              | Pier/Area      | Map Book Lot  | Estimated Dredge Volume (c.y.) |
|--------------------|----------------|---------------|--------------------------------|
| Turners Island LLC | Turners Island | 017*0000*007* | 10,000                         |

Client/Project  
**Portland Harbor Commission  
Portland Harbor Dredge Project**

Turners Island  
**Proposed Dredge Plan View**

Revision: \_\_\_\_\_ Date: 2019.11.13  
Reference Sheet: \_\_\_\_\_ Figure No: 195401.684

**Legend**

- 1' BATHYMETRIC CONTOUR
- 2' BATHYMETRIC CONTOUR
- DREDGE AREA TAIL MAP PARCEL LINE
- DREDGE AREA TAIL MAP PARCEL NUMBER
- ESTIMATED DREDGE AREA
- EXISTING BUILDING/STRUCTURE
- APPROXIMATE SUBMERGED LANDS
- REGULATORY LIMIT (1831, 1866, OR 1870)

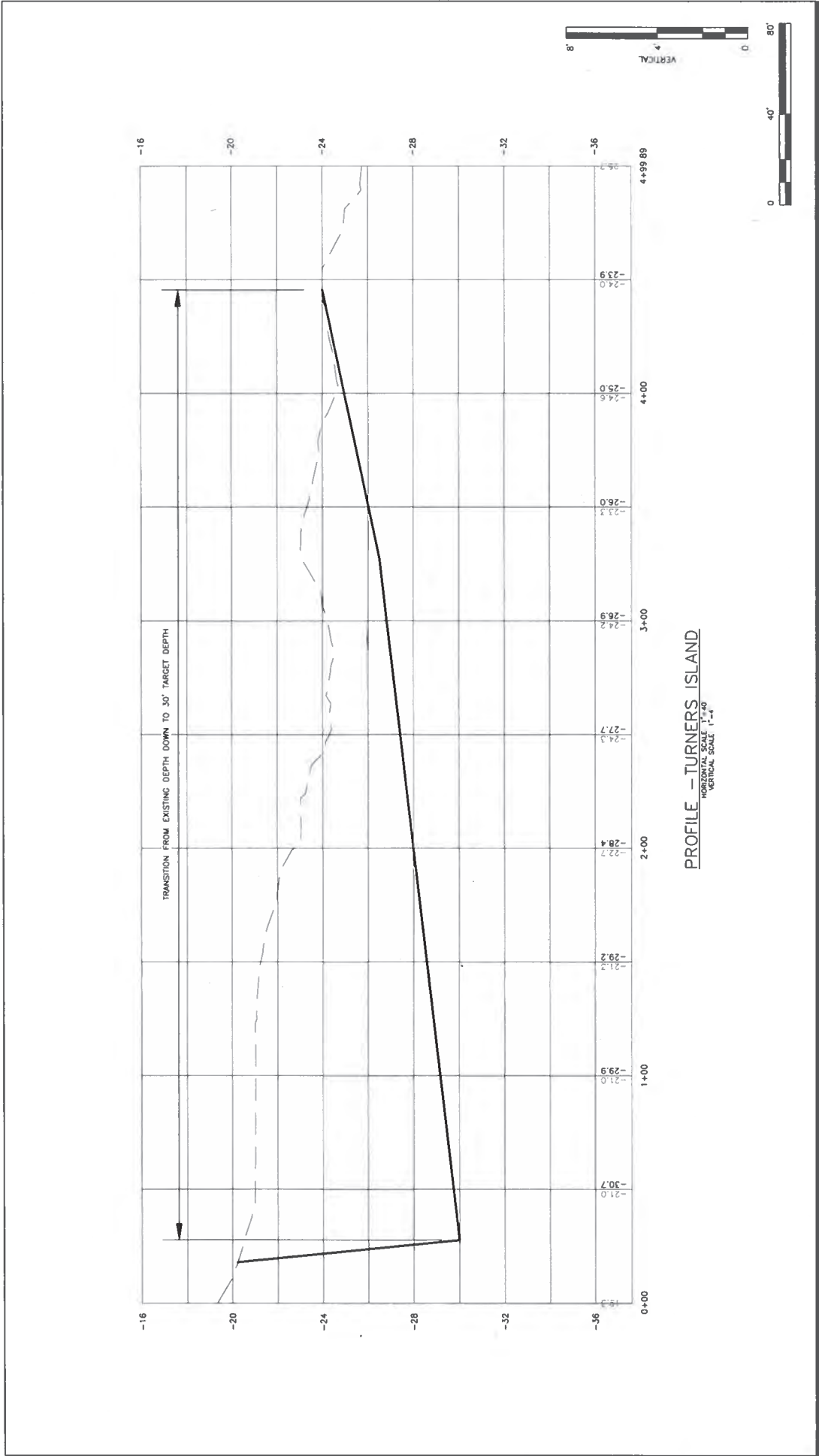
**NOTES:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2008. SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW).
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25' FOR CASCO BAY. SURVEY DATUM WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
3. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG EXISTING BUILDINGS/STRUCTURES.
4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRIC SURVEY UNITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF DE. ACCURACY OF EACH LINE FEATURE VARIES BY METHOD DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

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Lapram ME 04084-1737  
Tel: (207) 794-1199  
www.stantec.com

**NOTES:**

- BATHYMETRIC CONTOURS DERIVED FROM A JANUARY 2008 "EXISTING CONDITIONS PLAN" PRODUCED BY POST ROAD SURVEYING AND ARE APPROXIMATE
- BATHYMETRIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001
- ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS RESULTS IN THOSE AREAS ARE APPROXIMATE
- A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA
- TURNERS ISLAND DREDGE AREA INCLUDES 1:1 SIDE SLOPES PER INFORMATION PROVIDED BY OWNER

**Legend**

— EXISTING BATHYMETRY  
— PROPOSED TARGET DREDGE DEPTH

**Client/Project**

Portland Harbor Commission  
Portland Harbor Dredge Project

**Project No.** 195601684

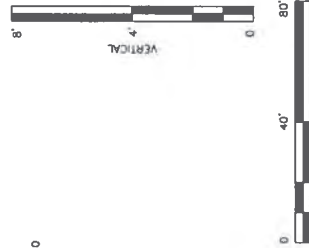
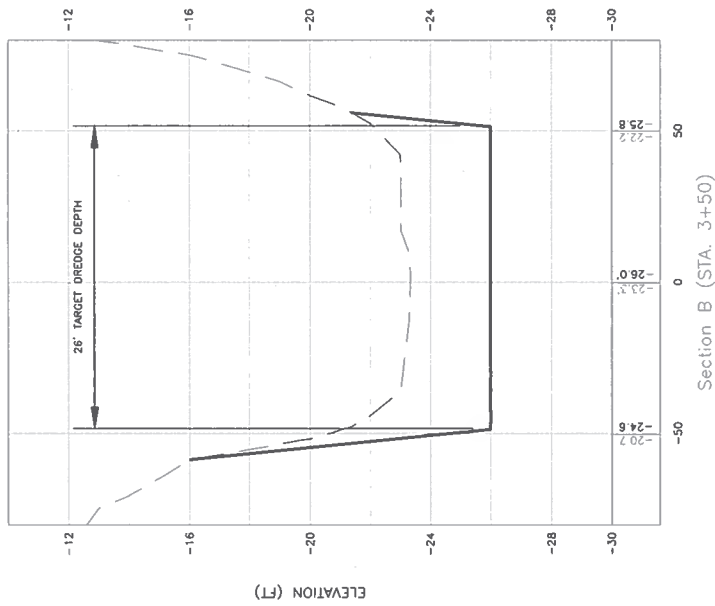
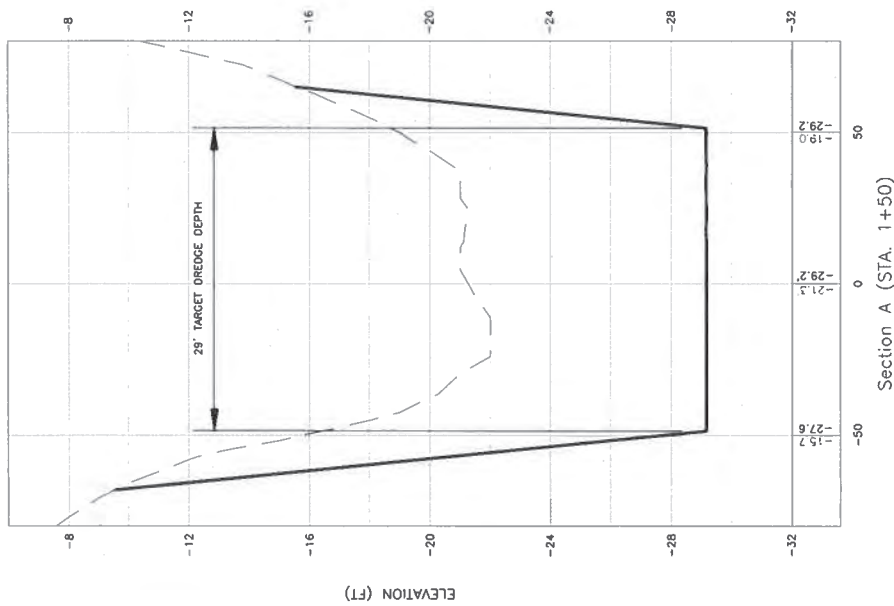
**Title**

Turners Island  
Proposed Dredge Profiles

**Revision** \_\_\_\_\_ **Date** 2019.11.13

**Reference Sheet** \_\_\_\_\_ **Figure No.** \_\_\_\_\_





# SECTION(S) - TURNERS ISLAND



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Laplace, ME 04086-1237  
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- NOTES:
1. BATHYMETRIC CONTOURS DERIVED FROM A JANUARY 2008 "EXISTING CONDITIONS PLAN" PRODUCED BY POST ROAD SURVEYING AND ARE APPROXIMATE.
  2. BATHYMETRIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 DATUM. ELEVATIONS ARE APPROXIMATE.
  3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE IN THOSE AREAS ARE MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. A 1:1 OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
  5. TURNERS ISLAND DREDGE AREA INCLUDES 1:1 SIDE SLOPES PER INFORMATION PROVIDED BY OWNER.

Legend

EXISTING BATHYMETRY  
PROPOSED TARGET DREDGE DEPTH

Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

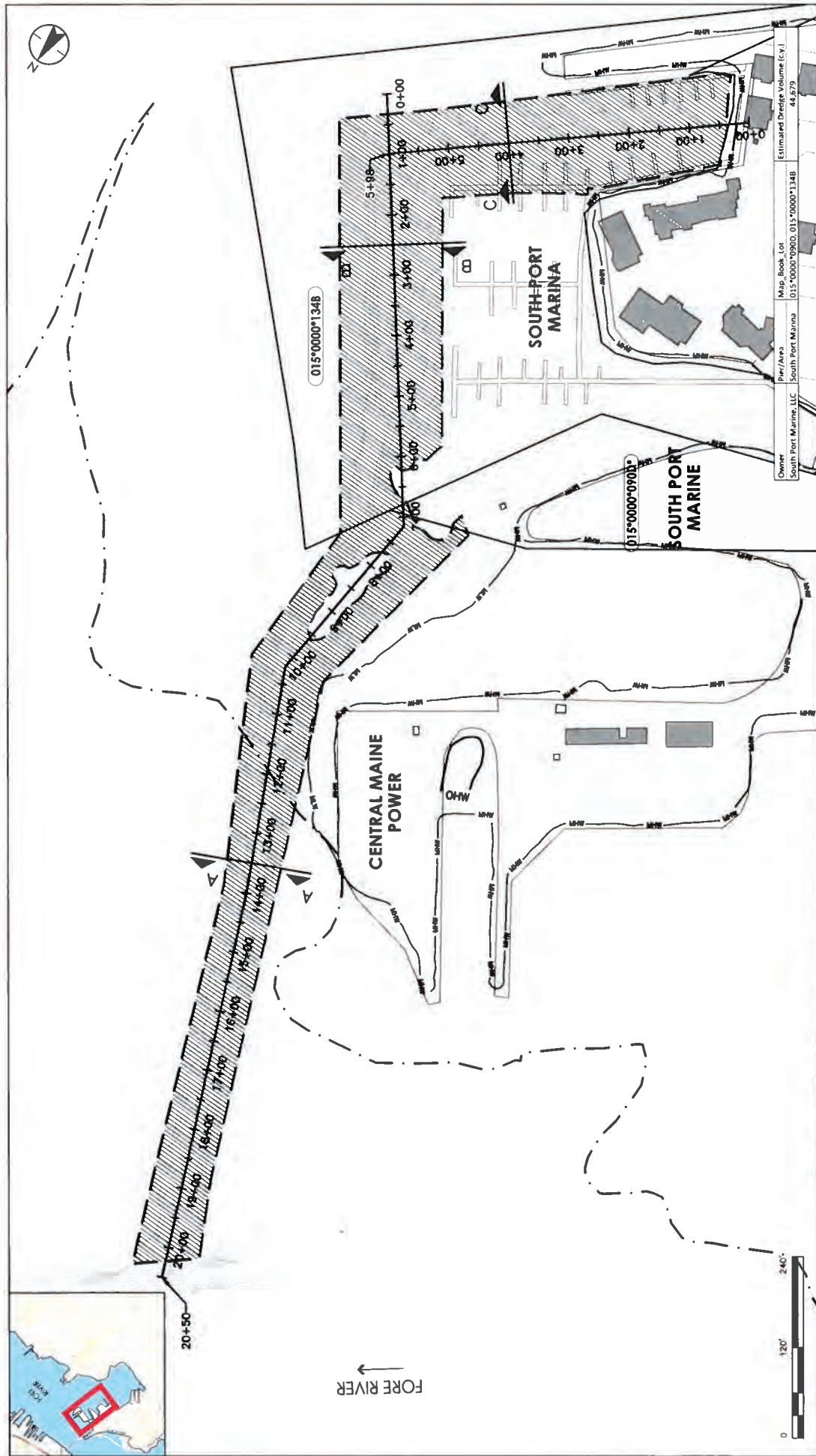
Project No.  
195601684

Turners Island  
Proposed Dredge  
Sections

Revision  
Date  
2019.11.13

Reference Sheet  
Figure No.





**Client/Project**

Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

**Project No.** 195601684

**Title**

South Port Marina  
Proposed Dredge  
Plan View

**Revision**

2019.11.13

**Date**

2019.11.13

**Figure No.**

Reference Sheet

**Owner** South Port Marine, LLC

**Map Book Lot** 015\*0000\*0900, 015\*0000\*134B

**Estimated Dredge Volume (C.Y.)** 44,679

**Legend**

1' BATHYMETRY CONTOUR

APPROX. MEAN LOW WATER

APPROX. MEAN HIGH WATER

STORMWATER OUTFALL

INSIDE AREA TOL MAP PARCEL LINE

ESTIMATED DREDGE AREA

EXISTING BUILDING/STRUCTURE

APPROXIMATE SUBMERGED LANDS

REGULATORY LIMIT (1833, 1866, OR 1870)

**NOTES:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APFC COMPANIES, LLC, BETWEEN NOVEMBER 29 AND NOVEMBER 30, 2018. SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 3.25' FOR CASCO BAY.

2. ELEVATION ASSUMPTIONS: ELEVATION DATA WAS DERIVED FROM BATHYMETRIC SURVEY DATA. ELEVATION DATA WAS DERIVED FROM BATHYMETRIC SURVEY DATA. ELEVATION DATA WAS DERIVED FROM BATHYMETRIC SURVEY DATA.

3. ELEVATION ASSUMPTIONS: ELEVATION DATA WAS DERIVED FROM BATHYMETRIC SURVEY DATA. ELEVATION DATA WAS DERIVED FROM BATHYMETRIC SURVEY DATA. ELEVATION DATA WAS DERIVED FROM BATHYMETRIC SURVEY DATA.

4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.

5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIER OR ALONG EXISTING BUILDING/STRUCTURE.

6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRIC SURVEY LIMITS AND APPROXIMATE MEAN HIGH WATER LINE (EL. 9.51' MLLW) DERIVED FROM 2' USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF GIS. ACCURACY OF EACH LINE FEATURE VARIES BY LOCATION DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

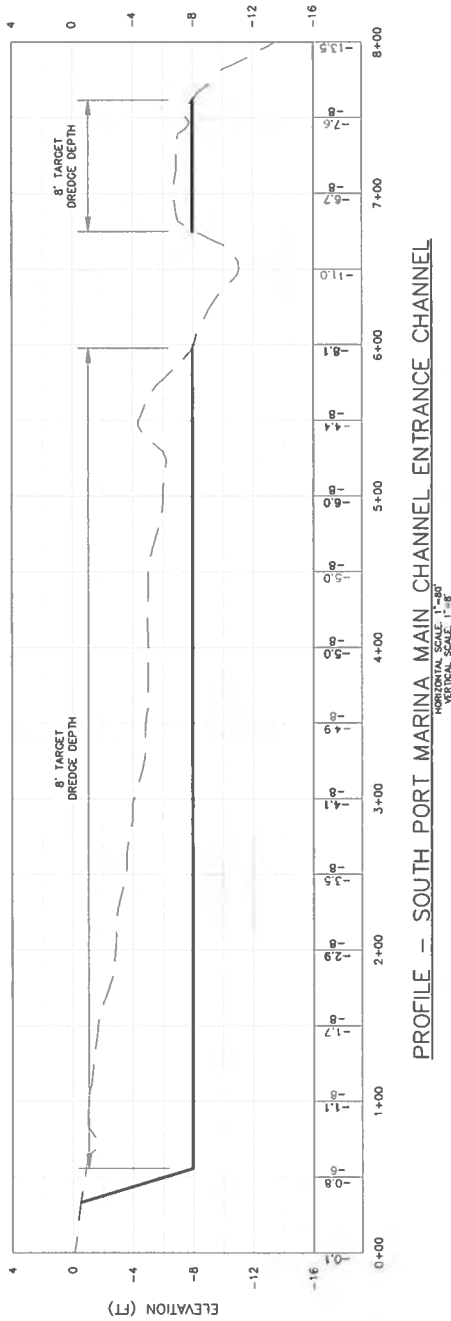
**Stantec**

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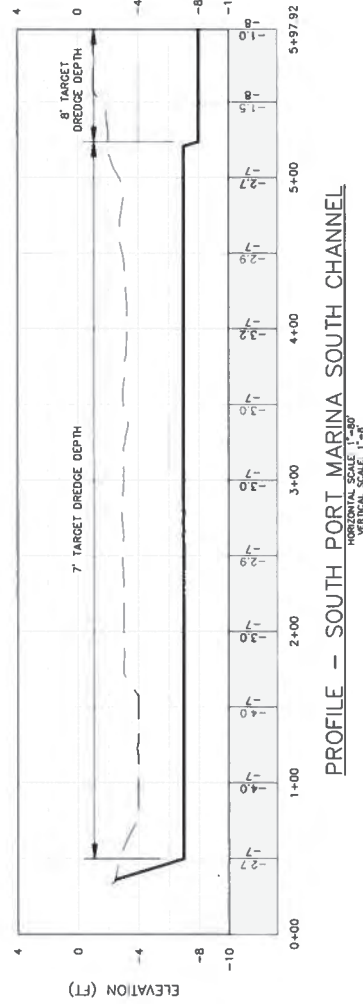
NOT FOR CONSTRUCTION

NOVEMBER 2019

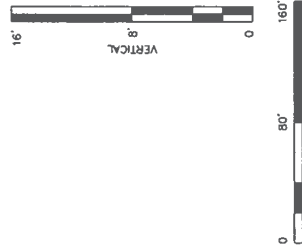
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30 Park Drive  
Portland ME 04106-1737  
Tel: (207) 724-1199  
www.stantec.com



PROFILE - SOUTH PORT MARINA MAIN CHANNEL ENTRANCE CHANNEL



PROFILE - SOUTH PORT MARINA SOUTH CHANNEL



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Camden, NJ 08105-1737  
1-800-779-1199  
www.stantec.com

- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN 1983-2001. ELEVATION DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW).
  2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW).
  3. 1983-2001 TOTAL EPOCH CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS ARE AS FOLLOWS:
  4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
  5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

Legend

EXISTING BATHYMETRY

PROPOSED TARGET DREDGE DEPTH

Client/Project  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

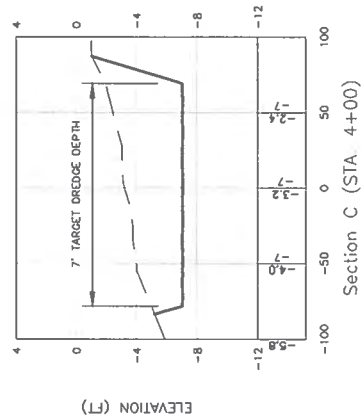
Project No.  
195601684

South Port Marina  
Proposed Dredge  
Profiles

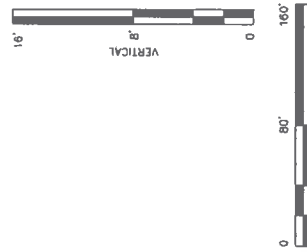
Reference Sheet

Date  
2019.11.13

Figure No.



HORIZONTAL SCALE: 1"=80'  
VERTICAL SCALE: 1"=8'



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Oxwich ME 04861 737  
Tel: 207/729-1159  
www.silontec.com

NOTES: 1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 28 AND DECEMBER 1, 2018, UNLESS OTHERWISE NOTED

2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) DAY

3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE

4. PROPOSED DREDGE AREAS ARE IDENTIFIED TO EACH PROPOSED DREDGE AREA

5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

Legend

|                              |
|------------------------------|
| EXISTING BATHYMETRY          |
| PROPOSED TARGET DREDGE DEPTH |

Client/Target  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

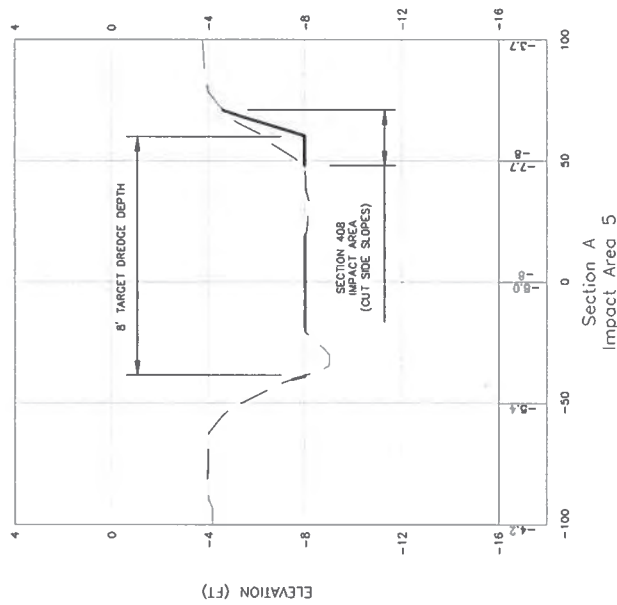
Project No. 195601684

**Int:** South Port Marina  
Proposed Dredge  
Sections

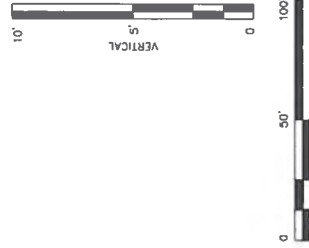
|                  |              |
|------------------|--------------|
| Revision         | Date         |
|                  | 2019.11.13   |
| Reference Street | F Guang Road |







**SOUTH PORT MARINA**  
HORIZONTAL SCALE: 1"=50'  
VERTICAL SCALE: 1"=5'



**Legend**  
— EXISTING BATHYMETRY  
— PROPOSED TARGET DREDGE DEPTH

- NOTES:**
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 20 AND DECEMBER 10, 2019. UNLESS OTHERWISE NOTED, ALL BATHYMETRIC SURFACE ELEVATIONS ARE REFERENCED TO MLLW.
  2. WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
  3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS ARE AS FOLLOWS:  
A. 1' OVEREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
  4. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

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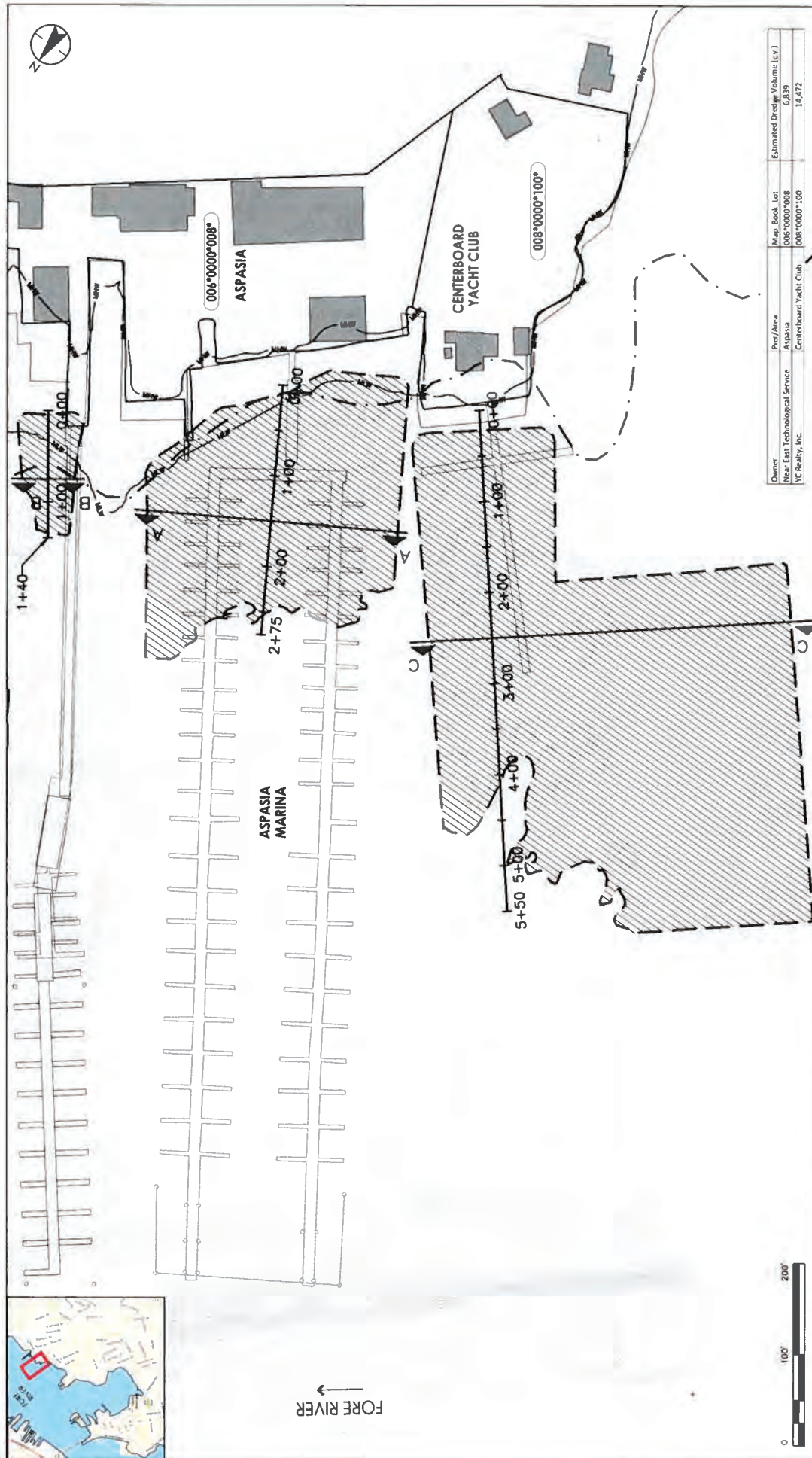
**Client/Project**  
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project  
Section 408 Impacts  
Project No.  
195601208

**Title**  
Impact Area 5  
South Port Marina Proposed  
Dredge Section View

**Revision**  
Reference Sheet

**Date**  
2020.03.24

**Figure File**  
Figure 11c



| Owner                           | Map Book Lot | Estimated Dredge Volume (CY) |
|---------------------------------|--------------|------------------------------|
| Near East Technological Service | 005*0000*008 | 6,839                        |
| NY Realty, Inc.                 | 008*0000*100 | 14,472                       |

Centerboard & Aspasia  
Marina Proposed Dredge  
Plan View

Revision: \_\_\_\_\_ Date: 2019.11.13  
Reference Sheet: \_\_\_\_\_ Figure No: \_\_\_\_\_

Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Project No: 19560 1684

APPROX. MEAN LOW WATER  
APPROX. MEAN HIGH WATER  
STORMWATER OUTFALL

Legend

- 1' BATHYMETRY CONTOUR
- DREDGE AREA, 1/4" MAP PARCEL LINE
- 1/4" MAP AND PARCEL NUMBER
- ESTIMATED DREDGE AREA
- EXISTING BUILDING/STRUCTURE
- APPROXIMATE SUBMERGED UNITS
- REGULATORY LIMIT (1851, 1855, OR 1870)

NOTES:

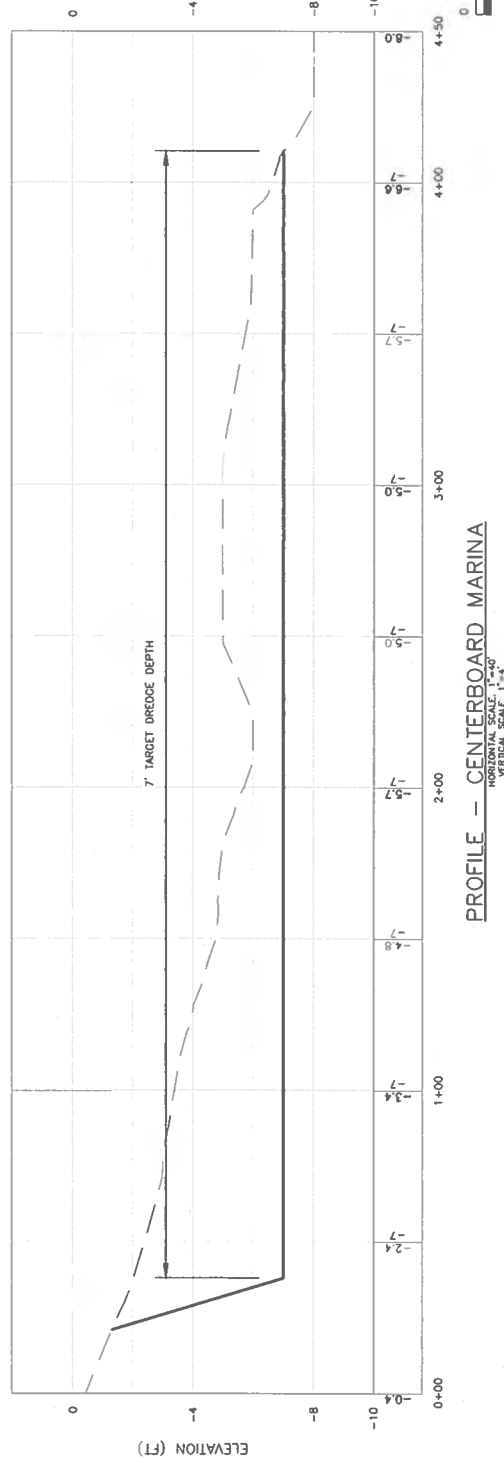
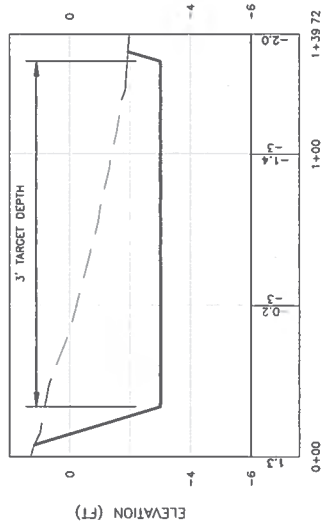
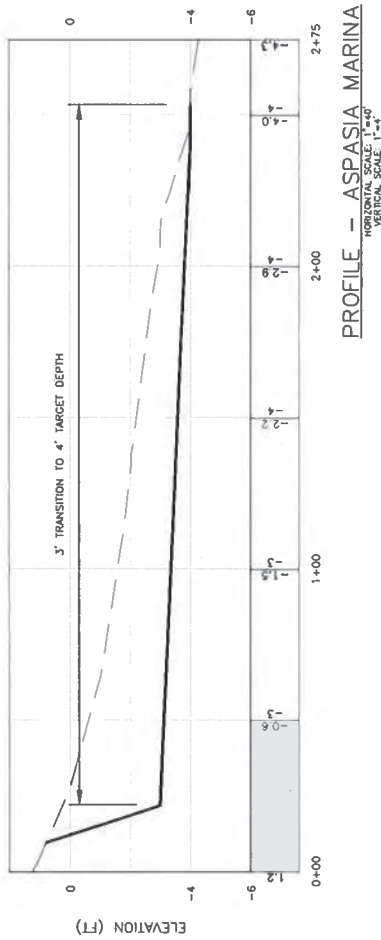
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APCX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND 30, 2019.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH.
3. CORRECTION FROM NAVD83 TO MLLW IS 5.25' FOR CASCO BAY.
4. PROPOSED DREDGE AREAS INCLUDE 3.1' SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG EXISTING BUILDINGS/STRUCTURES. WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREAS, PROPOSED AREAS ARE APPROXIMATE.
5. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRY SURVEY LIMITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF DEC. ACCURACY OF EACH LINE FEATURE VARIES BY LOCATION DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

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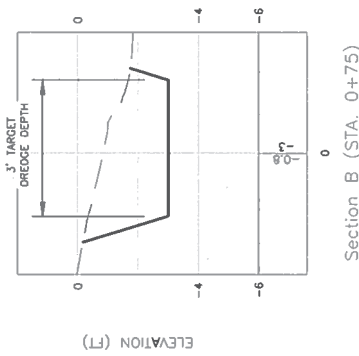
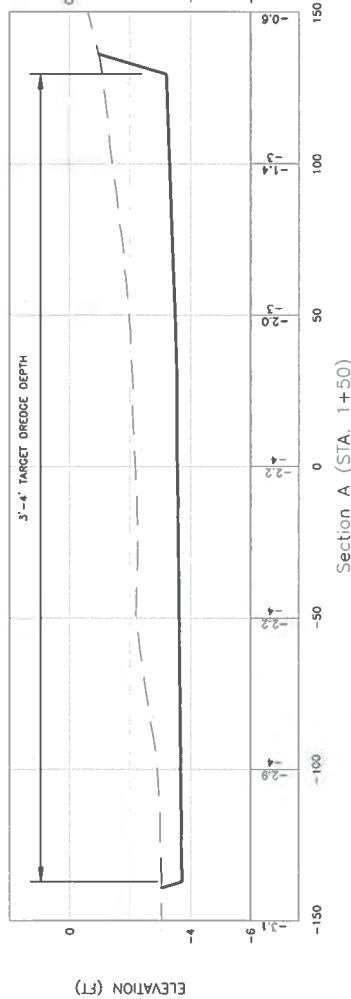
- NOTES:**
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  2. ELEVATION DATA WAS CORRECTED TO LOWER LOW WATER (LLW).
  3. 1985-2000 TIDE GAUGE CORRECTION FROM MAJOR TO CASCO BAY.
  4. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  5. PROPOSED DREDGE AREA WAS BEING ADDED TO EACH PROPOSED DREDGE AREA. EXISTING PIERS OR ALONG ROCK FACED SHORELINES IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

**Legend**  
 — EXISTING BATHYMETRY  
 — PROPOSED TARGET DREDGE DEPTH

**Client/Project**  
 Portland Harbor  
 Commission  
 Portland Harbor  
 Dredge Project

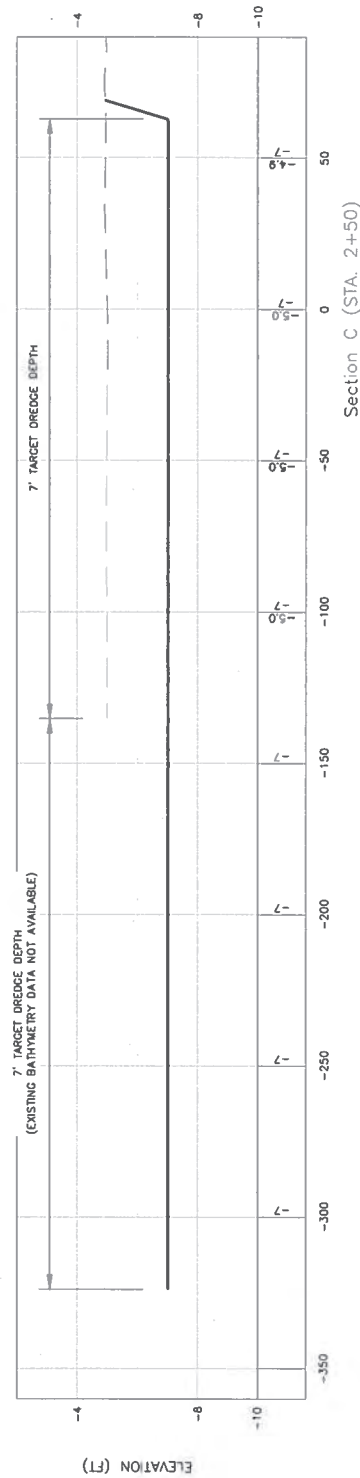
**Project No.**  
 195601684

**Title**  
 Centerboard & Aspasia  
 Marina Proposed Dredge  
 Profiles  
**Revision**  
 2019.11.13  
**Date**  
 Reference Sheet  
 Figure No.



### SECTION(S) - ASPASIA MARINA

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'



### SECTION(S) - CENTERBOARD MARINA

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'

Legend

EXISTING BATHYMETRY  
PROPOSED TARGET DREDGE DEPTH

- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  2. ELEVATION DATA WAS CORRECTED TO MLLW (0.00) FROM NAVD83 (4.25) FOR CASCO BAY.
  3. ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. PROPOSED DREDGE AREA IS APPLIED TO EACH PROPOSED DREDGE AREA.
  5. PROPOSED DREDGE AREA INCLUDES 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

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Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

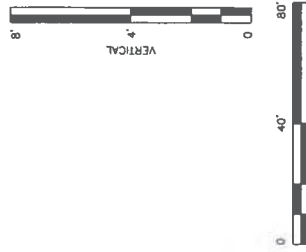
Project No.  
195601684

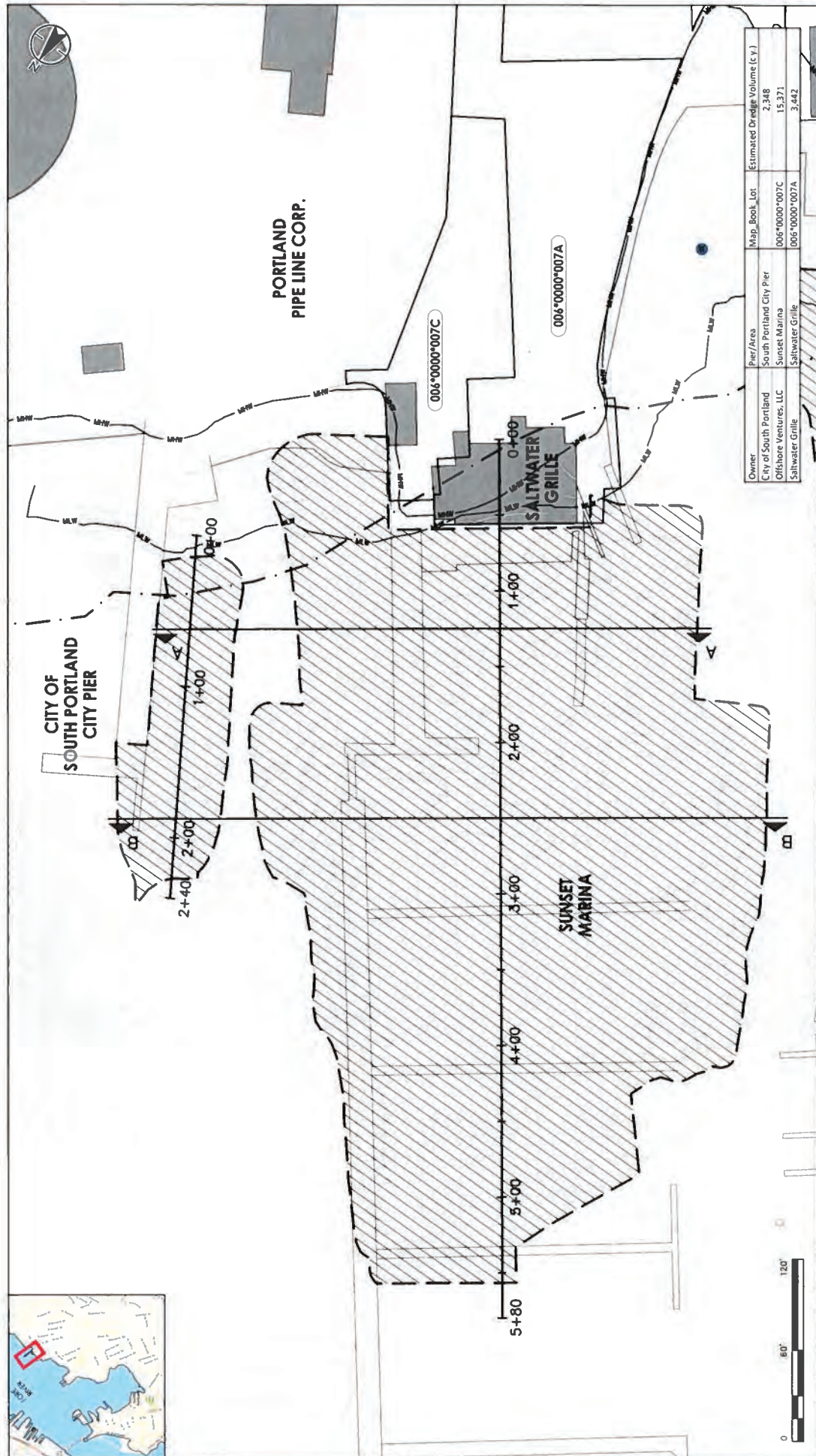
Title  
Centerboard & Aspasia  
Marina Proposed Dredge  
Sections

Revision  
2019.11.13

Date  
2019.11.13

Reference Sheet  
Figure No.





| Owner                  | Pier/Area                | Map Book Lot  | Estimated Dredge Volume (c.y.) |
|------------------------|--------------------------|---------------|--------------------------------|
| City of South Portland | South Portland City Pier | 006*0000*007C | 2,348                          |
| Offshore Ventures, LLC | Sunset Marina            | 006*0000*007A | 15,371                         |
| Saltwater Grille       | Saltwater Grille         | 006*0000*007A | 3,442                          |

Client/Project  
 South Portland City Pier &  
 Sunset Marina/Saltwater  
 Grille Proposed Dredge Plan  
 View

Revision  
 Date  
 2019.11.13  
 Figure No  
 Reference Sheet

Portland Harbor  
 Commission  
 Portland Harbor  
 Dredge Project

Project No  
 195601684

Legend

1' BATHYMETRIC CONTOUR  
 DREDGE AREA, TIDAL MAP PARCEL LINE  
 TIDAL MAP AND PARCEL NUMBER  
 ESTIMATED DREDGE AREA  
 EXISTING BUILDING/STRUCTURE  
 APPROXIMATE SUBMERGED LIMBS  
 REGULATORY LIMIT (1833, 1866, OR 1890)

APPROX. MEAN LOW WATER  
 APPROX. MEAN HIGH WATER  
 STORMWATER OUTFALL

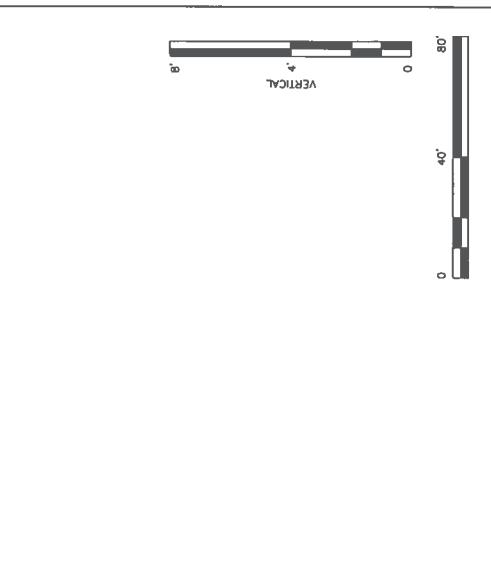
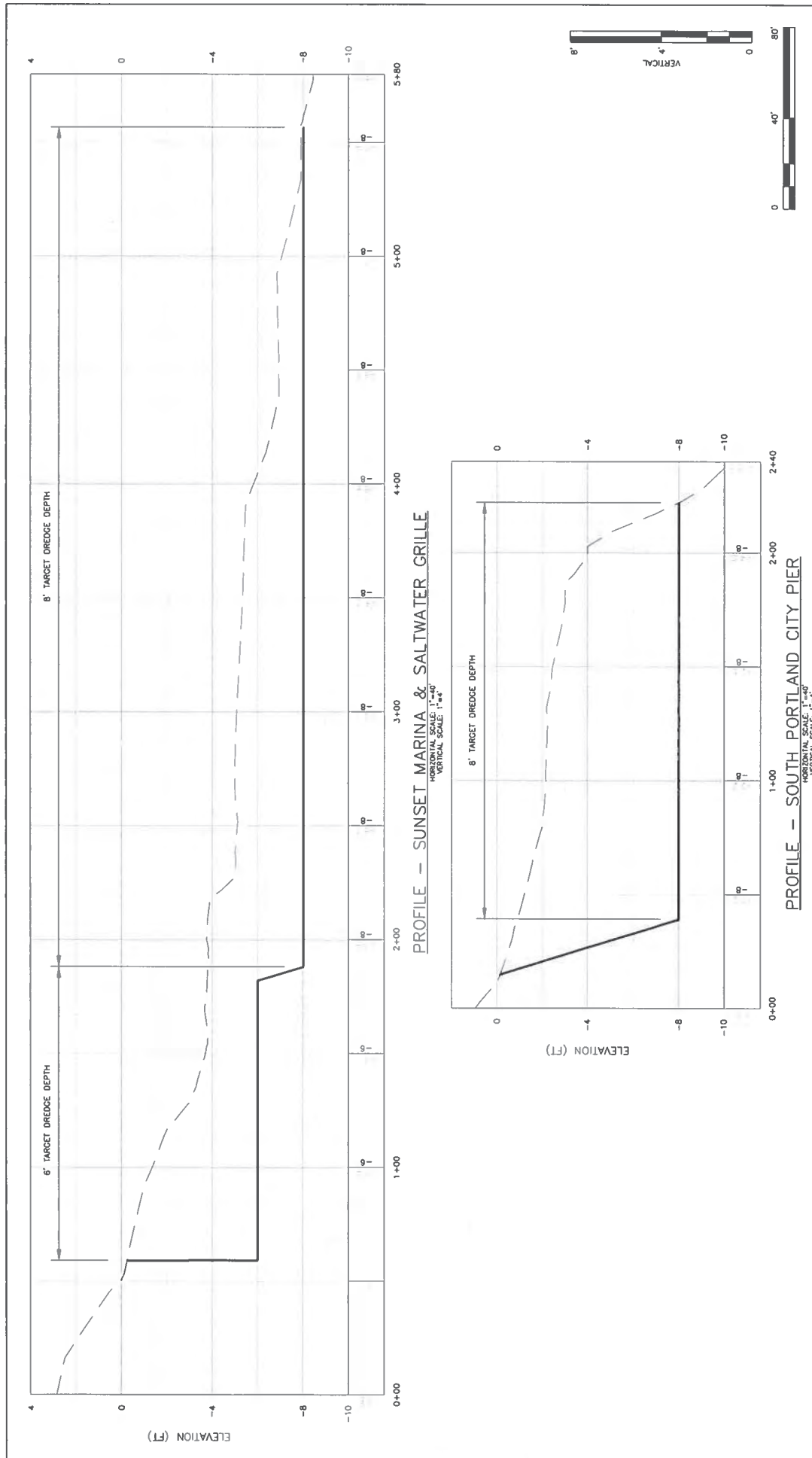
NOTES:

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND NOVEMBER 30, 2019.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVDOD 83 TO MLLW IS 3.25' FOR CASCO BAY.
3. EXISTING BATHYMETRIC SURVEY DATA WAS USED TO COMPLEMENT PROPOSED DREDGE AREA. SURVEY DATA IN THESE AREAS ARE APPROXIMATE.
4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIER OR ALONG EXISTING BUILDING/STRUCTURE.
6. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRIC SURVEY LIMITS AND USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF DEC. ACCURACY OF EACH LINE FEATURE VARIES BY LOCATION DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

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**NOTES:**

- HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2018. UNLESS OTHERWISE NOTED, ALL ELEVATIONS ARE IN MEANS SEA LEVEL (MSL).
- EXISTING BATHYMETRY IS BASED ON SURVEY DATA FROM 1982-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
- ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THIS CASE WERE INTERPOLATED.
- 1" OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
- PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

**Legend**

--- EXISTING BATHYMETRY

--- PROPOSED TARGET DREDGE DEPTH

**South Portland City Pier & Sunset Marina/Saltwater Grille Proposed Dredge Profiles**

Revision: \_\_\_\_\_ Date: 2019.11.13

Reference Sheet: \_\_\_\_\_ Figure 11a

**Portland Harbor Commission Portland Harbor Dredge Project**

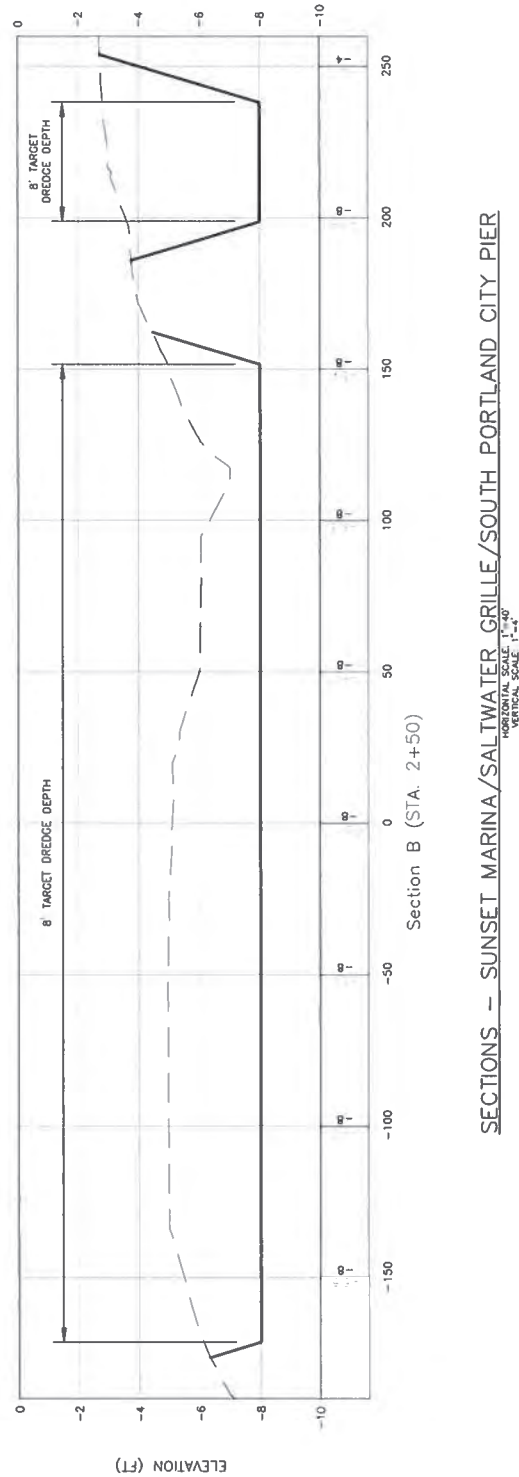
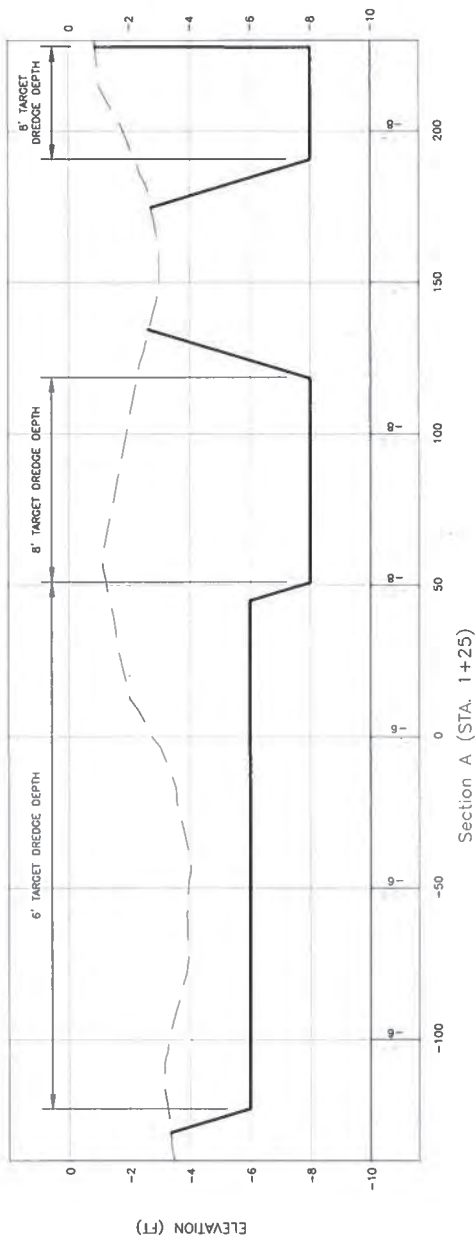
Project No: 195601684

**South Portland City Pier & Sunset Marina/Saltwater Grille Proposed Dredge Profiles**

Revision: \_\_\_\_\_ Date: 2019.11.13

Reference Sheet: \_\_\_\_\_ Figure 11a





# SECTIONS - SUNSET MARINA/SALTWATER GRILLE/SOUTH PORTLAND CITY PIER

## NOTES:

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW), CLASCO BAY.
3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. EXISTING SURFACES EXHIBIT PARALLEL SURFACES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

## Legend

- EXISTING BATHYMETRY
- PROPOSED TARGET DREDGE DEPTH

## Client/Project

Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

## Title

South Portland City Pier &  
Sunset Marina/Saltwater Grille  
Proposed Dredge Sections

## Revised

2019.11.13

## Reference Sheet

Figure No

Project No  
195601684

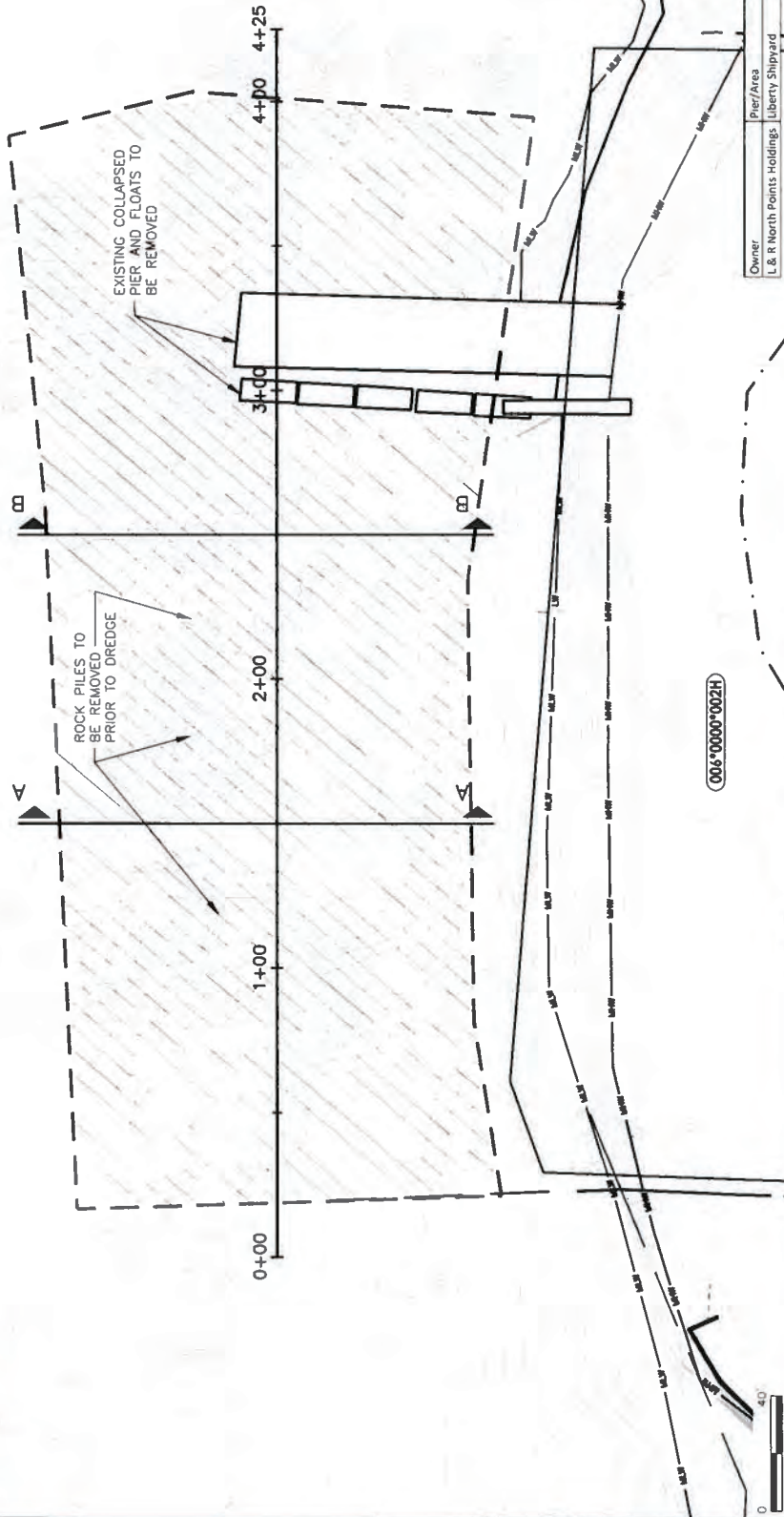


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BATHYMETRIC CONTOURS PROVIDED BY TEC ASSOCIATES (SURVEY DATE 7/1/2019).



**NOTES:**

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
2. CORRECTION FROM NAVD83 TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TOTAL EPOCH CORRECTION FROM NAVD83 TO MLLW IS 5.25' FOR CASCO BAY.
3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS NOT AVAILABLE. ELEVATIONS IN THOSE AREAS ARE APPROXIMATE.
4. A 1' OVERBORDE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.
6. ROCK FACED SHORELINES, IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.
7. USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF DEPARTMENT OF MARINE SURVEY, LAUNTS AND LOCATION DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

**Legend**

- 1' BATHYMETRIC CONTOUR
- DREDGE AREA (X M.P. PARCEL LINE)
- EXISTING BUILDING/STRUCTURE
- APPROXIMATE SLOPED UNITS REGULATORY LIMIT (1:1, 1:1.5, OR 1:2)
- APPROX. MEAN LOW WATER
- APPROX. MEAN HIGH WATER
- STORMWATER CUTLINE
- ESTIMATED DREDGE AREA
- EXISTING BUILDING/STRUCTURE
- APPROXIMATE SLOPED UNITS REGULATORY LIMIT (1:1, 1:1.5, OR 1:2)

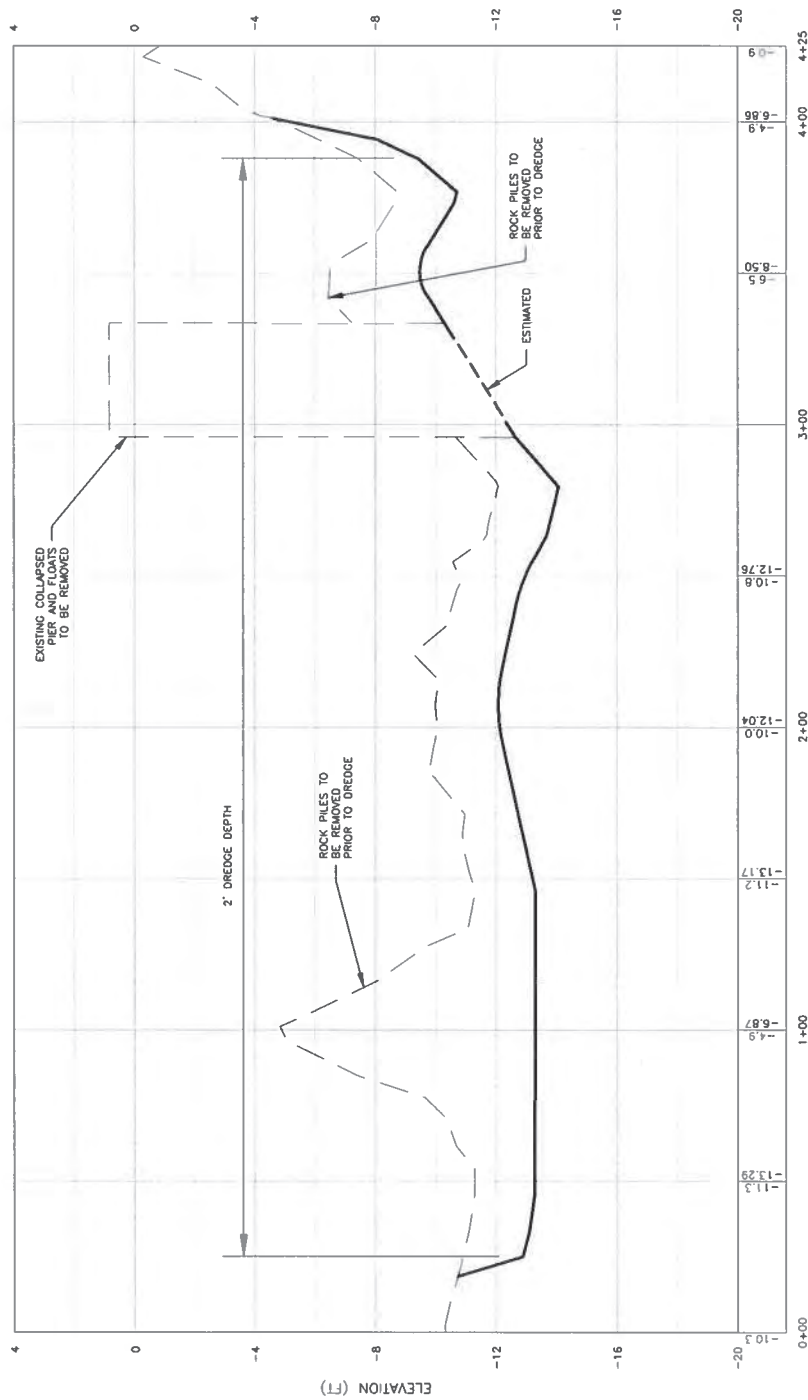
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|----------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Client/Project</b><br>Portland Harbor Commission<br>Portland Harbor Dredge Project<br>Project No. 195601684 |                                      | <b>Title</b><br>Liberty Shipyard<br>Proposed Dredge<br>Plan View<br>Revision: 2019.11.13<br>Reference Sheet: |
| <b>Owner</b><br>L & R North Points Holdings                                                                    | <b>Pier/Area</b><br>Liberty Shipyard | <b>Map Book Lot</b><br>006*0000*002H                                                                         |
| <b>Estimated Dredge Volume (C.Y.)</b><br>6,444                                                                 |                                      |                                                                                                              |

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# PROFILE - LIBERTY SHIPYARD

HORIZONTAL SCALE: 1"=40'  
VERTICAL SCALE: 1"=4'

Legend  
— EXISTING BATHYMETRY  
— PROPOSED TARGET DREDGE DEPTH

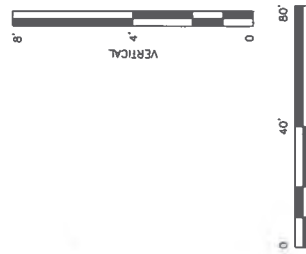
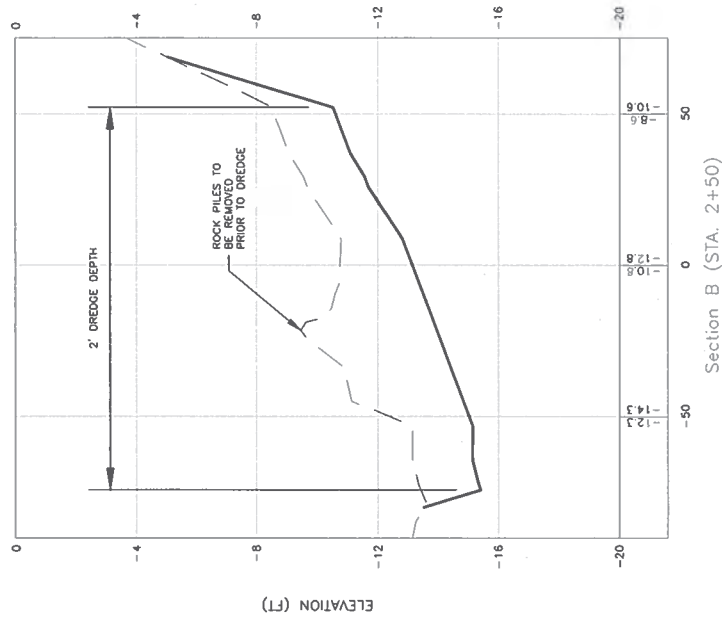
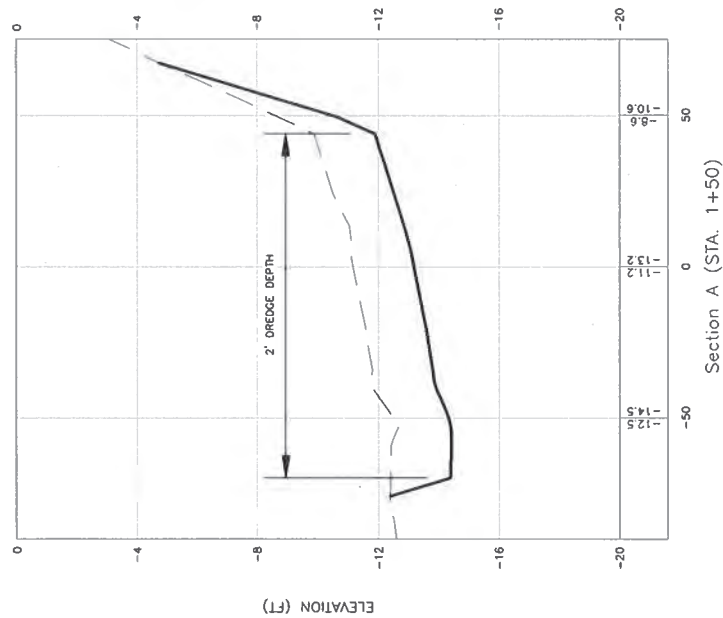
- NOTES:
1. BATHYMETRIC CONTOURS DERIVED FROM A JULY, 1 2019 SURVEY PERFORMED BY TEC ASSOCIATES.
  2. BATHYMETRIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 DATUM.
  3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
  4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
  5. PROPOSED DREDGE AREAS INCLUDE SUELOPES EXCEPT WHERE THEY ARE PARALLEL TO EXISTING PIER. ALONG ROCK FACED SHORELINES, IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

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|                 |                                                 |                                                                    |           |
|-----------------|-------------------------------------------------|--------------------------------------------------------------------|-----------|
| Title           | Liberty Shipyard<br>Proposed Dredge<br>Profiles |                                                                    |           |
|                 | Client/Project                                  | Portland Harbor<br>Commission<br>Portland Harbor<br>Dredge Project |           |
| Revision        | 2019.11.13                                      | Figure No.                                                         | 195601684 |
| Reference Sheet |                                                 |                                                                    |           |



# SECTION(S) - LIBERTY SHIPYARD

- Legend**
- EXISTING BATHYMETRY
  - PROPOSED TARGET DREDGE DEPTH

- NOTES:**
- BATHYMETRIC CONTOURS DERIVED FROM A JULY, 1 2019 SURVEY PERFORMED BY TEC ASSOCIATES.
  - BATHYMETRIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 DATUM.
  - ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS RESULTS IN THOSE AREAS ARE APPROXIMATE.
  - A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
  - EXISTING PERS OR ALONG ROCK FACED SHORELINES IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

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**Client/Project**

Portland Harbor Commission  
Portland Harbor Dredge Project

**Title**

Liberty Shipyard Proposed Dredge Sections

**Project No**

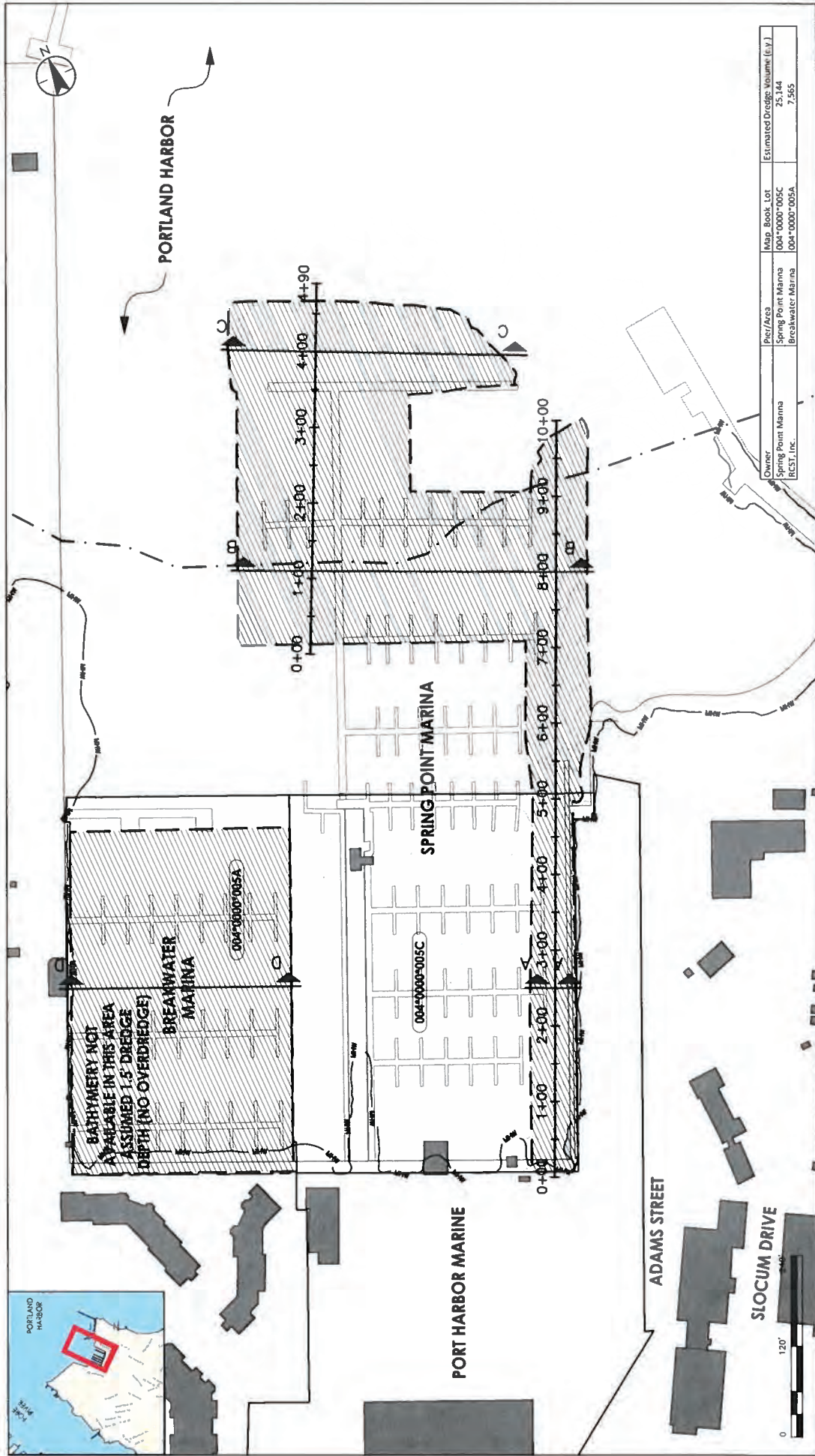
195601684

**Revision**

2019.11.13

**Figure No**

Reference Sheet



| Owner               | Map Book Lot  | Estimated Dredge Volume (cu yd) |
|---------------------|---------------|---------------------------------|
| Spring Point Marina | 004*0000*005C | 25,144                          |
| Breakwater Marina   | 004*0000*005A | 7,565                           |

|                 |                                                              |
|-----------------|--------------------------------------------------------------|
| Client/Project  | Portland Harbor Commission<br>Portland Harbor Dredge Project |
| Id#             | Breakwater/Spring Point Marina Proposed Dredge Plan View     |
| Revision        | 2019.11.13                                                   |
| Reference Sheet | Figure No.                                                   |

|             |           |
|-------------|-----------|
| Project No. | 195601684 |
|-------------|-----------|

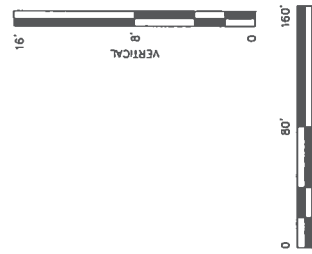
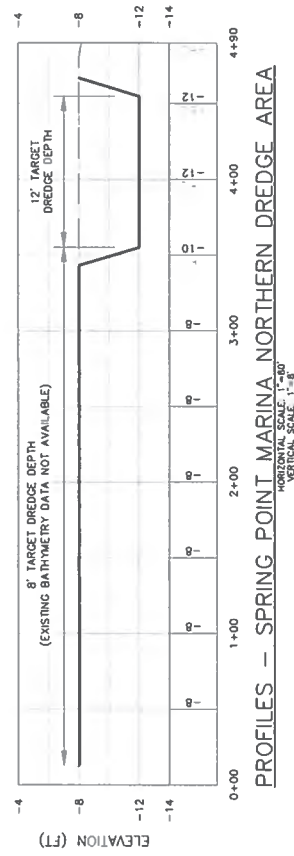
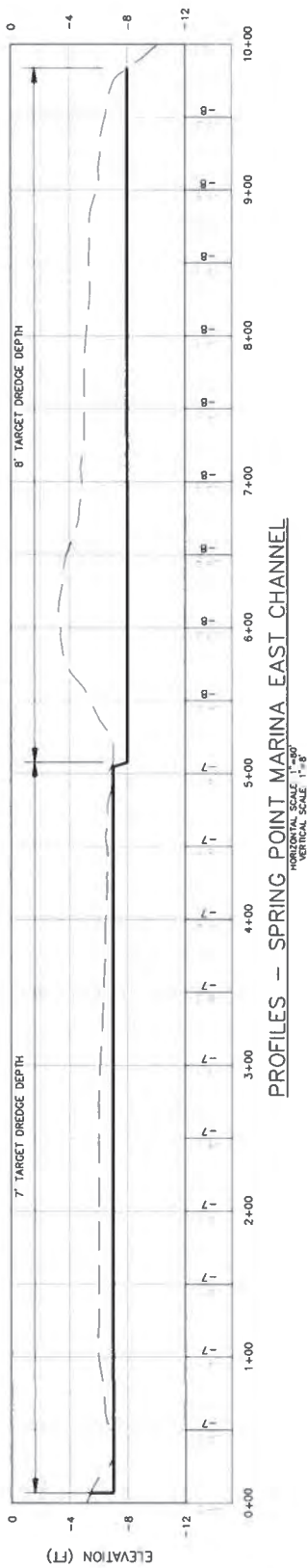
|                                       |                                       |
|---------------------------------------|---------------------------------------|
| APPROX. MEAN LOW WATER                | MLW                                   |
| APPROX. MEAN HIGH WATER               | MHW                                   |
| STORMWATER OUTFALL                    | SWO                                   |
| BATHYMETRY CONTOUR                    | 1' BATHYMETRY CONTOUR                 |
| DREDGE AREA TAX MAP PARCEL LINE       | DREDGE AREA TAX MAP PARCEL LINE       |
| TAX MAP AND PARCEL NUMBER             | TAX MAP AND PARCEL NUMBER             |
| ESTIMATED DREDGE AREA                 | ESTIMATED DREDGE AREA                 |
| EXISTING BUILDING/STRUCTURE           | EXISTING BUILDING/STRUCTURE           |
| APPROXIMATE SUBMERGED LANDS           | APPROXIMATE SUBMERGED LANDS           |
| REGULATORY LIMIT (ULS, 1966, OR 1870) | REGULATORY LIMIT (ULS, 1966, OR 1870) |

NOTES:

1. DREDGING BATHYMETRY SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 20, 2018. UNLESS OTHERWISE NOTED.
2. HYDROGRAPHIC SURVEY DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 3.25' FOR CASCO BAY. ELEVATIONS SHOWN WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THOSE AREAS ARE APPROXIMATE.
3. PROPOSED DREDGE AREA INCLUDES: CASCO BAY, EXISTING DREDGE AREA, AND PARALLEL EXISTING PIERS OR ALONG SIDE OF EXISTING DREDGE AREA.
4. A 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. APPROXIMATE MEAN LOW WATER LINE (EL. 0.35' MLLW) DERIVED FROM EXISTING BATHYMETRY SURVEY LIMITS AND MAY NOT BE SHOWN IN ALL AREAS.
6. APPROXIMATE MEAN HIGH WATER LINE (EL. 9.51' MLLW) DERIVED FROM 2' USGS CONTOURS OBTAINED FROM THE MAINE OFFICE OF COASTAL AND ESTUARINE SCIENCE. THESE LIMITS ARE SUBJECT TO VARIATIONS DUE TO VARIABLES SUCH AS OBSTRUCTIONS (E.G., VESSELS), SURVEY TIME OF YEAR, AND COLLECTION METHODS.

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NOTES:

1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN 1983-2001 TIDAL EPOCH. CORRECTION FROM NAVD83 TO MLLW IS 5.25 FOR CASCO BAY.
2. HYDROGRAPHIC SURVEY DATA IS REFERENCED TO MEAN LOWER LOW WATER (MLLW).
3. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE ELEVATION DATA WAS MISSING TO COMPLETE PROPOSED DREDGE AREA FOOTPRINTS. RESULTS IN THIS CASE WERE ASSUMED TO BE THE MAXIMUM DREDGE AREA.
4. 1' OVERDREDGE HAS BEEN APPLIED TO EACH PROPOSED DREDGE AREA.
5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

Legend

EXISTING BATHYMETRY

PROPOSED TARGET DREDGE DEPTH

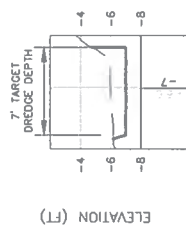
Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Breakwater/Spring Point  
Marina Proposed Dredge  
Profiles

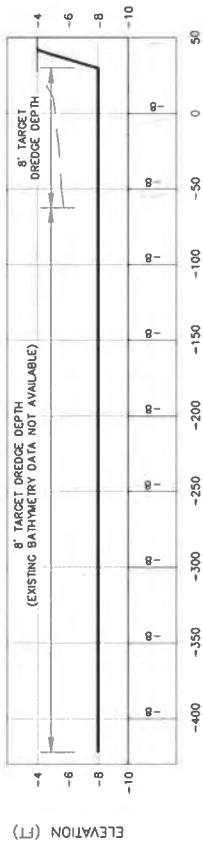
Revision: 2019.11.13

Date: 2019.11.13

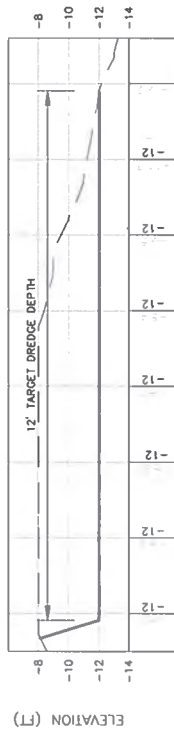
Figure No: 195601684



Section A (STA. 2+50)



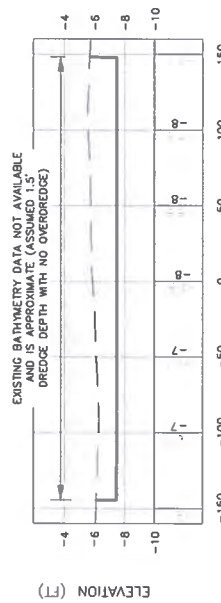
Section B (STA. 8+00)



Section C (STA. 4+00)

# SECTIONS — SPRING POINT MARINA

HORIZONTAL SCALE: 1"=80'  
VERTICAL SCALE: 1"=8'



Section D (STA. 3+00)

# SECTION — BREAKWATER MARINA

HORIZONTAL SCALE: 1"=80'  
VERTICAL SCALE: 1"=8'

- NOTES:
1. HYDROGRAPHIC BATHYMETRIC SURVEY PERFORMED BY APEX COMPANIES, LLC, BETWEEN NOVEMBER 29 AND DECEMBER 1, 2016, UNLESS OTHERWISE NOTED.
  2. ELEVATIONS ARE MEAN SEA LEVEL (MSL) UNLESS OTHERWISE NOTED. WATER (MILLIN) CORRECTION FROM NAVD83 TO MLLW IS 4.25 FOR CASCO BAY.
  3. 1985-2001 TIDAL EPOCH. CORRECTIONS FROM NAVD83 TO MLLW IS 4.25 FOR CASCO BAY.
  4. ELEVATION ASSUMPTIONS WERE MADE TO THE EXISTING BATHYMETRIC SURFACES WHERE IN THOSE AREAS ARE APPROXIMATE.
  5. PROPOSED DREDGE AREAS INCLUDE 3:1 SIDE SLOPES EXCEPT WHERE THEY PARALLEL EXISTING PIERS OR ALONG ROCK FACED SHORELINES. IN THOSE CASES, A STRAIGHT CUT EDGE WAS APPLIED.

## Legend

EXISTING BATHYMETRY  
PROPOSED TARGET DREDGE DEPTH

Rev: 2019.11.13  
Date: 2019.11.13  
Reference Sheet: Figure 110

Portland Harbor  
Commission  
Portland Harbor  
Dredge Project

Project No.  
195601684

**Stantec**

FOR PERMITTING  
PURPOSES ONLY  
NOT FOR CONSTRUCTION  
NOVEMBER, 2019

Stantec Consulting Services Inc.  
30 Park Drive  
Loppsville, ME 04068-1737  
Tel: 207.633.1111  
www.stantec.com





**US Army Corps  
of Engineers®**  
New England District

**INDIVIDUAL PERMIT  
WORK-START NOTIFICATION FORM**  
(Minimum Notice: Two weeks before work begins)

**EMAIL THIS FORM TO:** [colin.m.greenan@usace.army.mil](mailto:colin.m.greenan@usace.army.mil)

A Corps of Engineers Permit (No. NAE-2020-00214) was issued to the Portland Harbor Commission. The work is located in and around Portland Harbor at Portland and South Portland, Maine. The permit authorized the permittee to perform maintenance dredging at 47 separate waterfront parcels including 21 piers, 10 marinas, and three public access points in order to restore full-tide access to historic berthing, vessel support, and public access areas. The cumulative dredge volume including a 1-ft. allowable over-dredge is approximately 244,678 cubic yards over approximately 46.8 ac. Dredged material will be disposed at the Portland Harbor CAD cell. All work will be conducted between November 1<sup>st</sup> and March 15<sup>th</sup> of any year.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_

Proposed Work Dates: Start: \_\_\_\_\_

Finish: \_\_\_\_\_

PERMITTEE'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

*FOR USE BY THE CORPS OF ENGINEERS*

Project Manager: GREENAN Submittals Required: YES

Inspection Recommendation: inspect as convenient





**US Army Corps  
of Engineers®**  
New England District

**DISPOSAL REQUEST FORM**

Complete and send this form to: 978-318-8303 (fax), [cenae-r@usace.army.mil](mailto:cenae-r@usace.army.mil), or:  
Policy and Technical Support Branch  
Regulatory Division  
U.S. Army Corps of Engineers, New England District  
696 Virginia Road  
Concord, MA 01742-2751

|                      |                |
|----------------------|----------------|
| Request Date         |                |
| Corps File Number    | NAE-2020-00214 |
| Permit Issuance Date |                |

**Permittee's Information**

|                   |                                                      |
|-------------------|------------------------------------------------------|
| Name              | Portland Harbor Commission                           |
| Street            | Marine Trade Center, 2 Portland Fish Pier, Suite 105 |
| City/State/Zip    | Portland, Maine 04101                                |
| Contact Person    | Dan Haley                                            |
| Phone # and Email | 207-772-8121 danhaley@portlandharbor.org             |

**Contractor's Information**

|                   |  |
|-------------------|--|
| Name              |  |
| Street            |  |
| City/State/Zip    |  |
| Contact Person    |  |
| Phone # and Email |  |

**Dredge Information**

|                                                   |          |
|---------------------------------------------------|----------|
| Dredge site location                              |          |
| Disposal area name                                |          |
| Start and end dates                               |          |
| List any Corps provided time of year restrictions |          |
| Is this continuing work?                          |          |
| Permitted volume                                  | cu. yds. |
| Previous volume disposed                          | cu. yds. |
| Proposed volume to be disposed                    | cu. yds. |
| Project dredge depth                              |          |

|                      |                              |
|----------------------|------------------------------|
| Disposal vessel name | Date vessel certified in DQM |
|                      |                              |
|                      |                              |
|                      |                              |



**US Army Corps  
of Engineers®**  
New England District

(Minimum Notice: Permittee must sign and return notification  
within one month of the completion of work.)

### COMPLIANCE CERTIFICATION FORM

**Corps Project Number:** NAE-2020-00214

**Name of Permittee:** Dan Haley, Portland Harbor Commission

**Permit Issuance Date:** \_\_\_\_\_

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

\*\*\*\*\*  
\* MAIL TO: U.S. Army Corps of Engineers, New England District \*  
\* Policy Analysis/Technical Support Branch, ATTN: Marie Farese \*  
\* Regulatory Division \*  
\* 696 Virginia Road \*  
\* Concord, Massachusetts 01742-2751 \*  
\*\*\*\*\*

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

**I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.**

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date of Work Completion

( ) \_\_\_\_\_

Telephone Number



CITY OF  
**SOUTH  
PORTLAND**



**Board of Harbor Commissioners  
for the Harbor of Portland**

**Date:** December 15, 2023  
**To:** Bruce Van Note, MaineDOT Commissioner  
**From:** Danielle West, Portland City Manager  
 Scott Morelli, South Portland City Manager  
 Daniel Haley, Chair of the Portland Harbor Commission  
**RE:** **Initiating Phase I Dredging for Portland Harbor**  
**CC:** Greg Watson, Portland Director of Housing and Economic Development  
 Josh Reny, South Portland Assistant City Manager  
 Bill Mann, South Portland Economic Development Director  
 Chris Mayo, Ports and Marine Infrastructure Director, MaineDOT  
 Nathan Moulton, Multimodal Director, MaineDOT  
 Bill Needelman, Portland Waterfront Coordinator

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#### **Introduction:**

Following a December 5, 2023 meeting between senior staff members and representatives from the Maine Department of Transportation ("MaineDOT"), City of Portland, City of South Portland, and the Portland Harbor Commission, this memo outlines the basic framework for initiating the first phase of dredging vessel support infrastructure in Portland Harbor.

#### **Areas of Agreement:**

All parties agree that the decades-long process of planning for the dredging of vessel support infrastructure in Portland Harbor (the "Project") remains a priority for the communities and the State of Maine. Maine's largest working waterfront lies at the center of the economic engine of the state. However, the harbor has lost significant capacity and is at increasing risk of further loss due to legacy pollutants and ongoing sedimentation. Dredging the piers, wharfs, marinas, and ramps of Portland Harbor is the only solution. Dredging is now achievable due to the multi-year effort and collaboration between the Project Team and MDOT. With permits and funding in hand, the time to initiate the Project is now.

#### **Project Phase I Scope and Budget:**

As currently envisioned, Phase I of the Project includes constructing the Confined Aquatic Disposal (CAD) cell as well as dredging 115,000 cubic yards of material from public and private vessel support areas. Phase I dredging will maintain the two largest cruise ship berths in Maine, the only commercial barge landing in southern Casco Bay, regional public ferry service, emergency vessel dockage, the Portland Fish Pier, Emskip berthing, vessel repair facilities, heavy marine construction dockage, and berthing for hundreds of private vessels. At the completion of Phase I, the fully constructed CAD cell will retain capacity to accommodate 129,000 cubic yards of additional material for a future phase of dredging in Portland Harbor.

Using available public funds (see budget below) and private contributions currently proposed at \$35 per cubic yard, Phase I is fully funded at an estimated cost of \$25,049,688. Phase I will concentrate on those areas with technical and financial readiness to commence as soon as Winter 2024/2025. With State of Maine's commitment, Phase I would go to bid by June/July 2024 with contracts awarded prior to Labor Day 2024. Phase I will be fully expended by December 31, 2026.

Planning and design for a subsequent Phase of dredging work will continue simultaneously with Phase I work. This second Phase of dredging would be financed with private tipping fees, as may be reduced and or financed through continued applications for outside funding. The Project Team will continue to work with private pier and property owners to seek outside funding to assist them with financing and to lower dredge costs.

**Phase I Budget: \$35 Cubic Yard Private Tipping  
Fee Scenario**

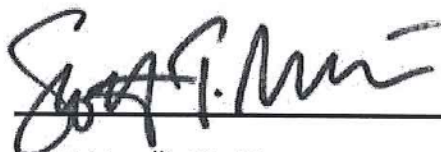
|                                    |              |
|------------------------------------|--------------|
| Funds Needed                       | -\$33,947    |
| ARPA (Federal Funds)               | \$10,000,000 |
| USEPA Brownfields (Federal Funds)  | \$1,446,000  |
| MDOT Match (State)                 | \$6,000,000  |
| Local Match (Cities)               | \$5,000,000  |
| Local Match (Private Tipping Fees) | \$2,637,635  |

Total \$25,049,688

|                                                      |             |                                                                                                                                                                                                                                                                                |
|------------------------------------------------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Phase I Dredge Volume                                | 115,000     | 75,361 private, 39,639 Cities                                                                                                                                                                                                                                                  |
| Remaining Dredge Volume Phase II                     | 102,028     | all private                                                                                                                                                                                                                                                                    |
|                                                      |             | Dredge costs at \$40/cy. Includes 2 mobilizations for 2 dredge contractors at \$150,000 per mobilization per contractor (\$600,000). Oversight/Project Management (\$300,000), and third-party inspection (\$100,000) costs included. Two years of dredging. Plus contingency. |
| Phase II Dredge Cost                                 | \$6,097,344 |                                                                                                                                                                                                                                                                                |
| Phase II Funds (Remaining Phase I plus \$35 tipping) | \$3,604,927 |                                                                                                                                                                                                                                                                                |
| Phase II Funds Needed                                | \$2,492,417 |                                                                                                                                                                                                                                                                                |

*Danielle P. West*

Danielle West, City Manager  
City of Portland



Scott Morelli, City Manager  
City of South Portland



Daniel Haley, Chair  
Portland Harbor Commission

|                                     |                                   |
|-------------------------------------|-----------------------------------|
| <b>Project Location: Portland</b>   | <b>Agreement Start Date:</b>      |
| <b>State W.I.N. #:</b>              | <b>Agreement Expiration Date:</b> |
| <b>Federal W.I.N. #:</b>            | <b>Agreement Amount:</b>          |
| <b>Vendor ID#: City of Portland</b> |                                   |

**NOTE: The information in the table above is for administrative purposes only and is not part of the Funding Agreement for CAD Cell Construction and Dredging Project below.**

## **FUNDING AGREEMENT FOR CAD CELL CONSTRUCTION AND DREDGING PROJECT**

**This Funding Agreement for CAD Cell Construction and Dredging Project (the "Agreement")** is entered into by and between the **Maine Department of Transportation ("MaineDOT")** and the **City of Portland, Maine (the "City")**. This Agreement is effective as of the date last signed as indicated below (the "Effective Date").

### **RECITALS**

The Portland Harbor Working Waterfront Rehabilitation Project (the "Project") will improve the sediment and water quality and commercial marine economic growth in Portland Harbor, in which an extensive build-up of contaminated sediment has made portions of the waterfront unusable, resulting in a loss and degradation of vessel support infrastructure.

The Project will remove contaminated sediment from berthing and vessel support areas through dredging and will construct a confined aquatic disposal cell ("CAD cell") to permanently sequester the contaminated sediment.

Dredging of Portland Harbor will help to maintain a safe and functional water depth to support commercial and recreational vessel access, allowing loading and unloading, berthing, vessel service and repair, marine construction, and the transport of goods and people, ultimately ensuring that Portland Harbor remains a center for marine commerce.

The Project is expected to be carried out in two phases, the first of which will involve the construction of the CAD cell and dredging during the period permitted under federal permits for the Project, with the second phase involving additional dredging.



All NEPA environmental review required for the Project has been completed, and the City and the Board of Harbor Commissioners for Portland Harbor (the "Harbor Commission") have obtained all necessary federal and State permits for the Project.

The City will administer the Project in accordance with the requirements of this Agreement.

The cost of Phase I of the Project will be paid with federal, State, and local funds.

MaineDOT and the City wish to enter into this Agreement to memorialize their respective roles and responsibilities with respect to the Project.

**Now, therefore,** in consideration of the Recitals set forth above, which are an integral part of this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, MaineDOT and the City hereby agree as follows.

**1. The Project**

- A. The City will undertake and complete the Project and will serve as the Project administrator in accordance with this Agreement. For purposes of this Agreement, the Project includes the construction and deployment of the CAD cell and the Phase I dredging, but does not include the Phase II dredging.
- B. The City will obtain and keep in effect all federal, Maine, and local permits required for the Project and will make reasonable, diligent efforts to ensure that such permits obtained by the Harbor Commission and the City of South Portland remain in effect.
- C. The City will obtain any necessary property rights for the Project.

**2. Role and Responsibilities of the City – CAD Cell**

- A. The City will be responsible for the preliminary and final design of the CAD cell, and will ensure that the CAD cell design meets all requirements of all applicable federal, State, and local permits and approvals for the Project. The CAD cell must be designed to be of sufficient capacity to accommodate the assessed dredging needs included in the Phase I and Phase II dredging. The City will submit the final CAD cell design to MaineDOT for review prior to developing bid specifications for construction of the CAD cell.
- B. The City will develop bid specifications for construction of the CAD cell in accordance with the requirements of Addendum A – Agency Uniform Guidance, attached to this Agreement and made a part hereof ("Addendum A"). The City will provide the proposed bid specifications and the advertise schedule (including open and close dates) to MaineDOT for review prior to advertising for proposals for the CAD cell construction.



The City will advertise for proposals for the CAD cell construction not later than July 12, 2024 for a minimum three (3) week period.

- C. The City will solicit MaineDOT's comments on CAD cell construction proposals received by the City prior to selecting a proposal. The City will give MaineDOT written notice of its intent to enter into any contract for the CAD cell construction at the time a contractor is selected by the City.
- D. The City will enter into one or more contracts for the construction of the CAD cell with qualified contractors. All construction contracts must meet all applicable requirements of Addendum A, including but not limited to applicable contract provisions required by Section 200.327 of Addendum A (see Appendix II referenced in Section 200.327). The City will use commercially reasonable efforts to enter into one or more contracts by September 15, 2024 for the construction of the CAD cell.
- E. The City will have sole responsibility for overseeing and monitoring the CAD cell construction. All construction of the CAD cell will comply with all federal, State, and local permits and approvals for the Project and all applicable environmental laws and regulations. The City may retain one or more consultants to assist it in overseeing and monitoring the CAD cell construction, but will remain fully responsible for such compliance notwithstanding the use of any consultants for the Project.

### **3. Role and Responsibilities of the City – Phase I Dredging**

- A. The City will be responsible for determining all areas of Portland harbor to be included in the Phase I dredging, consistent with all federal, State, and local permits and approvals for the Project. The City will submit the Phase I dredging plan to MaineDOT for review prior to developing bid specifications for the dredging work.
- B. The City will develop bid specifications and will solicit proposals for the Phase I dredging in accordance with all applicable federal, State, and local permits and approvals for the Project. The City will request Phase I dredging proposals that provide for the performance of the Phase I dredging during the 2025-2026 dredging season and that meet any timing requirements of the federal and State dredging permits and approvals for the Project. The City will provide the proposed bid specifications and the advertise schedule (including open and close dates) to MaineDOT for review prior to advertising for proposals for the Phase I dredging.
- C. The City will solicit MaineDOT's comments on Phase I dredging proposals received by the City prior to selecting a proposal. The City will give MaineDOT written notice of its intent to enter into any contract for the Phase I dredging at the time a contractor is selected by the City.

- D. The City will enter into one or more contracts with qualified contractors for the Phase I dredging.
- E. The City will have sole responsibility for overseeing and monitoring the Phase I dredging. All Phase I dredging will comply with all applicable federal, State, and local permits and approvals for the Project and all applicable environmental laws and regulations.

#### 4. **Funding of the Project**

- A. The Project will be funded as follows:

\$10,000,000 of funds from the American Rescue Plan Act of 2021 ("ARPA") Coronavirus State and Local Fiscal Recovery Fund, ALN # 21.027 (the "ARPA Funds"), to be provided by MaineDOT to the City in the City's capacity of subrecipient of the ARPA Funds and the Project administrator;

\$6,000,000 of State funds to be provided by MaineDOT to the City (the "State Funds");

an additional \$4,000,000 in matching funds to be contributed by the City (the "City Funds");

an additional \$1,000,000 in matching funds to be contributed by the City of South Portland under a separate agreement with the City (the "South Portland Funds");

and additional funds to be contributed by other entities under separate agreements.

The City will use all such funds only for the Project and for no other purpose.

- B. Funding for the Project will be disbursed in the following order, subject to compliance with the requirements of this Agreement.

1. The first tranche of funds disbursed will be the ARPA Funds to pay invoices for the CAD cell construction. MaineDOT and the City acknowledge that all ARPA Funds for the Project must be fully expended by December 31, 2026.
2. After all ARPA Funds have been fully disbursed, the second tranche of funds for the Project will be a combination of the State Funds, the City Funds, and the South Portland Funds. The second tranche of funds for the Project will be disbursed to pay each invoice for Project costs in the following percentages:

|                      |        |
|----------------------|--------|
| State Funds          | 54.55% |
| City Funds           | 36.36% |
| South Portland Funds | 9.09%  |

The City will obtain the South Portland Funds for the Project pursuant to a separate agreement by and among the City, the City of South Portland, and the Harbor Commission.

Project costs that are eligible to be paid with the second tranche of funds include any remaining CAD cell construction costs, Phase I dredging costs, direct Project management costs, permit maintenance and compliance costs, and environmental compliance costs.

3. Each disbursement of the ARPA Funds and the State Funds will be made by MaineDOT to the City, subject to MaineDOT's receipt of all of the following in satisfactory form:
  - a. An invoice that includes an itemized list of expenses actually incurred by the City identifying the services and materials, with amounts, dates, and vendor and contractor names and addresses, and evidence that such expenses have been paid or that payment is due by a specified date. Each such invoice must be accompanied by copies of vendor and contractor invoices with any back-up materials submitted to the City for the expenses shown on the City's invoice to MaineDOT.
  - b. A written certification signed by an authorized representative of the City that all invoiced work and materials have been completed or received (as applicable), in accordance with the Project plans, and that only eligible expenses of the Project as provided in this Agreement are included in the request for disbursement of funds.
  - c. For each request for ARPA Funds, the amount of ARPA Funds disbursed to date and the remaining balance of such funds.
  - d. For each request for State Funds, the amount of State Funds disbursed to date and the remaining balance of such funds.
  - e. A request for disbursement of funds may not include any contractor retainage held by the City.
4. MaineDOT will review each request for disbursement of ARPA Funds or State Funds and may request additional information deemed necessary by MaineDOT before disbursing funds. MaineDOT may also, in its discretion, view the Project during CAD cell construction and/or Phase I dredging, and upon completion, to assess the progress of the work, and the City will provide MaineDOT with such access as necessary for this purpose. In the event any additional information requested by MaineDOT or such access to the Project is not provided, MaineDOT

may withhold all or a portion of funds requested by the City, as reasonably determined by MaineDOT.

5. Subject to the City's compliance with the requirements of this Section 4, MaineDOT will disburse funds to the City within fifteen (15) calendar days of MaineDOT's approval of a satisfactory invoice from the City.
6. The City acknowledges and agrees that MaineDOT's funding obligations under this Agreement are conditioned on the availability of the ARPA Funds and the State Funds and on continued authorization under applicable laws, regulations, or appropriations to use such funds for the purposes described in this Agreement.
7. In the event that Project costs exceed the Project budget adopted by the City, the City will be responsible for securing additional funds for the successful completion of the Project.

## **5. Reporting**

For each calendar quarter, or portion of a calendar quarter, after the Effective Date of this Agreement to and including the calendar quarter during which all of the ARPA Funds have been fully expended, the City will submit a quarterly report to MaineDOT containing all applicable information set forth in Addendum B – Data for Infrastructure Projects and Capital Expenditure Projects attached to and made a part of this Agreement ("Addendum B"). The City will submit each quarterly report containing the applicable Addendum B information to MaineDOT within five (5) business days after the close of the calendar quarter.

## **6. Records**

The City must retain full and accurate records of all labor, services and materials obtained, and associated costs and expenditures, with supporting invoices, receipts, and check copies, and all design and construction related documentation for the Project for a period of three (3) years after the date of the final disbursement of funds to the City under this Agreement. MaineDOT and any appropriate agency of Maine State government or the Federal government (each, a "Reviewing Agency") will have the right during said three-year period to review, examine, audit, and copy such records during the City's normal business hours, and the City will cooperate in all respects with each such Reviewing Agency.

## **7. No Liability**

Notwithstanding MaineDOT's entry into this Agreement, any involvement by MaineDOT in the review or approval of, or consent to, any aspect of the design or construction of the CAD

cell or the Phase I dredging plans under this Agreement, or any funding provided to the City by MaineDOT under this Agreement, MaineDOT will have no responsibility or liability to the City or its agents or contractors or any other third party for any damages, costs, claims, demands, or causes of action arising from any of the foregoing or from any other cause. This Agreement is for the sole benefit of MaineDOT and the City and is not intended to benefit any other person or entity, and no such person or entity will be deemed a third-party beneficiary of this Agreement or have any rights under this Agreement.

Nothing herein will waive any defense, immunity, or limitation of liability that may be available to either MaineDOT or the City or their respective officers, agents or employees under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities as may be provided by law. *This provision will survive any expiration or earlier termination of this Agreement.*

## **8. Termination; Other Remedies**

- A. Neither MaineDOT nor the City will have the right to terminate this Agreement for convenience. If ARPA Funds or State Funds become unavailable to fund the Project as the result of a federal or State governmental directive, MaineDOT will have the right to terminate this Agreement after fifteen (15) days prior written notice to the City. In the event of termination of this Agreement by MaineDOT, MaineDOT will have no liability for payment of any funds to the City for work performed after the effective date of termination.
- B. In addition, if MaineDOT determines that the City has failed to complete the Project in accordance with this Agreement, or has used ARPA Funds or State Funds for any purpose other than as provided in this Agreement, or has failed to submit all required reports to MaineDOT as provided in this Agreement, MaineDOT will also have the right to terminate this Agreement, withhold all further disbursements of funds, recoup funds disbursed to the City, set off amounts of funds otherwise payable to the City against amounts that the City is required to pay or return to MaineDOT, and pursue all other legal remedies that may be available to MaineDOT after written notice of non-compliance is provided to the City and the City fails to cure the non-compliance within a reasonable period specified in the notice, in MaineDOT's judgment. MaineDOT will have the right to recover its attorneys' fees and legal costs in the exercise of its legal remedies.
- C. No waiver of any non-compliance with, or breach of, any one or more of the provisions of this Agreement will be deemed to imply or constitute a waiver of any subsequent non-compliance with, or breach of, the same or different provision.

**9. Contact Information**

MaineDOT's Project Manager for this Agreement is as follows:

Chris Mayo  
Director of Ports and Marine Transportation

Tel: (207) 624-3409 (office); (207) 441-1638 (mobile)  
Email: [chris.mayo@maine.gov](mailto:chris.mayo@maine.gov)

The City's Project Manager for this Agreement is as follows:

Bill Needelman  
Waterfront Coordinator

Tel: (207) 874-8722 (office); (207) 400-9022 (mobile)  
Email: [wbn@portlandmaine.gov](mailto:wbn@portlandmaine.gov)

**10. Nondiscrimination**

The City will not discriminate against any person on the basis of race, color, ethnicity, national origin, sex, sexual orientation, gender identity, religion, disability, age, or familial status. The City will comply with all applicable federal, Maine, and local laws and regulations regarding nondiscrimination and equal employment opportunity, including any such requirements included in Addendum A.

MaineDOT does not and will not exclude from participation in, or deny the benefits of, its programs or activities, or subject anyone to discrimination or treat persons unfavorably based on race, color, religion, national origin, sex (pregnancy, sexual orientation, and gender identity), age, genetic information, disability, veteran status, limited English proficiency, or economic status. In addition, MaineDOT will not retaliate against any person who complains of discrimination or who participates in an investigation of discrimination.

**11. Miscellaneous**

- A. The City acknowledges that Addendum C – Subaward Agreement Template, attached to this Agreement and made a part hereof ("Addendum C"), is required in connection with the use of ARPA Funds for the Project and agrees to execute Addendum C.
- B. This Agreement may be amended only in a writing signed by MaineDOT and the City.



- C. The City has received all necessary approvals and authorizations from its governing body for the Project, its entry into this Agreement, and its funding obligation hereunder.
- D. The City is acting as an independent contractor and not as an agent, representative, or partner of MaineDOT under this Agreement.
- E. This Agreement and the rights and obligations hereunder may not be assigned by either party to this Agreement without the prior written consent of the other party hereto.
- F. This Agreement, including its Addendum A, Addendum B, and Addendum C, represents the entire agreement between MaineDOT and the City with respect to its subject matter and supersedes any prior agreement or understanding, written or oral, between MaineDOT and the City with respect to such subject matter.
- G. This Agreement will be construed in accordance with, and governed by, the laws of the State of Maine without regard to its conflict of laws principles or rules.
- H. This Agreement may be executed in counterparts, each of which will be deemed an original, but all of which together will constitute one and the same agreement. Each party agrees that this Agreement and any other documents to be executed in connection with this Agreement may be electronically signed and that any electronic signatures appearing on this Agreement or the associated documents are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

**IN WITNESS WHEREOF**, MaineDOT and the City have executed this Agreement by their respective duly authorized representatives.

**CITY OF PORTLAND**

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Danielle P. West  
Its City Manager

**MAINE DEPARTMENT OF TRANSPORTATION**

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Bruce A. Van Note  
Its Commissioner

Approved as to form:

---

Michael I. Goldman  
City's Corporation Counsel

Approved as to City funds:

---

Brendan O'Connell  
City's Finance Director

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 6, 2024

**SUBJECT:** Order 257-23/24 Allocating \$64,000 in Emergency Merrill Improvement Funds to the Parks, Recreation, & Facilities Department for Merrill Loading Dock Lift Replacement at Merrill Auditorium - Sponsored by Danielle P. West, City Manager

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: No**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

The Merrill Loading Dock has deteriorated quickly and is in urgent need of replacement. The loading dock is used to support all performances at Merrill Auditorium, and if it ceases to function, shows will have to be canceled.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

## **VIII. LIST ATTACHMENTS**

1. Order - Allocating Funding for Merrill Loading Dock Lift Replacement
2. Funding Request Memo - Merrill Loading Dock Lift
3. Merrill Loading Dock Images
4. Public Comment - Order 257

Prepared by:

Date: 06/06/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER ALLOCATING \$64,000 IN EMERGENCY MERRILL IMPROVEMENT  
FUNDS TO THE PARKS, RECREATION AND FACILITIES DEPARTMENT FOR  
MERRILL LOADING DOCK LIFT REPLACEMENT AT MERRILL AUDITORIUM**

**ORDERED**, that \$64,000 in emergency Merrill Improvement Funds is hereby allocated to the Parks, Recreation and Facilities Department for Merrill loading dock lift replacement at Merrill Auditorium.

**BE IT FURTHER ORDERED**, that this Order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately.

**Parks, Recreation and Facilities Department**

Ethan Hipple

*Director*

Andy Downs

*Public Assembly Facilities Director*

Jun 4, 2024

---



TO: Daniell West, City Manager  
FR: Andrew Downs, Director (Public Assembly Facilities)  
DT: Jun 4, 2024  
RE: Funding for Merrill Loading Dock Lift Replacement

I am writing to request funding for a full replacement of the Loading Dock Lift at Merrill Auditorium. We are hoping to include this on the June 17th City Council Agenda.

The existing loading dock was installed in 1985 (40 years old) and overhauled in 2008. Over the past 16 years the dock has seen significant usage and wear and tear. Recently, it was brought to our attention by Material Handling Sale, Inc. (MHS), the company used to service the lift, that one of the load wheels has seized up. Instead of rolling on the wear strip in the base frame it has been dragging, it has destroyed the wear strip and damaged the base frame.

There is also a substantial amount of corrosion that is taking its toll on the lift platform, particularly the toe guards and areas designed to support the throw-over plates on the leading edge of the platform. The hydraulic tank that was replaced several years ago is again showing signs of corrosion and the flow control valve is leaking. Due to the extensive amount of work required and for the safety of city staff, stage labor, and production crews, it is highly recommended that a full replacement is necessary.

Merrill Auditorium has seen over 130 performances so far this year with over 150,000 guests. Portland's premier performing arts venue will not function without a working loading dock and lift. It is imperative that the replacement take place as soon as possible. Merrill Auditorium is preparing for another very busy year including five Broadway Performances, and the 100th Season of the Portland Symphony Orchestra.

We are anticipating up to 13 weeks awaiting shipment and installation. The timing of the Loading Dock Lift replacement will put us in the beginning of another busy Fall Season at Merrill Auditorium, making this request an emergency. There is also potential for failure which will lead to show cancellations and potential financial shortfalls, reimbursements, and penalties.



The total cost of replacement and removal of the current lift is \$63,656.33. We request to use (MHS) for the project as they are most familiar with the Loading Dock Lift and currently service it as needed.

I have included the quote from (MHS) and pictures of the lift showing its current condition.

Thank you for the swift attention to this request.

Andrew Downs  
Director, Public Assembly Facilities

## Images of Merrill Loading Dock Lift current condition June 2024











Order 257-23/24 comment

**kcapon1@maine.rr.com** <**kcapon1@maine.rr.com**>

Fri, Jun 14, 12:00 PM  
(3 days ago)

to publiccomment@portlandmaine.gov

**Order 257-23/24** Allocating \$64,000 in Emergency Merrill Improvement Funds to the Parks, Recreation, & Facilities Department for Merrill Loading Dock Lift Replacement at Merrill Auditorium - Sponsored by Danielle P. West, City Manager  
The Merrill Loading Dock has **deteriorated quickly** and is in urgent need of replacement. The loading dock is used to support **all** performances at Merrill Auditorium, and if it ceases to function, shows will have to be canceled. This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

- This assumes that the lift cannot be repaired instead of replaced.
- Has anyone inquired as to why the original lift deteriorated so quickly?
- How old is the old dock? Who installed the old one and was their work not warranted?
- Has anyone bothered to look at alternative replacement options (forklift)?

Kenneth A. Capron, ret. CPA, Systems Engineer  
1375 Forest Avenue D-11  
Portland, ME 04103  
207-797-7891  
[kcapon1@maine.rr.com](mailto:kcapon1@maine.rr.com)  
[maglev@maine.rr.com](mailto:maglev@maine.rr.com)  
[Southern Maine Research Institute]  
[SkyWay by MicroRail]  
[Hope Harbor]

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 3, 2024

**SUBJECT:** Order 258-23/24 Approving the Housing and Economic Development Department Shahnaz Mahager Hummingbird Grant Program and Accepting and Appropriating an \$18,105 Donation for its Creation - Sponsored by Danielle P. West, City Manager

**SPONSOR:** Danielle P. West, City Manager

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 6/17/2024**

**Final Action 7/15/2024**

**Can action be taken at a later date: Yes**

**Does this item involve a new contract with the City: Yes, the draft Memorandum of Understanding has been reviewed and approved by Corporation Counsel.**

**PRESENTATION:** Greg Watson/2 Minutes

**I. SUMMARY**

The City has been asked to accept donated funds to create the Shahnaz Mahager Hummingbird Grant Program in memory of Shahnaz Mahager, the late mother of Alireza Shahin Khojastehzad and Farnaz Khojastehzad, in the initial amount of \$18,105 so that the City may grant \$1,000 annually from this grant program to a Portland business whose owner's most recent annual adjusted gross income is below 80% of AMI.

**II. AGENDA DESCRIPTION**

This item would accept and appropriate a donation of \$18,105 for the creation of the Shahnaz Mahager Hummingbird Grant Program, of which \$1,000 would be granted annually to a Portland business whose owner's most recent annual adjusted gross income is below 80% of Area Median Income (AMI) in memory of Shahnaz Mahager and administered by the Housing and Economic Development Department.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

Alireza Shahin Khojastehzad received an ARPA-funded Microenterprise Grant of \$5,000 from the City in 2023, which he used to start his business. Out of gratitude to the City and in remembrance of his late mother, who was an immigrant entrepreneur, he and his sister would like to create a \$1,000 annual grant program in their mother's honor. This grant will support entrepreneurs and will also support Portland's local economy.

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The grant program's goal is to donate \$1,000 per year to a worthy and qualified applicant, thereby increasing the economic equity of an underserved community.

**V. FINANCIAL IMPACT**

There is no financial impact to the City.

**VI. STAFF ANALYSIS AND BACKGROUND**

Please see attached draft MOU for proposed program guidelines. This proposed grant program will be fully administered by Housing and Economic Development Department staff and will not need annual review by any Board, Committee, or Council. The grant will increase the economic capacity of Portland business owners,



whose annual adjusted gross income is below 80% of AMI with challenges to starting and maintaining a business.

## **VII. RECOMMENDATION**

Staff recommends accepting and appropriating the \$18,105 in donated funds.

## **VIII. LIST ATTACHMENTS**

1. Order - Accepting and Appropriating Donation of 18k for Hummingbird Grant Program
2. MoU - June 13, 2024 Revised
3. Public Comment - Order 258

Prepared by:

Date: 06/03/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER APPROVING THE HOUSING AND ECONOMIC DEVELOPMENT  
DEPARTMENT SHAHNAZ MAHAGER HUMMINGBIRD GRANT PROGRAM AND  
ACCEPTING AND APPROPRIATING AN \$18,105 DONATION FOR ITS CREATION**

**ORDERED,** that the Memorandum of Understanding outlining the terms and creating the Housing and Economic Development Department's Shahnaz Mahager Hummingbird Grant Program is hereby approved substantially in the form attached hereto; and

**BE IT FURTHER ORDERED,** that an \$18,105 donation is hereby accepted and that amount appropriated for the creation of the Shahnaz Mahager Hummingbird Grant Program; and

**BE IT FURTHER ORDERED,** that City Manager or their designee is authorized to execute any and all documents necessary to implement this program and otherwise carry out the intent of this Order.

**MEMORANDUM OF UNDERSTANDING**  
**BY AND BETWEEN**  
**THE CITY OF PORTLAND**  
**AND**  
**ALIREZA SHAHIN KHOJASTEHZAD**  
**AND**  
**FARNAZ KHOJASTEHZAD**  
**AND**  
**THE SHAHNAZ MAHAGER BARANDAGH REVOCABLE TRUST**  
**AND**  
**HANDSHAKE BITTERS LLC**

This Memorandum of Understanding, dated as of this \_\_\_\_\_ day of \_\_\_\_\_, 2024, is made by and between the City of Portland, Maine, a body politic and corporate with a mailing address of 389 Congress Street, Portland, ME 04101 (“City”), and Alireza Shahin Khojastehzad, an individual whose mailing address is 11 Devonshire Street, Portland, ME 04103, Farnaz Khojastehzad, an individual whose mailing address is 5836 Brookfield Street, Los Angeles CA 90022, The Shahnaz Mahager Barandagh Revocable Trust with a mailing address of 5836 Brookfield Street, Los Angeles CA 90022, and Handshake Bitters LLC, a Maine limited liability company with a mailing address of 52 Alder Street Suite 1, Portland ME 04101 (“Donors”)(collectively the “Parties”).

**Whereas**, the Donors would like to donate funds to the City to create the Shahnaz Mahager Hummingbird Grant Program (“Program”) in memory of their mother, Shahnaz Mahager, in the initial amount of \$18,105 (“Funds”); and,

**Whereas**, the Donors also would like to fundraise in the future and to deposit additional funds into the Program as they become available (“Future Funds”); and,

**Whereas**, the Donors would like the City to grant \$1,000 annually from this Program to a Portland business whose owner’s most recent annual adjusted gross income is below 80% of Area Median Income (AMI); and,

**Whereas**, the City is willing to accept the Funds and Future Funds and administer the Program through its Housing and Economic Development Department (“HEDD”) pursuant to the terms set forth herein.

**NOW, THEREFORE, the Parties agree as follows:**

**1. Funds and Future Funds**

Funds and Future Funds accepted by the City for the Program shall be deposited in a designated fund account opened and managed by the City for the purposes of administering the Program described herein. The account shall earn interest at a market rate or be invested and reinvested upon terms that the City considers advisable in its sole discretion.

**2. Annual Grants to Local Cosmetology Business**

The City will award a \$1,000 grant annually to a Portland business, based on the following criteria:

- Business owned by a Maine resident and located in Portland;
- Business owner's most recent personal annual gross income is at or below 80% of Area Median Income (AMI);
- Priority given to owners in the cosmetology business, if no applicants in the cosmetology business apply, then open to other small businesses, with priority given to businesses that offer similar personal care services;
- Priority given to owners who are the first generation in their family to operate such a business; and
- Application form shall include a one-page essay by the applicant explaining their story and why they should obtain the grant.

3. The City, in its sole discretion, will develop a grant application and grant agreement for the purpose of administering these annual grants.
4. The application period for the grant shall be approximately April 1 to 15 each year, or at another time determined by the HEDD, and the City will name the grantee by Memorial Day in honor of Shahnaz Mahager, with funds provided the following week. This will continue annually until there are no funds available or the Program is terminated pursuant to Paragraph 6 below. The City will have sole discretion as to whom the annual grant will be awarded.
5. **Distributions.** The City may make the annual grant distributions from income or principal, or both, in such amounts as the City determines, in its sole discretion, makes efficient use of the Program Funds.
6. **Termination and Amendment.** The Program shall continue until the value of the Program Funds is less than \$1,000 at which time the City shall distribute the remaining Funds balance consistent with the Program described herein and terminate the Program. This Agreement may be modified at any time by written amendment signed by all Parties.

7. **Successor to the City.** The City may resign as administrator of the Program

provided that it appoints a successor willing to administer the Program which is a qualified 501(c)(3) organization with a charitable purpose similar to that of the Program. Court approval is not required in the event of such resignation and appointment of successor.

**IN WITNESS WHEREOF**, the Parties have signed this Memorandum of Understanding as of the date and year written above.

**WITNESS:**

**CITY OF PORTLAND**

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Danielle West  
Its City Manager

**ALIREZA SHAHIN KHOJASTEHZAD**

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Alireza Shahin Khojastehzad, Individually

**FARNAZ KHOJASTEHZAD**

\_\_\_\_\_  
Farnaz Khojastehzad, Individually

**THE SHAHNAZ MAHAGER  
BARANDAGH REVOCABLE  
TRUST**

\_\_\_\_\_  
By: Farnaz Khojastehzad  
Its Trustee

**HANDSHAKE BITTERS LLC**

\_\_\_\_\_  
By: Alireza Shahin Khojastehzad  
Its: Member, Duly Authorized

Approved as to form:

\_\_\_\_\_  
Corporation Counsel's Office



to publiccomment@portlandmaine.gov

**Order 258-23/24** Approving the Housing and Economic Development Department **Shahnaz Mahager Hummingbird Grant Program** and Accepting and Appropriating an \$18,105 Donation for its Creation - Sponsored by Danielle P. West, City Manager This item would accept and appropriate a donation of \$18,105 for the creation of the Shahnaz Mahager Hummingbird Grant Program, of which \$1,000 would be granted annually to a Portland business whose owner's most recent annual adjusted gross income is below 80% of Area Median Income (AMI) in memory of Shahnaz Mahager and administered by the **Housing and Economic Development** Department.

### **§5653. Gifts of money or property in trust**

This section governs a municipality's receipt of money or other property in trust for any specified public purpose. The municipal officers shall serve as trustees unless otherwise specified in the trust instrument.

1. Acceptance or rejection. When the municipal officers receive written notice from a prospective donor or a representative of a proposed trust, they shall submit the matter at the next meeting of the municipal legislative body. Within 10 days after the meeting, the municipal officers shall send written notice of its acceptance or rejection to the donor or the donor's representative.

2. Deposited or invested. Unless otherwise specified by the terms of the trust, the municipal officers shall either deposit or invest trust funds according to [subchapter III-A](#).

A. Unless the instrument or order creating the trust prohibits, the municipal officers may treat any 2 or more trust funds as a single fund **solely for the purpose of investment**.

B. After deducting **management expenses**, the municipal officers shall **prorate any interest earned or capital gains realized** among the various trust funds.

C. The municipal officers shall retain any property or securities included in the corpus of a trust fund where the trust instrument so provides.

D. **Unless otherwise specified in the trust instrument**, the municipal officers may **spend only the annual income from the trust fund**.

3. Reversion to donor. If the municipality fails to comply with the terms of the trust instrument, the trust fund reverts to the donor or the donor's heirs.

### **30A MRSA §5654. Conditional gifts**

This section governs a municipality's receipt of a conditional gift for any specified public purpose

1. Acceptance or rejection. When the municipal officers receive written notice from a prospective donor or a representative of the proposed gift, they shall submit the matter at the next meeting of the municipal legislative body. Within 10 days after the meeting, the municipal officers shall send written notice of their acceptance or rejection to the donor or the donor's representative.

2. **Perpetually comply with conditions**. When the donor or the donor's representative has completed the donor's part of the agreement concerning the execution of a conditional gift, the municipality shall perpetually comply with, and may raise money to carry into effect, the conditions upon which the agreement was made.

3. Deposited or invested. Unless otherwise specified by its terms, a conditional gift of money may be deposited or invested according to [subchapter III-A](#).

As mentioned in a previous comment, the City is not a "Community Fund" and should not be accumulating nor administering restricted gifts. But if they do, they must comply with §5653 and §5654. Administrators and Council members should at all times bear in mind the extent of their fiduciary responsibilities. **Transparency and accountability** should include a periodic (quarterly) public report of balances and transaction of such funds and their stated purposes.

Kenneth A. Capron, ret. CPA, Systems Engineer  
1375 Forest Avenue D-11  
Portland, ME 04103  
207-797-7891  
[kcapron1@maine.rr.com](mailto:kcapron1@maine.rr.com)  
[maglev@maine.rr.com](mailto:maglev@maine.rr.com)  
[Southern Maine Research Institute]  
[SkyWay by MicroRail]  
[Hope Harbor]

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** June 14, 2024

**SUBJECT:** Order 259-23/24 Accepting and Appropriating a \$200,000 State of Maine EMS Grant for the Portland Fire Department EMS Operations - Sponsored by Danielle P. West, City Manager

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: No**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This project will provide temporary fiscal support to Portland Fire Department EMS operations to meet increasing demand and ensure that all residents and visitors to the City of Portland continue to receive high-quality EMS care. The funding will support being able to send six members to paramedic training this year instead of the budgeted three openings. The funding will also support increasing compensation for our required medical direction. It will also support the acquisition of necessary equipment to support EMS operations, most notably an additional Lucas CPR device for the Marine Division supporting service to Portland's island populations. All of these improvements will come with no expense to the taxpayers of Portland.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

## **VII. RECOMMENDATION**

## **VIII. LIST ATTACHMENTS**

1. Order - Accepting EMS Grant
2. 2024 Blue Ribbon Commision Report
3. Public Comment - Order 259

Prepared by:

Date: 06/14/2024

MARK DION (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANNA BULLETT (4)  
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$200,000 STATE OF MAINE EMS  
GRANT FOR THE PORTLAND FIRE DEPARTMENT EMS OPERATIONS**

**ORDERED**, that a \$200,000 State of Maine EMS Grant is hereby accepted and that amount appropriated to support the Portland Fire Department EMS operations; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is hereby authorized to execute the Grant Agreement and whatever other documents are necessary to effect the intent and purpose of this order.



State of Maine  
131st Legislature, First Regular and First Special Sessions

**Blue Ribbon Commission to  
Study Emergency Medical Services  
in the State**

**January 2024**

Office of Policy and Legal Analysis





**STATE OF MAINE  
131<sup>st</sup> LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Blue Ribbon Commission to Study  
Emergency Medical Services  
in the State**

**Staff:**

**Daniel Tartakoff, Principal Analyst  
Joseph Greene, Legislative Analyst  
Sophia Paddon, Legislative Analyst  
Office of Policy & Legal Analysis  
13 State House Station  
Room 215 Cross Office Building  
Augusta, ME 04333-0013  
(207) 287-1670  
<http://legislature.maine.gov/opla>**

**Members:**

**Sen. Chip Curry, Chair  
Speaker Rachel Talbot Ross, Chair  
Sen. Brad Farrin  
Rep. Mark Blier  
Rep. Scott Cyrway  
Rep. Suzanne Salisbury  
Robert Chase  
Beth-Anne Damon  
Scott Dow  
Mike Hildreth  
Kevin Howell  
Joe Kellner  
Carrie Kipfer  
Bill Montejo  
Rick Petrie  
Anthony Roberts  
Mike Senecal**

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## Executive Summary

The Blue Ribbon Commission to Study Emergency Medical Services in the State, referred to in this report as the “commission,” was established by Resolve 2023, chapter 99 (Appendix A). Pursuant to that resolve, the commission consisted of the following 17 members: two members of the Senate, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature; two members who are employed or volunteer in the field of emergency medical services, including one member who represents a community of 10,000 residents or more and one member who represents a community of fewer than 10,000 residents; one member who represents a statewide association of emergency medical services providers; one member who represents a private, for-profit ambulance service; one member who represents a statewide association of municipalities; four members of the House of Representatives, including 2 members of the party holding the largest number of seats in the Legislature and 2 members of the party holding the 2nd largest number of seats in the Legislature; one member who represents a tribal emergency medical service; one member who represents a volunteer emergency medical service; one member who represents a county government; one member who represents a statewide association of hospitals; the Commissioner of Health and Human Services or the commissioner's designee; and the Director of Maine Emergency Medical Services within the Department of Public Safety or the director's designee.

A list of commission members may be found in Appendix B.

The duties of the commission are set forth in Resolve 2023, chapter 99 (Appendix A) and charge the commission to: examine and make recommendations on the structure, support and delivery of emergency medical services in the State; and maintain communication and coordinate with Maine Emergency Medical Services so that Maine Emergency Medical Services is informed of the work of the commission and the commission is informed of the strategic planning work of Maine Emergency Medical Services. The commission was charged with looking at all aspects of emergency medical services, including but not limited to costs and funding, workforce development and sustainability, Maine EMS structure, as well as regionalization.

Over the course of five meetings, the commission developed the following recommendations:

### Costs and Funding

**Recommendation A-1:** The Legislature should enact emergency legislation in 2024 eliminating from the Emergency Medical Services Stabilization and Sustainability Program the requirement that the EMS Board adopt rules establishing sustainability grant program requirements and should instead directly stipulate those requirements in law.

**Recommendation A-2:** The Legislature and Maine EMS should take all actions necessary to ensure the timely and efficient implementation of the Emergency Medical Services Stabilization and Sustainability Program and the distribution of the funding and grants associated with that program.

**Recommendation A-3:** The Legislature should enact legislation providing ongoing funding to the Maine Emergency Medical Services Community Grant Program and the Legislature and Maine EMS should take all actions necessary to ensure the timely and efficient implementation of that program and the distribution of associated grants.

**Recommendation A-4:** The Legislature should enact legislation, as proposed in LD 1751, increasing reimbursement rates under the MaineCare program for ambulance services, neonatal transport, no-transport calls and community paramedicine.

**Recommendation A-5:** The Legislature should enact legislation, as proposed in LD 1751, implementing an ambulance assessment program, which would establish an ambulance service assessment fee on non-municipal ambulance service providers to maximize federal funding for reimbursement to those providers under the MaineCare program.

**Recommendation A-6:** The Legislature should enact legislation, whether as an amendment to LD 1751 or otherwise, to implement an intergovernmental transfer program, which would authorize municipal ambulance service providers to maximize federal funding for reimbursement to those providers under the MaineCare program through provider payment of the non-federal cost share.

**Recommendation A-7:** The Legislature should enact legislation, whether as an amendment to LD 1832 or otherwise, requiring health insurance carriers to provide coverage and reimbursement for community paramedicine services in state-regulated health plans.

**Recommendation A-8:** Maine EMS should conduct a funding needs analysis of communities seeking to engage in regional collaborative efforts or in the adoption of a regional model for the delivery of EMS.

**Recommendation A-9:** The Legislature should enact legislation, as proposed in LD 1409, to address situations where an EMS entity can be reimbursed its costs for training and credentialing an EMS provider if the provider is hired by another EMS entity within a specified period of time after the first entity's initial incurrence of those costs.

### **Regulation and Oversight**

**Recommendation B-1:** The Legislature should provide Maine EMS with the funding, staffing and associated resources necessary to properly support its core functions and responsibilities: licensing and regulation of EMS entities; provision of resources and other support to licensed EMS entities; and systemic planning, oversight and stewardship of the statewide EMS system.

**Recommendation B-2:** The Legislature should enact legislation to facilitate the timely appointment of members to fill vacant seats and reappointment of members in expired seats on the EMS Board, including by shifting the appointing authority for some board members to the President of the Senate and the Speaker of the House of Representatives.

**Recommendation B-3:** The Legislature should support the proposed reorganization of the EMS Board, which would establish a 9-member EMS Board charged with the strategic direction and oversight of the EMS system as well as a 9-member EMS Licensing Board, charged with the regulation of EMS licensing.

**Recommendation B-4:** The Legislature should charge the reorganized EMS Board with taking all actions necessary to ensure that individuals in all areas of the State have access to transporting ambulance services, with particular focus given to those areas identified as unserved or underserved by EMS.

**Recommendation B-5:** The Legislature should enact legislation requiring Maine EMS to report when the EMS Board has failed to commence an initial rulemaking required by law within 90 days of the relevant effective date and to stipulate, for new programs or initiatives, that any required rulemaking be commenced within 90 days of the relevant effective date.

### **System Resilience and Sustainability**

**Recommendation C-1:** The Legislature should enact legislation requiring each municipality in the State to adopt a plan for the delivery of transporting EMS within the municipality.

**Recommendation C-2:** The Legislature should enact legislation establishing a permanent EMS commission, to be charged with monitoring and evaluating the statewide EMS system on a continuing basis and providing recommendations to Maine EMS and the Legislature regarding necessary changes to that system.

**Recommendation C-3:** The Legislature should enact legislation directing Maine EMS to develop and implement a public informational campaign designed to increase public awareness of and appreciation for the essential services provided by EMS providers in Maine.

**Recommendation C-4:** Maine EMS should collaborate with Volunteer Maine to evaluate opportunities for funding or otherwise facilitating volunteer management and leadership training for volunteer EMS providers and to support recruitment of volunteer EMS providers in Maine.

**Recommendation C-5:** The Legislature should support community collaboration in the development and implementation of tiered-response systems utilizing paramedic intercept programs.

**Recommendation C-6:** The Legislature should enact legislation amending the Maine Emergency Medical Services Act to authorize an EMS provider to render EMS within a hospital or health care facility where the EMS provider is a contractor of the hospital or facility but not an employee.

**Recommendation C-7:** Using LD 1515 or other available legislative instruments, the Legislature should enact legislation necessary to better support and fund the EMS system and to better facilitate the efficient and sustainable delivery of EMS services in Maine.



## I. INTRODUCTION

The Blue Ribbon Commission to Study Emergency Medical Services in the State, referred to in this report as “the commission,” was established by Resolve 2023, chapter 99.<sup>1</sup> Pursuant to the resolve, the commission consisted of 17 members:

- Two members of the Senate, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature;
- Two members who are employed or volunteer in the field of emergency medical services (EMS), including one member who represents a community of 10,000 residents or more and one member who represents a community of fewer than 10,000 residents;
- One member who represents a statewide association of EMS providers;
- One member who represents a private, for-profit ambulance service;
- One member who represents a statewide association of municipalities;
- Four members of the House of Representatives, including 2 members of the party holding the largest number of seats in the Legislature and 2 members of the party holding the 2nd largest number of seats in the Legislature;
- One member who represents a tribal EMS;
- One member who represents a volunteer EMS;
- One member who represents a county government;
- One member who represents a statewide association of hospitals;
- The Commissioner of Health and Human Services or the commissioner's designee; and
- The Director of Maine Emergency Medical Services (Maine EMS) within the Department of Public Safety or the director's designee.<sup>2</sup>

A list of commission members may be found in Appendix B.

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<sup>1</sup> A copy of Resolve 2023, c. 99 is included in Appendix A.

<sup>2</sup> As noted in the commission member list included in Appendix B, Maine EMS Director Sam Hurley served as a commission member for the purposes of the October 23<sup>rd</sup> commission meeting. After that meeting and before the November 6<sup>th</sup> meeting, Director Hurley designated Maine EMS Deputy Director Anthony Roberts as his designee to the commission and Deputy Director Roberts served as a commission member for the remainder of the commission's meetings.

The duties of the commission are set forth in Resolve 2023, chapter 99 and charged the commission to examine and make recommendations on the structure, support and delivery of EMS in the State and to maintain communication and coordinate with Maine EMS so that Maine EMS is informed of the work of the commission and the commission is informed of the strategic planning work of Maine EMS. The commission was authorized to look at all aspects of EMS, including but not limited to workforce development, training, compensation, retention, costs, reimbursement rates, organization and local and state support.

The commission was directed to submit a report, with findings and recommendations, including suggested legislation, to the Joint Standing Committee on Criminal Justice and Public Safety.

## **II. BACKGROUND INFORMATION**

General background information regarding the EMS system in Maine can be found in the 2022 commission's final report, which is included in this report as Appendix C.<sup>3</sup>

### **A. 2022 Commission Process**

The establishment of this commission was one of a number of legislatively-implemented recommendations of the 2022 Blue Ribbon Commission to Study Emergency Medical Services in the State. Although the 2022 commission made a number of substantive recommendations in its final report, most of which were considered by the Legislature in 2023 and many enacted into law, the members of that commission believed there were still outstanding issues to be addressed to ensure the short-term and long-term sustainability of EMS in Maine. To that end, a majority of the members of the 2022 commission recommended reestablishing the commission in 2023 to continue the important work it had begun.

Additional information regarding the process and recommendations of the 2022 commission can be found in the 2022 commission's final report, which is included as Appendix C.

### **B. 2023 Legislative Actions**

The 2022 commission in its final report made a number of specific recommendations, all of which resulted in legislation introduced during the 2023 sessions of the 131<sup>st</sup> Legislature. In addition, many other proposals concerning or relating to the EMS system and EMS entities were considered by the Legislature in 2023. A chart outlining each of these proposals and their respective dispositions, prepared by commission staff and reviewed by commission members at the October 23, 2023 commission meeting, is included as Appendix D.

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<sup>3</sup> Note that the 2022 report included in Appendix C does not include that report's published appendices. The full 2022 report, which includes those appendices, is available at <https://legislature.maine.gov/doc/9404>.

### III. COMMISSION PROCESS

In conducting its work, the commission held five meetings on the following dates: October 23<sup>rd</sup>, November 6<sup>th</sup>, November 13<sup>th</sup>, November 27<sup>th</sup> and December 11<sup>th</sup>. Meeting materials, including meeting agendas and other materials, can be found at: <https://legislature.maine.gov/blue-ribbon-commission-to-study-emergency-medical-services-in-the-state>.

#### A. First Meeting - October 23, 2023

The first meeting of the commission took place on October 23<sup>rd</sup>.<sup>4</sup> Members began by introducing themselves, their involvement or experience with EMS in Maine, the organization or interests they are representing on the commission and their goals for the commission's work this year. Following introductions, commission staff reviewed the commission's authorizing legislation and duties and the study commission process generally. Staff also reviewed the final report and recommendations of the 2022 Blue Ribbon Commission to Study Emergency Medical Services in the State and highlighted legislation proposed in 2023 that was related to that report or to EMS generally.

Commission member and Maine EMS Director Sam Hurley next provided an update on the process for disbursement of funding under the newly established Emergency Medical Services Stabilization and Sustainability Program, reviewed the strategic plan published by Maine EMS and adopted by the EMS Board earlier that year and highlighted the Maine EMS Connectivity and Roadway Safety Project. The commission next received a presentation from Bill Montejo, the commission member representing the Department of Health and Human Services, regarding that department's role generally in supporting the EMS system in Maine and in the administration of the new Emergency Medical Services Stabilization and Sustainability Program. The meeting concluded with commission member discussion regarding desired outcomes for the commission's work this year and identification of additional information the commission should receive or review at future meetings.

#### B. Second Meeting - November 6, 2023

The second meeting of the commission took place on November 6<sup>th</sup>.<sup>5</sup> The meeting began with commission staff providing an analysis and discussion of how different states address what it means for EMS to be an "essential service" and how those other states structure and fund their EMS systems.<sup>6</sup> The commission next received a presentation from commission member and Maine EMS Deputy Director Anthony Roberts regarding the structure of the EMS system in

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<sup>4</sup> Materials distributed at the October 23, 2023 commission meeting are available at <https://legislature.maine.gov/doc/10402> and the archived video of the meeting is available at <https://legislature.maine.gov/audio/#127?event=89632&startDate=2023-10-23T13:00:00-04:00>.

<sup>5</sup> Materials distributed at the November 6, 2023 commission meeting are available at <https://legislature.maine.gov/doc/10413> and the archived video of the meeting is available at <https://legislature.maine.gov/audio/#127?event=89633&startDate=2023-11-06T09:00:00-05:00>.

<sup>6</sup> A copy of a chart outlining the differing approaches taken to funding EMS by states that designate EMS as an essential service, prepared by commission staff and reviewed by commission members at the November 6<sup>th</sup> meeting, is included in Appendix E.

Maine and details regarding implementation of the Maine EMS strategic plan. Deputy Director Roberts also provided various data and information regarding EMS response, patient care and other information requested by commission members at the prior meeting. Commission member Joe Kellner next provided a presentation discussing the costs associated with providing EMS services, updating a similar presentation given to the 2022 commission.<sup>7</sup>

The commission also received a presentation on November 6<sup>th</sup> from Michael Colleran, Chief Operating Officer and General Counsel of the Maine Public Employees Retirement System (MainePERS), regarding the legal issues with allowing EMS providers to participate in government employee retirement plans, as has been proposed in LD 882, “An Act to Allow Nonmunicipal Emergency Medical Services Providers to Be Considered State Employees for Purposes of Certain Benefits,” introduced in and voted “ought not to pass” by the 131<sup>st</sup> Legislature in 2023.<sup>8</sup> Finally, the commission on November 6<sup>th</sup> received two presentations on different regional EMS models, one from commission member Kevin Howell regarding a public-private partnership model and the other from commission member Mike Senecal regarding a hospital-operated ambulance service model.<sup>9</sup>

As described by commission member Kevin Howell, the Town of Carmel in 2018 entered into an agreement with Northern Light Health to address identified region-wide EMS issues, including insufficient call volumes, staff recruitment and retention, funding shortfalls, long response times and contractual limitations on response areas. Under that agreement, Northern Light provides some EMT staffing to the Carmel during normal business hours and EMS training to Carmel’s EMS staff. Carmel provides all other needs for the operation of its ambulance service and provides an additional EMS response in the Towns of Dixmont and Newburgh, with secondary support provided by Northern Light. Carmel receives all revenues from its Carmel area responses and a split percentage of revenues for all other responses.

This agreement, which included the implementation of a common dispatch protocol, has facilitated improved response times in the covered multi-municipal region by dispatching the closest available resource and has resulted in better resourcing and a manageable financial balance for Carmel. Commission member Howell closed by reiterating that, while identification and empowering of rural hubs for EMS, as in his region, can dramatically improve the efficiency and sustainability of the local EMS system, it is important that each community contribute a fair share of the costs of EMS delivery and that each community control its own destiny when it comes to decisions about the local provision of EMS.

Commission member Mike Senecal next described the regional ambulance service model implemented in greater Franklin County as NorthStar EMS. Starting in 1995, Franklin Memorial Hospital began acquiring and operating a number of small local ambulance services, which were merged in 2003 and ultimately became NorthStar EMS, managed as a single department of the hospital, which is itself part of the MaineHealth system. EMS responses by NorthStar are

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<sup>7</sup> A copy of commission member Joe Kellner’s presentation is included in Appendix F.

<sup>8</sup> More information on LD 882 can be found at <https://legislature.maine.gov/billtracker/#Paper/882?legislature=131>.

<sup>9</sup> Copies of commission member Kevin Howell’s and commission member Mike Senecal’s presentations are included in Appendix F.

dispatched from the Franklin County Regional Communication Center, with a goal of providing a paramedic level of staffing on all ambulances by strategically positioning and coordinating ambulance placement. NorthStar has also implemented a community paramedicine program in its service area and has a backcountry medical response team that responds to calls in off-road or hard-to-access areas. In fiscal year 2023, NorthStar ambulances made more than 7,400 runs. It is currently contracted with 29 towns to provide emergency coverage, each of which contribute a municipal subsidy based on demographic data to help offset the service's operating costs. For fiscal year 2023, that combined municipal subsidy totaled \$690,000 and the service operated with a net loss of \$703,356.

In response to these presentations, commission member Robert Chase noted that Med-Care Ambulance, which provides ambulance services to 11 communities in northern Oxford County, is operating using a similar model to that of NorthStar, albeit pursuant to an interlocal agreement. Commission members concluded the November 6<sup>th</sup> meeting with additional discussion regarding the benefits and barriers to implementation of regional models, the importance of community self-determination in consideration of regionalization efforts and the needs of those communities for State-level support and resources as they engage in such efforts.

### **C. Third Meeting - November 13, 2023**

The third meeting of the commission took place on November 13<sup>th</sup>.<sup>10</sup> It began with an opportunity for public comment, during which the commission heard from Donald Sheets of Southern Maine Community College's EMS department, Ben Harris of Goodwin's Mills Fire-Rescue, Jay Bradshaw of Sidney and Jesse Thompson of Union Fire Rescue. Those testifying each highlighted the obstacles they believe are impeding Maine's EMS growth and sustainability, including a lack of educators to teach EMT courses, low student demands for such courses and concerns about the efficacy and structure of the EMS Board.

Following public comment, the commission received a presentation on tribal EMS systems in Maine from commission member Mike Hildreth. The remainder of the third meeting was spent with commission members narrowing the focus of discussion to identify potential recommendations for inclusion in the final report. Three broad categories of identified recommendations were: (1) EMS funding; (2) responsibility for the delivery of EMS and regionalization; and (3) the structure of Maine EMS and the EMS Board. Having established these broader categories, commission members engaged in an in-depth discussion to develop recommendations designed to address responsibility for the delivery of EMS and regionalization. Before adjourning, commission chairs requested that commission members submit potential recommendations to staff prior to the next meeting for compilation, distribution and consideration at the fourth commission meeting.

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<sup>10</sup> Materials distributed at the November 13, 2023 commission meeting are available at <https://legislature.maine.gov/doc/10420> and the archived video of the meeting is available at <https://legislature.maine.gov/audio/#228?event=89737&startDate=2023-11-13T13:00:00-05:00>.

#### **D. Fourth Meeting - November 27, 2023**

The fourth meeting of the commission was held on November 27<sup>th</sup>.<sup>11</sup> Although the meeting focused primarily on discussion and development of recommendations for inclusion in the final report, the commission did receive a brief presentation from Alexa Altman of the consulting firm Sellers Dorsey, on behalf of the Maine Ambulance Association, regarding the potential implementation of an intergovernmental transfer program and an ambulance assessment program. The remainder of the meeting was spent with commission members reviewing, discussing and initially voting on the potential recommendations members had identified and submitted to commission staff following the third meeting. At the conclusion of the fourth meeting, commission staff were directed to prepare a draft report that included the recommendations receiving a majority of initial votes from commission members during the meeting, to be reviewed and receive final votes from members during the fifth and final meeting.

#### **E. Fifth Meeting - December 11, 2023**

The fifth and final meeting of the commission was held on December 11<sup>th</sup>.<sup>12</sup> The meeting began with a briefing by Department of Public Safety Commissioner Michael Sauschuck regarding the implementation of the recently established Emergency Medical Services Stabilization and Sustainability Program.<sup>13</sup> As commission members learned, the EMS Board had very recently approved the emergency adoption of a rule implementing the stabilization funding component and that it was anticipated applications for that funding would be available imminently. The Commissioner also advised members that the development of rules to implement the sustainability grant funding component were on track to be adopted and in place by the summer of 2024. Some commission members expressed frustration with the complexity of the stabilization rule, skepticism regarding the ability of Maine EMS to adequately assist EMS entities with completing the application process and concern over the anticipated delay in the availability of sustainability grants.

The remainder of the fifth meeting was spent by commission members in reviewing the draft report prepared by commission staff and conducting substantive voting on the recommendations to be included in the commission's final published report. Commission staff reviewed with members the process for finalizing the report and commission members discussed the various legislative instruments and processes that might be utilized during the 2024 session of the Legislature to consider and implement the commission's recommendations.

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<sup>11</sup> Materials distributed at the November 27, 2023 commission meeting are available at <https://legislature.maine.gov/doc/10492> and the archived video of the meeting is available at <https://legislature.maine.gov/audio/#228?event=89778&startDate=2023-11-27T09:00:00-05:00>.

<sup>12</sup> Materials distributed at the December 11, 2023 commission meeting are available at <https://legislature.maine.gov/doc/10495> and the archived video of the meeting is available at <https://legislature.maine.gov/audio/#228?event=89843&startDate=2023-12-11T13:00:00-05:00>.

<sup>13</sup> More information regarding the Emergency Medical Services Stabilization and Sustainability Program is included as part of Recommendation A-1.



## IV. RECOMMENDATIONS

### A. Costs and Funding

In its final report, the 2022 commission recognized that “[t]he primary issue facing EMS is a lack of funding.” That commission subsequently endorsed the following finding: “Recognizing that EMS reimbursements are not keeping pace with the cost of providing services and that current subsidies are increasingly insufficient to fund the gap between those figures, the commission finds that, in addition to existing subsidies, there is a need for \$70 million in funding a year for the next 5 years to supporting transporting EMS services in the State.”<sup>14</sup> As described later in this report, although the Legislature in 2023 took a number of critical steps towards closing that identified funding gap, a continued lack of adequate funding for EMS entities remains a primary and significant issue for the EMS system in Maine.

Indeed, many of this commission’s discussions involved consideration of measures designed to better fund and support the operations of EMS entities and to encourage greater efficiency and sustainability within the EMS system now and into the future. The commission also spent time reviewing existing funding mechanisms and programs and identifying barriers to EMS entities maximizing the use of those resources. Recognizing the Legislature’s recent provision of additional and significant funding mechanisms to support the EMS system, commission members suggest that, in evaluating recommendations in this report, the Legislature identify and consider a range of funding options as necessary, including the use of existing funding and resources, available federal funding and other available public and private resources. With these considerations in mind, commission members make the following recommendations relating to the funding of the EMS system in Maine.

**Recommendation A-1: The Legislature should enact emergency legislation in 2024 eliminating from the Emergency Medical Services Stabilization and Sustainability Program the requirement that the EMS Board adopt rules establishing sustainability grant program requirements and should instead directly stipulate those requirements in law.**<sup>15</sup>

The Legislature in 2023 enacted Public Law 2023, chapter 412 (the “biennial budget”), which in Part GGGGG established the Emergency Medical Services Stabilization and Sustainability Program.<sup>16</sup> That program has two primary components. First, the program provides stabilization funding – financial assistance to EMS entities at immediate risk of failing and leaving their

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<sup>14</sup> See 2022 report, Part IV(A), included in Appendix C.

<sup>15</sup> Fourteen commission members voted in support of Recommendation A-1 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>16</sup> More information on the biennial budget bill, LD 258, can be found at <https://legislature.maine.gov/billtracker/#Paper/258?legislature=131>. The biennial budget was enacted as general legislation with an effective date of October 25, 2023. See also, LD 526, which provided a minor amendment to this program as enacted in the biennial budget, <https://legislature.maine.gov/billtracker/#Paper/526?legislature=131>.

communities without access to adequate EMS.<sup>17</sup> Second, the program provides sustainability grants – grants to EMS entities to increase support and develop plans for sustainability, collaboration and enhancement of efficiency in the delivery of EMS in the State.<sup>18</sup>

The Legislature, also as part of the biennial budget (Part A, section A-29), capitalized this program using a one-time General Fund transfer of \$31 million, broken down between the two above-described program components as follows:

- *Stabilization funding* (financial assistance available under 32 MRSA §98(3))
  - For ambulance services - \$10,000,000 in FY 23-24
  - For nontransporting EMS - \$2,000,000 in FY 23-24
- *Sustainability grants* (grant funding available under 32 MRSA §98(4))
  - For ambulance services - \$14,140,161 in FY 23-24
  - For nontransporting EMS - \$3,000,000 in FY 23-24
  - For EMS training centers - \$1,000,000 in FY 23-24

The remaining \$859,839 of the \$31 million transfer was dedicated to establish 4 limited-period positions in FY 23-24 and FY 24-25 at Maine EMS, funded through June 7, 2025, to administer the Emergency Medical Services Stabilization and Sustainability Program.

Under the Emergency Medical Services Stabilization and Sustainability Program, the disbursement of the \$12 million of stabilization funding does not explicitly require the adoption of implementing rules. The commission understands, however, that Maine EMS, after consultation with the Office of the Attorney General, has opted for the EMS Board to adopt rules, on an emergency basis, for implementation of this program component.

The law does explicitly require the EMS Board to adopt rules to establish the requirements for the issuance of sustainability grants under the program. Commission members were advised by representatives of Maine EMS that the rulemaking necessary to implement the sustainability grant program component could take up to one year to complete or potentially longer. During the December 11<sup>th</sup> meeting, however, commission members learned from the Commissioner of Public Safety that the EMS Board is hoping to adopt that rule by the summer of 2024.

As discussed by commission members at multiple meetings, the rulemaking requirement for sustainability grants presents a potentially significant barrier to the efficient and timely establishment of this program and the associated distribution of the almost \$19 million in available grant funding. Given this concern and, as representatives of Maine EMS suggested to commission members that rulemaking may not actually be necessary for the implementation of this grant program, commission members recommend the Legislature enact emergency legislation in 2024 to remove the rulemaking requirement for the sustainability grant program

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<sup>17</sup> See 32 MRSA §98(3).

<sup>18</sup> See 32 MRSA §98(4).

and to instead, as necessary and appropriate, stipulate directly in statute the requirements for issuance of those grants.

**Recommendation A-2: The Legislature and Maine EMS should take all actions necessary to ensure the timely and efficient implementation of the Emergency Medical Services Stabilization and Sustainability Program and the distribution of the funding and grants associated with that program.<sup>19</sup>**

As previously described, the Legislature in 2023 established the Emergency Medical Services Stabilization and Sustainability Program and capitalized that program with a one-time General Fund transfer of \$31 million. Of that funding, \$12 million was dedicated to the provision of stabilization funding, which is financial assistance available to EMS entities at immediate risk of failing and leaving their communities without access to adequate EMS, while almost \$19 million was dedicated to the provision of the previously described sustainability grants.

During multiple commission meetings, members requested information from Maine EMS regarding the specific timeline for distribution of this stabilization funding. As previously noted, during the December 11<sup>th</sup> meeting, the Commissioner of Public Safety advised members that the applications for this funding would become available to EMS entities imminently although it remains unclear to members when that funding might actually be distributed to approved applicants. At multiple meetings, many commission members also expressed frustration that such critical funding has not yet been made available to EMS entities, many of which continue to experience significant financial difficulties. Further, as previously noted, the statutory requirement that the EMS Board adopt rules to implement the sustainability grant component of this program has the potential to significantly delay the availability of the almost \$19 million in funding dedicated for that separate purpose.

Although commission members expressed strong support and appreciation for the Legislature's establishment of this program and provision of the associated \$31 million in funding, many members remain deeply concerned about the speed and efficiency by which that funding will actually be made available to EMS entities. Accordingly, commission members recommend that the Legislature and Maine EMS take all actions necessary to ensure the timely and efficient implementation of the Emergency Medical Services Stabilization and Sustainability Program and the distribution of the \$31 million in funding and grants associated with that program, including, but not limited to, the specific measures identified elsewhere in this report.

The commission understands that, pursuant to Public Law 2023, chapter 412 (the biennial budget), Part GGGGG-3, the EMS Board is required to submit a report regarding the Emergency Medical Services Stabilization and Sustainability Program to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 12, 2024. This report must include information on the actual and planned expenditures and encumbrances

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<sup>19</sup> Fifteen commission members voted in support of Recommendation A-2 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Montejo, Petrie and Senecal), one commission member abstained (Roberts) and one commission member was absent (Hildreth).

and applications submitted and accepted under the program and will provide the Legislature an opportunity to consider the need for additional actions to ensure the program's timely and efficient implementation.

**Recommendation A-3: The Legislature should enact legislation providing ongoing funding to the Maine Emergency Medical Services Community Grant Program and the Legislature and Maine EMS should take all actions necessary to ensure the timely and efficient implementation of that program and the distribution of associated grants.<sup>20</sup>**

The Legislature in 2022 enacted Public Law 2021, chapter 700, which established the Maine Emergency Medical Services Community Grant Program and provided a one-time \$200,000 General Fund appropriation to capitalize that program.<sup>21</sup> The stated purpose of this program is to provide financial assistance to communities that plan to examine or are examining the provision of EMS through a process of informed community self-determination and are considering a new, financially stable structure for delivering EMS that provides high-quality services effectively and efficiently.<sup>22</sup> To implement the program, the EMS Board is required by law to adopt routine technical rules establishing the grant application process, which commission members understand was attempted in 2023 and failed final adoption. Commission members learned that Maine EMS intends to reinstate the formal rulemaking process for these rules in early January 2024, however, the time frame for the distribution of this program funding to EMS entities remains unclear.

At multiple meetings, many commission members expressed their frustration that such this critical program and its associated funding have not yet been made available to EMS entities despite its enactment by the Legislature more than a year ago and voiced their concern regarding the capacity of Maine EMS and the EMS Board to timely and efficiently implement this and other important programs and initiatives. Commission members believe this grant program in particular represents a critically-important mechanism towards supporting community-driven measures that will increase the efficiency and sustainability of Maine's EMS system. For that reason, commission members recommend that the Legislature enact legislation to provide ongoing funding to this program at an appropriate level, considering all available funding options. Further, commission members recommend the Legislature and Maine EMS take all necessary steps to ensure the timely and efficient implementation of the program and the distribution of associated grants.

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<sup>20</sup> Fourteen commission members voted in support of Recommendation A-3 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>21</sup> See 32 MRSA §97; P.L. 2022, ch. 700 (LD 1859) (available at <https://legislature.maine.gov/billtracker/#Paper/1859?legislature=130>).

<sup>22</sup> 32 MRSA §97(2).

**Recommendation A-4: The Legislature should enact legislation, as proposed in LD 1751, increasing reimbursement rates under the MaineCare program for ambulance services, neonatal transport, no-transport calls and community paramedicine.<sup>23</sup>**

LD 1751, “An Act to Maximize Federal Funding in Support of Emergency Medical Services,” was introduced to the Legislature in 2023 and referred to the Joint Standing Committee on Health and Human Services (HHS).<sup>24</sup> Among other things, the bill as printed proposes increases to reimbursement rates under the MaineCare program for ambulance services, neonatal transport, no-transport calls and community paramedicine. The HHS Committee ultimately decided to carry the bill over to the 2024 legislative session.

Although the commission understands that some of the proposals included in LD 1751 have been or are being considered as part of other legislative proposals, commission members generally express support for enactment of proposals represented in LD 1751 that are designed to maximize federal funding by increasing reimbursement rates under the MaineCare program for ambulance services, neonatal transport, no-transport calls and community paramedicine.

**Recommendation A-5: The Legislature should enact legislation, as proposed in LD 1751, implementing an ambulance assessment program, which would establish an ambulance service assessment fee on non-municipal ambulance service providers to maximize federal funding for reimbursement to those providers under the MaineCare program.<sup>25</sup>**

LD 1751, as previously described, also proposes implementing an ambulance assessment program, which would establish an ambulance service assessment fee on non-municipal ambulance service providers to maximize federal funding for reimbursement to those providers under the MaineCare program. The commission was briefed at its November 27, 2023 meeting by Alexa Altman, a representative of the consulting firm Sellers Dorsey, on behalf of the Maine Ambulance Association, regarding the potential benefits to be achieved through the implementation of such a program.

The commission understands that this program would benefit non-municipal ambulance services by requiring the State to collect an assessment from those services and using that money as the State’s share for federal Medicaid matching funds, thus increasing Medicaid rates by making supplemental payments to those services. Commission members generally express support for the enactment of such a program, which, like the previous recommendation, will also serve to maximize federal funding for many EMS entities in the State.

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<sup>23</sup> Fourteen commission members voted in support of Recommendation A-4 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>24</sup> More information on LD 1751 is available at <https://legislature.maine.gov/billtracker/#Paper/1751?legislature=131>.

<sup>25</sup> Fourteen commission members voted in support of Recommendation A-5 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

**Recommendation A-6: The Legislature should enact legislation, whether as an amendment to LD 1751 or otherwise, to implement an intergovernmental transfer program, which would authorize municipal ambulance service providers to maximize federal funding for reimbursement to those providers under the MaineCare program through provider payment of the non-federal cost share.<sup>26</sup>**

As previously noted, the commission was briefed at its November 27, 2023 meeting by Alexa Altman, a representative of the consulting firm Sellers Dorsey, on behalf of the Maine Ambulance Association, who described the scope of and potential benefits to be derived through the implementation of an intergovernmental transfer (IGT) program in Maine. The commission understands that an IGT program would authorize municipal ambulance services to use public funds to pay the non-federal cost share portion for federal Medicaid matching funds, thus increasing Medicaid rates by making supplemental payments to those services, similar to the ambulance assessment program described in the prior recommendation. An IGT program would be set up as a voluntary, opt-in program, allowing but not requiring municipal ambulance services to participate. Commission members understand that the reimbursement amounts paid under such a program to each participating service would be dependent on, among other things, the level of payment the service is able to dedicate as the non-federal cost share portion.

Commission members recommend that LD 1751, as previously described, be amended to include language directing the Department of Health and Human Services to include an IGT program in its Medicaid State plan and to provide support, resources and education to municipal ambulance services so that they may effectively use the program.

**Recommendation A-7: The Legislature should enact legislation, whether as an amendment to LD 1832 or otherwise, requiring health insurance carriers to provide coverage and reimbursement for community paramedicine services in state-regulated health plans.<sup>27</sup>**

LD 1832, “An Act to Require Reimbursement of Fees for Treatment Rendered by Public and Private Ambulance Services,” was introduced in 2023 and referred to the Joint Standing Committee on Health Coverage, Insurance and Financial Services (HCIFS).<sup>28</sup> The bill as printed requires an ambulance service to be reimbursed for the cost of treating a person, regardless of whether the ambulance service transports the person to a hospital. The HCIFS Committee ultimately decided to carry the bill over to the 2024 session.

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<sup>26</sup> Fourteen commission members voted in support of Recommendation A-6 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>27</sup> Fourteen commission members voted in support of Recommendation A-7 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>28</sup> More information on LD 1832 is available at <https://legislature.maine.gov/billtracker/#Paper/1832?legislature=131>.



Commission members learned that the HCIFS Committee carried over LD 1832 specifically as a vehicle for consideration of a narrower proposal to require health insurance carriers to provide coverage and reimbursement for community paramedicine services in state-regulated health plans. This proposal would not apply to MaineCare, Medicare or self-insured group health plans. To that end, the HCIFS Committee requested that the Bureau of Insurance prepare a review and evaluation of LD 1832 based on a proposed committee amendment addressing coverage and reimbursement for community paramedicine services. The review and evaluation is due to the HCIFS Committee no later than January 15, 2024.

As a corollary proposal to the MaineCare-specific reimbursement rate proposal presented in LD 1751, commission members express support for requiring health insurance carriers to provide coverage and reimbursement for community paramedicine services in state-regulated health plans as presented in a proposed HCIFS Committee amendment to LD 1832.

**Recommendation A-8: Maine EMS should conduct a funding needs analysis of communities seeking to engage in regional collaborative efforts or in the adoption of a regional model for the delivery of EMS.<sup>29</sup>**

At multiple commission meetings, members discussed the potential benefits of and barriers to community and regional collaborative efforts for the delivery of EMS. The commission received presentations, as previously described, regarding two different regional models implemented in Maine that have enhanced the efficiency and reduced the costs of providing EMS for the participating communities. One of the primary barriers to regionalization efforts identified by commission members is cost – the initial capital, start-up and operating costs of implementing a regional model are often a significant enough barrier to dissuade communities from exploring collaborative options that might ultimately reduce their EMS costs.

Commission members recognize there have recently been a number of funding sources made available to communities for these purposes, namely the grant funding available under the Maine Emergency Medical Services Community Grant Program and under the Emergency Medical Services Stabilization and Sustainability Program, both of which were described in greater detail earlier in this report. Given the diverse funding and structural needs of municipalities and regions throughout the State and the disparity in EMS available from area to area, it is unclear whether communities seeking to collaborate in the development of a regional model for EMS will have access to the level funding and support necessary for successful implementation of those models.

To that end, commission members recommend that Maine EMS conduct a funding needs analysis of communities seeking to engage in regional collaboration or the adoption of a regional model in the delivery of EMS and report the results of that analysis and any accompanying recommendations to the Legislature. Commission members believe this analysis will be critical in determining the unfilled community resource needs that must be addressed to effectively

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<sup>29</sup> Fifteen commission members voted in support of Recommendation A-8 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Montejo, Petrie and Senecal), one commission member abstained (Roberts) and one commission member was absent (Hildreth).

support regional collaborative efforts by communities in the delivery of EMS and further recommend the report from Maine EMS should indicate whether such an analysis should be conducted on an ongoing basis. Although the commission believes Maine EMS currently has the expertise and resources to conduct this analysis, commission members suggest that Maine EMS communicate with the Legislature regarding any funding concerns it may have in implementing this recommendation.

**Recommendation A-9: The Legislature should enact legislation, as proposed in LD 1409, to address situations where an EMS entity can be reimbursed its costs for training and credentialing an EMS provider if the provider is hired by another EMS entity within a specified period of time after the first entity’s initial incurrence of those costs.<sup>30</sup>**

LD 1409, “An Act to Require Reimbursement When a Municipality Hires First Responders Whose Training Costs Were Incurred by Another Municipality,” was introduced in 2023 and referred to the Joint Standing Committee on State and Local Government (SLG).<sup>31</sup> The bill as printed, establishes a formula to reimburse municipalities for training costs for training full-time first responders if the first responder is hired by another municipality within 5 years of the first municipality's initial incurrence of training costs. The SLG Committee ultimately decided to carry the bill over to the 2024 session.

Commission members recognize that problems with recruiting, training and retaining EMS providers are significantly impacting the delivery of EMS for many EMS entities, causing delayed response times and contributing to provider stress and burnout. Compounding those issues for municipal EMS entities in particular are where an entity incurs costs in training and credentialing new and existing providers only to have those providers leave for other employment. According to the Maine Municipal Association in its public hearing testimony on LD 1409, although it is challenging to estimate these types of costs, the average cost to provide all first responder credentialing and on the job training to the point that the provider can work “moderately unsupervised” could be in the range of \$15,000 to \$20,000, much of which represents the salary paid to the provider during the period of on the job training.<sup>32</sup>

As printed, LD 1409 proposes to implement a reimbursement mechanism to address that situation in a similar manner to the law enforcement and corrections officer training cost sharing mechanisms currently provided for in law.<sup>33</sup> But as acknowledged by the bill’s sponsor in public hearing testimony, while the genesis of the bill was simply “to reimburse a municipality, who has paid for training in expectation that an employee will continue to work for that municipality,

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<sup>30</sup> Fourteen commission members voted in support of Recommendation A-9 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Howell, Kellner, Kipfer, Montejo, Petrie and Senecal), one commission member voted in opposition (Dow), one commission member abstained (Roberts) and one commission member was absent (Hildreth).

<sup>31</sup> More information on LD 1409 is available at <https://legislature.maine.gov/billtracker/#Paper/1409?legislature=131>.

<sup>32</sup> See <https://legislature.maine.gov/backend/app/services/getDocument.aspx?doctype=test&documentId=173002>.

<sup>33</sup> See 25 MRSA §§2808, 2808-A.

if that employee moves on,” the bill as proposed “isn’t a perfect framework for what is a common-sense policy idea.”<sup>34</sup>

Recognizing, therefore, that this proposal will likely be subject to further legislative discussion during the 2024 session, commission members express general support for implementation of the policy goals raised by LD 1409. Commission members recommend that the SLG Committee consider broadening the scope of the proposal to include all EMS providers and not just first responders. Further, commission members suggest the SLG Committee consider methods of ensuring equity in the implementation of any such proposal between municipal and non-municipal EMS entities so that all EMS entities are able to take advantage of any reimbursement formula and have a responsibility for reimbursement when their hiring of an EMS provider impacts another EMS entity that has incurred costs in training and credentialing that provider.

## **B. Regulation and Oversight**

The EMS system in Maine is overseen by Maine EMS, a bureau within the Maine Department of Public Safety, in coordination with the EMS Board, an 18-member entity established pursuant to the Maine Emergency Medical Services Act of 1982. The EMS system is divided into 6 EMS regions, each with its own regional council, office and medical director. At present, Maine EMS contracts with each regional office, which are established as independent, not-for-profit 501(c)(3) corporations, to assist in oversight of training, quality assurance, medical directions and systems operation within its respective region. Based on the biennial budget enacted by the Legislature in 2023, Maine EMS is expected to have an operating budget of approximately \$2.3 million in fiscal years 2023-24 and 2024-25, with the bulk of those funds originating from the State’s General Fund.

Given the ongoing and anticipated changes to Maine EMS and the EMS Board, which are described in further detail below, commission members recognize that both entities may require increased funding, staffing and associated resources in future biennia to ensure the proper oversight and support of the EMS system. While Maine EMS and the EMS Board play a critical role in licensing and regulating EMS entities in the State, they must also be able to provide the resources and other support that those licensed entities need to sustainably operate. Furthermore, these two entities must ensure the systemic planning, oversight and stewardship of the EMS system, now and into the future. To support a robust and sustainable governance structure for EMS in Maine, commission members make the following recommendations relating to the regulation and oversight of EMS.

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<sup>34</sup> See <https://legislature.maine.gov/backend/app/services/getDocument.aspx?doctype=test&documentId=173001>.

**Recommendation B-1: The Legislature should provide Maine EMS with the funding, staffing and associated resources necessary to properly support its core functions and responsibilities: licensing and regulation of EMS entities; provision of resources and other support to licensed EMS entities; and systemic planning, oversight and stewardship of the statewide EMS system.<sup>35</sup>**

Maine EMS is currently in the process of implementing a long-term strategic plan, which will involve substantial changes to the structure of the agency and the EMS Board, as well as to the general governance structure of the EMS system. The implementation of these changes is expected to require, among other things, the provision of additional funding and resources, including increased staffing support. The commission believes this restructuring provides an important opportunity to examine, reinforce and support the core functions and responsibilities of the agency.

Commission members suggest that these core governance functions and responsibilities of Maine EMS and the EMS Board fall within three primary areas: (1) oversight of the licensing and regulation of EMS entities; (2) the provision of resources and other support to licensed EMS entities; and (3) the systemic planning, oversight and stewardship of the statewide EMS system. Supporting each of these core functions is critical to the future of the EMS system and commission members recognize that Maine EMS must be provided with the funding, staffing and associated resources necessary to successfully implement its strategic plan. The commission accordingly supports the Legislature in its consideration of any future funding and resource requests made by Maine EMS relating to the implementation of its strategic plan and recommends the Legislature consider all available funding options in properly resourcing Maine EMS and the EMS Board.

**Recommendation B-2: The Legislature should enact legislation to facilitate the timely appointment of members to fill vacant seats and reappointment of members in expired seats on the EMS Board, including by shifting the appointing authority for some board members to the President of the Senate and the Speaker of the House of Representatives.<sup>36</sup>**

The Maine Emergency Medical Services Act of 1982 establishes the composition of the EMS Board.<sup>37</sup> The EMS Board is comprised of 18 members, one for each of the 6 regions represented by regional councils, and the remaining 12 members are as follows: an emergency physician, a representative of emergency medical dispatch providers, a representative of the public, a representative of for-profit ambulance services, an emergency professional nurse, a representative of nontransporting EMS, a representative of hospitals, a fire chief, a representative

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<sup>35</sup> Fourteen commission members voted in support of Recommendation B-1 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>36</sup> Fourteen commission members voted in support of Recommendation B-2 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>37</sup> See 32 MRSA §88.

of a statewide association of fire chiefs, a municipal EMS provider, a representative of not-for-profit ambulance services and a representative in the field of pediatrics. All 18 members are appointed by the Governor and serve 3-year terms.

As commission members learned, at present 6 of the 18 board seats are currently vacant (the seats representing South Maine Region/Region 1; Northeast Region/Region 4; nontransporting EMS representative; for-profit ambulance services representative; emergency professional nurse member; and pediatrics representative).<sup>38</sup> Moreover, the appointment terms for the 12 non-vacant seats are all expired as of July 2023, with at least one term having expired as early as December 2020. Many commission members expressed frustration with these vacancies and lack of reappointments as necessary to support the activities of an entity that is so critically involved with the regulation and oversight of the EMS system. Commission members recognize that, as part of the implementation of the Maine EMS strategic plan, described later in this report, the EMS Board is expected to be reconfigured and its membership reduced to create a separate licensing board. While the time frame for those changes is unclear, commission members are concerned that the present iteration of the EMS Board, with its 6 vacancies and 12 expired appointments, may be frustrating its ability to effectively regulate the EMS system.

To this end, commission members recommend the Legislature enact legislation to facilitate the timely appointment of members to fill vacant seats and reappointment of members in expired seats on the EMS Board. One mechanism for achieving this goal, which the commission supports, is to shift the appointing authority for some board seats from the Governor to the President of the Senate and to the Speaker of the House of Representatives. Commission members believe this to be a reasonable and appropriate mechanism by which the Legislature can facilitate the timely achievement of a fully appointed board. The commission anticipates a robust legislative discussion in 2024 regarding the EMS Board and its current composition as the Legislature considers a new bill, LD 2071, “Resolve, to Fill all Vacant and Expired Seats on the Emergency Medical Services Board.”<sup>39</sup>

**Recommendation B-3: The Legislature should support the proposed reorganization of the EMS Board, which would establish a 9-member EMS Board charged with the strategic direction and oversight of the EMS system as well as a 9-member EMS Licensing Board, charged with the regulation of EMS licensing.**<sup>40</sup>

Commission members understand that, as part of the implementation of the Maine EMS strategic plan, the EMS Board is expected to undergo a significant reorganization, which the current board has endorsed.<sup>41</sup> That proposal would reduce the size of the current EMS Board from 18 to 9

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<sup>38</sup> See <https://www.maine.gov/ems/boards-committees/ems-board>.

<sup>39</sup> More information on LD 2071 is available at <https://legislature.maine.gov/billtracker/#Paper/2071?legislature=131>.

<sup>40</sup> Fourteen commission members voted in support of Recommendation B-3 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>41</sup> A copy of this proposal is included in Appendix G.

members and charge that smaller board with ensuring the strategic direction and oversight of the EMS system. That board's responsibilities would include: (1) continued implementation of the strategic plan; (2) coordinating rulemaking activities not related to personnel licensing; (3) hearing and deciding service-licensing waiver requests and appeals of disciplinary actions; and (4) approving and confirming the Maine EMS director position.

At the same time, the proposal would establish a new 9-member EMS Licensing Board and charge that board with ensuring the regulation of licensed EMS persons. That board's responsibilities would include: (1) coordinating rulemaking activities relating to personnel licensing; (2) considering disciplinary action for licensed personnel, including entering of consent agreements; (3) granting, suspending or revoking a personnel license; (4) investigating complaints or allegations of violations; (5) conducting disciplinary and administrative hearings; and (6) evaluating licensing waiver requests.

Commission members recommend that the Legislature support this proposed reorganization of the EMS Board, understanding that many of the critical details, such as the diversity of representation on these two boards, will undergo further development with public discussion, input and legislative consideration prior to implementation.

**Recommendation B-4: The Legislature should charge the reorganized EMS Board with taking all actions necessary to ensure that individuals in all areas of the State have access to transporting ambulance services, with particular focus given to those areas identified as unserved or underserved by EMS.<sup>42</sup>**

Commission members repeatedly discussed that in many areas of the State, residents lack access to a timely or sufficient EMS response, which often leads to significant negative health outcomes. EMS entities, particularly in rural areas, are often stretched very thin and have limited resources and staffing; this contributes to increased response times, provider stress and burnout. As discussed later in this report, commission members believe that the minimum standard for EMS delivery to be achieved for all residents of Maine is access to transporting EMS.

Achieving this goal in the areas of the State that are underserved or unserved by EMS – the so-called “ambulance deserts” – may prove challenging. But the recent implementation by the Legislature of a number of different programs and initiatives along with many of the recommendations in this report will undoubtedly help to better identify the “ambulance deserts” in Maine and the needs of underserved and unserved communities as well as to provide much-needed funding to support a more efficient and sustainable EMS system statewide.

Recognizing, therefore, that the previously described reorganization of the EMS Board will provide additional opportunity to consider its core purposes and functions, commission members recommend the Legislature charge the reorganized EMS Board with taking all actions necessary

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<sup>42</sup> Fifteen commission members voted in support of Recommendation B-4 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Montejo, Petrie and Senecal), one commission member abstained (Roberts) and one commission member was absent (Hildreth).



to ensure that residents in all areas of the State have access to transporting ambulance services, with particular focus given to those areas identified as unserved or underserved by EMS.

**Recommendation B-5: The Legislature should enact legislation requiring Maine EMS to report when the EMS Board has failed to commence an initial rulemaking required by law within 90 days of the relevant effective date and to stipulate, for new programs or initiatives, that any required rulemaking be commenced within 90 days of the relevant effective date.<sup>43</sup>**

Under the Maine Emergency Medical Services Act of 1982, the EMS Board is charged with the adoption of rules necessary to carry out the purposes, requirements and goals of that law.<sup>44</sup> As members learned during the first commission meeting, a rulemaking by the EMS Board to adopt the framework necessary to implement the Maine Emergency Medical Services Community Grant Program recently failed final adoption due, at least in part, to an apparent failure to meet the applicable rulemaking time frames set forth in the Maine Administrative Procedure Act (MAPA). As a result, the EMS Board will need to formally re-initiate rulemaking to adopt implementing rules for a program the Legislature established and funded in 2022.

Described earlier in this report, the newly enacted Emergency Medical Services Stabilization and Sustainability Program also requires the adoption of implementing rules for sustainability grants under that program – a process Maine EMS estimates could take one year or more. Many commission members expressed frustration with the ability of Maine EMS and the EMS Board to efficiently and timely initiate the rulemakings necessary to implement critical funding programs like these. Commission members learned that, when accounting for the additional time necessary to develop a proposed rule, an EMS Board rulemaking often takes a year or more, much of which does not involve the formal rulemaking process governed by the MAPA.

Given these recent difficulties by Maine EMS and the EMS Board in timely developing and adopting rules for critical programs, as directed by the Legislature, commission members expressed support for enacting legislation requiring Maine EMS to report to the Legislature when the EMS Board has failed to commence an initial rulemaking required by law within 90 days of the effective date of that law. That report should specify the reasons for the delay in commencement of rulemaking and the Board's plans for completion of the rulemaking process. Commission members also recommend that, for any new statutory programs or initiatives to be implemented by Maine EMS and the EMS Board with required rulemaking, the Legislature stipulate that the rulemaking be commenced within 90 days of the effective date of the proposal.

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<sup>43</sup> Fourteen commission members voted in support of Recommendation B-5 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>44</sup> See 32 MRSA §84.

### C. System Resilience and Sustainability

While many of the measures recommended and discussed by this commission focused on the immediate short-term needs of the EMS system, the commission's members recognized that ensuring the long-term resilience and sustainability of EMS in Maine is just as critical. As previously described, following the adoption this year of a strategic plan, Maine EMS and the EMS Board are now currently engaged in a long-term reorganization of the EMS governance structure. While those organizational changes are designed to support a more resilient and sustainable EMS system, commission members recognized that there are many issues facing the EMS system beyond just its funding and governance structure.

Indeed, the commission devoted a significant amount of time to discussions regarding such issues, including: (1) the essentiality of EMS; (2) the implications posed by unserved and underserved areas, the so-called “ambulance deserts”; (3) the decline in volunteerism, especially within the EMS field; (4) the efficiencies and benefits that can be realized through the adoption of community or regional collaborative efforts in the delivery of EMS; and (5) other barriers to, as well as opportunities for, improving the resilience and sustainability of the EMS system in Maine. While the commission's previously described recommendations are unquestionably critical to ensuring a bright future for EMS in Maine, the following recommendations targeted at improving the resilience and sustainability of the EMS system are no less important.

#### **Recommendation C-1: The Legislature should enact legislation requiring each municipality in the State to adopt a plan for the delivery of transporting EMS within the municipality.<sup>45</sup>**

The Legislature in 2022 enacted Public Law 2021, chapter 749.<sup>46</sup> In addition to establishing the 2022 commission, that law also amended the “statement of purpose” of the Maine Emergency Medical Services Act of 1982 to add the following language: “The Legislature finds that emergency medical services provided by an ambulance service are essential services.”<sup>47</sup> Commission members discussed at multiple meetings what it means to designate ambulance services or EMS as “essential services” and reviewed the approaches to such essential service designation taken by other states and the funding mechanisms for EMS implemented in those states.<sup>48</sup>

Recognizing that no entity in the State currently has a legal responsibility to provide or ensure the provision of EMS within a particular municipality or community, commission members discussed what the scope of that responsibility might be and who might be the appropriate entity to charge with that responsibility. Ultimately, commission members agreed that EMS is

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<sup>45</sup> Fourteen commission members voted in support of Recommendation C-1 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>46</sup> See P.L. 2022, ch. 749 (LD 1988) (available at <https://legislature.maine.gov/billtracker/#Paper/1988?legislature=130>).

<sup>47</sup> 32 MRSA §81-A.

<sup>48</sup> See chart included in Appendix E.

typically addressed and funded first and foremost at the local level and that each community is best positioned to decide how and at what level EMS is provided within that community. Commission members considered the implications of mandating municipalities at a minimum provide or facilitate the provision of transporting EMS within a municipality and the barriers to achieving that goal, particularly in very rural areas of the State and in the unorganized and deorganized areas that lack the governance structure of organized municipalities.

Commission members generally agreed that almost all organized municipalities in the State have in place some type of plan for providing transporting EMS, even if they do not directly provide or fund that service. Accordingly, commission members recommend that the Legislature enact legislation requiring each municipality in the State to adopt a plan for the delivery of transporting EMS within the municipality. In addition to reinforcing the essentiality of EMS within each community, commission members believe such a requirement will help to better identify those areas of the State that are underserved or unserved by EMS – the so-called “ambulance deserts.” Collection of the information generated through the enactment of this requirement will undoubtedly assist the Legislature and Maine EMS in better targeting available funding to those areas of critical need.

**Recommendation C-2: The Legislature should enact legislation establishing a permanent EMS commission, to be charged with monitoring and evaluating the statewide EMS system on a continuing basis and providing recommendations to Maine EMS and the Legislature regarding necessary changes to that system.<sup>49</sup>**

As previously described, the establishment of this commission was one of a number of implemented recommendations of the 2022 commission. While the work done by both commissions has been critical in addressing many of the significant needs of the EMS system in Maine and in highlighting the scope of the problems faced by many EMS entities, due to the nature of legislative study commissions, the two commissions’ time and resources were necessarily limited. Indeed, during each iteration of the commission, significant issues identified by commission members remained unresolved, most often due to a lack of time necessary to address them properly. Recognizing that there exists a continued need for this level of discussion by a diverse group of stakeholders regarding the issues facing and the future of the EMS system in Maine, commission members recommend that the Legislature enact legislation establishing a permanent EMS commission.

Such a permanent commission should be set up in a manner similar to the Maine Fire Protection Services Commission<sup>50</sup> and generally be charged with monitoring and evaluating the statewide EMS system on a continuing basis and providing recommendations to Maine EMS and the Legislature regarding necessary changes to that system. That commission should also be directed to consider and facilitate the implementation of measures designed to better recognize

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<sup>49</sup> Fourteen commission members voted in support of Recommendation C-2 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>50</sup> See 5 MRSA §3371.

and support the essentiality of EMS on a statewide and a regional basis as well as within each individual community.

Commission members believe that this permanent commission should have as diverse a membership as possible and that the Legislature should consider including as members any or all of the following: State legislators, Maine EMS, the EMS Board, the Department of Health and Human Services, the Maine Chapter of the American College of Emergency Physicians, the Maine Hospital Association, the Maine Ambulance Association, licensed EMS entities from both rural and non-rural areas, licensed EMS providers, Maine Municipal Association, the Maine County Commissioners Association, the Maine Community College System, the Governor's Office, the insurance industry and members of the public.

**Recommendation C-3: The Legislature should enact legislation directing Maine EMS to develop and implement a public informational campaign designed to increase public awareness of and appreciation for the essential services provided by EMS providers in Maine.<sup>51</sup>**

Commission members noted in discussions that, while most individuals expect to receive timely assistance with a medical issue after placing a 911 call requesting EMS, much of the public do not adequately understand or appreciate how that assistance is delivered, how the EMS system is designed or funded or the essentiality of the services provided by EMS entities in Maine. The commission recognized that one method of increasing public awareness of and appreciation for EMS in Maine is the development and implementation of a properly funded public informational campaign.

Commission members accordingly recommend that the Legislature enact legislation directing Maine EMS to develop and implement such a campaign and identify any funding needs that may be necessary for its successful implementation. Alternatively, if the Legislature establishes a permanent EMS commission as previously recommended, it may consider instead charging that permanent commission, in consultation with Maine EMS, with the development and implementation of the informational campaign described in this recommendation, provided that the commission has access to the resources necessary to support those efforts.

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<sup>51</sup> Fourteen commission members voted in support of Recommendation C-3 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

**Recommendation C-4: Maine EMS should collaborate with Volunteer Maine to evaluate opportunities for funding or otherwise facilitating volunteer management and leadership training for volunteer EMS providers and to support recruitment of volunteer EMS providers in Maine.<sup>52</sup>**

As recognized by commission members, volunteer EMS providers and volunteer EMS entities provide a critical means of accessing EMS in many different communities throughout the State, particularly in many rural and hard-to-access areas. The barriers to entry, however, into the volunteer EMS field are in some ways more significant than for paid EMS and the recruitment, retention and training of volunteer EMS providers, especially those in leadership or management positions, present additional, substantial challenges.

To better address these issues and needs, commission members recommend that Maine EMS collaborate with Volunteer Maine to evaluate opportunities for funding or otherwise facilitating volunteer management and leadership training for volunteer EMS providers and to support recruitment of volunteer EMS providers in Maine.

Volunteer Maine, established in statute as the Maine Commission for Community Service,<sup>53</sup> describes its mission as building capacity and sustainability in Maine's volunteer and service communities by funding programs, developing managers of volunteers, raising awareness of sector issues and promoting service as a strategy.<sup>54</sup> Commission members believe Volunteer Maine is uniquely positioned to help identify and acquire available funding and resources and to assist in the implementation of strategies for leadership and management training and recruitment of volunteer EMS providers in Maine.

**Recommendation C-5: The Legislature should support community collaboration in the development and implementation of tiered-response systems utilizing paramedic intercept programs.<sup>55</sup>**

As identified by commission members in discussion, one particular issue faced by EMS entities is the costs and challenges associated with staffing and maintaining a paramedic level EMS. Although there exists a very real demand across the EMS system for paramedical services, many EMS calls require a lower response level. Committee members discussed opportunities for community collaboration in addressing this issue, specifically the development of tiered-response systems utilizing paramedic intercept programs within a group of municipalities or

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<sup>52</sup> Fifteen commission members voted in support of Recommendation C-4 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Montejo, Petrie and Senecal), one commission member abstained (Roberts) and one commission member was absent (Hildreth).

<sup>53</sup> See Title 5, Chapter 373.

<sup>54</sup> See <https://volunteermaine.gov/commission>.

<sup>55</sup> Fourteen commission members voted in support of Recommendation C-5 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

region, whereby one or more paramedic providers are shared within that service area. These types of programs allow the EMS entities operating in a multi-community area or region to more efficiently and cost-effectively target the use of paramedic level EMS to those calls where paramedical services are actually required.

While these programs hold significant potential in increasing the efficiency and sustainability of one important facet of the EMS system in Maine, the initial capital, start-up and operational costs for implementation can potentially be prohibitive. Commission members recommend the Legislature support community collaboration in the development and implementation of tiered-response systems utilizing paramedic intercept programs and identify and consider options for funding such programs, including, but not limited to, funding under the Maine Emergency Medical Services Community Grant Program and the Emergency Medical Services Stabilization and Sustainability Program.

**Recommendation C-6: The Legislature should enact legislation amending the Maine Emergency Medical Services Act to authorize an EMS provider to render EMS within a hospital or health care facility where the EMS provider is a contractor of the hospital or facility but not an employee.<sup>56</sup>**

The Legislature in 2023 enacted Public Law 2023, chapter 132, which clarified a number of laws regarding the delegating authority of a physician or physician assistant to EMS personnel or others as a medical assistant.<sup>57</sup> That law, among other things, amended the Maine Emergency Medical Services Act of 1982<sup>58</sup> as follows:

**7. Delegation.** This chapter may not be construed to prohibit a person licensed as an emergency medical services person from rendering medical services in a hospital or other health care facility setting if those services are:

A. Rendered in the person's capacity as an employee of the hospital or health care facility;

B. Authorized by the hospital or health care facility; and

C. Delegated in accordance with section 2594-A or section 2594-E, subsection 4, section 3270-A or section 3270-E, subsection 4.

Unless otherwise provided by law, an emergency medical services person licensed under this chapter may not simultaneously act as a licensee under this

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<sup>56</sup> Fourteen commission members voted in support of Recommendation C-6 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), one commission member voted in opposition (Montejo), one commission member abstained (Roberts) and one commission member was absent (Hildreth).

<sup>57</sup> See P.L. 2023, ch. 132 (LD 1396) (available at <https://legislature.maine.gov/billtracker/#Paper/1396?legislature=131>).

<sup>58</sup> 32 MRSA §85(7).



chapter and an assistant performing medical services delegated by a physician in accordance with section 2594-A or section 3270-A or by a physician assistant in accordance with section 2594-E, subsection 4 or section 3270-E, subsection 4.

Commission members were notified during the commission process that an additional amendment to this section of law may be necessary to allow EMS providers who are contractors but not employees of a hospital or health care facility to render EMS within that hospital or facility. While acknowledging there might be potential concerns or unintended consequences of implementing such an amendment, which would undoubtedly be evaluated as part of the legislative process, commission members believe such a change could better support the retention of EMS providers by EMS entities and potentially in some cases benefit both the hospital and EMS system by better facilitating interfacility transfers.

Accordingly, commission members recommend the Legislature enact legislation amending 32 MRSA §85(7)(A) as follows to authorize an EMS provider to render EMS within a hospital or other health care facility setting where the EMS provider is a contractor of the hospital or facility but not an employee:

**Sec. 1. 32 MRSA §85, sub-§7, ¶A is amended to read:**

A. Rendered in the person's capacity as an employee or contractor of the hospital or health care facility;

**Recommendation C-7: Using LD 1515 or other available legislative instruments, the Legislature should enact legislation necessary to better support and fund the EMS system and to better facilitate the efficient and sustainable delivery of EMS services in Maine.<sup>59</sup>**

LD 1515, “An Act to Fund Delivery of Emergency Medical Services,” was introduced in 2023 and referred to the Joint Standing Committee on Criminal Justice and Public Safety (CJPS).<sup>60</sup> The bill as printed provides General Fund appropriations to the Department of Public Safety to support existing transportation costs of EMS, which must be reduced to the maximum extent possible through the use of public and private Medicaid match programs. The CJPS Committee ultimately decided to carry the bill over to the 2024 session and the commission understands the bill is intended to be used as a potential vehicle for proposals relating to the EMS system that will be considered and discussed during the 2024 session.

As described in this report, the commission has proposed a variety of measures designed to better support and fund the EMS system and to better facilitate the efficient and sustainable delivery of EMS services in Maine. Moreover, as previously described, there are a number of other proposals that will be under consideration by the Legislature in 2024 that commission members

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<sup>59</sup> Fourteen commission members voted in support of Recommendation C-7 (Senator Curry, Speaker Talbot Ross, Senator Farrin, Representative Blier, Representative Cyrway, Representative Salisbury and commission members Chase, Damon, Dow, Howell, Kellner, Kipfer, Petrie and Senecal), two commission members abstained (Montejo, Roberts) and one commission member was absent (Hildreth).

<sup>60</sup> More information on LD 1515 is available at <https://legislature.maine.gov/billtracker/#Paper/1515?legislature=131>.

support legislative action on. Although the commission recognizes that the CJPS Committee, upon receipt of this report, is authorized to report out a committee bill to implement recommendations set forth in this report, commission members recommend that the Legislature consider all potential options, including use of bills like LD 1515, in evaluating those recommendations and in taking actions to support and fund the EMS system. Commission members recognize that the use of existing legislation, such as LD 1515, presents an expedient option for consideration and implementation of these actions early in the 2024 session.

## **V. CONCLUSION**

While the publication of this report brings to an end the work of this Blue Ribbon Commission to Study Emergency Medical Services in the State, commission members recognize that the need to better fund, support and plan the EMS system in Maine remains. The many recommendations included in this report will help to ensure a more efficient and resilient EMS system and a more sustainable future for EMS entities. Accordingly, commission members remain committed to ensuring the consideration and implementation of these critical reforms and initiatives by the Legislature, by Maine EMS and the EMS Board and within their respective communities.

The commission would like to extend its thanks to its members for committing their time, expertise and guidance in tackling the many complex issues facing the EMS system. The development and refinement of the recommendations included in this report would not have been possible without their diverse perspectives and vital input. Lastly, the commission would like to thank the EMS providers and entities that tirelessly dedicate their time and energy to ensuring the continued success of the EMS system in their respective communities and across the State.

## **APPENDIX A**

**Authorizing Legislation: Resolve 2023, c. 99**

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 1090 - L.D. 1701

**Resolve, to Reestablish and Continue the Work of the Blue Ribbon  
Commission to Study Emergency Medical Services in the State**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this resolve reestablishes the Blue Ribbon Commission to Study Emergency Medical Services in the State; and

**Whereas,** the study must be initiated before the expiration of the 90-day period in order to provide sufficient time for the study to be completed and a report submitted in time for submission to the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Establishment of Blue Ribbon Commission to Study Emergency Medical Services in the State. Resolved:** That the Blue Ribbon Commission to Study Emergency Medical Services in the State, referred to in this resolve as "the commission," is established.

**Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule 353, the commission consists of 17 members:

1. Seven members appointed by the President of the Senate as follows:

A. Two members of the Senate, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature;

B. Two members who are employed or volunteer in the field of emergency medical services, including one member who represents a community of 10,000 residents or more and one member who represents a community of fewer than 10,000 residents;

C. One member who represents a statewide association of emergency medical services providers;

- D. One member who represents a private, for-profit ambulance service; and
- E. One member who represents a statewide association of municipalities;
- 2. Eight members appointed by the Speaker of the House as follows:
  - A. Four members of the House of Representatives, including 2 members of the party holding the largest number of seats in the Legislature and 2 members of the party holding the 2nd largest number of seats in the Legislature;
  - B. One member who represents a tribal emergency medical service;
  - C. One member who represents a volunteer emergency medical service;
  - D. One member who represents a county government; and
  - E. One member who represents a statewide association of hospitals;
- 3. The Commissioner of Health and Human Services or the commissioner's designee; and
- 4. The director of Maine Emergency Medical Services within the Department of Public Safety or the director's designee.

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission.

**Sec. 4. Appointments; convening of commission. Resolved:** That, notwithstanding Joint Rule 353, all appointments must be made no later than 15 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than 30 days following the appointment of all members.

**Sec. 5. Duties; meetings. Resolved:** That the commission shall examine and make recommendations on the structure, support and delivery of emergency medical services in the State. The commission shall maintain communication and coordinate with Maine Emergency Medical Services as defined in the Maine Revised Statutes, Title 32, section 83, subsection 16-A so that Maine Emergency Medical Services is informed of the work of the commission and the commission is informed of the strategic planning work of Maine Emergency Medical Services. The commission may look at all aspects of emergency medical services, including but not limited to workforce development, training, compensation, retention, costs, reimbursement rates, organization and local and state support. The commission is authorized to hold a maximum of 6 meetings.

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**Sec. 7. Report. Resolved:** That, notwithstanding Joint Rule 353, no later than December 6, 2023, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Criminal Justice and Public Safety.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.



## **APPENDIX B**

### **Membership List: Blue Ribbon Commission to Study Emergency Medical Services in the State**

**Blue Ribbon Commission to Study Emergency Medical Services in the State****Resolve 2023, Chapter 99****Membership List**

| <b>Name</b>                                           | <b>Representation</b>                                                                                                                     |
|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Senator Chip Curry (Senate Chair)                     | Member of the Senate                                                                                                                      |
| Speaker of the House Rachel Talbot Ross (House Chair) | Member of the House of Representatives                                                                                                    |
| Senator Brad Farrin                                   | Member of the Senate                                                                                                                      |
| Representative Suzanne Salisbury                      | Member of the House of Representatives                                                                                                    |
| Representative Scott Cyrway                           | Member of the House of Representatives                                                                                                    |
| Representative Mark Blier                             | Member of the House of Representatives                                                                                                    |
| Robert Chase                                          | Member who is employed or volunteers in the field of emergency medical services and represents a community of 10,000 residents or more    |
| Scott Dow                                             | Member who is employed or volunteers in the field of emergency medical services and represents a community of fewer than 10,000 residents |
| Joe Kellner                                           | Member representing a statewide association of emergency medical services providers                                                       |
| Rick Petrie                                           | Member representing a private, for-profit ambulance service                                                                               |
| Kevin Howell                                          | Member representing a statewide association of municipalities                                                                             |
| Mike Hildreth                                         | Member representing a tribal emergency medical service                                                                                    |
| Beth-Anne Damon                                       | Member representing a volunteer emergency medical service                                                                                 |
| Carrie Kipfer                                         | Member representing a county government                                                                                                   |
| Mike Senecal                                          | Member representing a statewide association of hospitals                                                                                  |
| Bill Montejo                                          | Commissioner of Health and Human Services or the commissioner's designee                                                                  |
| Anthony Roberts                                       | Director of Maine Emergency Medical Services within the Department of Public Safety or the director's designee <sup>1</sup>               |

<sup>1</sup> Maine EMS Director Sam Hurley served as a commission member for the purposes of the October 23rd commission meeting. After that meeting and before the November 6th meeting, Director Hurley designated Maine EMS Deputy Director Anthony Roberts as his designee to the commission and Deputy Director Roberts served as a commission member for the remainder of the commission's meetings.

## **APPENDIX C**

### **2022 Report of the Blue Ribbon Commission to Study Emergency Medical Services in the State**



State of Maine  
130th Legislature, Second Regular Session

**Blue Ribbon Commission To  
Study Emergency Medical Services  
in the State**

**December 2022**

Office of Policy and Legal Analysis



**STATE OF MAINE  
130<sup>th</sup> LEGISLATURE  
SECOND REGULAR SESSION**

**Blue Ribbon Commission To Study  
Emergency Medical Services in the State**

**Members:**

**Sen. Chip Curry, Chair  
Rep. Rachel Talbot Ross, Chair  
Sen. Bradlee Farrin  
Rep. Suzanne Salisbury  
Rep. Richard Mason  
Rep. Tim Theriault  
Christopher Baker  
Scott Dow  
Kevin McGinnis  
Richard Petrie  
Melissa Doane  
Brad Morris  
Katelyn Damon  
Carrie Kipfer  
Joe Kellner  
Lisa Letourneau  
Sam Hurley**

**Staff:**

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(207) 287-1670  
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## Executive Summary

The Blue Ribbon Commission To Study Emergency Medical Services in the State, referred to in this report as the “commission,” was established by Public Law 2021, chapter 749 (Appendix A).<sup>1</sup> Pursuant to the public law, the commission consisted of the following 17 members: two members of the Senate, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature; two members who are employed or volunteer in the field of emergency medical services, including one member who represents a community of 10,000 residents or more and one member who represents a community of fewer than 10,000 residents; one member who represents a statewide association of emergency medical services providers; one member who represents a private, for-profit ambulance service; one member who represents a statewide association of municipalities; four members of the House of Representatives, including 2 members of the party holding the largest number of seats in the Legislature and 2 members of the party holding the 2nd largest number of seats in the Legislature; one member who represents a tribal emergency medical service; one member who represents a volunteer emergency medical service; one member who represents a county government; one member who represents a statewide association of hospitals; the Commissioner of Health and Human Services or the commissioner's designee; and the Director of Maine Emergency Medical Services within the Department of Public Safety or the director's designee.

A list of commission members may be found in Appendix B.

The duties of the commission are set forth in Public Law 2021, chapter 749 (Appendix A) and charge the commission to: examine and make recommendations on the structure, support and delivery of emergency medical services in the State; and maintain communication and coordinate with Maine Emergency Medical Services as defined in the Maine Revised Statutes, Title 32, section 83, subsection 16-A so that Maine Emergency Medical Services is informed of the work of the commission and the commission is informed of the strategic planning work of Maine Emergency Medical Services. The commission was charged with looking at all aspects of emergency medical services, including but not limited to workforce development, training, compensation, retention, costs, reimbursement rates, organization and local and state support.

Over the course of six meetings, the commission developed the following findings and recommendations:

### Funding

**Finding A-1:** Recognizing that EMS reimbursements are not keeping pace with the cost of providing services and that current subsidies are increasingly insufficient to fund the gap between those figures, the commission finds that, in addition to existing subsidies, there is a need for \$70 million in funding a year for the next 5 years to support transporting EMS services in the State.

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<sup>1</sup> Public Law 2021, chapter 749 also amends the Maine Emergency Medical Services Act of 1982 by including a legislative finding that emergency medical services provided by an ambulance service are essential services.

**Recommendation A-1:** The Legislature should fund the delivery of EMS in Maine by appropriating \$70 million per year for the next five years from the General Fund to support existing transporting EMS services, with such appropriation amount to be reduced to the maximum extent possible through the utilization of public and private Medicaid match programs.

**Recommendation A-2:** The Legislature should initially allocate \$25 million of that \$70 million appropriation to specifically target transporting EMS services at immediate risk of failing and leaving their service area without access to adequate EMS.

**Recommendation A-3:** The Legislature should further fund the delivery of EMS in Maine by appropriating \$6 million per year for the next five years from the General Fund for non-transporting emergency medical services.

### **Workforce Development, Education and Training**

**Recommendation B-1:** The Legislature should explore options for providing staff of non-municipal, nonprofit licensed EMS services access to the Maine State Retirement System and to State of Maine healthcare benefits.

**Recommendation B-2:** The Legislature should fully fund the Length of Service Award Program.

**Recommendation B-3:** The Legislature should direct Maine EMS, the Maine Community College System, and University of Maine System to convene a stakeholder work group to explore EMS career pathways and educational opportunities in the State.

### **Community Paramedicine**

**Recommendation C-1:** To facilitate the growth of community paramedicine programs in Maine, the Legislature should explore options for addressing a potential disparity created by the statutory definition and licensure requirements of home health care providers and community paramedic requirements.

### **Continued Study of Emergency Medical Services in the State**

**Recommendation D-1:** During the 131<sup>st</sup> Legislature, the Legislature should reestablish the Blue Ribbon Commission To Study Emergency Medical Services in the State.

## I. Introduction

The Blue Ribbon Commission To Study Emergency Medical Services in the State, referred to in this report as the “commission,” was established by Public Law 2021, chapter 749 (Appendix A).<sup>2</sup> Pursuant to the public law, the commission consisted of the following 17 members:

- Two members of the Senate, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature;
- Two members who are employed or volunteer in the field of emergency medical services, including one member who represents a community of 10,000 residents or more and one member who represents a community of fewer than 10,000 residents;
- One member who represents a statewide association of emergency medical services providers;
- One member who represents a private, for-profit ambulance service;
- One member who represents a statewide association of municipalities;
- Four members of the House of Representatives, including 2 members of the party holding the largest number of seats in the Legislature and 2 members of the party holding the 2nd largest number of seats in the Legislature;
- One member who represents a tribal emergency medical service;
- One member who represents a volunteer emergency medical service;
- One member who represents a county government;
- One member who represents a statewide association of hospitals;
- The Commissioner of Health and Human Services or the commissioner's designee; and
- The Director of Maine Emergency Medical Services within the Department of Public Safety or the director's designee.

A list of commission members may be found in Appendix B.

The duties of the commission are set forth in Public Law 2021, chapter 749 (Appendix A) and charge the commission to: examine and make recommendations on the structure, support and delivery of emergency medical services in the State; and maintain communication and coordinate

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<sup>2</sup> Public Law 2021, chapter 749 also amends the Maine Emergency Medical Services Act of 1982 by including a legislative finding that emergency medical services provided by an ambulance service are essential services.

with Maine Emergency Medical Services as defined in the Maine Revised Statutes, Title 32, section 83, subsection 16-A so that Maine Emergency Medical Services is informed of the work of the commission and the commission is informed of the strategic planning work of Maine Emergency Medical Services. The commission was charged with looking at all aspects of emergency medical services, including but not limited to workforce development, training, compensation, retention, costs, reimbursement rates, organization and local and state support.

The commission was directed to submit a report, with findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over public safety matters.

## **II. Commission Process**

The commission was authorized to hold a maximum of six meetings, which were held on the following dates: September 1st, September 15th, October 6th, October 25th, November 14th, and December 5th. Meetings were conducted using a hybrid format, through which commission members could choose to attend each meeting in person or remotely. Members of the public were afforded an opportunity to attend each meeting in person or view a livestream or archived video recording of each meeting through the Legislature's website. Meeting materials, including meeting agendas and background materials can be found at <https://legislature.maine.gov/emergency-medical-services-study>.

At the first meeting<sup>3</sup> of the commission on September 1<sup>st</sup>, members gave extended introductions, including information about their background and involvement in or experience with EMS in Maine, the organization or interests they are representing on the commission and any additional information that members felt relevant to share with the commission. Commission staff reviewed the commission's authorizing legislation, Public Law 2021, chapter 749, including the commission's duties, process and timeline for the commission's work. In addition, commission member and Director of Maine Emergency Medical Services (Maine EMS) Sam Hurley provided an overview of EMS in Maine and Dia Gainor, Executive Director of the National Association of State EMS Officials (NASEMSO) provided an overview of EMS nationally. The meeting concluded with commission member discussion regarding the charge and duties of the commission, commission goals and desired outcomes.

The second meeting<sup>4</sup> of the commission took place on September 15<sup>th</sup> and began with an overview of historical funding requests by Maine EMS and the Department of Public Safety provided by Commissioner of Public Safety Michael Sauschuck. The commission also received an overview on the cost of the provision of services by commission member Joe Kellner. The commission further discussed EMS funding across the State and, at the chairs' request, commission members Carrie Kipfer, Joe Kellner, Chris Baker, Scott Dow and Katelyn Damon provided specific funding information on their respective agencies or organizations. Butch

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<sup>3</sup> The archived video of the first meeting is available at the following link:  
<https://legislature.maine.gov/audio/#228?event=86335&startDate=2022-09-01T12:30:00-04:00>

<sup>4</sup> The archived video of the second meeting is available at the following link:  
<https://legislature.maine.gov/audio/#127?event=86439&startDate=2022-09-15T13:00:00-04:00>

Russell, President and CEO of North East Mobile Health, provided EMS funding information as well from his organization's perspective.

The third meeting<sup>5</sup> of the commission took place on October 6<sup>th</sup> and began with an overview on EMS workforce development and training programs provided by Eric Wellman, Emergency Medical Services Project Director at the Maine Community College System and Dennis Russell, Dean, Education Department Manager and Community Paramedicine Manager at United Training Center. The commission next received a presentation on the EMS workforce provided by Glenn Mills, Deputy Director of the Department of Labor's Center for Workforce Research and Information and a presentation on community paramedicine in Maine provided by Karen Pearson, Policy Associate at the Catherine Cutler Institute at the University of Southern Maine. The final presentation of the day was an update on the Maine EMS Strategic Planning Process provided by SafeTech Solutions consultant John Becknell. At the end of the third meeting, commission members discussed the process by which future commission discussion could be narrowed to focus on potential findings and recommendations. To prepare for that discussion at the next meeting, the chairs requested that commission members suggest potential findings and recommendations prior to the next meeting, to be compiled by staff.

The fourth meeting<sup>6</sup> was held on October 25<sup>th</sup> and began with a presentation by the consulting firm Sellers Dorsey on behalf of the Maine Ambulance Association regarding the potential implementation of an ambulance Medicaid supplemental payment program in Maine. The commission next heard from member Chris Baker regarding the operation of and challenges unique to a joint fire and ambulance service from his perspective serving with the joint fire/EMS in Old Town. Following these presentations, the discussion turned to the potential findings and recommendations to be included in the commission's final report. Prior to the meeting, the commission had received a document prepared by staff compiling what members had identified as potential findings and recommendations and which served as a framework for this discussion. Members opted to begin the discussion by addressing the EMS funding shortfall and potential solutions. Member Joe Kellner provided the commission with a brief presentation that both sought to identify the amount of that shortfall and provide a number of options for addressing it through State funding. Following additional discussion, the members present unanimously voted to recognize that there exists a funding shortfall in the EMS industry in Maine of roughly \$70 million per year and that the shortfall should be addressed through the provision of State funding in that same amount annually over a 5-year period. Although members largely agreed that reporting and accountability mechanisms needed to be built into any such distribution of State dollars, there remained a difference of opinion over whether the funds should be distributed directly, through a Maine EMS-administered grant program or through some other method. Further discussion of the specific method of distributing these funds was accordingly deferred until the next meeting.

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<sup>5</sup> The archived video of the third meeting is available at the following link:  
<https://legislature.maine.gov/audio/#228?event=86506&startDate=2022-10-06T13:00:00-04:00>

<sup>6</sup> The archived video of the fourth meeting is available at the following link:  
<https://legislature.maine.gov/audio/#228?event=86527&startDate=2022-10-25T13:00:00-04:00>

The fifth meeting<sup>7</sup> was held on November 14<sup>th</sup>, during which the commission continued its consideration of suggested findings and recommendations and voted on which findings and recommendations to include in the final report. Staff was assigned to draft a preliminary report including those findings and recommendations receiving a majority of votes from the members present and voting at the November 14<sup>th</sup> meeting, and information regarding the substantive discussions around those findings and recommendations.

The sixth and final meeting<sup>8</sup> was held on December 5<sup>th</sup>, during which the commission reviewed the draft report and provided suggestions and clarifications on its substance, including re-voting one recommendation to include an additional, substantive component. The findings and recommendations, and underlying votes, of the commission are described in detail in Part IV of this report. Members who were absent at the time of the votes were given the opportunity to submit their votes and those votes are reflected accordingly. Those who were not in attendance and did not subsequently submit a vote are reflected as absent.

### **III. Background Information**

#### **A. Overview of EMS in Maine**

The Maine Emergency Medical Services program in Maine was initially established as the result of the federal Highway Safety Act of 1966, which provided that each state must formulate an emergency medical services program or lose a percentage of its national highway funds allocated for highway construction. Previously, funeral directors had been the primary providers of ambulance services. As funeral directors were ceasing to provide this service, citizens began to create volunteer ambulance services in their place. With the new federal law, the first state-sponsored EMS medical training was developed and by 1970, the Department for Licensure of Ambulance Services, Vehicles and Personnel had been created and began to initiate licensing. Over the next few years, federal grants were awarded to fund various city and regional EMS structures and in 1982, the Maine Legislature enacted the Maine Emergency Medical Services Act of 1982, establishing the basis for the current State EMS laws.

Today, EMS in Maine is comprised of three basic entities: the Bureau of Emergency Medical Services (Maine EMS), which is based within the Department of Public Safety; the Board of Emergency Medical Services (Board), which has statutory authority for EMS system oversight; and the EMS system itself, which is the collection of clinicians, first responders, dispatch centers, resources and medical directors throughout the State.

Maine EMS provides regulatory oversight of a variety of entities. These regulated entities include emergency medical dispatchers (EMD) and EMD centers; EMS ambulance operators, emergency medical responders (EMRs), emergency medical technicians (EMTs), advanced EMTs (AEMTs) and paramedics; non-transporting, transporting and air medical services and

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<sup>7</sup> The archived video of the fifth meeting is available at the following link:  
<https://legislature.maine.gov/audio/#228?event=86572&startDate=2022-11-14T13:00:00-05:00>

<sup>8</sup> The archived video of the sixth meeting is available at the following link:  
<https://legislature.maine.gov/audio/#126?event=86678&startDate=2022-12-05T13:00:00-05:00>

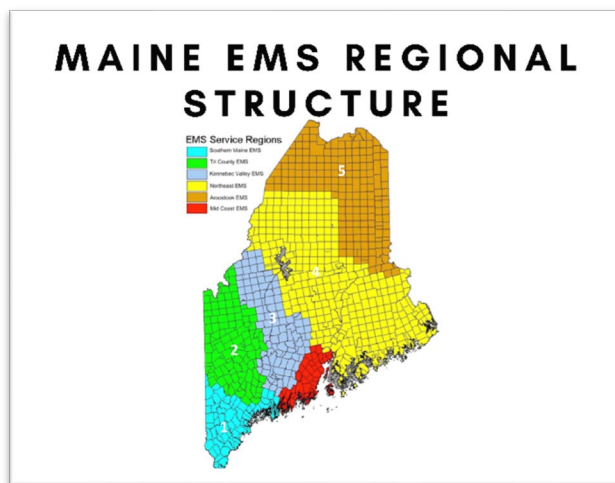


emergency vehicles (ambulances, response vehicles and air ambulances); and EMS training centers, which include instructors and coordinators and initial and continuing education courses.

As of January 2021, Maine has over 276 licensed services responsible for delivering emergency medical services throughout the State, including:

- 173 fire departments;
- 41 nonprofit, community-based EMS services;
- 35 independent municipal EMS services;
- 11 private EMS services;
- 11 hospital-based EMS services;
- 3 college-based EMS services;
- 2 tribal EMS services; and
- 1 air medical service.<sup>9</sup>

The State is divided into six EMS regions, each with a regional council, office and medical



director. The regional EMS offices are each independent not-for-profit 501(c)(3) corporations that contract with Maine EMS to coordinate the EMS system in their respective region. Those six regions are shown in the chart on the left.<sup>10</sup>

The delivery of emergency medical services, however, is exclusively provided at the local level. Accordingly, how the delivery of EMS is organized and financed varies significantly from community to community. Some communities rely on municipal fire departments or dedicated EMS departments,

while others may contract with private, non-profit community-based, or hospital-based EMS services. Each service model has its own challenges and advantages but regardless of the type of service and service mix, in each community EMS provides coordinated response and emergency medical care involving multiple people and agencies and has to be ready at all times to respond a call. All of these components as a whole constitute what we think of as “EMS” in Maine.

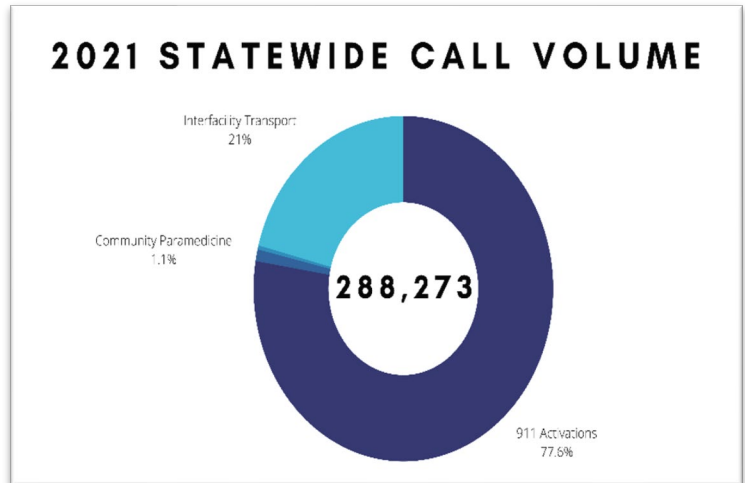
<sup>9</sup> See <https://www.maine.gov/ems/whatisems>.

<sup>10</sup> See Maine EMS September 1<sup>st</sup> presentation materials, which can be found at <https://legislature.maine.gov/doc/8817>.

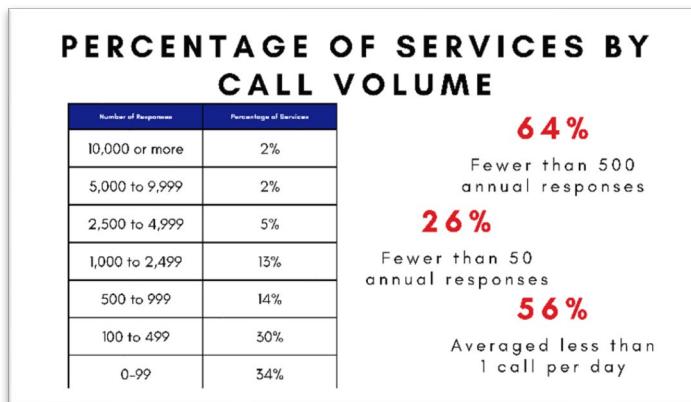
## B. Costs of EMS and Reimbursements

Funding of EMS is complicated, partly because each EMS service has different service mixes as previously noted, but also because of varying call volumes, geographic areas and service structures. Statewide, EMS is funded primarily through insurance reimbursement – both public and private. Public Medicare and Medicaid reimbursement is the largest funding source, although reimbursement may also be provided through hospitals or medical facilities, commercial insurers, and self-pay patients.<sup>11</sup> Reimbursement, and especially Medicare and Medicaid reimbursement is particularly complex.

To understand EMS costs and reimbursements, it can be helpful to start first with an understanding call volume. In 2021, there were approximately 288,273 calls for EMS. As shown in the chart on the right,<sup>12</sup> 911 activations accounted for 77.6% of those transports. Interfacility transport (IFT), which is the transport of a person from one medical facility to another medical facility, accounted for 21% of those transports. Community paramedicine, which represents an expanded role for EMS providers to assist with both public health and primary healthcare to underserved populations without the duplication of services, accounted for 1.1% of those transports.



Most EMS services in Maine do not respond to a large call volume. The chart to the left shows the percentage of services by call volume.<sup>13</sup> Even EMS services that have a low volume of calls,



however, must have the staff and equipment necessary to be able to provide a continuous, 24/7 ambulance response and services must be geographically dispersed so as to be able to respond to those calls in a timely manner. This is what is commonly referred to as the “cost of readiness.” By using call volume as an indicator of “cost-per-call,” a service with a low call volume will necessarily have a higher cost-per-call because all of the overhead costs to run an EMS service are spread amongst fewer calls.

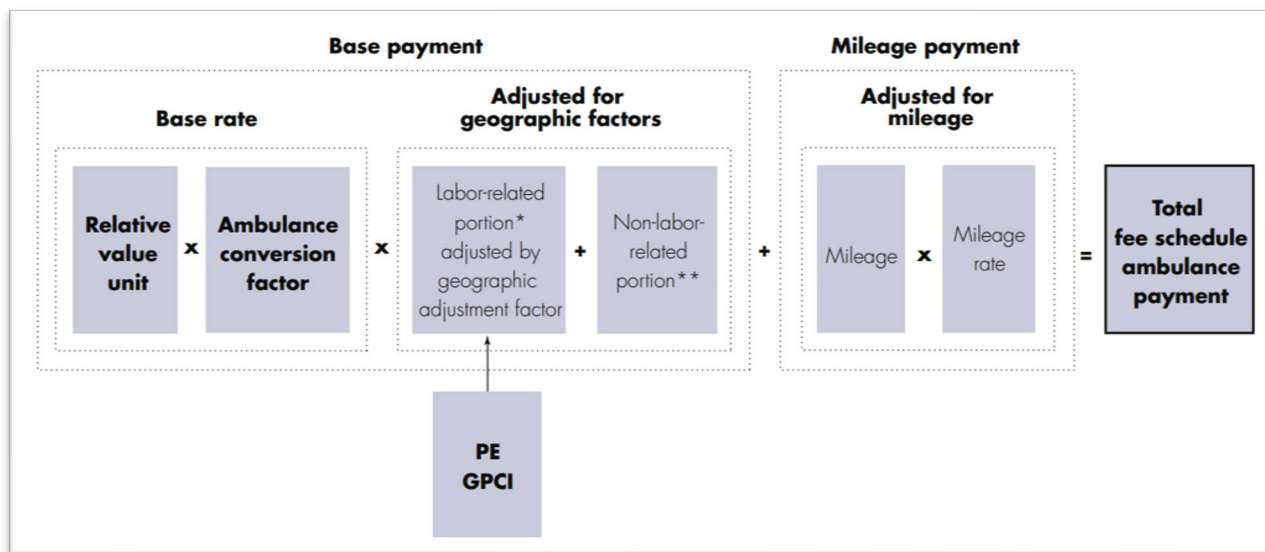
<sup>11</sup> The commission estimates that only approximate 18-20% of funding comes from private reimbursement, although that percentage can be expected to vary from region to region and service to service.

<sup>12</sup> See *id.*

<sup>13</sup> See *id.*

There is limited data on the cost of providing ambulance services, which is contributing to low reimbursement rates. It can also be difficult to calculate the exact cost of EMS where, for example, a municipality has a joint fire/EMS department. The commission did receive information from members regarding EMS budgets from a variety of different service types, including services representing a large city service, a joint fire/EMS department, a small/rural service, a volunteer service and a regional service. In addition, commission member Joe Kellner presented on the cost of EMS and provided an illustrative sample ambulance budget.<sup>14</sup> For each service, a number of factors contribute to the cost of providing ambulance services, including, but not limited to: general budget items, such as salaries and wages, supplies, dispatch and billing, equipment, repairs and maintenance and fuel costs; population density; call volume and volume of transports; types of services provided; grants and fundraising; and staffing and level of staff training and use of volunteers. Of course, underlying all of these costs, is the “cost of readiness,” as previously described.

Reimbursement through Medicare and Medicaid is based on the ambulance fee schedule, which has two components: a base payment, which contains seven distinct levels of ground transport ambulance service representing varying levels of service intensity, and a mileage payment. There are also add-on payments tied to the mode of ambulance transportation and/or geographic location, which include rural and super rural add-ons as determined by zip code. Rates are updated annually by the ambulance inflation factor, which is an amount equal to the percentage increase in the consumer price index for all urban consumers (CPI-U) reduced by the 10-year moving average of multi-factor productivity. The update for 2021 was 0.2 percent. Ambulance add-on payments, which will expire at the end of 2022, include: 2% for urban, 3% for rural and 22.6% for super-rural. MaineCare pays at average Medicare rates based on the lowest geographic practice cost index (GPCI).<sup>15</sup> This equation can also be mapped out as follows.



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<sup>14</sup> See September 15 meeting materials, which can be found at <https://legislature.maine.gov/ems-study-meeting-9152022>.

<sup>15</sup> See *id.*

<sup>16</sup> See *id.*

It is vitally important to consider, however, that a call which does not result in transport does not result in payment, further exacerbating the gap between the cost of delivering EMS and the reimbursement received. Using the data that is available and by making a few assumptions,<sup>17</sup> the difference between the cost-per-call and reimbursement-per-call can be estimated as follows.

| Call Volume            | 300          | 600          | 900          | 1200         | 1500         | 1800         | 2100         |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Cost per Call          | \$2,522.06   | \$ 1,301.37  | \$ 894.47    | \$ 1,177.20  | \$ 958.99    | \$ 813.51    | \$ 709.60    |
| Reimbursement per Call | \$ 491.99    | \$ 491.99    | \$ 491.99    | \$ 491.99    | \$ 491.99    | \$ 491.99    | \$ 491.99    |
| Loss per Transport     | \$ 2,030     | \$ 809       | \$ 402       | \$ 685       | \$ 467       | \$ 322       | \$ 218       |
| Total Gap              | \$609,020.97 | \$485,625.81 | \$362,230.65 | \$822,253.61 | \$700,496.45 | \$578,739.29 | \$456,982.13 |

Thus, although the cost per call is much greater for a service with a low call volume, the reimbursement per call remains the same, and even for those services with the greatest call volume, the reimbursement is still not sufficient to cover the costs. This is because the reimbursement through Medicare and Medicaid is antiquated and woefully inadequate, made worse in a state as rural and geographically diverse as Maine.

### C. Subsidies

The difference between an EMS service's cost-per-call and reimbursement must be made up through subsidies. Current subsidies take many forms and no EMS services in the State use the exact same model. Subsidies that are utilized include taxpayer support, municipal contributions, commercial payers, philanthropy and grants. One of the biggest subsidies underwriting EMS, however, is volunteer and underpaid labor.

EMS in Maine has been highly dependent on and values the role of volunteerism and service in the creation of locally-developed EMS services. While recognizing that volunteerism will always have a role in EMS, it is admittedly not a reliable solution to the central challenges to the long-term sustainability of the EMS system. Declining volunteerism coupled with a dependence on an underpaid workforce that hampers recruitment and retention has necessarily required greater reliance on other subsidies, thereby increasing costs to local municipalities and taxpayers. Declining volunteerism has also helped to reveal the true cost of EMS, which comes as a shock to many communities now struggling to provide those services locally.

Absent a subsidy, transporting EMS services cannot break even in the State, regardless of service mix, and all transporting EMS services are currently operating at a loss. As demonstrated in the previous chart, to break even, a high-efficiency (1,800 transports per year) service would need a subsidy of approximately \$322 per transport; for a more rural, low-volume service (300 transports per year), a subsidy of \$2,030 per transport is needed. Relying on current subsidies without additional State assistance is insufficient to meet the existing need for transporting EMS

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<sup>17</sup> See *id.*

services and, as the commission heard throughout its work, all EMS services in Maine are currently operating at a loss.

#### **D. EMS Workforce, Education and Training**

As mentioned above, one of the largest subsidizations of EMS services in Maine is a volunteer and underpaid workforce. Volunteerism, however, is declining and struggles with EMS employee recruitment and retention have exacerbated problems for a workforce that is already stretched too thin. A primary contributor to these recruitment and retention issues is the generally inadequate compensation and benefits offered to many EMS employees. As noted by the Maine Department of Labor (MDOL), the average annual salary for an EMT in Maine varies, depending on location, from \$29,225 to \$35,542, while the annual average salary for a paramedic varies from \$38,836 to \$53,244. Due to the significant funding problems that all EMS services face in Maine, the compensation, benefits and working conditions generally offered to EMS employees are often insufficient to recruit and retain the workforce needed to effectively and efficiently deliver EMS across the State. Per a 2021 MDOL survey, EMS services generally reported difficulties hiring EMTs, AEMTs and paramedics and consequently have had to rely on per diem staffing and volunteer positions to fulfill their workforce needs.

At the same time that EMS services are reporting such significant staffing issues, the commission also received information suggesting an increasing recent demand for EMS educational and training programs in the State. There are multiple EMS training centers in Maine provided through regional EMS offices, private ambulance services and the Maine Community College System, which offer education and training opportunities for EMRs, EMTs, AEMTs and paramedics. Additionally, the MDOL has also partnered with other State agencies and the University of Maine System to offer continued healthcare training and career advancement opportunities for EMS staff through the Healthcare Training for ME program. Funding for many of these programs for both participants and educators remains an outstanding need and it was noted to the commission that the retention of individuals completing those programs in the traditional EMS field has been problematic.

All of these factors are contributing to bringing EMS in Maine to a breaking point. Legislative action will be necessary to ensure the short-term and long-term future of EMS in the State. Accordingly, the commission makes the following findings and recommendations.

### **IV. Findings and Recommendations**

#### **A. Funding**

From the very first meeting of the commission, members expressed grave concern that EMS in the State is not only at the edge of a cliff but that in many areas of the State, particularly rural areas, EMS is already over that cliff. The primary issue facing EMS is a lack of funding. As established by the Legislature pursuant to Public Law 2021, chapter 749, which also authorized this commission, emergency medical services provided by an ambulance service are essential

services.<sup>18</sup> Funding is necessary and vital to delivering those essential services. That funding comes down to two key components: the cost of providing services – including the cost of readiness – and the funds necessary to cover those costs, currently fulfilled through Medicare and Medicaid and private insurance reimbursement and other subsidies.

The federal Centers for Medicare and Medicaid Services is currently conducting a cost study on ground ambulance services. This study is anticipated to more accurately identify how much it costs to actually deliver EMS and to result in a corresponding increase in reimbursement rates. That cost study will take time, however, and it is unlikely that any of those reimbursement rate increases will be implemented within the next five years.

In the meantime, it is critical that the State support EMS in Maine to avoid EMS service closures and to ensure that, when Mainers call for EMS, there are services able to respond wherever they are needed in a timely manner. Accordingly, the commission makes the following findings and recommendations relating to the funding of EMS in Maine.

**Finding A-1: Recognizing that EMS reimbursements are not keeping pace with the cost of providing services and that current subsidies are increasingly insufficient to fund the gap between those figures, the commission finds that, in addition to existing subsidies, there is a need for \$70 million in funding a year for the next 5 years to support transporting EMS services in the State.<sup>19</sup>**

While it is apparent to those involved in EMS that current funding is woefully inadequate, it is harder to determine exactly what the actual need is to ensure that EMS services have the funding necessary to provide their critical services. The commission recognized from the beginning of its work that funding this need is crucial to ensuring the survival of EMS services in Maine.

As noted previously in this report, there is limited data on the cost of providing ambulance services. Additionally, even with examining the actual cost data available, that data is necessarily deficient because it relies on the provision of EMS through volunteerism, low wages and donated labor. Without subsidies and with reimbursement rates only covering 60-80% of the cost of service, it is clear that the shortfall between cost of service and revenue is greater than \$70 million.

Nevertheless, a majority of commission members recognize the importance and immediate need of funding transporting services in a way that will make a meaningful difference. Those members accordingly determined that, at a minimum, there is a need for \$70 million in funding each year for the next five years – in addition to current subsidies – to support transporting EMS services in Maine.

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<sup>18</sup> See Appendix A.

<sup>19</sup> Commission members voting to support this recommendation were Curry, Talbot Ross, Farrin, Salisbury, Petrie, Baker, Kipfer, Dow, Doane, Damon, McGinnis, Morris and Kellner. Commission members Hurley and Letourneau abstained from the vote and commission members Mason and Theriault were absent.



To determine the amount of this need, the commission utilized the calculation of loss per transport as explained in a presentation by commission member Joe Kellner.<sup>20</sup> Essentially, this calculation begins with a base rate, suggested at what is deemed to be a high-efficiency EMS service with about an 1,800 call volume annually. At that annual call volume, it is estimated that such a service will lose approximately \$325 per transport, including all types of transport, such as 911 calls, interfacility transport, etc. Not all EMS services operate with that level of call volume, however, and in fact many services in Maine are rural services with a much lower annual call volume. Accordingly, the commission included a “rural adjustment” utilizing the USDA zip-code-based rurality scores to determine a multiplier. Thus, for each EMS service, the commission was able to roughly determine the amount of need per call necessary to better support that service.

The commission used this calculation method to determine that the total need throughout the State for transporting EMS services is \$70 million per year, which can be broken down, depending on the chosen disbursement method, either by transporting service, by service mix or using some other methodology. This total number is essentially the minimum amount necessary to support transporting EMS services in Maine over the next five years until increased Medicare and Medicaid reimbursement rates are expected to be available.

**Recommendation A-1: The Legislature should fund the delivery of EMS in Maine by appropriating \$70 million per year for the next five years from the General Fund to support existing transporting EMS services, with such appropriation amount to be reduced to the maximum extent possible through the utilization of public and private Medicaid match programs.<sup>21</sup>**

A majority of commission members recommend that the Legislature fund this identified need over a five-year period, with the funding limited to those EMS services that are currently operating in the State – or their successor organizations, if for example, services seek to regionalize or otherwise improve their efficiency – rather than be used to provide funding to new services. The commission, also emphasizes and recommends that this amount be offset through the use of federal funds. In particular, the Legislature should pursue the use of the Medicaid Supplemental Payment Program for non-municipal ambulance services and Certified Public Expenditure (CPE) programs for municipal services to maximize Medicaid matching.

For non-municipal ambulance services (for-profit, non-profit and volunteer services), federal Medicaid law allows states to establish a program under which a state collects an assessment from those services and uses that money as that state’s share for federal Medicaid matching funds, thus increasing Medicaid rates by making supplemental payments to those services. Similar assessment programs have been used to benefit hospital and nursing home industries here in Maine and nationally. To establish such an assessment program, the Legislature should direct the Maine Department of Health and Human Services to collect the assessment from each

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<sup>20</sup> See Maine Ambulance Association EMS Funding Proposal presentation from the October 25<sup>th</sup> Meeting, which can be found as Appendix C and at <https://legislature.maine.gov/doc/9181>.

<sup>21</sup> Commission members voting to support this recommendation were Curry, Talbot Ross, Farrin, Salisbury, Petrie, Baker, Kipfer, Dow, Doane, Damon, Kellner, McGinnis and Morris. Commission members Hurley and Letourneau abstained from the vote and commission members Mason and Theriault were absent.

non-municipal ambulance service (for-profit, non-profit and volunteer service) and, with the funds generated from the assessment, match available federal Medicaid dollars. MaineCare would then make the corresponding supplemental Medicaid payments to these non-municipal ambulance services. Draft legislation provided by consultant Sellers Dorsey, which presented to the commission at its October 25<sup>th</sup> meeting, is included as Appendix D. Sellers Dorsey estimates that the net gain – the increase in supplemental payments minus the assessment paid – to each service will vary but, for the industry as a whole, the supplemental payments should be at least two times the amount of the assessments paid by all such services, which will help offset the funds needed from the State to meet the identified need.

For municipal EMS services, the commission recommends the use of CPE programs to help offset the identified need. A CPE program is a Medicaid financing approach by which a governmental entity, including a governmental service such as a municipal EMS service, incurs an expenditure eligible for federal financial participation (FFP) under the state's approved Medicaid State plan. The governmental entity is required to certify that the funds expended are public funds used to support the full cost of providing the Medicaid-covered service or the Medicaid program administrative activity. Based on this certification, the State then claims FFP.<sup>22</sup> To maximize the use of the federal funds available under a CPE program, the Legislature should direct the Department of Health and Human Services to include such a program in its Medicaid State plan and to provide the support, resources and education necessary for municipal EMS services to most effectively take advantage of the program.

**Recommendation A-2: The Legislature should initially allocate \$25 million of the recommended \$70 million appropriation to specifically target transporting EMS services at immediate risk of failing and leaving their service area without access to adequate EMS.<sup>23</sup>**

The commission consistently recognized that there are two components to funding EMS needs in the State: (1) immediate crisis funding for EMS services at the highest risk of failing and (2) long-term funding for the sustainability of the future of EMS in the State. Accordingly, a majority of commission members recommend that of the \$70 million in funding identified in the prior recommendation, during the first two years in which that funding is available, \$25 million in each year should be immediately set aside in a non-lapsing fund to be targeted specifically to those EMS services at immediate risk of failing and leaving residents of those service areas without adequate EMS.

When a person calls 911, the person expects that an EMS service will provide an immediate response and be able to provide the necessary medical care and transport, if required, to the patient. There are EMS services in this State, however, that are in danger of failing due to a lack of funding, not only from low reimbursement rates but from difficulty in finding volunteers and a high workforce turnover. These services need immediate assistance and, without that assistance, their service areas will no longer have necessary EMS coverage. By specifically targeting this

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<sup>22</sup> See <https://www.macpac.gov/subtopic/non-federal-financing/#:~:text=A%20CPE%20is%20a%20statutorily,Act%3B%2042%20CFR%20433.51>).

<sup>23</sup> Commission members voting to support this recommendation were Curry, Talbot Ross, Farrin, Salisbury, Petrie, Baker, Kipfer, Dow, Doane, Damon, Kellner, Morris and McGinnis. Commission members Hurley and Letourneau abstained from the vote and commission members Mason and Theriault were absent.

funding initially to those services with the greatest need, the residents of those areas will not lose access to EMS and the immediate influx in funding will allow those services to better plan for long-term sustainability.

**Recommendation A-3: The Legislature should further fund the delivery of EMS in Maine by appropriating \$6 million per year for the next five years from the General Fund for non-transporting emergency medical services.<sup>24</sup>**

In addition to the 171 transporting EMS services in the State, there are 103 non-transporting EMS services. A non-transporting EMS service is defined as any organization, person or persons who hold themselves out as providers of emergency medical treatment and who do not routinely provide transportation to ill or injured persons, and who routinely offer or provide services to the general public beyond the boundaries of a single recreational site, business, school or other facility. Non-transporting services generally respond to a location of a medical emergency to provide immediate medical care but do not provide patient transport. Examples may include fire apparatus, response cars or other non-transport vehicles.

The commission identified that non-transporting EMS services are also in need of funds. Accordingly, a majority of commission members recommend that the Legislature fund \$6 million per year over the next five years for non-transporting EMS services. This infusion of funding will help non-transporting EMS services with their immediate need, thereby allowing them to put plans in place for their long-term sustainability following the five-year period.

## **B. Workforce Development, Education and Training**

The commission dedicated a substantial portion of its time discussing and identifying potential solutions to EMS workforce issues, which are significantly impacting the delivery of EMS in Maine, leading to delayed emergency response times and to an overworked and overstressed workforce.

**Recommendation B-1: The Legislature should explore options for providing staff of non-municipal, nonprofit licensed EMS services access to the Maine State Retirement System and to State of Maine healthcare benefits.<sup>25</sup>**

As previously noted, a primary contributor to the EMS employee recruitment and retention issues faced by EMS services across the State are the insufficient compensation and benefits offered to EMS employees. Although the provision of supplemental funding for EMS services

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<sup>24</sup> Commission members voting to support this recommendation were Curry, Talbot Ross, Farrin, Salisbury, Petrie, Baker, Kipfer, Dow, Doane, Damon, Morris, McGinnis and Kellner. Commission members Hurley and Letourneau abstained from the vote and commission members Mason and Theriault were absent.

<sup>25</sup> Commission members voting to support this recommendation were Curry, Talbot Ross, Farrin, Salisbury, Petrie, Baker, Kipfer, Doane, Damon, McGinnis, Morris and Kellner. Commission member Hurley abstained from the vote and commission members Mason, Theriault and Letourneau were absent. Commission member Dow voted in opposition to this recommendation because, although he has no concerns with access to the Maine State Retirement System, he is concerned that he, as most municipal employees, have the same coverage as most other services, which is a group plan, and that municipal services will begin to lose people, and that this will just be shifting the problem around, not solving it.

proposed in the prior recommendations will allow for enhancement of employee compensation and benefits during the period in which that funding is available, the commission recognized that there are other mechanisms that might be employed to address those same concerns. One such mechanism, which was supported by a majority of commission members at the fifth meeting, is for the Legislature to explore options for providing staff of non-governmental, nonprofit licensed EMS services access to the Maine State Retirement System and to State of Maine healthcare benefits.

Many of the 272 licensed EMS services in Maine are governmental services and are therefore able to provide staff with access to the Maine State Retirement System. Staff of non-governmental EMS services may be offered access to a retirement benefits package through their employer although the benefits offered to such individuals varies across Maine. Offering access to State retirement benefits and State healthcare benefits to employees of licensed non-governmental, nonprofit EMS services may serve to boost employee recruitment and retention for those services, which fill a critical need for the delivery of EMS in many areas of the State. The commission is committed to supporting the Legislature as it explores this recommendation, recognizing that facilitating this change will require the consideration of a myriad of factors and, potentially, the expenditure of State funds.

**Recommendation B-2: The Legislature should fully fund the Length of Service Award Program (5 MRSA §3372).<sup>26</sup>**

The Length of Service Award Program (LOSAP), 5 MRSA §3372, was enacted in 2015 to provide paid length of service awards to eligible volunteers. Under the program, an “eligible volunteer” is an active part-time or on-call member of a fire department or a volunteer firefighter or a licensed EMS person or ambulance operator who provides on-call, part-time or volunteer emergency medical response under the direction of a fire department chief or for an ambulance service or a non-transporting EMS. The LOSAP rewards these eligible volunteers for the service to their communities with contributions to a retirement program. Participants are generally eligible for such benefits at the earlier of attaining sixty-five years of age or 20 years of service credit.

The LOSAP can accept funding from the federal government, the State or a municipality; however, when it was established in 2015, no State funds were provided and since that time, there have only been three one-time funding initiatives enacted totaling \$2 million.<sup>27</sup> At this time, there is no dedicated funding source for the LOSAP and it is unclear what the anticipated needs of the program currently are or are anticipated to be beyond the \$2 million already appropriated. Commission members, however, believe that the benefits that can be provided through the LOSAP represent another important mechanism by which EMS staff recruitment and retention rates can be improved. Consequently, a majority of commission members at the fifth

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<sup>26</sup> Commission members voting to support this recommendation were Curry, Talbot Ross, Farrin, Salisbury, Petrie, Baker, Kipfer, Dow, Doane, Damon, McGinnis, Morris and Kellner. Commission member Hurley abstained from the vote and commission members Mason, Theriault and Letourneau were absent.

<sup>27</sup> See Public Law 2021, Chapter 444, which provided a one-time General Fund appropriation of \$500,000 in Fiscal Year 21-22; Public Law 2021, Chapter 721, which provided a one-time General Fund appropriation of \$500,000 in Fiscal Year 22-23; Public Law 2021, Chapter 635, Section A-16), which provided a one-time General Fund appropriation of \$1,000,000 in FY 22-23.

meeting support the Legislature funding the LOSAP at a level necessary to meet that program's current and anticipated future needs, with consideration given to the establishment of a dedicated funding source.

**Recommendation B-3: The Legislature should direct Maine EMS, the Maine Community College System, and University of Maine System to convene a stakeholder work group to explore EMS career pathways and educational opportunities in the State.<sup>28</sup>**

Although, as the commission heard, there exist a number of public and private educational and training programs for EMS providers in Maine that have seen an increasing demand for services, the retention of the individuals completing those programs in the traditional EMS field has been problematic. To ensure that the educational and training options available in the State are best designed and coordinated to enhance the recruitment and retention of EMS service employees in the traditional EMS field and where the staffing demands of EMS services are the greatest, a majority of commission members at the fifth meeting stated their support for the Legislature directing the convening of a stakeholder workgroup to explore EMS career pathways and educational opportunities in the State.

To ensure that a broad spectrum of experiences and backgrounds are present on the workgroup, it should include representatives of Maine EMS, the Maine Community College System, the University of Maine System, other public and private entities that provide EMS educational or training programs in the State and other individuals with relevant backgrounds and experiences in EMS education and training and in the delivery of EMS generally. To facilitate consideration of any findings or recommendations that may arise out of this workgroup, the Legislature should consider requiring the submission of a report by the workgroup outlining the activities of the workgroup and any recommendations proposed by its members, including proposed legislation where appropriate.

### **C. Community Paramedicine**

As the commission heard during their October 6<sup>th</sup> meeting, community paramedicine is an evolving model of healthcare delivery in both rural and urban areas as EMS services look to reduce the use of EMS for non-emergency 911 calls, the overcrowding of emergency departments and healthcare costs. Community paramedicine is an important part of the EMS system in the State and has been proven to be impactful and to reduce healthcare costs. The commission supports opportunities to expand community paramedicine programs, including exploring reimbursement models and revenue streams that would support these programs.<sup>29</sup> There is no single model of community paramedicine – rather programs are based on community needs and services. Community paramedicine pilot projects were authorized by the 125<sup>th</sup> Maine Legislature and expanded during the 128<sup>th</sup> Maine Legislature. There have been additional

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<sup>28</sup> Commission members voting to support this recommendation were Curry, Talbot Ross, Farrin, Salisbury, Petrie, Baker, Kipfer, Dow, Doane, Damon, McGinnis, Morris, Kellner and Hurley. Commission members Mason, Theriault, and Letourneau were absent.

<sup>29</sup> Commission member and Director of Maine EMS, Sam Hurley, noted that this is an issue that Maine EMS is currently working to address through facilitating modifications to the State's MaineCare plan to allow reimbursement for community paramedicine services.

studies, including the Lincoln County Community Paramedicine Data Collection Initiative in 2019 and, in 2022, Maine EMS contracted with the Catherine Cutler Institute to expand this pilot study and evaluate programs in Maine. The commission believes in the importance of community paramedicine but identified a potential disparity in statutory and licensing requirements and accordingly makes the following finding and recommendation.

**Recommendation C-1: To facilitate the growth of community paramedicine programs in Maine, the Legislature should explore options for addressing a potential disparity created by the statutory definition and licensure requirements of home health care providers and community paramedic requirements.<sup>30</sup>**

One of the challenges with growing community paramedicine programs is the potential overlap between community paramedics and other home health care professionals. The commission identified a potential disparity in the statutory definition and licensure requirements of home health care providers and community paramedic requirements that jeopardizes the community paramedic programs that the Legislature should address.

Title 22, section 2143 of the Maine Revised Statutes prohibits a home health care provider from providing home health services without a license. A home health care provider is defined as “any business entity or subdivision thereof, whether public or private, proprietary or not for profit, that is engaged in providing acute, restorative, rehabilitative, maintenance, preventive or health promotion services through professional nursing or another therapeutic service, such as physical therapy, home health aides, nurse assistants, medical social work, nutritionist services or personal care services, either directly or through contractual agreement, in a client's place of residence.”<sup>31</sup> This term does not apply to any sole practitioner providing private duty nursing services or other restorative, rehabilitative, maintenance, preventive or health promotion services in a client's place of residence or to municipal entities providing health promotion services in a client's place of residence.<sup>32</sup> It also does not apply to a federally qualified health center or a rural health clinic as defined in 42 United States Code, Section 1395x, subsection (aa) (1993) that is delivering case management services or health education in a client's place of residence.<sup>33</sup> Beginning October 1, 1991, “home health care provider” includes any business entity or subdivision thereof, whether public or private, proprietary or nonprofit, that is engaged in providing speech pathology services.”<sup>34</sup>

Community paramedicine, on the other hand, is established as “the practice by an emergency medical services provider primarily in an out-of-hospital setting of providing episodic patient evaluation, advice and treatment directed at preventing or improving a particular medical condition, within the scope of practice of the emergency medical services provider as specifically

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<sup>30</sup> Commission members voting to support this recommendation were Curry, Talbot Ross, Farrin, Salisbury, Petrie, Baker, Doane, Damon, Kipfer, McGinnis, Morris, and Kellner. Commission member Letourneau abstained from the vote and commission members Mason and Theriault were absent. Commission member Dow voted in opposition to this recommendation, with the question of why community paramedics are not currently in the home health sector and that that would solve many of the problems.

<sup>31</sup> 22 MRSA §2142(3).

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*



requested or directed by a physician” and operates under the rules established by the Maine EMS Board.<sup>35</sup>

These overlapping concepts have created confusion over the licensure requirements for community paramedics and the licensure requirements for home health care providers and a majority of commission members believes that there needs to be clearer delineation between the requirements applicable to these two categories of regulated entities.

Accordingly, a majority of commission members recommend that the Legislature further explore this potential disparity with the goal of better delineating in statutory definitions and licensure requirements, the differences between the two roles, which will, in turn, grow and further enable community paramedicine programs in the State. Members of the commission noted that community paramedic programs do not have, and should not need, home health service licenses, as they are licensed separately under the rules established by the Maine EMS Board. Some members did caution, however, about potential unintended consequences of simply exempting community paramedics from home health service licensure requirements.

#### **D. Continued Study of Emergency Medical Services in the State**

Through six meetings, the commission heard from its members, stakeholders and others about EMS in Maine and many of the challenges to the funding, support and delivery of EMS services and regarding how all aspects of EMS, including workforce development, training, compensation, retention costs, reimbursement rates, organization and local and state support, contribute to the system. Although many of these aspects are touched on in the commission’s findings and recommendations, there remain many aspects of that system and identified issues the commission was not able to fully explore or examine in its limited time.

In addition, as recognized in the commission’s duties, the commission’s work was conducted parallel to the strategic planning work undertaken by Maine EMS. Maine EMS contracted with a consultant, SafeTech Solutions, to engage in strategic planning process of Maine EMS and the EMS Board to put forward a vision and plan for the future of Maine EMS and to make recommendations on its short-term and long-term sustainability. The commission heard from the consultant, John Becknell, during its October 25<sup>th</sup> meeting, however, the work of the strategic planning process was not completed by the time the commission held its final meetings and voted on findings and recommendations. Accordingly, a majority of commission members make the following recommendation.

#### **Recommendation D-1: During the 131<sup>st</sup> Legislature, the Legislature should reestablish the Blue Ribbon Commission To Study Emergency Medical Services in the State.<sup>36</sup>**

A majority of commission members do not feel that the commission’s work is complete and recognizes that there are still outstanding issues that need to be addressed to ensure the short-

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<sup>35</sup> See 32 MRSA §84(4).

<sup>36</sup> Commission members voting to support this recommendation were Curry, Talbot Ross, Farrin, Salisbury, Petrie, Baker, Kipfer, Dow, Doane, Damon, Kellner, Morris and McGinnis. Commission members Hurley and Letourneau abstained from the vote and commission members Mason and Theriault were absent.

term and long-term sustainability of EMS in Maine. This can best be accomplished by continuing to bring together legislators, experts and EMS providers to collaborate and advise the Legislature on the best paths forward. This need is particularly acute as the Maine EMS strategic planning process concludes and makes its recommendations to Maine EMS, the EMS Board, the Department of Public Safety and ultimately the Legislature.

From the beginning of its work, the Legislature and the commission recognized the need for the strategic planning process to inform the work of the commission and vice-versa. The commission believes that reestablishing this commission in the 131<sup>st</sup> Legislature will allow that communication to continue. A reestablished commission would be better positioned to evaluate the strategic planning recommendations as well as progress made on EMS as identified in this report. The commission discussed that the State needs to build a better, more supportive structure, but that this commission was not at a place to make specific recommendations. However, it is anticipated that the strategic plan will include recommendations on the structure of Maine EMS and the delivery of EMS in the State. Commission members noted how important it is that everyone who is involved in EMS have a voice in the structure of the delivery of services and that those voices be heard by policy- and decisionmakers. A reestablished commission will be better positioned to evaluate recommendations regarding system structure and sustainability. It is critical that the State continue to support the structure, at the state and local level, and the delivery of EMS in the State and continuing the work of this commission as proposed above will help to fulfill that important purpose.

## **V. Conclusion**

The commission's work and publication of its report comes at a time when EMS in the State is in crisis. EMS services in Maine are at the edge of a cliff, or over it, and changes must occur to ensure that when someone calls with a medical emergency, EMS services are able and ready to assist. This requires, first and foremost, increased funding for the delivery of EMS. Current subsidies, especially volunteerism, are declining and revealing the true cost of EMS, and the State must step in to ensure that EMS does not disappear in parts of this State.

Of course, this work does not end with the commission's report and the commission hopes that the findings and recommendations contained in this report demonstrate not only the dire need within the EMS system but also the first steps towards ensuring both the short-term and long-term sustainability of the system. Members of the commission look forward to working with the 131<sup>st</sup> Legislature to refine the details of these recommendations and maintain focus on this critically important issue and Maine's EMS workforce.

Finally, the commission would like to thank all of its members and presenters for generously offering their time, expertise and advice on the complicated issues involved in funding and supporting EMS in the State. Their knowledge and perspectives were invaluable in developing the findings and recommendations of the commission. Additionally, the EMS system in Maine would not exist without EMS providers and the commission would like thank all of them who dedicate their time – often overburdened and underpaid – to serving their communities and the State.

## **APPENDIX D**

### **Bills Related to EMS Considered During the 131<sup>st</sup> Legislature (OPLA)**

# Bills Related to EMS Considered During the 131<sup>st</sup> Legislature, First Regular and First Special Sessions

| LD/Title                                                                                                                                                                                                                                                                                                                                  | Committee | Final Disposition                             | Bill/Enacted Law Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Related <a href="#">EMS Study Report</a> Recommendation |
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| <b>EMS FUNDING</b>                                                                                                                                                                                                                                                                                                                        |           |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                         |
| <a href="#">LD 258</a> , An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025 | AFA       | Enacted,<br><a href="#">P.L. 2023, c. 412</a> | Public Law 2023, chapter 438, Part A, section A-38 provides a \$31,000,000 appropriation to fund an Emergency Medical Services Stabilization and Sustainability Program.<br><br>Part GGGGG establishes the Emergency Medical Services Stabilization and Sustainability Program within the Department of Public Safety, to be administered by Maine Emergency Medical Services in consultation with the Emergency Medical Services' Board and the Department of Health and Human Services, and transfers \$31,000,000 from the unappropriated surplus of the General Fund to the Emergency Medical Services Stabilization and Sustainability Program, Other Special Revenue Funds account.<br>Public Law 2023, chapter 438 broadened eligibility for grants under the program to all entities providing ambulance service or non-transporting emergency medical service or licensed emergency medical services training centers. | Recommendation A-2<br>Recommendation A-3                |
| <a href="#">LD 526</a> , An Act to Amend the Laws Governing the Emergency Medical Services Stabilization and Sustainability Program                                                                                                                                                                                                       | CJPS      | Enacted,<br><a href="#">P.L. 2023, c. 438</a> | This enacted law amends the definition of “emergency medical services entity” in the Emergency Medical Services Stabilization and Sustainability Program laws to include all ambulance services, nontransporting emergency medical services and emergency medical services training centers licensed under the Maine Emergency Medical Services Act of 1982.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Recommendation A-2<br>Recommendation A-3                |
| <a href="#">LD 1515</a> , An Act to Fund Delivery of Emergency Medical Services                                                                                                                                                                                                                                                           | CJPS      | <a href="#">Carried Over</a>                  | This bill provides General Fund appropriations to the Department of Public Safety to support existing transportation costs of emergency medical services. These appropriations must be reduced to the maximum extent possible through the use of public and private Medicaid match programs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Recommendation A-1                                      |
| <a href="#">LD 1602</a> , An Act to Implement the Recommendations of the Stakeholder Group Convened by the Emergency Medical Services' Board on Financial Health of Ambulance Services                                                                                                                                                    | HCIFS     | Enacted,<br><a href="#">P.L. 2023, c. 468</a> | Public Law 2023, chapter 468 makes the following statutory changes related to the financial health of ambulance services based on recommendations from a stakeholder group convened by the Emergency Medical Services' Board pursuant to Public Law 2021, chapter 241.<br>1. It continues the requirement that health insurance carriers are required to pay specified reimbursement rates for covered services provided by an ambulance service provider and makes clear that carriers may not limit reimbursement to only covered emergency services.                                                                                                                                                                                                                                                                                                                                                                         | Recommendation A-3                                      |

| LD/Title                                                                                                                                                                                                     | Committee | Final Disposition                            | Bill/Enacted Law Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Related EMS Study Report Recommendation |
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|                                                                                                                                                                                                              |           |                                              | <p>2. Beginning January 1, 2024, it requires health insurance carriers to reimburse ambulance service providers for nontransporting services at the same reimbursement rates for covered services.</p> <p>3. It prohibits health insurance carriers from requiring an ambulance services provider to obtain prior authorization before transporting an enrollee to a hospital, between hospitals or from a hospital to a nursing home, hospice care facility or other health care facility and requires carriers to reimburse for those services.</p> <p>4. It requires health insurance carriers to consider the requirements of the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services related to medical necessity when establishing the carrier's own policies for medical necessity.</p> <p>5. It specifies the cost and performance metrics for the program for collecting and reporting cost and performance metrics related to emergency services that must be established by the Emergency Medical Services' Board in rule and adds one limited-period position to the Emergency Medical Services' Board to facilitate that program.</p> <p>6. It requires the Maine Health Data Organization to report information on payments for ambulance services on its publicly accessible website.</p> |                                         |
| <a href="#">LD 1751</a> , An Act to Maximize Federal Funding in Support of Emergency Medical Services                                                                                                        | HHS       | <a href="#">Carried Over</a>                 | This bill establishes an ambulance service assessment fee on ambulance service providers in order to maximize federal funding for reimbursement to ambulance service providers under the MaineCare program. It also increases the reimbursement rates under the MaineCare program for ambulance services, neonatal transport, no-transport calls and community paramedicine.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Recommendation A-1                      |
| <a href="#">LD 1832</a> , An Act to Require Reimbursement of Fees for Treatment Rendered by Public and Private Ambulance Services                                                                            | HCIFS     | <a href="#">Carried Over</a>                 | This bill requires an ambulance service to be reimbursed for the cost of treating a person, regardless of whether the ambulance service transports the person to a hospital.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Recommendation A-3                      |
| <b>WORKFORCE DEVELOPMENT, EDUCATION AND TRAINING</b>                                                                                                                                                         |           |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                         |
| <a href="#">LD 244</a> , Resolve, Directing Maine Emergency Medical Services to Convene a Stakeholder Group to Explore Emergency Medical Services Career Pathways and Educational Opportunities in the State | CJPS      | Enacted,<br><a href="#">P.L. 2023, c. 15</a> | This enacted law directs the Department of Public Safety, Maine Emergency Medical Services to convene a stakeholder group to explore career pathways and educational opportunities for emergency medical services providers in the State. Maine Emergency Medical Services must submit a report to the Joint Standing Committee on Criminal Justice and Public Safety by January 15, 2024 that outlines the activities of the stakeholder group and includes any recommendations or proposed legislation. The committee may report out legislation to the Second Regular Session of the 131st Legislature.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Recommendation B-3                      |

| LD/Title                                                                                                                                                                               | Committee | Final Disposition                             | Bill/Enacted Law Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Related EMS Study Report Recommendation         |
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| <a href="#">LD 588</a> , An Act to Promote Public Safety and Retain Essential First Responders by Funding the Maine Length of Service Award Program                                    | CJPS      | Enacted,<br><a href="#">P.L. 2023, c. 439</a> | This enacted law provides one-time funding in the amount of \$500,000 in fiscal year 2024-25 for the Maine Length of Service Award Program, which provides length of service awards to eligible volunteer firefighters and emergency medical services personnel.                                                                                                                                                                                                                                                                                                                                                                                                        | Recommendation B-2                              |
| <a href="#">LD 882</a> , An Act to Allow Nonmunicipal Emergency Medical Services Providers to Be Considered State Employees for Purposes of Certain Benefits                           | LBHS      | <a href="#">ONTP</a>                          | This bill proposed to allow an ambulance service or nontransporting emergency medical service to participate in the State's Participating Local District Consolidated Retirement Plan as a local district so that its employees who are emergency medical services providers may receive state retirement benefits, death benefits and disability retirement benefits. The bill also proposed to allow these employees to be eligible for the state group health plan.                                                                                                                                                                                                  | Recommendation B-1                              |
| <a href="#">LD 981</a> , An Act to Require All Emergency Medical Services Persons to Be Trained to Administer and Dispense Naloxone Hydrochloride                                      | CJPS      | Enacted,<br><a href="#">P.L. 2023, c. 92</a>  | Effective July 1, 2024, Public Law 2023, chapter 92 requires an emergency medical services person to administer and dispense naloxone hydrochloride in compliance with protocols and training.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Not related to a specific report recommendation |
| <a href="#">LD 1409</a> , An Act to Require Reimbursement When a Municipality Hires First Responders Whose Training Costs Were Incurred by Another Municipality                        | SLG       | <a href="#">Carried Over</a>                  | This bill establishes a formula to reimburse municipalities for training costs for training full-time first responders if the first responder is hired by another municipality within 4 years of the first municipality's initial incurrence of training costs.                                                                                                                                                                                                                                                                                                                                                                                                         | Not related to a specific report recommendation |
| <a href="#">LD 1859</a> , An Act to Reimburse Training Costs for Emergency Medical and Public Safety Dispatchers                                                                       | CJPS      | <a href="#">Majority ONTP Report Accepted</a> | This bill proposed to require the Emergency Medical Services' Board in consultation with the Public Utilities Commission, Emergency Services Communication Bureau to establish a reimbursement schedule for the cost of training an emergency medical dispatcher or a public safety dispatcher when the dispatcher is hired by another governmental entity as an emergency medical dispatcher or public safety dispatcher within 5 years of the first governmental entity's incurring expenditures for the training. The bill also proposed to require a governmental entity to provide reimbursement for training costs in accordance with the reimbursement schedule. | Not related to a specific report recommendation |
| <b>COMMUNITY PARAMEDICINE</b>                                                                                                                                                          |           |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                 |
| <a href="#">LD 883</a> , An Act to Exempt Emergency Medical Services Community Paramedicine Programs from Home Health Care Provider Licensing Requirements Under Certain Circumstances | HHS       | Enacted,<br><a href="#">P.L. 2023, c. 195</a> | This enacted law adds community paramedicine services to the list of services exempted from home health licensing and includes conditions for the exemption. It also directs the Emergency Medical Services Board to adopt rules consistent with the home health exemption conditions.                                                                                                                                                                                                                                                                                                                                                                                  | Recommendation C-1                              |



| LD/Title                                                                                                                                                      | Committee | Final Disposition                                    | Bill/Enacted Law Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Related EMS Study Report Recommendation         |
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| <b>CONTINUED STUDY OF EMS</b>                                                                                                                                 |           |                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                 |
| <a href="#"><u>LD 1701</u></a> , Resolve, to Reestablish and Continue the Work of the Blue Ribbon Commission to Study Emergency Medical Services in the State | CJPS      | Enacted,<br><a href="#"><u>P.L. 2023, c. 99</u></a>  | Resolve 2023, chapter 99 reestablishes the Blue Ribbon Commission to Study Emergency Medical Services in the State for the purpose of examining and making recommendations on the structure, support and delivery of emergency medical services in the State.<br><br>Resolve 2023, chapter 99 was finally passed as an emergency measure effective July 19, 2023.                                                                                                                                                                                                                                                      | Recommendation D-1                              |
| <b>OTHER EMS RELATED BILLS</b>                                                                                                                                |           |                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                 |
| <a href="#"><u>LD 47</u></a> , An Act to Amend the Law Governing Licensing Actions of the Emergency Medical Services' Board                                   | CJPS      | Enacted,<br><a href="#"><u>P.L. 2023, c. 111</u></a> | This enacted law removes an outdated reference to the revocation of a license in the laws governing the licensing actions of the Emergency Medical Services' Board.                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Not related to a specific report recommendation |
| <a href="#"><u>LD 439</u></a> , An Act to Allow Death by Suicide to Be Considered a Death While in the Line of Duty                                           | CJPS      | Enacted,<br><a href="#"><u>P.L. 2023, c. 433</u></a> | This enacted law requires the applicable authority, when determining whether a law enforcement officer, firefighter, emergency medical services person, Department of Corrections law enforcement officer or corrections officer has died while in the line of duty, to evaluate whether an individual who died by suicide has died as a result of events or actions experienced by the individual while in the line of duty. It also gives the Commissioner of Corrections rather than the Chief of the State Police the authority to make that determination for Department of Corrections law enforcement officers. | Not related to a specific report recommendation |
| <a href="#"><u>LD 601</u></a> , An Act to Reduce the Shortage of Municipal Emergency Medical Services Personnel by Removing Certain Vaccination Requirements  | HHS       | <a href="#"><u>Died on Adjournment</u></a>           | This bill proposed to allow emergency medical services persons to provide treatment within the scope of their licenses without having been vaccinated against the COVID-19 virus or the influenza virus                                                                                                                                                                                                                                                                                                                                                                                                                | Not related to a specific report recommendation |
| <a href="#"><u>LD 727</u></a> , An Act Regarding Workers' Compensation Benefits for First Responders Injured in the Line of Duty                              | LBHS      | <a href="#"><u>ONTP</u></a>                          | This bill proposed to amend the Maine Workers' Compensation Act of 1992 to provide that if an employee employed as a first responder is injured and is also employed at an additional place of employment, the employee's average weekly wages are computed by combining the wages, earnings or salary received by the employee from each place of employment.                                                                                                                                                                                                                                                         | Not related to a specific report recommendation |
| <a href="#"><u>LD 783</u></a> , An Act to Protect Certain Private Emergency Services Personnel from Liability Under the Maine Tort Claims Act                 | JUD       | Enacted,<br><a href="#"><u>P.L. 2023, c. 311</u></a> | This enacted law adds "mutual aid emergency response personnel" to the definition of "employee" under the Maine Tort Claims Act and also creates a definition of "mutual aid emergency response employer" under the Maine Tort Claims Act. The law provides that mutual aid emergency response personnel employed by the Bath Iron Works Corporation or its successor are considered employees for the purposes of the Maine Tort Claims Act, and also provides protection for the Bath Iron Works Corporation or its                                                                                                  | Not related to a specific report recommendation |

| LD/Title                                                                                                                                                                | Committee | Final Disposition                             | Bill/Enacted Law Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Related EMS Study Report Recommendation         |
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|                                                                                                                                                                         |           |                                               | successor under the Maine Tort Claims Act, only when the personnel are acting pursuant to a mutual aid agreement with a state or municipal entity or in response to a request for aid from a state or municipal entity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                 |
| <a href="#">LD 919</a> , An Act Regarding Licensure in the Field of Emergency Medical Services                                                                          | CJPS      | Enacted,<br><a href="#">P.L. 2023, c. 166</a> | This enacted law amends the Maine Emergency Medical Services Act of 1982 to provide that the Emergency Medical Services' Board may by rule establish appropriate licensure levels and qualifications for emergency medical services persons, emergency medical dispatchers, emergency medical services educators, emergency medical dispatch centers, emergency medical services training centers, ambulance services and nontransporting emergency medical services.                                                                                                                                                                                                                                   | Not related to a specific report recommendation |
| <a href="#">LD 1119</a> , An Act to Clarify the Criminal Statutes with Regard to Assaults on Emergency Medical Services Persons                                         | CJPS      | Enacted,<br><a href="#">P.L. 2023, c. 455</a> | This enacted law amends the crime of assault on an emergency medical care provider by specifying that it is a Class C crime if a person causes bodily injury to a person licensed pursuant to the Maine Emergency Medical Services Act of 1982 regardless of the location where the emergency medical care is being provided and by changing the name of the crime to reflect this amendment.<br><br>The law also creates the new crime of assault in an emergency room, which a person commits if that person intentionally, knowingly or recklessly causes bodily injury to a person employed or contracted by a licensed hospital and the injury occurs in the hospital's designated emergency room. | Not related to a specific report recommendation |
| <a href="#">LD 1142</a> , An Act to Eliminate Motor Vehicle Registration Fees for Volunteer Firefighters and Volunteer Emergency Medical Services Providers             | TRA       | <a href="#">ONTP</a>                          | This bill proposed to exempt a volunteer firefighter and a volunteer emergency medical services provider from paying registration fees for a vehicle that is the primary means of transportation. The bill proposed to direct the Secretary of State to define "volunteer firefighter" and "volunteer emergency medical services provider." The bill also proposed to provide for the Secretary of State to adopt rules related to this exemption.                                                                                                                                                                                                                                                      | Not related to a specific report recommendation |
| <a href="#">LD 1268</a> , An Act to Provide for a Local Motor Vehicle Excise Tax Exemption for Qualifying Volunteer Firefighters and Emergency Medical Services Persons | TAX       | <a href="#">ONTP</a>                          | This bill proposed to allow a municipality to provide an exemption from annual excise tax for one vehicle owned, separately or jointly, by a resident of that municipality who is a volunteer firefighter or volunteer emergency medical services person, as long as that vehicle is used to perform those volunteer services.                                                                                                                                                                                                                                                                                                                                                                          | Not related to a specific report recommendation |

| LD/Title                                                                                                                                                                            | Committee | Final Disposition                             | Bill/Enacted Law Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Related <a href="#">EMS Study Report</a> Recommendation |
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| <a href="#">LD 1396</a> , An Act to Clarify the Laws Regarding Delegating Authority for Services Performed by Emergency Medical Services Personnel or Others as a Medical Assistant | HCIFS     | Enacted,<br><a href="#">P.L. 2023, c. 132</a> | <p>This enacted law makes the following changes to clarify the laws regarding the delegating authority of a physician or physician assistant to emergency medical services personnel or others as a medical assistant.</p> <ol style="list-style-type: none"> <li>1. It clarifies that a licensed emergency medical services person may not simultaneously act as an assistant performing medical services delegated by a physician or physician assistant.</li> <li>2. It adds cross-references clarifying the authority of a physician assistant to delegate medical services to a licensed emergency medical services person in a hospital or health care facility.</li> <li>3. It clarifies the laws regarding the delegating authority of a physician and a physician assistant.</li> </ol> | Not related to a specific report recommendation         |

## **APPENDIX E**

### **States that Designate EMS as an Essential Service: Structure and Funding (OPLA)**

## States that Designate EMS as an Essential Service: Structure and Funding

| State      | Essential Service Designation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EMS Structure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EMS Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| California | <p><a href="#">CA. Health and Safety Code §1797.1</a> and <a href="#">§1797.2</a></p> <ul style="list-style-type: none"> <li>The Legislature finds and declares that it is the intent of the [Emergency Medical Services System and the Prehospital Emergency Care Personnel Act] to provide the state with a statewide system for EMS by establishing the Emergency Medical Services Authority within the State Health and Welfare Agency, which is responsible for the coordination and integration of all state activities concerning EMS.</li> <li>It is the intent of the Legislature to maintain and promote the development of EMT-P paramedic programs where appropriate throughout the state and to initiate EMT-II limited advanced life support programs only where geography, population density, and resources would not make the establishment of a paramedic program feasible.</li> </ul> | <p>Each county may develop an emergency medical services program; the local EMS agency plans, implements, and evaluates an emergency medical services system consisting of an organized pattern of readiness and response services based on public and private agreements and operational procedures.</p>                                                                                                                                                                                                                                                     | <p><a href="#">CA. Health and Safety Code 1797.98a</a></p> <p>Maddy Emergency Medical Services Fund</p> <p>Each county may establish an emergency medical services fund, upon the adoption of a resolution by the board of supervisors.</p> <p>Source of the fund is a penalty assessment imposed by counties on criminal offenses.</p> <p>17 percent of fund distributed to counties to use to support EMS services.</p>                                                                                                                                                                                                                                                                                                                                                    |
| Colorado   | <p><a href="#">Co. Rev. Stat. §5-3.5-102</a></p> <p>(1) The general assembly hereby declares that it is in the public interest to provide available, coordinated, and quality emergency medical and trauma services to the people of this state. It is the intent of the general assembly in enacting this article to establish an emergency medical and trauma services system, consisting of at least treatment, transportation, communication, and documentation subsystems, designed to prevent premature mortality and to reduce the morbidity that arises from critical injuries, exposure to poisonous substances, and illnesses.(2) To effect</p>                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>Department of Public Health and Environment provides resources and technical assistance to EMS providers in the state with the assistance of a state emergency medical and trauma services advisory council.</li> <li>Colorado Board of health regulates EMS and paramedic services</li> <li>Local emergency medical and trauma service providers include local governing boards, training centers, hospitals, special districts, and other private and public service providers that have as their purpose</li> </ul> | <p><a href="#">Co. Rev. Stat. §25-3.5-603</a></p> <p><b>Emergency Medical Services Account</b></p> <ul style="list-style-type: none"> <li>A special account within the highway users tax fund; source of fund is an additional \$2 fee on vehicle registrations; fees collected 3 for provisional certifications or licenses of emergency medical service providers, and fees collected for provisional registration of emergency medical responders.</li> <li>Funds are used for distribution as grants to local emergency medical and trauma service providers pursuant to the emergency medical and trauma services (EMTS) grant program for training of EMS personnel and for distribution to each Colorado county for planning and coordination of emergency</li> </ul> |

| State                  | Essential Service Designation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | EMS Structure                                                                                                                                                                                                              | EMS Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                        | <p>this end, the general assembly finds it necessary that the department of public health and environment assist, when requested by local government entities, in planning and implementing any one of such subsystems so that it meets local and regional needs and requirements and that the department coordinate local systems so that they interface with an overall state system providing maximally effective emergency medical and trauma systems.(3) The general assembly further finds that the provision of adequate emergency medical and trauma services on highways in all areas of the state is a matter of statewide concern and requires state financial assistance and support.</p> | <p>the provision of emergency medical and trauma services.</p> <ul style="list-style-type: none"> <li>Counties are conferred with the statutory authority to license ground ambulance services.</li> </ul>                 | <p>medical and trauma services in the county and between counties when such coordination would provide for better service geographically.</p> <p>There are 4 types of funding available through the EMTS funding program:</p> <ul style="list-style-type: none"> <li>CREATE education grants - The Colorado Resource for EMS and Trauma Education (CREATE) program supports initial training and continuing education for EMS and trauma service providers working for eligible organizations in Colorado.</li> <li>Provider grants - Grant funds are available to help purchase: medical and rescue equipment, communications, data collection equipment and response vehicles. Support for personnel, recruitment and retention projects and other projects is also available. Grantees must provide matching funds if funded for a provider grant.</li> <li>System improvement funding -System improvement funding supports regional or statewide projects to improve the emergency medical and trauma services system. These projects address a need identified by data with clearly defined activities and evaluation measures.</li> <li>Emergency grant funding -The emergency grant program assists Colorado EMS and trauma organizations that experience an emergency that seriously jeopardizes the level of EMS or trauma services within their service area.</li> </ul> |
| <p><b>Delaware</b></p> | <p><a href="#">Del. Code 16§ 9701</a><br/>The purposes of the emergency medical services systems legislation are to establish and/or identify specific roles and responsibilities in regard to emergency medical services in Delaware in order to reduce morbidity and mortality rates for the citizens of Delaware and to ensure quality of emergency care services, within available resources, through the effective</p>                                                                                                                                                                                                                                                                           | <p>EMS statewide system is overseen by the Office of Emergency Medical Services within the Division of Public Health; EMS services are provided by volunteer fire and ambulance companies at the local or county level</p> | <p><a href="#">Del. Code 16 §9814</a><br/><b>Statewide Paramedic Funding Program</b></p> <ul style="list-style-type: none"> <li>General Assembly appropriates annually an amount sufficient to reimburse 30 percent of approved costs of the statewide paramedic program; this appropriation is made in the annual Grants-In-Aid Act and is appropriated to the Office of Emergency Medical Services, Division of Public Health, Department of Health and Social Services.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |



| State  | Essential Service Designation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EMS Structure                                                                                                                                                                                                                                                                                                                                                 | EMS Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|        | coordination of the emergency medical services system.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>Funds distributed to a county for the purpose of supporting a county component of the statewide paramedic system may be used for direct operating costs or as debt service and financing for bond issuance for that purpose. For those capital projects with a total cost greater than \$200,000, the State reimburses on a debt service basis. In no instance does reimbursement include the cost of indirect services provided by the county.</li> </ul>                                                                                                                                                                                                                                                                                |
| Hawaii | <p><a href="#">H.R.S. §321-221</a></p> <p>The legislature finds that the establishment of a state emergency medical services system, including emergency medical services for children, is a matter of compelling state interest and necessary to protect and preserve public health. A system designed to reduce medical emergency deaths, injuries, and permanent long-term disability through the implementation of a fully integrated, cohesive network of components, the legislature further finds, will best serve public health needs. Accordingly, the purpose of this part is to establish and maintain a state emergency medical services system in communities that can be most effectively served by the State, and to fix the responsibility for the administration of this state system, which shall provide for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery of health care services under emergency conditions, whether occurring as the result of a patient's condition, from natural disasters, or from other causes. The system shall provide for personnel, personnel training, communications, emergency transportation, facilities, coordination with emergency medical and critical care services, coordination and use of available public safety agencies, promotion of consumer</p> | <p>The Department of Health oversees EMS statewide with the consultation of an advisory committee and determines the levels of EMS to be implemented in each county within the service area. Ambulance service is either operated by the county or the state contracts with an ambulance service in those counties that do not provide ambulance service.</p> | <p><a href="#">H.R.S. §321-234</a></p> <p><b>Emergency Medical Services Special Fund</b></p> <ul style="list-style-type: none"> <li>Fund consists of fees remitted from vehicle registration (\$5), cigarette tax revenues, interest and investment earnings attributable to the moneys in the special fund, legislative appropriations, and grants, donations, and contributions from private or public sources.</li> <li>Beginning with fiscal year 2021-2022, \$3,500,000 is distributed each fiscal year to counties operating a county emergency medical services system for the operation of that system.</li> <li>The remainder of the fund is distributed to the Department of Health for operating the EMS system, including enhanced and expanded services.</li> </ul> |

| State          | Essential Service Designation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EMS Structure                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EMS Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                | participation, accessibility to care, mandatory standard medical recordkeeping, consumer information and education, independent review and evaluation, disaster linkage, mutual aid agreements, and other components necessary to meet the purposes of this part.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Indiana</b> | <p><a href="#"><u>IC 16-31-1-1</u></a></p> <p>a) The general assembly declares that the provision of emergency medical services is a matter of vital concern affecting the public health, safety, and welfare of the people of Indiana.(b) It is the purpose of this article:(1) to promote the establishment and maintenance of an effective system of emergency medical service, including the necessary equipment, personnel, and facilities to ensure that all emergency patients receive prompt and adequate medical care throughout the range of emergency conditions encountered;(2) that the emergency medical services commission established shall cooperate with other agencies empowered to license persons engaged in the delivery of health care so as to coordinate the efforts of the commission and other agencies; and (3) to establish standards and requirements for the furnishing of emergency medical services by persons not licensed or regulated by other appropriate agencies.</p> | <p>EMS is overseen by the Emergency Medical Services Commission that is responsible for the development of a statewide EMS that must include state, regional, and local emergency ambulance service plans; promotion of statewide EMS facilities by developing minimum standards, procedures, and guidelines for personnel, equipment, supplies, communications, facilities and location of centers; and the promotion of programs for training of EMS personnel</p> | <p><a href="#"><u>IC 16-46-16.5-4</u></a></p> <p><b>Health Issues and Challenges Grant Program</b></p> <ul style="list-style-type: none"> <li>• The fund consists of:(1) money appropriated for the program or to the fund by the general assembly;(2) money received from state or federal grants or programs; and (3) gifts, money, and donations received from any other source, including transfers from other funds or accounts.</li> <li>• More than \$4 million has been awarded for community paramedicine.</li> </ul>                     |
| <b>Iowa</b>    | <p><a href="#"><u>Iowa Code §422D.1</u></a></p> <p>A county board of supervisors can adopt a resolution declaring emergency medical services to be an essential county service. The resolution declaring emergency medical services to be an essential service is considered and voted on for approval at two meetings of the board prior to the meeting at which the resolution is to be finally approved by a majority of the board.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>EMS is overseen by the Department of Health with the assistance of an EMS Advisory Council; emergency medical service districts coordinate with local emergency medical services agencies to provide EMS services; district advisory councils recommends a funding level for the EMS services.</p>                                                                                                                                                                | <p><a href="#"><u>Iowa Code §357F.8</u></a></p> <ul style="list-style-type: none"> <li>• Allows Emergency Medical Services Districts to impose an additional annual property tax levy on residents if a majority of residents vote to approve one.</li> <li>• Allows counties that adopt a resolution by majority vote of the county board declaring EMS to be an essential county service the authority to have optional taxes, including local option income surcharges and ad valorem property taxes (must be voted in an election).</li> </ul> |

| State     | Essential Service Designation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EMS Structure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EMS Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| Louisiana | <p><a href="#">L.A. Rev. Stat. 40:1139.1</a><br/>The legislature hereby finds and declares the following: (1) Emergency medical services constitute an invaluable part of the healthcare delivery system of Louisiana and are an essential element of Louisiana's emergency preparedness system. (2) Emergency medical services will be a key element in any healthcare reform initiative. (3) Emergency medical services are a key component of any economic development program as they are essential to recruiting and retaining industry. (4) The cost of funding the Medicaid program and healthcare for the poor and uninsured in the state must be carefully managed in a manner which recognizes the challenges associated with appropriate reimbursement for services under the program. (5) Emergency medical service providers want to assure that emergency medical services are available to all residents of Louisiana. (6) It is in the best interest of the state that there exist sufficient resources to assure the availability of emergency ambulance services to the citizens of Louisiana and the creation of a statewide ambulance service district will help to ensure this goal. (7) The Louisiana Ambulance Alliance and the Louisiana Department of Health are interested in exploring the use of local revenues to enhance the delivery of emergency ambulance services through the use of certified public expenditures, intergovernmental transfers or other financing mechanisms that are in accordance with the applicable state and federal regulations.</p> | <ul style="list-style-type: none"> <li>• The Department of Health is responsible for establishing and maintaining a program for the improvement and regulation of emergency medical services in the state.</li> <li>• The responsibility for implementation of the program is vested in the Bureau of Emergency Medical Services. The bureau is responsible for the development of a state plan for the prompt and efficient delivery of adequate emergency medical services to acutely sick and injured individuals, and serves as the primary agency for participation in any federal program involving emergency medical services and may receive and disburse available federal funds to implement any service program. The bureau sets minimum standards for course approval, instruction, and examination.</li> </ul> | <p><a href="#">L.A. R.S. 46:2626</a><br/><b>Emergency Ground Ambulance Service Provider Trust Fund Account</b></p> <ul style="list-style-type: none"> <li>• The Department of Health assesses each emergency ground ambulance service provider a percentage fee not to exceed the percentage of net patient service revenues permitted by federal regulations.</li> <li>• Funds from the Trust Fund Account are used to achieve the maximum reimbursement under federal law and appropriated solely to fund the reimbursement enhancements in the most recent formula adopted by the legislature or the secretary and distributed exclusively among emergency ground ambulance service providers for emergency and nonemergency ambulance transportation services provided.</li> </ul> |
| Nebraska  | <p><a href="#">Neb. Rev. Stat. §38-1203</a><br/>The Legislature finds:<br/>(1) That emergency medical care is a primary and essential health care service and that the presence of an adequately</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Nebraska is divided into four separate EMS regions: Western, Central, Northeast and Southeast. A dedicated EMS Specialist supports each region. The EMS Specialists provide are</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p><a href="#">Neb. Rev. Stat. §71-51-103</a><br/><b>Nebraska Emergency Medical Systems Operation Fund</b><br/>The fund may receive gifts, bequests, grants,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| State  | Essential Service Designation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EMS Structure                                                                                                                                                                                                                                                                                                                                                                       | EMS Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|        | <p>equipped ambulance and trained emergency care providers may be the difference between life and death or permanent disability to those persons in Nebraska making use of such services in an emergency;</p> <p>(2) That effective delivery of emergency medical care may be assisted by a program of training and licensure of emergency care providers and licensure of emergency medical services in accordance with rules and regulations adopted by the board;</p> <p>(3) That the Emergency Medical Services Practice Act is essential to aid in advancing the quality of care being provided by emergency care providers and by emergency medical services and the provision of effective, practical, and economical delivery of emergency medical care in the State of Nebraska;</p> <p>(4) That the services to be delivered by emergency care providers are complex and demanding and that training and other requirements appropriate for delivery of the services must be constantly reviewed and updated; and</p> <p>(5) That the enactment of a regulatory system that can respond to changing needs of patients and emergency care providers and emergency medical services is in the best interests of the residents of Nebraska.</p> | <p>resource for every EMS service, EMS provider and hospital for training and technical assistance including system development, rules and regulations, statutes, protocol and policy development, documentation, quality improvement, recruitment and retention, recognition, mandatory reporting regulations, education, significant exposure procedures and systems of care.</p> | <p>fees, or other contributions or donations from public or private entities.</p> <ul style="list-style-type: none"> <li>• The fund is used to carry out the purposes of the Statewide Trauma System Act and the Emergency Medical Services Practice Act, including activities related to the design, maintenance, or enhancement of the statewide trauma system, support of emergency medical services programs, and support for the emergency medical services programs for children.</li> <li>• Any money in the fund available for investment is invested by the state investment officer.</li> </ul> |
| Nevada | <p><a href="#">NRS 450.B.015</a></p> <p>The Legislature hereby declares that prompt and efficient emergency medical care and transportation is necessary for the health and safety of the people of Nevada, and that minimum standards for such care and all persons providing it must be established.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>EMS is overseen by the State Board of Health and District Boards of Health with assistance from a Committee on Emergency Medical Services; the board adopts regulations establishing minimum standards for ambulance and EMS services; health authorities adopt regulations to establish certification and licensure of EMS personnel</p>                                        | <p><a href="#">NRS 450B.1505</a></p> <ul style="list-style-type: none"> <li>• Any money the Division receives from a fee set by the State Board of Health for the issuance or renewal of a license; an administrative penalty imposed or an appropriation made by the Legislature for the purposes of training related to emergency medical services:               <p>(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;</p> </li> </ul>                                                                                                                |

| State                 | Essential Service Designation                                                                                                                                                                                                                                                                                                                                                                                                                                          | EMS Structure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EMS Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>(b) May be used only to carry out a training program for emergency medical services personnel who work for a volunteer ambulance service or firefighting agency, including, without limitation, equipment for use in the training; and</p> <p>(c) Does not revert to the State General Fund at the end of any fiscal year.</p> <ul style="list-style-type: none"> <li>Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid in the manner that other claims against the State are paid.</li> </ul>                                                                                                         |
| <b>North Carolina</b> | <p><a href="#">10 NCAC 13P.0201</a>; <a href="#">N.C. Gen. Statutes §143-507</a> - <a href="#">§143-518</a></p> <p>County government shall ensure that EMS are provided to its citizens; minimum service area for an EMS System shall be one county; care must be offered to residents within a service area 24 hours a day, seven days a week; personnel credentialed to perform within the scope of practice for all EMS personnel functioning in the EMS System</p> | <ul style="list-style-type: none"> <li>Statewide EMS coordination is the responsibility of the Division of Public Health, Office of Preparedness and Response, Division of Emergency Management and the Division of Health Service Regulation, Office of Emergency Medical Services</li> <li>The Regional Advisory Committees (RACs) provide direction, guidance, and coordination for each region.</li> <li>There are 100 county EMS systems and one tribal EMS system consisting of multiple responders from rescue squads, critical care transport, and standard EMS providers. On the county level, planning efforts take place at the Local Emergency Planning Committee (LEPC). These LEPCs consist of stakeholders from law, fire, EMS, hospitals, Public Health, and private industry. LEPCs answer to the local Emergency Management.</li> </ul> | <p><a href="#">N.C. §58-87-5</a></p> <p><b>Volunteer Rescue/EMS Fund</b></p> <ul style="list-style-type: none"> <li>Created in the Department of Insurance to provide grants to volunteer rescue units, rescue/EMS units, EMS units that are volunteer fire departments that are a part of a county's EMS system plan, and EMS units providing rescue or rescue and emergency medical services to purchase equipment and make capital improvements.</li> <li>Department shall to the extent possible select applicants from all parts of the State based upon need.</li> <li>State Treasurer invests the Fund's assets according to law, and the earnings shall remain in the Fund.</li> </ul> |
| <b>Pennsylvania</b>   | <p><a href="#">35 Pa. C.S. §8102</a></p> <p>The General Assembly finds and declares as follows:</p> <ul style="list-style-type: none"> <li>Emergency medical services are an essential public service and frequently the health care safety net for many Commonwealth residents.</li> <li>Emergency medical services should be acknowledged, promoted and</li> </ul>                                                                                                   | <ul style="list-style-type: none"> <li>The Department of Health is responsible for planning, coordinating and guiding programs to promote effective and efficient operation of Statewide and regional EMS systems</li> <li>State EMS Advisory Board advises the Department of Health concerning manpower and training, communications, EMS agencies,</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><a href="#">35 Pa. C.S. §8153</a></p> <p><b>Emergency Medical Services Operating Fund</b></p> <ul style="list-style-type: none"> <li>Sources of the fund are a \$20 surcharge on traffic violations; \$50 fee for a person to participate in the Accelerated Rehabilitative Disposition program; appropriations and contributions.</li> <li>75% of the fund is dispersed to EMS agencies for costs related to contracts and grants, 30% of the fund allocated to EMS</li> </ul>                                                                                                                                                                                                             |



| State                        | Essential Service Designation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EMS Structure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | EMS Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                              | <p>supported as an essential public service.</p> <ul style="list-style-type: none"> <li>The emergency medical services system should fully integrate with the overall health care system, and in particular with the public health system, to identify, modify and manage illness and injury and illness and injury risks.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>regulations, and standards and policies.</p> <ul style="list-style-type: none"> <li>Regional emergency medical services councils assist the Department of Health in carrying out the implementation of the EMS system.</li> </ul>                                                                                                                                                                                                                                                                                                                  | <p>agencies to provide training to underserved rural area; at least 10% of the fund provided to Ems agencies to assist with medical equipment purchases for ambulances and to regional EMS councils for the development, maintenance and improvement of EMS systems and for training, education and licensure.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>South Carolina</b></p> | <p><a href="#">South Carolina Act 164, 2021</a><br/>Section 6-1-2020. (A) As used in this section:</p> <p>(B)(1) Ambulance service is hereby designated as an essential service in this State.</p> <p>(2) Each county governing body in this State shall ensure that at least one licensed ambulance service is available within the county. This may be provided as a county service, but also may be accomplished through other means including, but not limited to:</p> <p>(a) providing a license or franchise to a private company;</p> <p>(b) contracting with a public, private, or nonprofit entity for the service;</p> <p>(c) entering into an intergovernmental agreement with one or more local governments; or</p> <p>(d) entering into an agreement with a hospital or other health care facility.</p> <p>(3) A county is not required to appropriate county revenues for ambulance service if the service can be provided by any other means.</p> <p>(C) Municipal governing bodies also are authorized to make provisions for ambulance service within the boundaries of the municipality. A municipality may not provide and maintain, license, franchise, or contract for ambulance service outside its corporate boundaries without the approval of the county governing body, in the case of unincorporated areas, or the municipal</p> | <ul style="list-style-type: none"> <li>Division of EMS and Trauma is under the Department of Health and Environmental Control and monitors and develops protocols, designates trauma centers, and certifies Emergency Medical Technicians, Paramedics and Athletic Trainers.</li> <li>There are 4 EMS Regional Councils that provide training, consulting, and technical assistance to emergency services agencies and other allied health agencies and personnel.</li> <li>Local EMS teams are the primary providers of EMS to residents.</li> </ul> | <ul style="list-style-type: none"> <li>South Carolina EMS Association (SCEMSA) and Public Consulting Group (PCG) have partnered to develop and implement an Ambulance Supplemental Payment Program (ASPP) that will provide significant relief to South Carolina's public ambulance providers.</li> <li>The ASPP program will enhance federal funding and help cover the Medicaid shortfall that exists between the cost of providing services and what Medicaid currently reimburses providers.</li> <li>Upon the Centers for Medicare and Medicaid Services (CMS) approval, participation in the ASPP will allow government owned or operated ambulance providers to recover up to the federal share of the cost of providing transports that are currently paid through Medicaid Fee-for-service (FFS) and Medicaid Managed Care Organization (MCO) delivery systems.</li> <li>The mechanism by which payments will be made to providers will vary based upon the Medicaid service delivery system.</li> <li>Medicaid FFS - Implementation requires the submission of a Medicaid State Plan Amendment (SPA) to CMS. Once implemented, providers that wish to participate will be required to submit an annual cost report and sign a Certification of Public Expenditures in order to receive provider-specific cost-based reimbursement for Medicaid FFS transports.</li> <li>Medicaid MCO - Implementation requires the submission of a Medicaid Section 42 CFR § 438.6(c) Preprint outlining the state</li> </ul> |



| State                   | Essential Service Designation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | EMS Structure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | EMS Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                         | <p>governing body if the area to be served lies within the boundaries of another municipality.</p> <p>(D) A county may not provide and maintain, license, franchise, or contract for ambulance service within the boundaries of a municipality that has made provisions for ambulance service without the approval of the municipal governing body of the area to be served.</p> <p>(E) The governing body of any county or municipality may adopt and enforce reasonable regulations to control the provision of private or nonprofit ambulance service.</p> <p>(F) Two or more counties and municipalities may enter into agreements with each other and with persons providing both emergency and nonemergency ambulance service for a county or counties on a countywide basis, for joint or cooperative action to provide for ambulance service."</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>directed payment arrangement and associated quality measures.</p> <ul style="list-style-type: none"> <li>Once implemented, incremental enhancements for Medicaid MCO transports will be achieved through development of a per trip add-on rate that is tied to the average cost per trip for all providers submitting annual cost reports under the Medicaid FFS program.</li> <li>Unlike the Medicaid FFS program, public providers will transfer the state share via an Intergovernmental Transfer (IGT) in advance of the supplemental payments being disbursed by MCOs.</li> </ul> |
| <p><b>Tennessee</b></p> | <p><a href="#">TN Code 7-61-102</a></p> <p>Ambulance service is hereby designated as an essential service in the state of Tennessee.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>Emergency Medical Services Board is empowered to approve schools and prescribe courses for EMS personnel, promulgate regulations governing licenses and permits, and establish standards for the activities and operation of emergency medical and ambulance services.</li> <li>All county governing bodies are authorized and directed to make provisions to ensure that at least one (1) licensed ambulance service is available within their county. This may be provided as a county service, but can also be accomplished through other means, including, but not limited to: providing a license or franchise to a private company; contracting with a public, private, or nonprofit entity for the service; entering into an interlocal agreement with one (1) or</li> </ul> | <p><a href="#">Public Chapter 1052, 2022</a></p> <p><b>Ambulance Service Assessment Revenue Fund</b></p> <ul style="list-style-type: none"> <li>Sources of the fund are quarterly assessments on ground ambulance service providers; penalties for not paying the assessment; donations from private sources and investment earnings.</li> <li>Money in the fund may only be used to create directed payments for qualified ground ambulance services and to reimburse qualified Medicaid transports.</li> </ul>                                                                          |

| State    | Essential Service Designation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EMS Structure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EMS Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Virginia | <p><a href="#">Va. Code § 32.1-111.3</a><br/>The objectives of a statewide EMS Plan is:</p> <ol style="list-style-type: none"> <li>1. Establishing a comprehensive statewide emergency medical services system, incorporating facilities, transportation, manpower, communications, and other components as integral parts of a unified system that will serve to improve the delivery of emergency medical services and thereby decrease morbidity, hospitalization, disability, and mortality;</li> <li>2. Reducing the time period between the identification of an acutely ill or injured patient and the definitive treatment;</li> <li>3. Increasing the accessibility of high quality emergency medical services to all citizens of Virginia;</li> <li>4. Promoting continuing improvement in system components including ground, water, and air transportation; communications; hospital emergency departments and other emergency medical care facilities; health care provider training and health care service delivery; and consumer health information and education;</li> <li>5. Ensuring performance improvement of the emergency medical services system and emergency medical services and care delivered on scene, in transit, in hospital emergency departments, and within the hospital environment;</li> <li>6. Working with professional medical organizations, hospitals, and other public and private agencies in developing approaches whereby the many persons who are presently using the existing emergency department for routine, nonurgent, primary medical care will be</li> </ol> | <p>more local governments; or entering into an agreement with a hospital or other healthcare facility.</p> <ul style="list-style-type: none"> <li>• Office of Emergency Service is responsible for the development of a comprehensive, coordinated, statewide emergency medical services plan.</li> <li>• The State Board of Health has designed 11 Regional EMS Councils to serve specific geographic areas of the Commonwealth. Each council is charged with the development and implementation of an efficient and effective regional emergency medical services delivery system.</li> <li>• Any county, city or town may provide EMS to its citizens by establishing an EMS agency.</li> </ul> | <p><a href="#">Va. Code §46.2-694</a><br/><b>Four-for-Life Fund</b></p> <ul style="list-style-type: none"> <li>• Source of the fund is a \$4 per year charge that is collected at the time of vehicle registration</li> <li>• 32% of the fund is distributed to the Rescue Squad Assistance Fund for training of EMS personnel and equipment purchases.</li> <li>• 30% is distributed through contracts and other procurements to support EMS training programs, recruitment and retention programs, EMS development, local, regional and statewide performance contracts for EMS, technology and radio communications enhancements.</li> <li>• 2% is distributed to the Virginia Association of Volunteer Rescue Squads to conduct volunteer recruitment, retention and training activities.</li> <li>• 26% is allocated to the “Return to Locality” fund to provide local funding for training of EMS personnel and the purchase of equipment and supplies for EMS and rescue services.</li> </ul> |

| State         | Essential Service Designation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EMS Structure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EMS Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | <p>served more appropriately and economically;</p> <p>7. Conducting, promoting, and encouraging programs of education and training designed to upgrade the knowledge and skills of emergency medical services personnel, including expanding the availability of paramedic and advanced life support training throughout the Commonwealth with particular emphasis on regions underserved by emergency medical services personnel having such skills and training;</p> <p>8. Consulting with and reviewing, with agencies and organizations, the development of applications to governmental or other sources for grants or other funding to support emergency medical services programs.</p>                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| West Virginia | <p><a href="#">W. Va. Code §16-4C-2</a></p> <p>The Legislature finds and declares: (1) That the safe and efficient operation of life-saving and life-preserving emergency medical service to meet the needs of citizens of this state is a matter of general public interest and concern; (2) to ensure the provision of adequate emergency medical services within this state for the protection of the public health, safety and welfare, it is imperative that minimum standards for emergency medical service personnel be established and enforced by the state; (3) that emergency medical service personnel should meet minimum training standards promulgated by the commissioner; (4) that it is the public policy of this state to enact legislation to carry out these purposes and comply with minimum standards for emergency medical service personnel as specified herein; (5) that any patient who receives emergency medical service and who is unable to consent thereto should be</p> | <ul style="list-style-type: none"> <li>Office of EMS is created in the Bureau of Public Health</li> <li>Emergency Medical Services Advisory Council develops, with the commissioner, standards for emergency medical services personnel and for the purpose of providing advice to the Office of Emergency Medical Services and the commissioner with respect to reviewing and making recommendations for the establishment and maintenance of adequate emergency medical services for all portions of this state.</li> <li>Each of the 55 counties provides some EMS services.</li> <li>The state is divided into 10 EMS regions.</li> </ul> | <p><a href="#">W. Va. Code §16-4C-24</a></p> <p><b>Emergency Medical Services Equipment and Training Fund</b></p> <ul style="list-style-type: none"> <li>The fund may only be used for the purpose of providing grants to equip emergency medical services providers and train emergency medical services personnel.</li> <li>Commissioner of Bureau of Health establishes a grant program for equipment and training of EMS personnel and providers; priority given to rural and volunteer EMS providers.</li> <li>Allocated \$10 million in federal coronavirus relief funding to “EMS WV: Answer the Call” program to fund strategic initiatives that will bolster the state’s EMS workforce and equip communities to better care for West Virginia citizens.</li> </ul> |

| State | Essential Service Designation                                                                                                                                                                                                                                         | EMS Structure | EMS Funding |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------|
|       | liable for the reasonable cost of such service; and (6) that it is the public policy of this state to encourage emergency medical service providers to do those things necessary to carry out the powers conferred in this article unless otherwise forbidden by law. |               |             |

**Maine declaration of EMS as an essential service:**

[MRSA 32 §81-A](#)

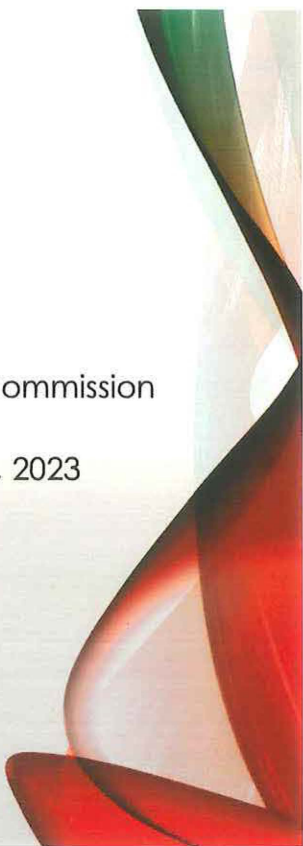
It is the purpose of this chapter to promote and provide for a comprehensive and effective emergency medical services system to ensure optimum patient care. The Legislature finds that emergency medical services provided by an ambulance service are essential services. The Legislature finds that the provision of medical assistance in an emergency is a matter of vital concern affecting the health, safety and welfare of the public.

It is the intent of the Legislature to designate that a central agency be responsible for the coordination and integration of all state activities concerning emergency medical services and the overall planning, evaluation, coordination, facilitation and regulation of emergency medical services systems. Further, the Legislature finds that the provision of prompt, efficient and effective emergency medical dispatch and emergency medical care, a well-coordinated trauma care system, effective communication between prehospital care providers and hospitals and the safe handling and transportation, and the treatment and non-transport under appropriate medical guidance, of the sick and injured are key elements of an emergency medical services system. This chapter is intended to promote the public health, safety and welfare by providing for the creation of a statewide emergency medical services system with standards for all providers of emergency medical services.

## **APPENDIX F**

### **November 6<sup>th</sup>, 2023 Commission Member Presentations:**

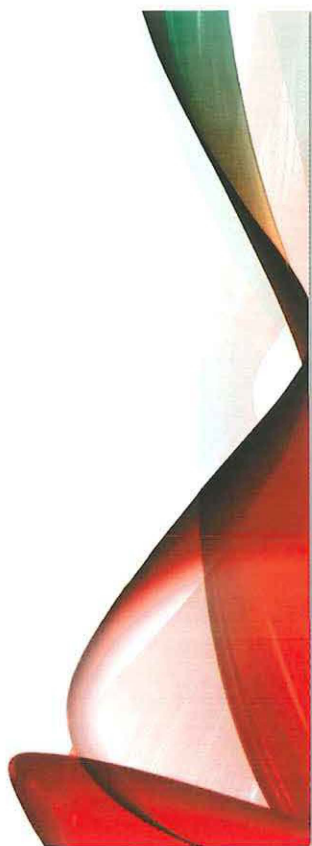
- **EMS System Funding (Joe Kellner)**
- **EMS Regionalization, One Optimization Approach (Kevin Howell)**
- **NorthStar EMS (Mike Senecal)**



# EMS SYSTEM FUNDING

Blue Ribbon Commission  
(v2)

November 6<sup>th</sup>, 2023



## BACKGROUND AND DISCLOSURES

- 12 years EMS experience, 10 directly responsible for billing and finance
- **Former** oversight over an EMS billing agency (\$70M in annual charges)
- **Currently serve as CEO – LifeFlight of Maine**



# PROVIDER AND CALL VOLUME DATA

- 166 Licensed Transporting EMS Services (data 1 year old)

| All Transporting Agency Transport Volume |         |                 |                 |                 |         |
|------------------------------------------|---------|-----------------|-----------------|-----------------|---------|
| Year                                     | Average | 25th Percentile | 50th Percentile | 75th Percentile | Maximum |
| 2018                                     | 1123.6  | 147.5           | 384.0           | 1186.5          | 17400.0 |
| 2019                                     | 1272.8  | 167.0           | 374.0           | 1290.0          | 19965.0 |
| 2020                                     | 1104.1  | 158.8           | 329.0           | 1083.0          | 15658.0 |
| 2021                                     | 1211.6  | 191.0           | 399.0           | 1241.0          | 14795.0 |
| 2022                                     | 849.2   | 140.8           | 288.5           | 884.8           | 9892.0  |

| All Transporting Agency Call Volume |         |                 |                 |                 |         |
|-------------------------------------|---------|-----------------|-----------------|-----------------|---------|
| Year                                | Average | 25th Percentile | 50th Percentile | 75th Percentile | Maximum |
| 2018                                | 1390.3  | 195.0           | 536.0           | 1634.0          | 19593.0 |
| 2019                                | 1591.1  | 216.8           | 529.5           | 1760.8          | 21789.0 |
| 2020                                | 1447.6  | 227.0           | 499.0           | 1516.0          | 17009.0 |
| 2021                                | 1760.1  | 267.0           | 607.0           | 1950.0          | 20294.0 |
| 2022                                | 1150.9  | 186.0           | 402.0           | 1142.0          | 13167.0 |

## VEHICLE UTILIZATION

The median transports per ambulance vehicle per year in Maine is **115**



## NON-TRANSPORTS

**On Average, 26% of requests do NOT result in transport and do NOT result in payment**

**LD1602 now requires commercial payers to reimburse non-transport scenarios**



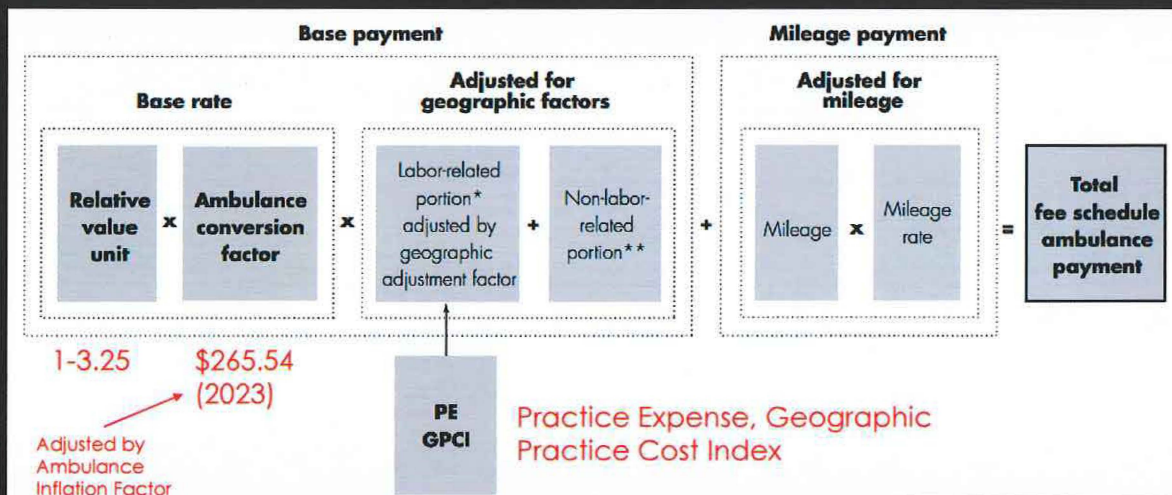
## STARTING AN AMBULANCE

A One-Ambulance service requires approximately \$1,100,000 in cash to begin and sustain operations. Payment won't start coming until up to six months from startup



# UNDERSTANDING AMBULANCE REIMBURSEMENT

## AMBULANCE PAYMENT



## RATE ADJUSTMENTS

This factor is an amount equal to the percentage increase in the consumer price index for all urban consumers (CPI-U) reduced by the 10-year moving average of multi-factor productivity.

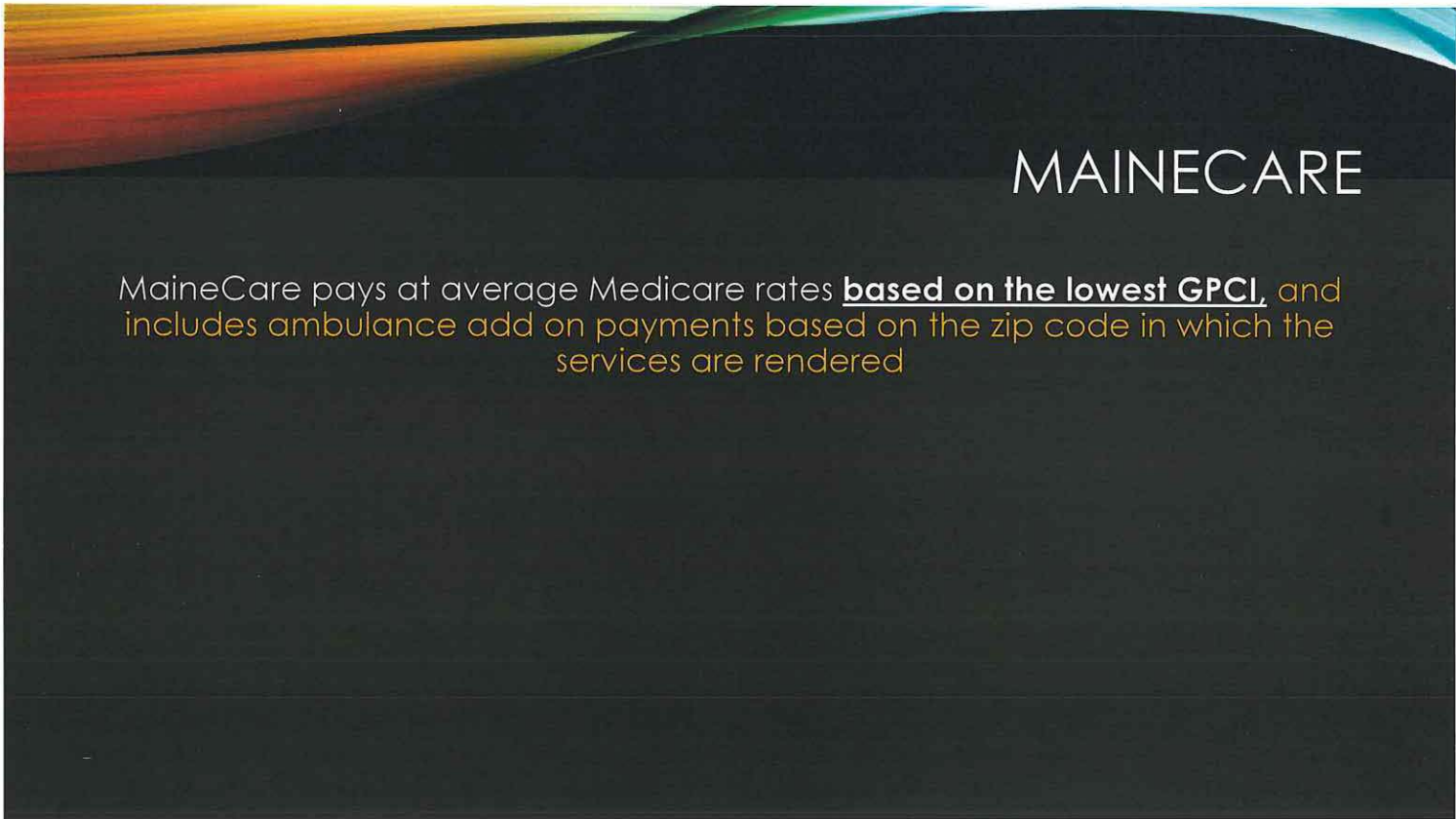
\*MEDpac Ambulance Payment Basics

|      |      |
|------|------|
| 2015 | 1.5  |
| 2016 | -0.4 |
| 2017 | 0.7  |
| 2018 | 1.1  |
| 2019 | 2.3  |
| 2020 | 0.9  |
| 2021 | 0.2  |
| 2022 | 5.1  |
| 2023 | 8.7  |
| 2024 | 2.6  |

## AMBULANCE ADD-ON PAYMENTS

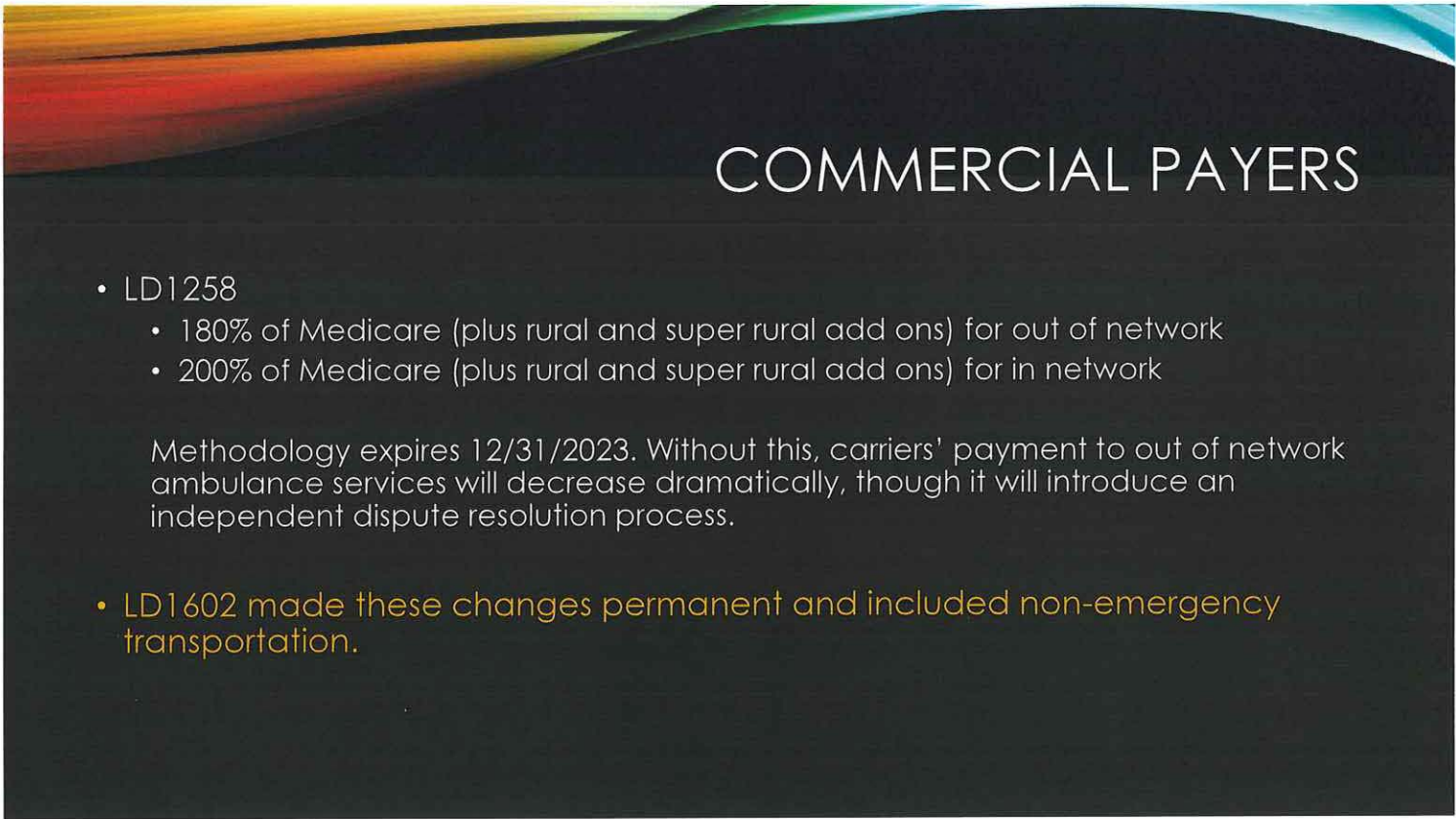
- 2% Urban (urban, for example, includes all of Penobscot County)\*\*
- 3% Rural
- 22.6% (lowest 25<sup>th</sup> percentile of all rural areas in US)

\*\* This 2% offsets the long-standing 2% monies that are sequestered



# MAINECARE

MaineCare pays at average Medicare rates based on the lowest GPCI, and includes ambulance add on payments based on the zip code in which the services are rendered



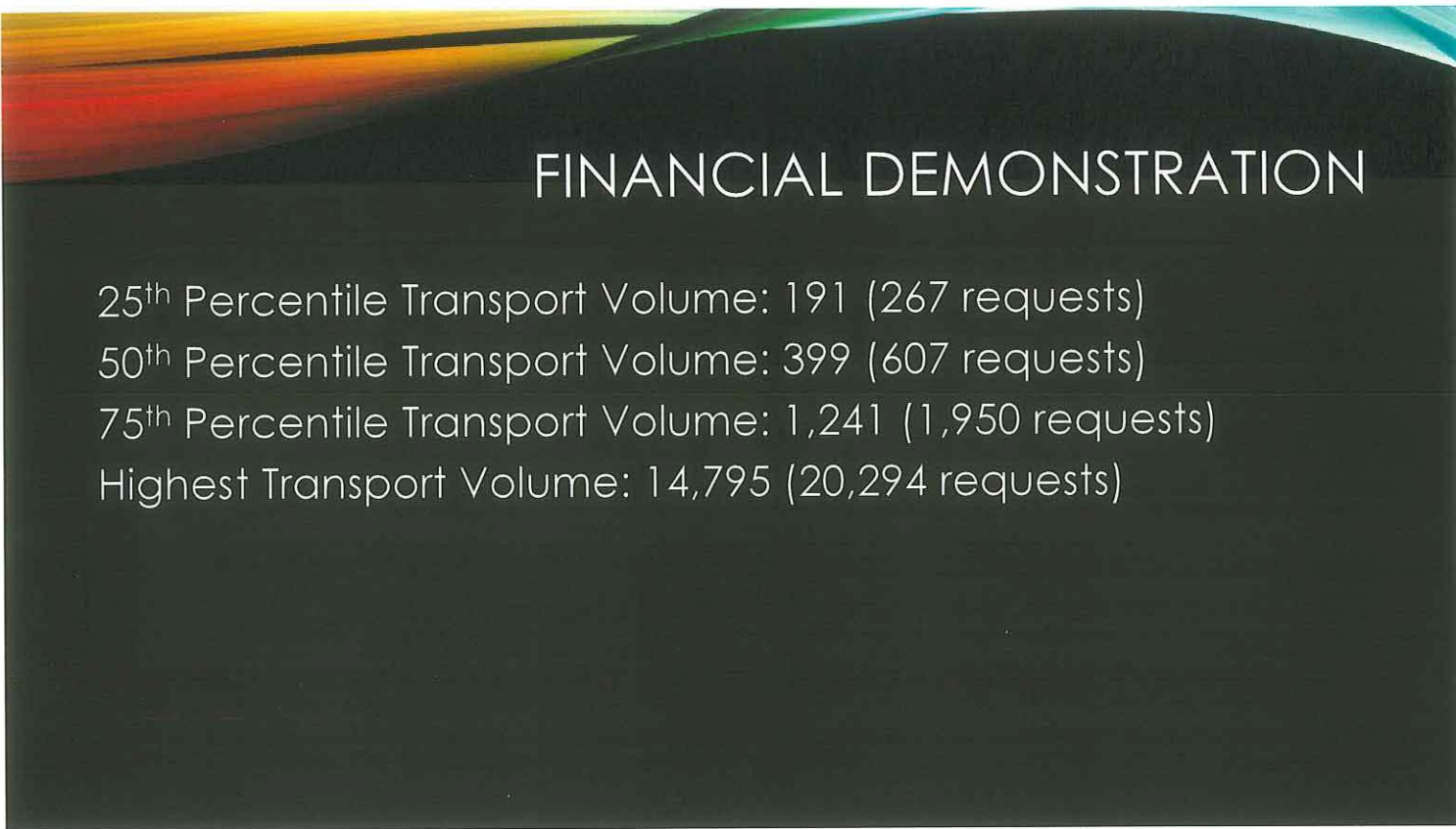
# COMMERCIAL PAYERS

- LD1258
  - 180% of Medicare (plus rural and super rural add ons) for out of network
  - 200% of Medicare (plus rural and super rural add ons) for in network

Methodology expires 12/31/2023. Without this, carriers' payment to out of network ambulance services will decrease dramatically, though it will introduce an independent dispute resolution process.

- LD1602 made these changes permanent and included non-emergency transportation.





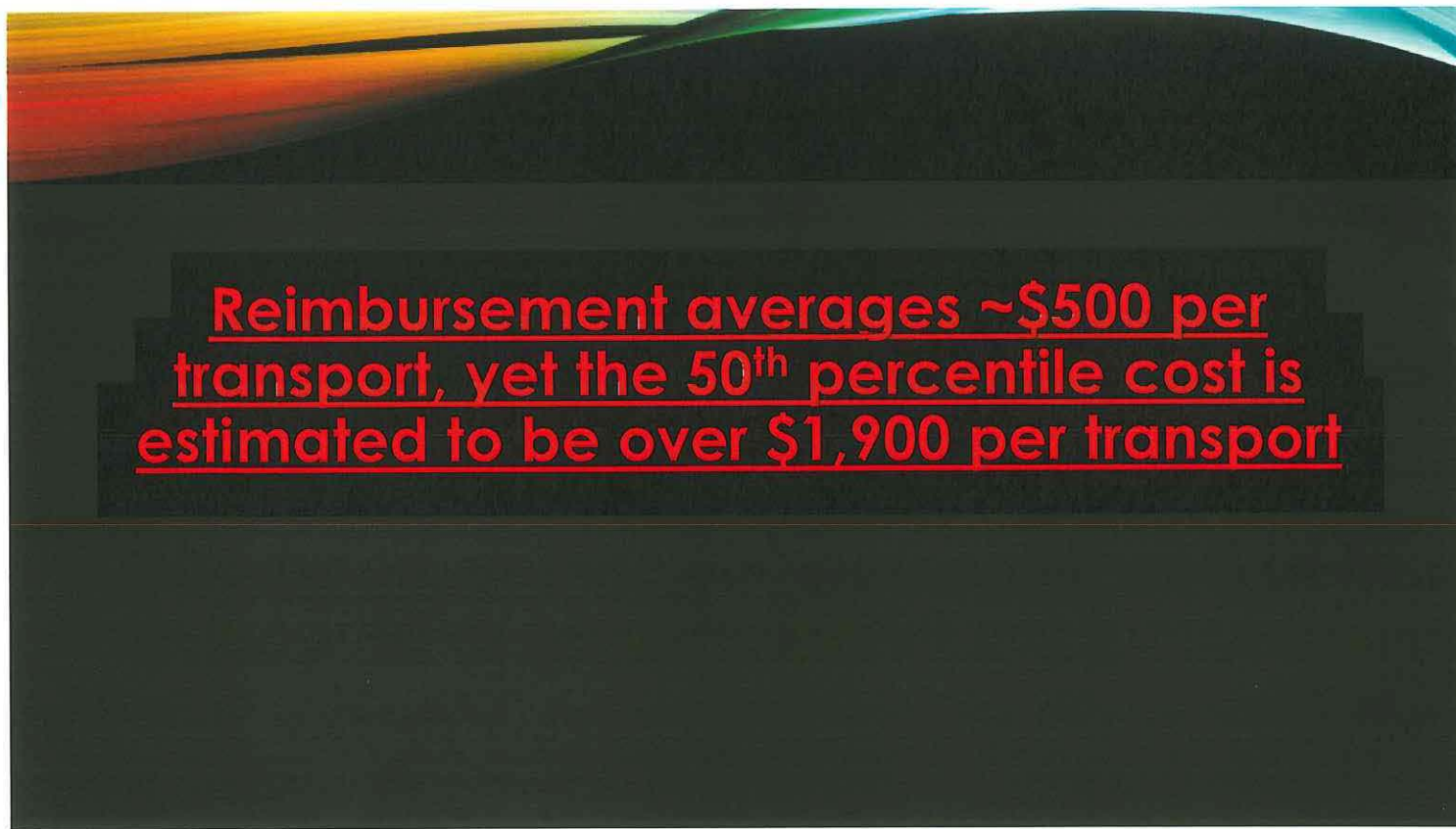
## FINANCIAL DEMONSTRATION

25<sup>th</sup> Percentile Transport Volume: 191 (267 requests)

50<sup>th</sup> Percentile Transport Volume: 399 (607 requests)

75<sup>th</sup> Percentile Transport Volume: 1,241 (1,950 requests)

Highest Transport Volume: 14,795 (20,294 requests)



**Reimbursement averages ~\$500 per transport, yet the 50<sup>th</sup> percentile cost is estimated to be over \$1,900 per transport**



| Percentile | Volume        | Net Income                                                  | Ambulances                         | FTEs                              | Net Income<br>Per Call                  | Cost Per<br>Transport |
|------------|---------------|-------------------------------------------------------------|------------------------------------|-----------------------------------|-----------------------------------------|-----------------------|
| 25th       | 191           | \$ (653,854.54)                                             | 1                                  | 9.8                               | \$ (3,423.32)                           | \$ 3,915.31           |
| 50th       | 399           | \$ (568,300.56)                                             | 1                                  | 9.8                               | \$ (1,424.31)                           | \$ 1,916.30           |
| 75th       | 1241          | \$ (805,613.47)                                             | 2                                  | 18.6                              | \$ (649.16)                             | \$ 1,141.15           |
| Maximum    | 14795         | \$ (201,752.76)                                             | 9                                  | 83.2                              | \$ (13.64)                              | \$ 505.63             |
|            |               |                                                             |                                    |                                   |                                         |                       |
| Percentile | No Transports | Additional<br>Revenue if non-<br>transports were<br>funded* | Additional loss<br>to adjust wages | Additional<br>Revenue if<br>Rural | Additional<br>Revenue if<br>Super Rural |                       |
| 25th       | 67            | \$ 29,527.50                                                | \$ (899,972.41)                    | \$ 1,061.05                       | \$ 23,979.74                            |                       |
| 50th       | 140           | \$ 55,416.09                                                | \$ (814,418.44)                    | \$ 2,216.54                       | \$ 50,093.81                            |                       |
| 75th       | 436           | \$ 172,359.30                                               | \$ (1,010,096.46)                  | \$ 6,894.05                       | \$ 155,805.56                           |                       |
| Maximum    | 5,198         | 2,054,839.56                                                | \$ (2,416,813.61)                  | \$ 82,189.76                      | N/A                                     |                       |

Wage Adjustment Mid Points  
EMT: 20, AEMT: 25, Paramedic: 35

\*Assumes paying base rates with  
no mileage

**The 50<sup>th</sup> percentile ambulance service, performing 399 calls per year, requires \$570,000 in subsidy to break even**

**This number has increased to over \$800 for most services, depending on payer mix**

# MUNICIPAL AMBULANCE SERVICES

|                                         | Urban, 1334 Calls per year<br>(Old Town)                                                                                | Super Rural<br>(Madawaska)                |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Charges                                 | \$ 1,359,369.20                                                                                                         |                                           |
| Contractual Allowances / BD<br>Payments | \$ (608,842.31)<br>\$ 683,003.70                                                                                        | \$ 393,784.78                             |
| Personnel                               | \$ 1,097,991.00                                                                                                         | \$ 431,125.00                             |
| Purchased Services                      | \$ 26,319.00                                                                                                            | \$ 57,000.00                              |
| Supplies and Materials                  | \$ 69,817.00                                                                                                            | \$ 40,050.00                              |
| Repairs and Maintenance                 | \$ 36,550.00                                                                                                            | \$ 14,200.00                              |
| Utilities                               | \$ 30,140.00                                                                                                            | \$ 2,300.00                               |
| IT                                      | \$ 4,000.00                                                                                                             | \$ 2,520.00                               |
| Other                                   | \$ 552.00                                                                                                               | \$ 16,550.00                              |
| Depreciation                            | \$ 98,485.00                                                                                                            |                                           |
| Insurances                              | \$ 51,477.00                                                                                                            |                                           |
| Net Income Before Allocation            | \$ (732,327.30)                                                                                                         | \$ (169,960.22)                           |
| Not included                            | Rent, Capital Equipment,<br>Additional Personnel.<br>Expenses split 50/50 with<br>fire, however 86% of<br>demand is EMS | Insurances,<br>capital<br>equipment, rent |

501(C)3 AMBULANCES



# DELTA

|                             |                                                                                                | Prior Year                | Current Year |
|-----------------------------|------------------------------------------------------------------------------------------------|---------------------------|--------------|
|                             |                                                                                                |                           |              |
| Revenue                     | 8 Contributions and grants (Part VIII, line 1h) . . . . .                                      |                           | 1,512,684    |
|                             | 9 Program service revenue (Part VIII, line 2g) . . . . .                                       | 7,710,421                 | 6,972,577    |
|                             | 10 Investment income (Part VIII, column (A), lines 3, 4, and 7d) . . . . .                     | 259,728                   | 94,413       |
|                             | 11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e) . . . . .          |                           | 0            |
|                             | 12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12) . . . . .  | 7,970,149                 | 8,579,674    |
| Expenses                    | 13 Grants and similar amounts paid (Part IX, column (A), lines 1-3) . . . . .                  |                           | 0            |
|                             | 14 Benefits paid to or for members (Part IX, column (A), line 4) . . . . .                     |                           | 0            |
|                             | 15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10) . . . . . | 5,913,295                 | 6,259,027    |
|                             | 16a Professional fundraising fees (Part IX, column (A), line 11e) . . . . .                    |                           | 0            |
|                             | b Total fundraising expenses (Part IX, column (D), line 25) ▶0 . . . . .                       |                           |              |
|                             | 17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e) . . . . .                      | 2,352,604                 | 2,353,150    |
|                             | 18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25) . . . . .         | 8,265,899                 | 8,612,177    |
| Net Assets or Fund Balances | 19 Revenue less expenses. Subtract line 18 from line 12 . . . . .                              | -295,750                  | -32,503      |
|                             |                                                                                                | Beginning of Current Year | End of Year  |
|                             | 20 Total assets (Part X, line 16) . . . . .                                                    | 10,372,172                | 11,011,395   |
|                             | 21 Total liabilities (Part X, line 26) . . . . .                                               | 2,336,729                 | 2,683,185    |
|                             | 22 Net assets or fund balances. Subtract line 21 from line 20 . . . . .                        | 8,035,443                 | 8,328,210    |

| Prior Year | Current Year |
|------------|--------------|
| 1,086,885  | 0            |
| 7,030,742  | 6,453,653    |
| 849,626    | 69,991       |
|            | 0            |
| 8,967,253  | 6,523,644    |
|            | 0            |
|            | 0            |
| 6,648,442  | 6,963,628    |
|            | 0            |
|            |              |
| 2,529,448  | 2,555,243    |
| 9,177,890  | 9,518,871    |
| -210,637   | -2,995,227   |

# NORTHERN LIGHT

|                             |                                                                                                | Prior Year | Current Year |
|-----------------------------|------------------------------------------------------------------------------------------------|------------|--------------|
|                             |                                                                                                |            |              |
| Revenue                     | 8 Contributions and grants (Part VIII, line 1h) . . . . .                                      |            | 0            |
|                             | 9 Program service revenue (Part VIII, line 2g) . . . . .                                       | 7,679,258  | 8,343,088    |
|                             | 10 Investment income (Part VIII, column (A), lines 3, 4, and 7d) . . . . .                     | -8,031     | -755         |
|                             | 11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e) . . . . .          |            | 0            |
|                             | 12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12) . . . . .  | 7,671,227  | 8,342,333    |
| Expenses                    | 13 Grants and similar amounts paid (Part IX, column (A), lines 1-3) . . . . .                  |            | 0            |
|                             | 14 Benefits paid to or for members (Part IX, column (A), line 4) . . . . .                     |            | 0            |
|                             | 15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10) . . . . . |            | 4,589,894    |
|                             | 16a Professional fundraising fees (Part IX, column (A), line 11e) . . . . .                    |            | 0            |
|                             | b Total fundraising expenses (Part IX, column (D), line 25) ▶0 . . . . .                       |            |              |
|                             | 17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e) . . . . .                      | 8,289,140  | 3,930,943    |
|                             | 18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25) . . . . .         | 8,289,140  | 8,520,837    |
| Net Assets or Fund Balances | 19 Revenue less expenses. Subtract line 18 from line 12 . . . . .                              | -617,913   | -178,504     |

| Prior Year                | Current Year |
|---------------------------|--------------|
| 14,173.                   | 173,515.     |
| 8,099,598.                | 8,270,453.   |
| -5,287.                   | 298.         |
| 8,108,484.                | 8,444,266.   |
|                           |              |
| 5,948,616.                | 6,673,025.   |
|                           |              |
| 2,699,491.                | 2,959,487.   |
| 8,648,107.                | 9,632,512.   |
| -539,623.                 | -1,188,246.  |
| Beginning of Current Year | End of Year  |
| 2,616,379.                | 2,394,467.   |
| 4,835,458.                | 5,634,932.   |
| -2,219,079.               | -3,240,465.  |

# UNITED

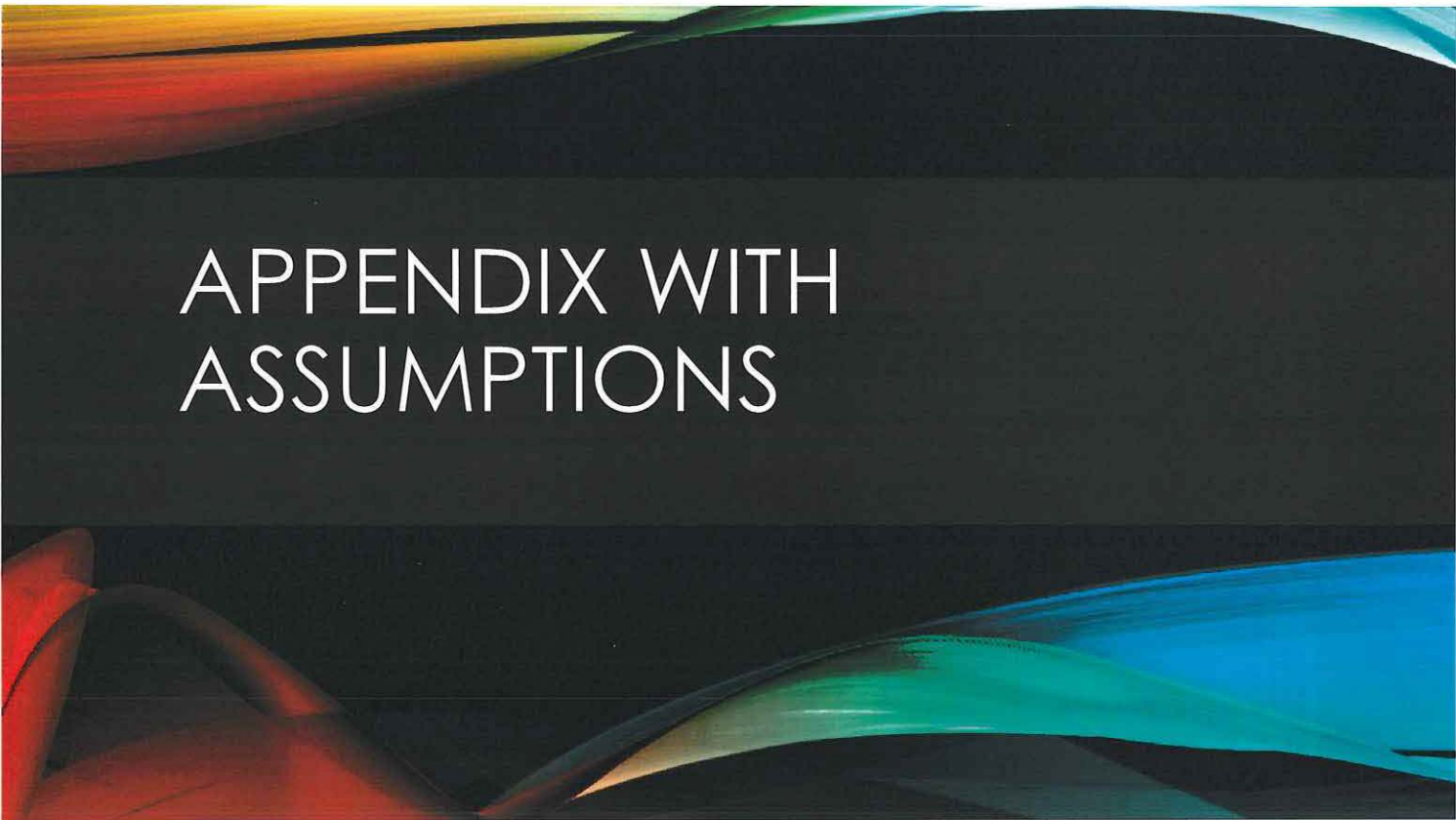
|                             |                                                                                      | Prior Year                | Current Year |
|-----------------------------|--------------------------------------------------------------------------------------|---------------------------|--------------|
|                             |                                                                                      |                           |              |
| Revenue                     | 8 Contributions and grants (Part VIII, line 1h) . . . . .                            | 0                         | 44,853       |
|                             | 9 Program service revenue (Part VIII, line 2g) . . . . .                             | 8,977,856                 | 8,463,961    |
|                             | 10 Investment income (Part VIII, column (A), lines 3, 4, and 7d ) . . . . .          | 7,585                     | -2,088       |
|                             | 11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)          | 0                         | 0            |
|                             | 12 Total revenue--add lines 8 through 11 (must equal Part VIII, column (A), line 12) | 8,985,441                 | 8,506,726    |
| Expenses                    | 13 Grants and similar amounts paid (Part IX, column (A), lines 1-3 ) . . . . .       | 4,559                     | 3,270        |
|                             | 14 Benefits paid to or for members (Part IX, column (A), line 4) . . . . .           | 0                         | 0            |
|                             | 15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10) | 6,350,066                 | 6,254,834    |
|                             | 16a Professional fundraising fees (Part IX, column (A), line 11e) . . . . .          | 0                         | 0            |
|                             | b Total fundraising expenses (Part IX, column (D), line 25) <b>0</b>                 |                           |              |
|                             | 17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e) . . . . .            | 2,833,459                 | 2,264,369    |
|                             | 18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)         | 9,188,084                 | 8,522,473    |
|                             | 19 Revenue less expenses. Subtract line 18 from line 12 . . . . .                    | -202,643                  | -15,747      |
| Net Assets or Fund Balances |                                                                                      | Beginning of Current Year | End of Year  |
|                             | 20 Total assets (Part X, line 16) . . . . .                                          | 5,683,121                 | 5,666,558    |
|                             | 21 Total liabilities (Part X, line 26) . . . . .                                     | 637,649                   | 636,833      |
|                             | 22 Net assets or fund balances. Subtract line 21 from line 20 . . . . .              | 5,045,472                 | 5,029,725    |

| Prior Year | Current Year |
|------------|--------------|
| 0          | 0            |
| 7,698,525  | 8,240,307    |
| 10,958     | 102,325      |
| 10,048     | -14,542      |
| 7,719,531  | 8,328,090    |
| 2,094      | 0            |
| 0          | 0            |
| 5,731,643  | 6,340,670    |
| 0          | 0            |
|            |              |
| 2,071,638  | 2,400,220    |
| 7,805,375  | 8,740,890    |
| -85,844    | -412,800     |

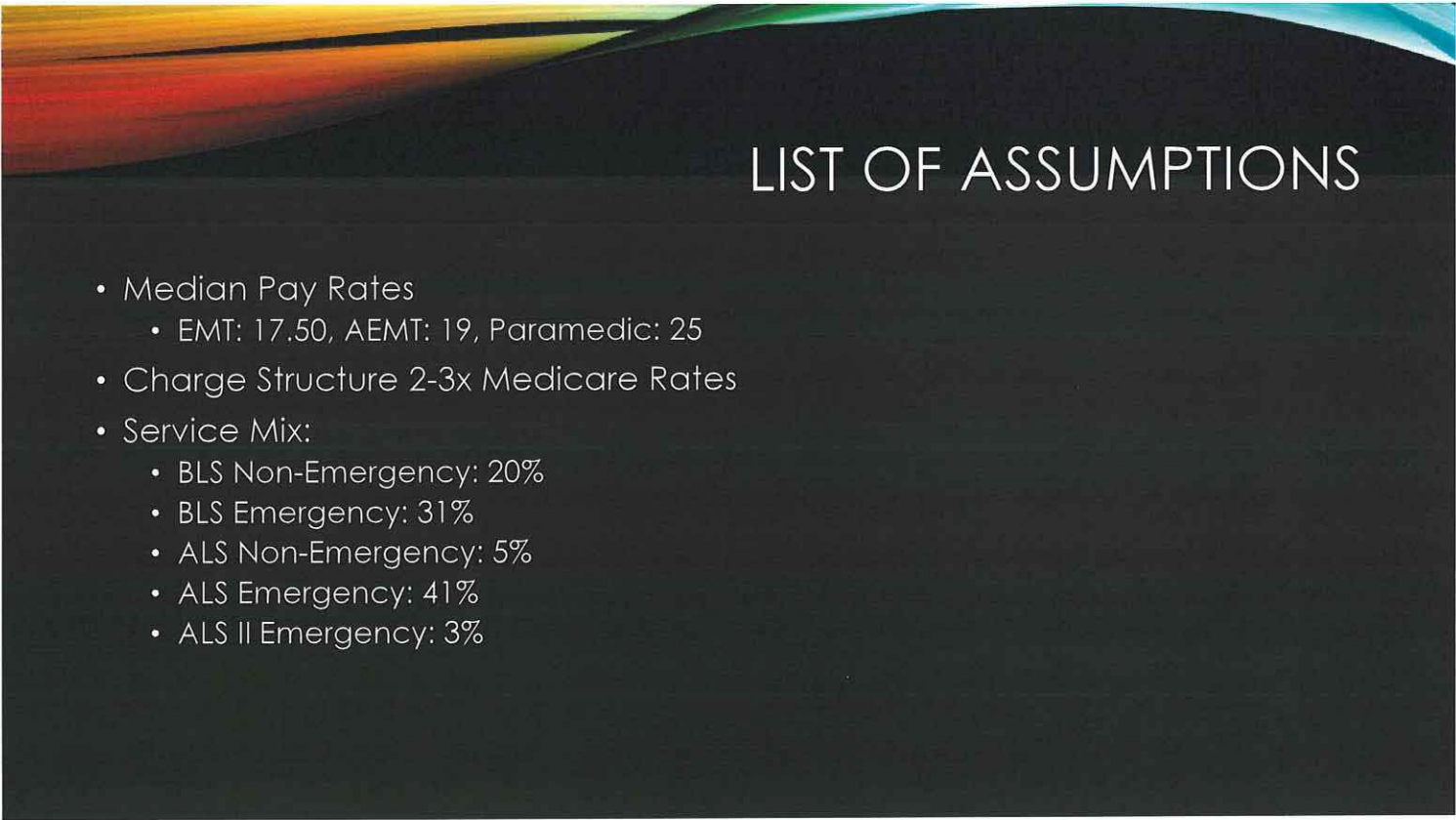
# CURRENT SUBSIDIES

- Municipal contributions (space, overhead)
- Tax contributions
- Volunteer hours
- Per Capita Contributions
- Purchased Services





# APPENDIX WITH ASSUMPTIONS



## LIST OF ASSUMPTIONS

- Median Pay Rates
  - EMT: 17.50, AEMT: 19, Paramedic: 25
- Charge Structure 2-3x Medicare Rates
- Service Mix:
  - BLS Non-Emergency: 20%
  - BLS Emergency: 31%
  - ALS Non-Emergency: 5%
  - ALS Emergency: 41%
  - ALS II Emergency: 3%



## LIST OF ASSUMPTIONS

- Ambulance Acquisition
  - Vehicle base cost: \$185,000
  - Patient Securement: \$50,000 (Cot and loading system)
  - Ambulance lifespan: 225,000 miles
  - Ambulance MPG: 8
  - Maintenance Cost: \$0.13/mile driven
  - General medical equipment: \$35,000

### Mileage Factor

- Ambulance will drive 3.5 miles for every miles of patient transport



## LIST OF ASSUMPTIONS

### Required Ambulances

- 0-1000 Transports: 1 ambulance
- 1000-2000 Transports: 2 ambulances
- Each additional 2000: 1 more ambulance

### Staffing

- EMT/Paramedic team
- 1 leadership position per three trucks, minimum of 1
- 1 senior leader for five or more trucks





## LIST OF ASSUMPTIONS

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- 0-1000 Transports: 1 ambulance
- 1000-2000 Transports: 2 ambulances
- Each additional 2000: 1 more ambulance

### Staffing

- EMT/Paramedic team
- 1 leadership position per three trucks, minimum of 1
- 1 senior leader for five or more trucks



## LIST OF ASSUMPTIONS

### Payer Mix

- Medicare / Mainecare: 65%
- Commercial Insurers: 20%
- Self-pay: 15%

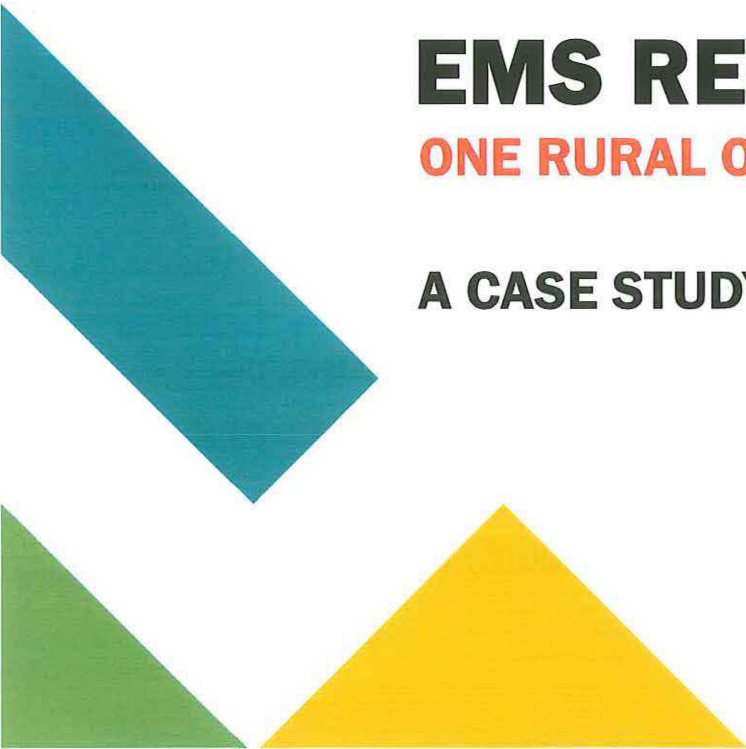


## LIST OF ASSUMPTIONS

### Billing and Dispatch

- \$20.00 per call
- Average Reimbursement per Transport: \$491.99
- Average Charge: \$1,072.50
- Average Transport Mileage - 12

Several other assumptions of cost are included, but are based off actual data



# EMS REGIONALIZATION

## ONE RURAL OPTIMIZATION APPROACH

### A CASE STUDY

---

PREPARED FOR  
EMS BLUE RIBBON COMMISSION  
NOVEMBER 6, 2023

# Introduction

## Presenter:

Kevin Howell, Town Manager – Town of Carmel  
2016 – Present

### CERTIFIED:

- TOWN MANAGER
- TOWN CLERK
- TREASURER
- TAX COLLECTOR
- CODE ENFORCEMENT OFFICER
- LOCAL PLUMBING INSPECTOR

### CURRENTLY SERVING:

- MMA LEGISLATIVE POLICY COMMITTEE
- BOARD OF DIRECTORS, MUNICIPAL REVIEW COMMITTEE
- MAINE STATE EMERGENCY RESPONSE COMMISSION – MUNICIPAL REPRESENTATIVE

2



## Town of Carmel, Maine, U.S.A

*"Your Rural Community"*



- Population of approx. 2,900
- Bedroom community to the Greater Bangor Economic Region
- Town Meeting / Board of Selectmen / Town Manager form of gov.
- Active paid fire department – voluntary response operation
- Centrally located in Southern Penobscot County along I-95

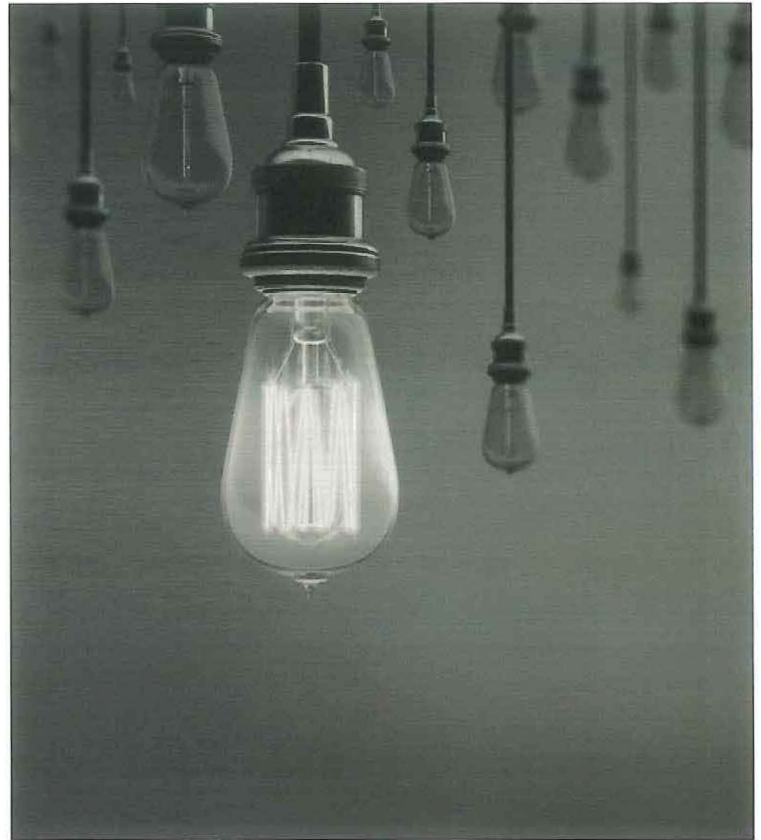
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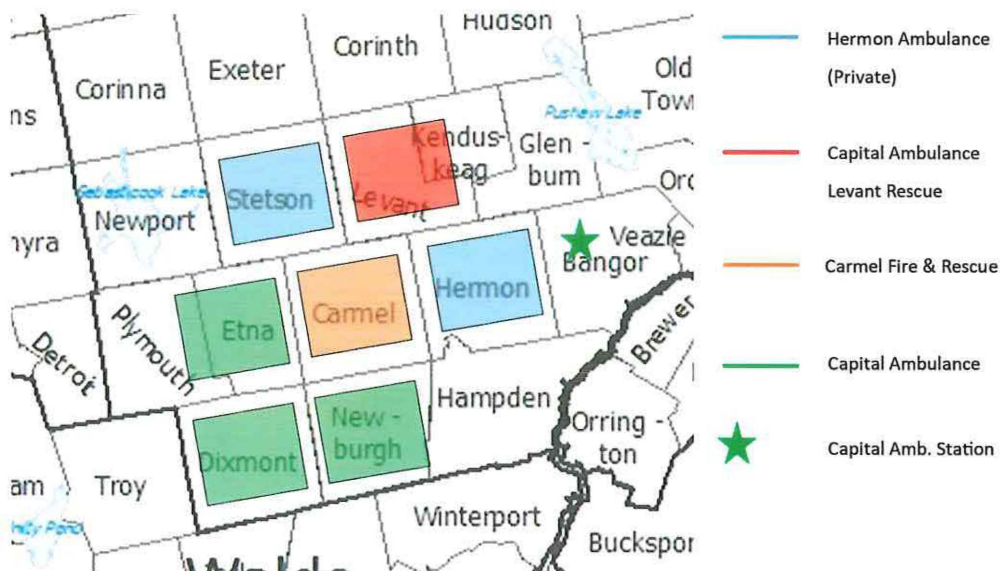
# GENESIS....

WHAT'S ALL THE RUCKUS ABOUT???

- FRAGMENTATION IN REGIONAL EMS
- COMPETING SERVICES
- LIMITED MUNICIPAL RESOURCES
- RURAL LOGISTICAL CHALLENGES
- FUNDING SHORTFALLS
- STAFFING CHALLENGES



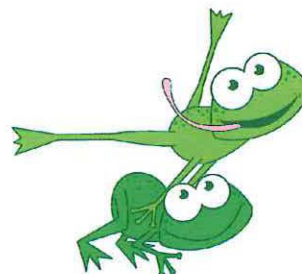
## WHERE WE STARTED - 2018 EMS MAP





## LIFE SAFETY

*IS NOT A GAME OF LEAPFROG*



## Challenges of small-town EMS

### CALL VOLUME

Insufficient call volume to create offsetting revenue relative to cost of readiness

### STAFFING

Small service, limited advancement opportunity, noncompetitive wages and benefits, no back up staff for vacation/sick/training and turnover

### FUNDING

Shortfalls in funding creates local tax burden

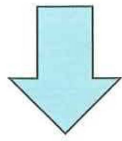
### LOGISTICS

Rural logistics create lengthy ALS aid response

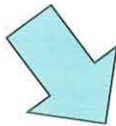
### ADMINISTRATION

No full time FIRE/EMS administration.

# What is OPTIMIZATION?



The action of making the best or most effective use of a situation or resource.



Broadly speaking, optimization is the act of changing an existing process in order to increase the occurrence of favorable outcomes and decrease the occurrence of undesirable outcomes.

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## Optimization Process

### Research

- OPEN MIND
- If you don't ASK – you'll NEVER KNOW!
- Consider ALL options
- THINK outside the box
- ANYTHING is possible

### Testing / Implementation

- Rubber meets the road
- Staffing
- Expectations
- Logistics
- Protocol

### Analysis

- How's it going?
- Quality Control
- \$\$\$ - Is it what we thought it was?
- Is it sustainable?
- What did we miss?

9



# OPTIMIZATION GOALS

## IDENTIFY THE DESTINATION

### Local (Town) priorities

- Provide quality sustainable EMS service
- Achieve manageable financial balance
- Manageable expectations (understand your limits)
- Ask for help when you need it
- Offer help when you have it

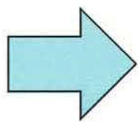
### Systematic priorities

- Regional continuity
- Closest available resource
- Systematic transparency
- One common goal
- Share resources

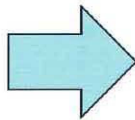
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## CHALLENGE #1 CALL VOLUME

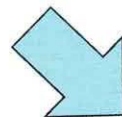
Lack of call volume results in lack of transports which results in lack of revenue.....



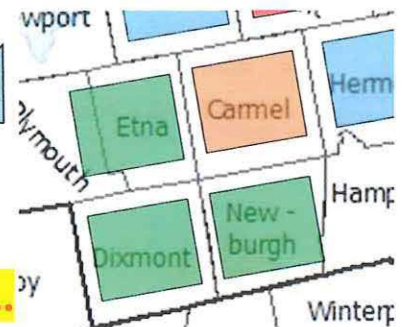
HOW DO WE OVERCOME LOW CALL VOLUME IN A SMALL TOWN???????



LOOK AROUND.....



NEIGHBORS IN NEED.....

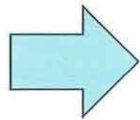


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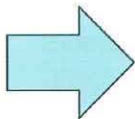
## CHALLENGE #2

# NOT OUR CUSTOMERS

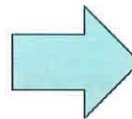
CARMEL IS NOT THE CONTRACT EMS PROVIDER FOR OUR NEIGHBORS IN NEED....  
NOR ARE WE LICENSED TO BE....



HOW DO WE OVERCOME THIS???



LOOK AROUND.....



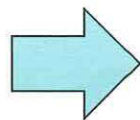
IF YOU DON'T ASK... YOU'LL NEVER KNOW.....

12

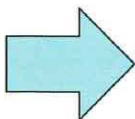
## CHALLENGE #3

# STAFFING

SMALL TOWNS STRUGGLE TO RECRUIT AND  
RETAIN EMS STAFF... WE CAN'T COMPETE!!



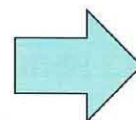
HOW DO WE OVERCOME THIS???



WAIT A SECOND... WHAT IF....

WE HAVE AN AMBULANCE,  
STATION, AND FAVORABLE  
LOCATION (HUB)....

AND YOU HAVE....



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# TOGETHER IS BETTER

## TOWN OF CARMEL

### WE HAVE:

- AMBULANCE
- AMBULANCE DRIVER
- FAVORABLE LOCATION
- AMBITION
- WILLING ADMINISTRATION
- MUNICIPAL SUPPORT SERVICES

## NORTHERN LIGHT

### YOU HAVE:

- EMS STAFF
- CALL VOLUME
- TRAINING
- ALS BACKUP
- EXPERIENCED BILLING RESOURCES
- BACK UP AMBULANCES



**TOGETHER WE HAVE....**

**A SOLUTION!!**

**IN JULY 2018, THE TOWN OF CARMEL SIGNED A CONTRACT WITH NORTHERN LIGHT CREATING A PRIVATE / PUBLIC PARTNERSHIP THAT WILL INITIATE A QUASI-MUNICIPAL REGIONALIZATION OF EMS SERVICES TO SOUTHERN PENOBSCOT COUNTY**

- **NORTHERN LIGHT PROVIDES EMT (MIN)**
  - **REPORTING TO CARMEL FIRE STATION M-T 8AM-6PM**
- **TOWN OF CARMEL PROVIDES ALL OTHER NEEDS**
  - **(AMB/DRIVER/SUPPLIES/ETC)**
- **WHILE STAFFED, 429 REPOSND TO:**
  - **CARMEL, ETNA, DIXMONT, NEWBURGH**
- **TOWN OF CARMEL RECEIVES ALL REVENUES**
  - **(SPLITS PERCENTAGE ON OUT-OF-TOWN BILLS)**
- **NORTHERN LIGHT PROVIDES EMS TRAINING TO CARMEL STAFF**



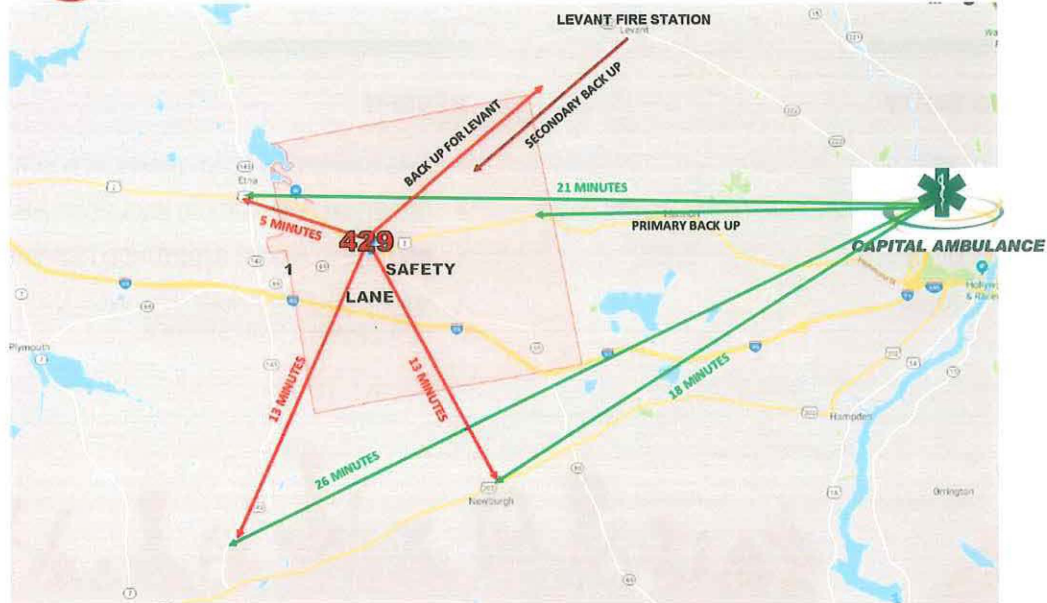


# PROPOSAL FOR INCREASED COVERAGE TO MUTUAL AID TOWNS

- Enhanced Regional Coverage
- Increased Revenue / Offset Contracted Cost

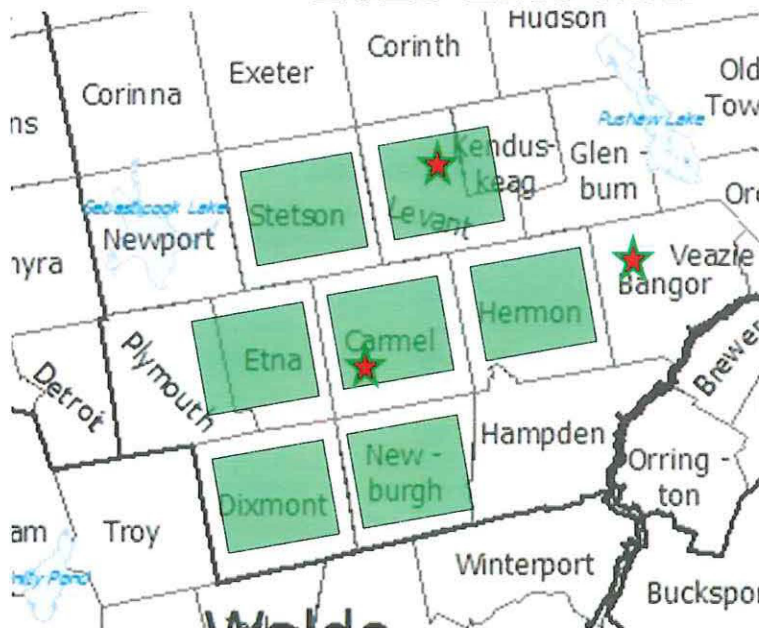


CAPITAL AMBULANCE



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## 2023 EMS MAP



- Northern Light Associated Service
- ★ Service Hub (amb sta.)

- CLOSEST AVAILABLE RESOURCE
- NO CONTRACTUAL CONFLICTS
- CONTINUITY IN COVERAGE
- COMMON DISPATCH PROTOCOL
  - Still fragmented (medcomm)

17 Annual Review

# WHO WINS???

WE ALL DO....

## INTERESTED PARTY

- CITIZENS OF CARMEL
- CITIZENS OF ETNA/NEWBURGH/DIXMONT/STETSON
- NORTHERN LIGHT
- TOWN OF CARMEL

## BENEFIT

- EMS STAFFED IN TOWN (IMPROVED SERVICE)
- DRASTICALLY IMPROVED EMS RESPONSE TIMES
- RELIEF/HELP WITH STRETCHED RESOURCES
- MANAGABLE FINANCIAL BALANCE AND SUSTAINABLE EMS SERVICE

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# MANAGEABLE FINANCIAL BALANCE

## OUTGOING

### ANNUAL COSTS:

- N/L EMS CONTRACT: \$50K
- AMBULANCE DRIVER: \$50K
- MED. SUPPLIES: \$12K
- ALS BACK UP: \$16K
- AMBULANCE MAINT: \$5K
- BILLING: \$4K
- EMS STAFF: \$25K

## INCOMING

### ANNUAL REVENUE:

- TRANSPORT BILLING: **\$150K** (billed \$175k)
  - 5 year trend of 85% capture rate

**\$162K**

**\$150K**



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# 911 – WHO DO WE CALL?

## DISPATCH PROTOCOL

---

### 6 TOWNS – 6 TONES

- Shift pager programed for all service towns..
- Automatic Response

### BACKUP

- Closest backup stands ready
- All three hubs have situational awareness of region



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## Thoughts....

---

### Fragmentation in Public Safety..

Disrupts continuity and workforce retention.

### Fair Share..

Unbalanced administrative & fiscal burden.

### Caution in subsidy..

Subsidies may enable sustaining an inefficient allocation of resources.

### Focus on municipalities

Each town controls their own destiny

### Identify and empower rural HUBS

Hub and spoke approach

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**Thank you**

*“Without change there is no innovation, creativity, or incentive for improvement. Those who initiate change will have a better opportunity to manage the change that is inevitable.” - William Pollard*

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Mike Senecal Senior Director





PATIENT  
CENTERED

RESPECT

INTEGRITY

EXCELLENCE

OWNERSHIP

INNOVATION

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## System Overview

- NorthStar is the regional ambulance service for Greater Franklin County. Our 85 EMS professionals follow their mission of positive community activities, good stewardship of resources, and respectful and excellent patient care. This mission is evident throughout NorthStar's operations with 7,000 calls per year to the 71 communities it proudly serves.
- NorthStar is dispatched out of five base locations strategically positioned throughout the region. NorthStar responds to calls ranging from medical emergencies and accidents to nursing home transfers. Average System Response Time 15:53 minutes
- Licensed to EMT level and permitted to paramedic
- In 2022 NorthStar created a Inter-facility Transport division (IFT) to support MaineHealth hospitals. IFT is a operated as a separate cost center and not part of this presentation.

Act with  
kindness and  
compassion.

Be an active  
listener.

Be a role  
model.

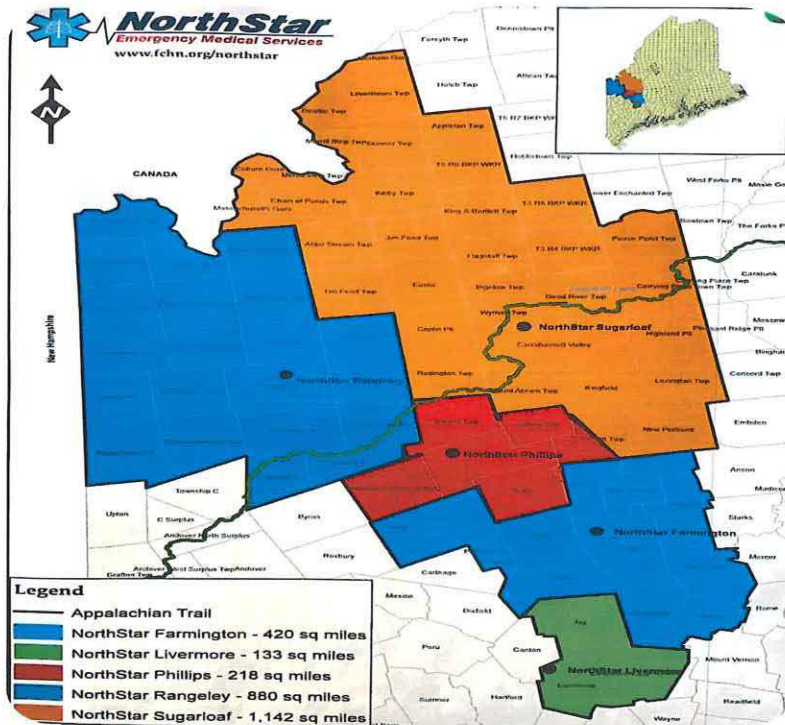
Set high  
standards.

Take  
responsibility.

Embrace  
change.

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3



Act with kindness and compassion.

Be an active listener.

Be a role model.

Set high standards.

Take responsibility.

Embrace change.

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4

## History

Starting in 1995, FMH began acquiring/operating small local ambulance services, allowing them to continue to operate independently.

- LifeStar -1995
- Sugarloaf Ambulance - 1996
- Rangeley Region Ambulance - 1999
- Community Emergency Service – 2000
- AMPS – 2000

In 2003 those five services merged into FMH-EMS under one unified set of policies and procedures, but still different departments of FMH. Shortly thereafter NorthStar was born as a regional ambulance services as a single department of FMH.

Act with kindness and compassion.

Be an active listener.

Be a role model.

Set high standards.

Take responsibility.

Embrace change.

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# Administration

- NorthStar operates as a department of Franklin Memorial Hospital part of the MaineHealth health system.
  - Service Director
  - FMH President
  - MaineHealth System Senior Director
- NorthStar Advisory Board
  - The NorthStar Advisory Board shall review NorthStar's performance, including monitoring quality of care and service effectiveness from the perspective of patients, the communities served and emergency room providers. The Board shall make recommendations to the Board of Directors regarding long-term strategies and goals, annual operating and capital budgets, and the rationale and formula(s) for dividing public support costs between the municipalities served.



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# Operations

- Dispatched by Franklin County Regional Communication Center
- Staffing
  - Livermore 1- Paramedic level staffed 24 Hours/day
  - Farmington 2- Paramedic level staffed 24 Hours/day
  - Phillips 1- Paramedic level staffed 10 Hours/day
  - Sugarloaf 1- Paramedic level staffed 24 Hours/day
  - Rangeley 1- Paramedic level staffed 24 Hours/day

Note: Goal is to have all ambulances staffed at the paramedic level. Due to staffing challenges we have created strategies to coordinate responses across the system to allow the most appropriate team to answer the call i.e. determinant codes and Paramedic paradox. Some of the coverage above is covered with call shifts.



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# Community Serves

## Community Paramedicine

- program that has emergency medical technicians (EMTs) and paramedics making house calls to vulnerable patients to educate them, monitor their condition, and if needed, provide treatment. EMTs provide patient care in the home offering services such as: vital signs and weight monitoring, high blood pressure checks, glucose testing and diabetes management, medication assistance, flu shots, and fall prevention and safety education.

## Backcountry Medical Team

- NorthStar Backcountry Medical Response Team is charged with responding to ill and injured persons in an off-road environment in the forests, mountains, lakes and rivers within the NorthStar EMS response area, and, in collaboration with the Maine Warden Service and other wilderness rescue responders, providing public education as well as emergency medical care using the highest level of wilderness prehospital care providers available.



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# NorthStar System Status Management

- When the system is busy, crews may be strategically positioned to respond to emergency or non-emergent calls. Such standby coordination and ambulance placement for the system will be the responsibility of the Duty Supervisor or NorthStar on Call Administrator. Whenever possible, ambulance movement to standby locations should be automatic. While the majority of the responsibilities will be handled in this fashion, duty crews will provide input or assume responsibility if the Duty Supervisor is busy or unable to fulfill the duties due to call volume or location. Franklin County RCC may also assist in strategically assigning crews to cover the response area.
  - 75% of the calls are Farmington South
  - Goal is to have ambulances stage in areas statically that have the highest chance for the next call and send the closest available ambulance to the call. Dynamic versus Static
  - With increased call volumes this has resulted in the system being more responsive



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# First Responder Services

In the NorthStar coverage area we rely on the assistances of our 8 Licensed First Responder agencies. Wilton, Jay, New Sharon, Farmington, Eustis, Livermore, Carrabassett Valley, and Industry

- AED/CPR
- Anaphylaxis
- Bleeding control
- OD calls
- Public Assists



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# Factors that affect response times

- EMD
  - Utilizing 911 EMD codes to modify response for safety
    - » 2021 1171 Alpha level calls
    - » 2022 1376 Alpha level calls
- Lights and Sirens
  - 2021 55% of 911 calls
  - 2022 37% of 911 calls
- Staging for behavioral health
- Backcountry Rescues



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## Run Statistics

|             | FY23 | FY22 | FY21 | FY20 |
|-------------|------|------|------|------|
| Total Runs  | 7432 | 7399 | 7732 | 6233 |
| Emergencies | 6005 | 5937 | 5340 | 4891 |
| Transfers   | 1240 | 1201 | 1339 | 1108 |
| All others  | 119  | 176  | 748  | 107  |
| CP Visits   | 68   | 85   | 305  | 234  |
| Billable    | 5290 | 5285 | 4940 | 4366 |



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## Financial Summary FY23

Gross patient Revenue \$12.6 million

» Contractual allowance 67 %

Net Patient Revenue \$4.6 million

Other Revenue Town Subsidies \$690,000

» Amount is generated from operating deficit

» Hospital has attempted to mitigate large increases



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# Financial Summary FY23

\$6 million annual operating budget

Total Expenses \$ 6 million

- \$4.5 million in salaries and benefits
- \$1.5 million in operating expenses
  - » Fuel
  - » Medical supplies
  - » Facilities
  - » Non-medical supplies
  - » Hospital support
  - » Capital

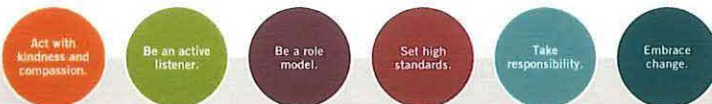


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## Financial

| Year | Revenue with Subsidies | Total Expenses | Margin   |
|------|------------------------|----------------|----------|
| 2018 | 3,878,442              | 3,937,942      | -59,500  |
| 2019 | 3,952,607              | 4,068,366      | -115,759 |
| 2020 | 3,908,378              | 4,289,336      | -380,958 |
| 2021 | 4,541,343              | 4,730,906      | -189,563 |
| 2022 | 4,423,455              | 4,880,328      | -456,873 |
| 2023 | 5,329,058              | 6,032,414      | -703,356 |



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## Town Subsidies/Fee

The commitment to the communities we serve is to operate at a breakeven while providing a quality emergency medical transport service.

- Contracted with 29 towns to provide emergency coverage
- Contract runs from July 1 to June 30
- Advised of subsidy amount for following year by January 1
- Annual contract opt out clause
- Full disclosure of financials
- NorthStar Advisory Board



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## Subsidy Formula

**Demographics.** When the initial formula was developed, several demographic categories were considered, and the formula was narrowed down by the **NorthStar** Advisory Board to the three elements that best represented the region's diverse aspects. After reviewing the 2010 Census information, the Board felt that these elements were still valid. These are:

- **Population** (2010 Census data). Since the ambulance business is about people, population is a broad indicator of how often the services will be used.
- **Residential Valuation** (using most current year State Equalized Values). Again, focusing on the "people" by using Residential Valuation instead of the broader Total Valuation, this is an indication of overall development in the area. This factor is weighted less than the other factors but is the only value that changes based on inflation and/or with development in the area. Use of this factor allows a small inflationary increase for **NorthStar's** operations.
- **Housing Units** (2010 Census data). In most towns that do not have seasonal fluctuation, the housing units correspond to the population but it is a good measure of the potential of seasonal visitors and residents (and taxpayers) and thus, along with population, is an overall measure of projected activity in the town. County Unorganized Territory (UT) information was estimated based on the latest UT annual reports and state valuation reports.



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# Subsidy Formula

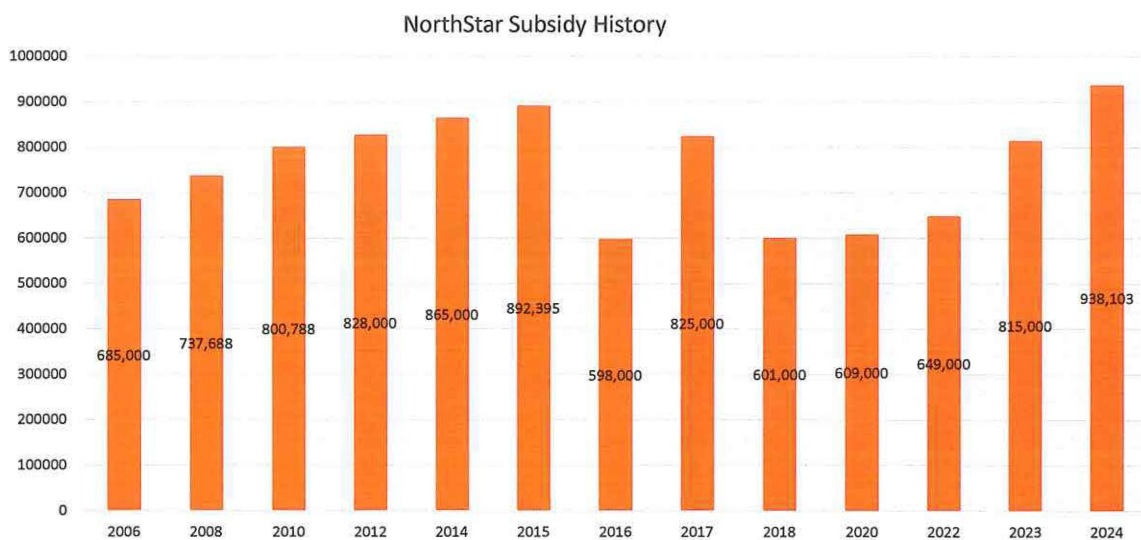
## How the Formula Works

- **Fee.** A single Flat Fee for each town and a single fee for each UT (unchanged for seven years).
- **A Dollar Value.** A dollar amount in each category is applied to each town's demographic value. Residential valuation remained flat in towns and territories serviced by NorthStar. As outlined above this factor normally allows for a small inflationary increase for operations.
- **A Distance Factor.** The center of population for the region that NorthStar serves is, in fact, in southern Franklin County. However, NorthStar has positioned crews and ambulances at strategic points around the region to assure that we respond quickly throughout the territory. Four of these five bases are crewed 24/7 to assure timely coverage of the entire area, including those in sparsely settled areas. The farther away from the center of population, there are fewer people per square mile and thus fewer runs per day. With fewer runs, there is less income to offset the expenses of keeping an ambulance ready all the time for that town.

**Note:** Since the subsidy is based on NorthStar's overall deficit, a distance factor is appropriate when looking at the financial impact of serving very rural areas with an ambulance always staffed and ready to respond. In this formula, the total sum of the fee and other factors described above is multiplied by this distance factor. (Specifically, the distance factor is the ratio of distance to the town from the population center point divided by the average distance). To limit the effects of both very short and very long distances the factor has been 'capped' with a minimum and a maximum ratio value.



# Subsidy History



# Challenges

- Staffing
- Cost of readiness
- Operating expenses
- System integrity
- Reimbursement
- System Fragility
  - Cost
  - Unpredictability



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# Questions?



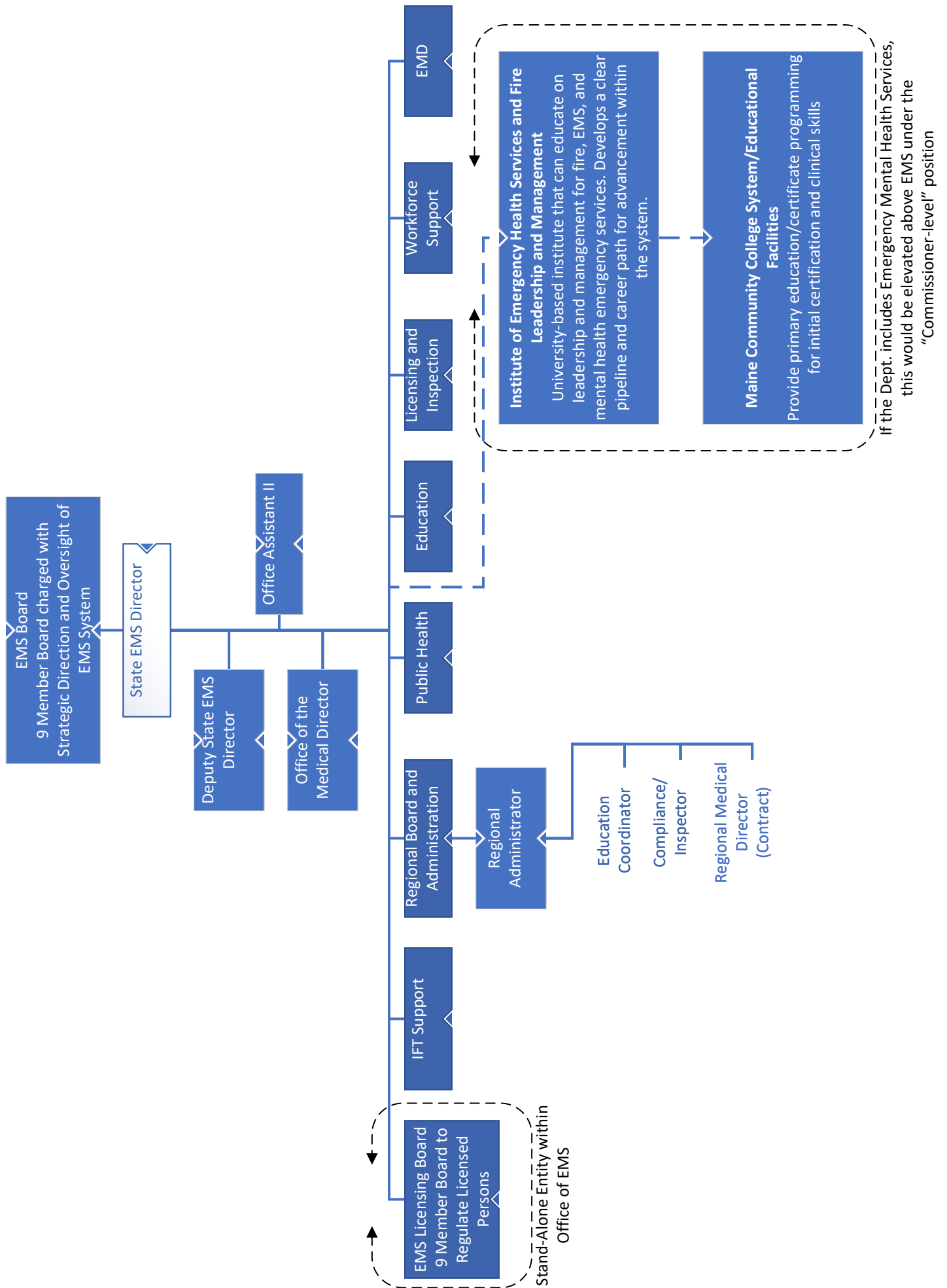
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## **APPENDIX G**

- **Maine EMS, Structural Reorganization Proposal**
- **Maine EMS, Two-Year Action Plan**





## Structure of the Maine EMS System

Growth and development of the statewide EMS system will require a restructuring of the regulatory, development, system planning, and leadership framework that supports the system. The attached organizational chart is a potential pathway forward that retains significant local representation and communication; provides a pathway to address interfacility transportation concerns, workforce planning, and public health planning, while maintaining efficiencies and efficacy.

Maine EMS and the Board recognizes the need to increase efficiencies in the system while also maintaining significant local input and involvement in the process and ensuring a voice for the regulated community throughout the system. This proposed structure increases accountability for all parties involved by placing the EMS Director responsible for implementing the vision and strategic plan for the system and the EMS Board becomes charged with overseeing the strategic plan, final rulemaking, and serves as the final authority for discipline and waivers. This will allow for greater innovation within the EMS system, more nimble response to challenges, and greater efficiencies in workflow.

Responsibilities will be divided among the system with a system of checks and balances that ensures competency and accountability across the statewide structure. The overarching functions of the primary components of the structure are defined below:

- State EMS Director and Bureau Staff
  - Promulgate EMS service (non-transporting, ground, air), EMD, and system-related rules;
  - Regulate/discipline based on those rules and applicable statutes;
  - Conduct investigations in response to complaints or knowledge of violations;
  - May propose personnel licensing rules to the personnel licensing board;
  - Enter into consent agreements with regulated entities;
  - Inspect entities (announced or random) for compliance with rules and statutes;
  - Manage office staff in accordance with State of Maine HR policies, to include hiring, developing, etc.;
  - Issue service licenses;
  - Execute contracts;
  - Apply for, accept, and appropriate grant funds;
  - Manage and operate regional offices; and
  - Implement the strategic plan.
- Maine EMS Board
  - Approve and direct the strategic plan
  - Approve or reject rules for comment and final approval
  - Serve as the appeals process for service-licensing waiver requests and issue final decisions on those waivers
  - Serve as the appeals process for those appealing disciplinary decisions (adjudicatory hearings would be held in front of the Board)
  - Required to take vote to approve and confirm new State EMS Director
    - In the event the Director is not effectively executing the mission, issue a no-confidence vote
- Personnel Licensing Board
  - Promulgate personnel licensing rule

- Regulate/discipline based on those rules and applicable statutes
- Enter into consent agreements with personnel
- Delegate, with consent, to the executive director of the Board or staff the authority to grant personnel licenses and to enter into consent agreements
- Grant, suspend, or revoke a license in accordance with Title 32
- Conduct investigations in response to complaints or knowledge of violations
- Conduct disciplinary / administrative hearings
- Evaluate requests for waivers related to personnel licensing
- May propose service licensing rule to the director
- Regional Council
  - Nominate one (1) person per council to the advisory board
  - Nominate one (1) person per council to the licensing board
  - Coordinate information sharing among services and the advisory board
- Regional Medical Director
  - Manage quality assurance/improvement efforts regionally
  - Enter into consent agreements as allowed by rule established by the licensing board



# **TWO-YEAR ACTION PLAN**

**2035**

**PLAN FOR A  
SUSTAINABLE  
EMS SYSTEM IN  
THE STATE OF  
MAINE: A VISION  
FOR 2035**

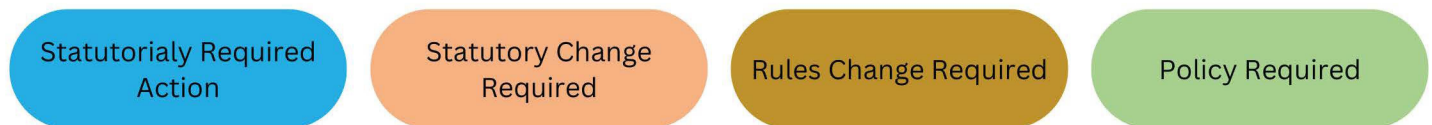
**OCTOBER 27, 2023**



## OVERVIEW:

Maine EMS has developed this document to operationalize the *Plan for a Sustainable EMS System in the State of Maine: A Vision for 2035*. The plan has been broken down by each domain, as seen below. The Maine EMS Staff have worked for months to identify associated strategies and activities. As one might imagine, successfully implementing the Vision for 2035 will be a long road; however, we must take one step at a time to move forward. Maine EMS has also pulled out 11 strategies from across the domains to identify priorities as key areas that need to be addressed over the next two years. Beyond those 11 key strategies, the Office has also identified strategies and activities that will continue to further this plan over the next two years and beyond. Please note that the prioritized strategies represent the key areas identified by the office; however, they are not the only strategies that the office will work on.

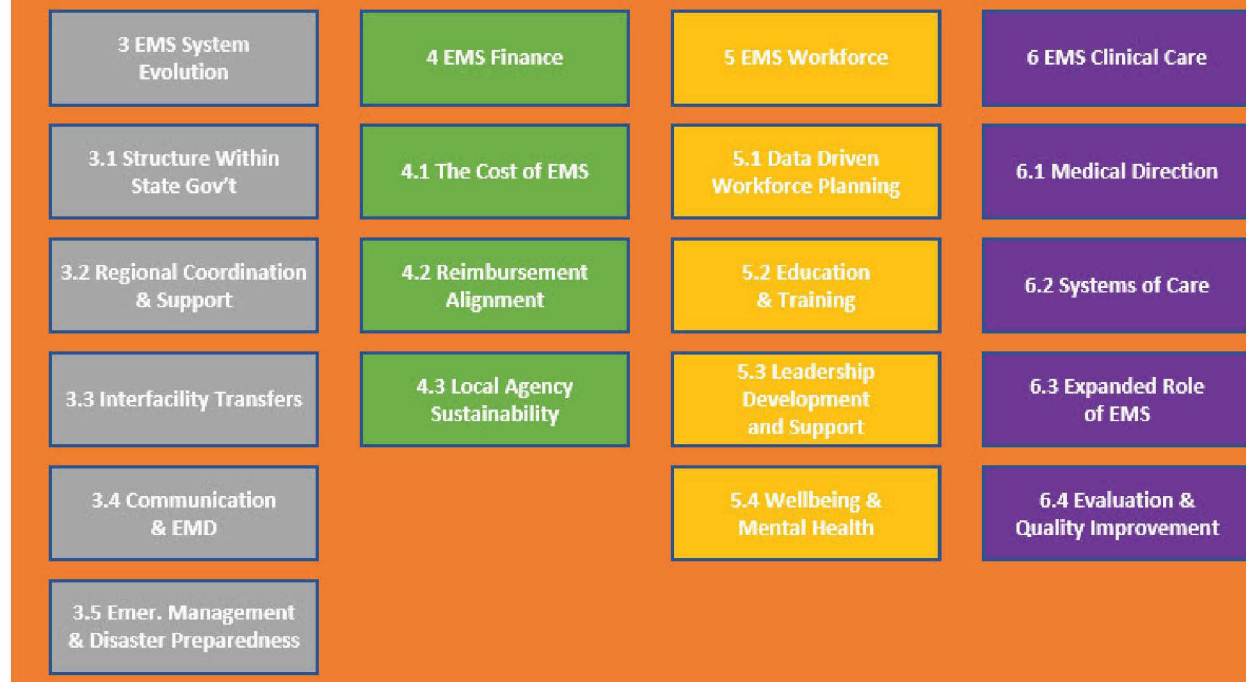
Reference Color Coding:



### Plan for a Sustainable EMS system in the State of Maine

#### 1 Public and Governmental Understanding and Valuing of EMS

#### 2 Data Driven Information About the EMS System



## Prioritized Strategies

The following strategies have been identified by the Maine EMS Bureau as systemic priorities for the EMS system. However, it is important to note that while these specific strategies have been identified as some of the most important systemically, there are also additional strategies and activities that will be prioritized by individual members of the office based on their individual grant requirements.

### Public Government Understanding and Valuing of EMS

Strategy 3: Broaden EMS community and state/municipal/county leadership awareness of Maine EMS's work, programming, and resources.

### Data Driven Information about the EMS System

Strategy 1: Improve Data Integrations

Strategy 3: Improve upon use of data for making informed decisions

### EMS System Evolution

Structure in State Government - Strategy 1: Modify the EMS regulatory system structure to align with and achieve the Maine EMS Vision and Plan.

Structure in State Government - Strategy 2: Ensure reliable staffing in the Maine EMS office

Regional Coordination and Support Under a State Model - Strategy 2: Transition from the current regional model to a state-supported regional system.

Emergency Management and Disaster Preparedness - Strategy 2: Increase disaster resiliency in the Maine EMS System

### EMS Finance

The Cost of EMS - Strategy 1: Enhance EMS cost reporting.

### EMS Workforce

Data-Driven Workforce Planning - Strategy 3: Using data to identify workforce patterns to support sustainability and address disparities.

Mental Fitness and Wellbeing - Strategy 2: Increase access to mental health peer support and CISM trainings in all EMS Regions.

### EMS Clinical Care

Evaluation and Quality Improvement - Strategy 3: Comprehensively review the Maine EMS Quality Improvement Manual to increase its relevance to EMS clinicians and encourages the use of established performance metrics.



## Public Government Understanding

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |  |  |  |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|--|--|
| <p><i>Notes from Plan:</i></p> <p><i>Where We Want To Be: In 2035 EMS in Maine garners the attention needed to thrive and deliver the services and clinical care Mainers expect. EMS is not taken for granted. Residents and government officials regularly advocate for EMS. EMS is viewed and funded as a vital common good.1 This occurs because of ongoing efforts to inform, promote, educate and create broad awareness and shared knowledge about the EMS system, its value, the varieties of delivery models and the real and full costs of providing EMS. EMS leaders and clinicians, as well as residents and government officials, view, understand and value EMS as they do law enforcement, the fire service, public works, public health, public education, parks, emergency management and public safety answering points, etc.</i></p> <p><i>Milestones/Markers of Success: a. EMS organizations, associations, agencies and clinicians across Maine have united to tell a single, powerful story about EMS and its value, cost and needs.</i></p> <p><i>b. The EMS system continues to develop talking points that ensure consistent messaging is used whenever EMS is discussed in public and governmental settings.</i></p> <p><i>c. EMS stakeholders always capitalize on current issues and events to deepen the public's understanding EMS, including what it does and its value, costs and needs.</i></p> <p><i>d. Government officials are continuously informed and educated about the EMS system.</i></p> <p><i>e. Residents of Maine understand the value of EMS, do not take EMS for granted and proactively advocate for EMS.</i></p> |  |  |  |  |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|--|--|

| Activity                                                                                                                                                         | Responsible Entity                                                                                                                                                                                                                      | Anticipated Completion Date                                                                                      | Evaluation/Metric                                               | Resource Required                                                                                                                                                                                                                                                                  | Work Products                                                                        | Anticipated Rulemaking/Statutory Changes                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Strategy 1: Ensure the EMS community within the State of Maine is knowledgeable, invested, and supportive of the Maine EMS vision and plan.</b>               |                                                                                                                                                                                                                                         |                                                                                                                  |                                                                 |                                                                                                                                                                                                                                                                                    |                                                                                      |                                                                                                         |
| <b>Activity 1.1</b>                                                                                                                                              | Create an engaging 10-15 minute presentation on the vision and plan for EMS in Maine. This presentation will need to thoroughly connect the vision and plan to current issues, legislation, and the work of the Blue Ribbon Commission. | Maine EMS Staff, Maine EMS Board Leadership, Maine EMS Board, Strategic Planning Consultant (SafeTech Solutions) | Oct 31, 2023; initial review by EMS Board at July Board Meeting | Creation of work product that is easy to understand and deliver within 10-15 minutes                                                                                                                                                                                               | Maine EMS Staff Time; MS PowerPoint                                                  | Vision and Plan Overview PowerPoint Presentation; Presenter's Notes                                     |
| <b>Activity 1.2</b>                                                                                                                                              | Deliver the presentation to EMS agencies, clinicians, educational programs, and stakeholders who are interested in the future of EMS.                                                                                                   | Maine EMS Staff, Maine EMS Board Members                                                                         | Ongoing beginning in November 2023                              | Documentation of each time that the presentation is delivered by members of the responsible entities to be able to try and quantify the impact of the strategy                                                                                                                     | Maine EMS Staff Time; Maine EMS Board Member Staff Time                              | None                                                                                                    |
| <b>Activity 1.3</b>                                                                                                                                              | Develop a mechanism to track when, how, and to whom the presentation is delivered throughout the State of Maine.                                                                                                                        | Maine EMS Staff                                                                                                  | 31-Oct-23                                                       | Creation of a Microsoft Form that captures information about who, how, and to whom (not individual names, but general categories [e.g., EMS clinicians, EMS leadership, local political leaders, public, members of the legislature, etc.] to whom the presentation was delivered) | Maine EMS Staff Time; MS Forms                                                       | Web-based reporting tool (i.e., MS Forms) to collect information about the delivery of the presentation |
| <b>Strategy 2: Broaden community (public) awareness of EMS by facilitating relationships between EMS services and community leadership/institutions/members.</b> |                                                                                                                                                                                                                                         |                                                                                                                  |                                                                 |                                                                                                                                                                                                                                                                                    |                                                                                      |                                                                                                         |
| <b>Activity 2.1</b>                                                                                                                                              | Develop monthly press releases highlighting the work of the EMS system throughout the State of Maine                                                                                                                                    | Maine EMS Staff, EMS system                                                                                      | Ongoing, monthly deadlines of last day of month                 | Count of number of press releases created per month RE positive EMS system messaging                                                                                                                                                                                               | Maine EMS Staff Time                                                                 | Monthly Press Release                                                                                   |
| <b>Activity 2.2</b>                                                                                                                                              | Add a Public Outreach section to the Staff Update. Use this to inform agencies of opportunities to speak to their stakeholders and the public about the EMS system.                                                                     | Maine EMS Staff                                                                                                  | Ongoing, monthly deadlines two weeks before end of month        | Count of number of additional sections in the Staff Update                                                                                                                                                                                                                         | Maine EMS Staff Time                                                                 | Staff Update                                                                                            |
| <b>Activity 2.3</b>                                                                                                                                              | Adapt or develop trainings that teach EMS leadership and services tips and best practices for connecting with their local communities                                                                                                   | Maine EMS                                                                                                        | 6/30/2025                                                       | Saturation of unique EMS leadership trained. Implementation of best practices.                                                                                                                                                                                                     | Maine EMS Staff Time, stakeholder time, training documents/materials, grant funding  | Training materials (asynchronous training, videos, handouts)                                            |
| <b>Strategy 3: Broaden EMS community and state/municipal/county leadership awareness of Maine EMS's work, programming, and resources.</b>                        |                                                                                                                                                                                                                                         |                                                                                                                  |                                                                 |                                                                                                                                                                                                                                                                                    |                                                                                      |                                                                                                         |
| <b>Activity 3.1</b>                                                                                                                                              | Town hall/personal visits with MEMS staff for education and awareness about programming and the Vision                                                                                                                                  | Maine EMS Staff; Maine EMS Board                                                                                 | Ongoing                                                         | Count the number of participants, type, and region                                                                                                                                                                                                                                 | Maine EMS Staff Time, Stakeholder Time, Meeting Space (Virtual), SharePoint document | Survey Tool, Documentation of Participation                                                             |
| <b>Activity 3.2</b>                                                                                                                                              | Identify opportunities for Maine EMS Staff members to regularly attend and present at national/state/municipal/regional conferences, trainings, events, meetings, etc. in person.                                                       | Maine EMS Staff                                                                                                  | Ongoing, at least one event per quarter                         | List of events, schedule for attendance                                                                                                                                                                                                                                            | Staff time, travel, printing, tabling supplies, and associated fees                  | Presentations, swag, informational materials                                                            |

|                     |                                                                                                                                                                                                                                                                 |                                 |                                          |                                                              |                                                   |                                                                                             |  |
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| <b>Activity 3.3</b> | Increase audience of the monthly Maine EMS Staff Updates by creating a dedicated location on the website with a historical archive and create a separate GovDelivery optional mailing list for people to receive the updates (add opt-in option to eLicensing). | Maine EMS Staff                 | Ongoing, website changes by Jan. 1, 2024 | Count in the number of site visits and number of subscribers | Maine EMS Staff Time, Website Developer Resources | Monthly Staff Update Newsletter                                                             |  |
| <b>Activity 3.4</b> | Public information campaign to promote awareness and use of PulsePoint AED registry.                                                                                                                                                                            | Maine EMS, EMD Committee, CARES | Ongoing beginning in November 2023       | Increased number of AEDs in the registry.                    | Maine EMS staff time, Systems of Care Funding     | AED stickers, social media, link from Maine.gov/ems, signage for training and other events. |  |

|                                             |                                                                    |                 |        |                                                                                    |                                                  |                               |  |
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| <b>Strategy 4: Enhance Website presence</b> |                                                                    |                 |        |                                                                                    |                                                  |                               |  |
| <b>Activity 4.1</b>                         | Post Staff Bios on website                                         | Maine EMS Staff | Dec-23 | Current Staff Bios on website and a process during onboarding to add new employees | Maine EMS Staff Time                             | Bio for each staff            |  |
| <b>Activity 4.2</b>                         | Make it easy for site visitors to find and access what they need.  | Maine EMS Staff | Dec-24 | A staff directory having a topic table of contents                                 | Maine EMS Staff Time                             | A directory to staff by topic |  |
| <b>Activity 4.3</b>                         | Develop Frequently Asked Questions section                         | Maine EMS Staff | Mar-24 | A frequently asked questions section with an associated table of contents          | Maine EMS Staff Time                             | A list of FAQs                |  |
| <b>Activity 4.4</b>                         | Publish Tableau dashboards on EMS activities (Annual)              | Maine EMS Staff | Jan-24 | Having the tableau dashboards available on the website                             | Maine EMS Staff Time; DHHS Public Tableau Server | Tableau Dashboards; Website   |  |
| <b>Activity 4.5</b>                         | Define and Publish Tableau dashboards for Programs and initiatives | Maine EMS Staff | Mar-24 | Having the tableau dashboards available on the website                             | Maine EMS Staff Time; DHHS Public Tableau Server | Tableau Dashboards; Website   |  |

## Data Driven Information about the EMS System

**Notes from Plan:**  
*In 2035 EMS in Maine is continuously improved by data-driven decision-making using trusted information. The ongoing reliability, sustainability and quality of the EMS system is dependent upon accurate information from every facet of the EMS system. A clear “why” about data and information has been established. Data-driven information is used to address the leading system issues, guide improvement and support ongoing research. Stakeholders throughout the system value datagathering processes. Clinicians are not asked to input irrelevant data. A robust, integrated data system seamlessly connects EMS with the larger healthcare system and provides and receives back valuable clinical information about EMS clinical care, from call to long-term outcome. Operational EMS is continuously provided with valuable information about system operations, including response, resources deployment, resource location, work load and costs. Because data systems continue to demonstrate value, education on data, information and data collection is routine and accurate throughout the EMS system.*

*As the EMS system continues to evolve (and especially in the areas of workforce, finance and clinical care), it must be able to justify decisions, costs and change with evidence and information that are rooted in data.*

### Milestones/Markers of Success:

- a. Data collection is broadly understood and valued as necessary for improvement throughout the EMS system. Anecdotal reporting and qualitative data are supplemented by quantitative data.*
- b. Attention, funding, staffing and technology have been added to appropriately resource information efforts and systems. The EMS Bureau, the Regions and the entire EMS system have the technology and technological support needed to appropriately collect and analyze data.*
- c. Data-driven information is actually used to make informed decisions at all levels.*
- d. Clinicians’ data entry time and efforts are respected.*
- e. There is robust data sharing between primary and secondary PSAPs, dispatch centers and EMS agencies, and data sharing is used to monitor and improve EMS, PSAP and dispatch center operations.*
- f. EMS patient care reports are connected to electronic health records and provide a feedback loop to appropriately evaluate patient outcomes at both the EMS and EMD level.*
- g. Data-gathering and analysis are funded and staffed appropriately.*
- h. All ambulances in Maine have connectivity and equipment to allow for the real-time transference of information across the healthcare system.*
- i. There is system-wide sharing of CAD data and real-time monitoring for best-possible resource coordination, including 9-1-1 and IFTs.*
- j. EMS data and information is used to monitor public health issues including bio-surveillance.*
- k. Systems are in place to accurately capture financial data and guide cost reporting.*
- l. Systems have been created to accurately capture workforce data.*
- m. The EMS system is actively engaged in conducting and supporting EMS research.*

| Activity                                                                                                  |                                                                                               | Responsible Entity | Anticipated Completion Date | Evaluation/Metric                                                                 | Resource Required                                                                        | Work Products                                                                           | Anticipated Rulemaking/Statutory Changes |
|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------|-----------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------|
| <b>Strategy 1: Improve Data Integrations</b>                                                              |                                                                                               |                    |                             |                                                                                   |                                                                                          |                                                                                         |                                          |
| <b>Activity 1.1</b>                                                                                       | Outcome Data Returned From Hospitals.                                                         | Data Team          | 31-Dec-25                   | Percent of EMS activations where the patient was transported having outcome data  | Datasource for outcome data<br>Willingness of hospitals/datasource to share              | Access to outcome data for reporting and analysis                                       |                                          |
| <b>Activity 1.2</b>                                                                                       | Increase number of agencies using CAD to MEFIRS interface.                                    | Data Team          | Ongoing                     | Number of Agencies having CAD interface<br>% EMS Activations having CAD Interface | ImageTrend Contract containing Interface<br>Implementation plan/timeline from ImageTrend | Higher quality and more complete data as a result of the CAD data feed                  |                                          |
| <b>Activity 1.3</b>                                                                                       | Migrate PCRs to NEMSIS v3.5                                                                   | Data Team          | 31-Dec-23                   | 100% Agency transition to NEMSIS v3.5                                             | Staff Time; Educational Materials                                                        | v3.5 PCR Form; Educational Materials; Updated Reports/Analytics                         |                                          |
| <b>Activity 1.4</b>                                                                                       | Migrate Community Paramedicine to Mobile Integrated Health Module                             | Data Team          | 1-Jul-24                    | 100% Agency transition to NEMSIS v3.5 by 12/31/2023                               | Staff Time                                                                               | MIH Form<br>Updated Reports/Analytics                                                   |                                          |
| <b>Activity 1.5</b>                                                                                       | Increase number of EMD Centers using ProQA interface to CAD                                   | EMD Coordinator    | 31-Dec-25                   | Number of Centers having ProQA Interface                                          | Spillman and IMC cost, IT education                                                      | Higher quality and more complete data as a result of the ProQA to CAD to MEFIRS pathway |                                          |
| <b>Strategy 2: Improve Understanding of Importance of Data and Enthusiasm for High-Quality Data Entry</b> |                                                                                               |                    |                             |                                                                                   |                                                                                          |                                                                                         |                                          |
| <b>Activity 2.1</b>                                                                                       | Create MEMSED training courses for NEMSIS 3.5 migration                                       | Data Team          | Oct-23                      | Course is published and made generally available on MEMSED                        | Staff Time                                                                               | MEMSED Training Course Series                                                           |                                          |
| <b>Activity 2.2</b>                                                                                       | Create MEMSED training courses on Data, Importance, Security and Compliance                   | Data Team          | Apr-24                      | Course is published and made generally available on MEMSED                        | Staff Time                                                                               | MEMSED Training Course Series                                                           |                                          |
| <b>Activity 2.3</b>                                                                                       | Create MEMSED training courses on Data 102: MEFIRS PCR in Detail                              | Data Team          | Jul-24                      | Course is published and made generally available on MEMSED                        | Staff Time                                                                               | MEMSED Training Course Series                                                           |                                          |
| <b>Activity 2.4</b>                                                                                       | Create MEMSED training courses on Data 201: Introduction to Data Analytics and Visualizations | Data Team          | Oct-24                      | Course is published and made generally available on MEMSED                        | Staff Time                                                                               | MEMSED Training Course Series                                                           |                                          |
| <b>Activity 2.5</b>                                                                                       | Create MEMSED training courses on Data 202: ImageTrend Report Writer in Depth.                | Data Team          | Jan-25                      | Course is published and made generally available on MEMSED                        | Staff Time                                                                               | MEMSED Training Course Series                                                           |                                          |

|                     |                                                                                                                                                                                                                    |                            |        |                                    |                                       |                                                                                           |            |
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| <b>Activity 2.6</b> | Implement rule requiring standardized patient care reporting as part of licensure class                                                                                                                            | Data Team; Rules Committee | Jul-24 | Completed Rule Change              | Staff Time; Rules Committee           | Standardized patient care reporting course for use in courses leading to licensure        | Rulemaking |
| <b>Activity 2.7</b> | Implement policy that states that all continuing education courses must dedicate at least 10% of their time to covering how to appropriately document the condition(s) and/or interventions covered in the course. | Data team; Board           | Jul-24 | Completed data policy              | Staff Time; Board Meeting Agenda Item | Policy stating 10% of continuing education shall cover documentation of the topic covered | Policy     |
| <b>Activity 2.9</b> | Develop a Community Paramedicine data report that is published on the website/ social media. This will serve to provide evidence of the value of quality data markers for Community Paramedicine.                  | CP Coordinator/ Data team  | Jan-25 | Quarterly report that is published | Staff Time                            | Data reports                                                                              |            |

**Strategy 3: Improve upon use of data for making informed decisions**

|                     |                                                                                                                               |                                                                                                                                    |          |                                                                                                                                                                                                                                                                               |                                                                   |                                                                                                                                                                                                                                                                                                               |  |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Activity 3.1</b> | Define measures, key performance indicators (KPIs), and goals for protocols and assess efficacy of medications and procedures | Board, MDPB, QI Committee, Systems of Care Program Manager, Community Paramedicine Program Manager, EMSC Program Manager; SUD Team | 1-Jul-24 | Ten Specific KPIs and Measures with associated Goals                                                                                                                                                                                                                          | Staff Time, Stakeholder Time, ImageTrend Report Writer, SQLServer | A defined set of meaningful measures, KPIs, and goals for protocols and to assess efficacy of medications and procedures and for which decisions and actions are able to be taken or have predetermined triggers that result in action(s) (e.g., modifications to protocols, additional training) to be taken |  |
| <b>Activity 3.2</b> | Provide agency level report card for measures, KPIs, and compliance                                                           | Data Team                                                                                                                          | 1-Oct-24 | % of agencies sent regularly delivered reports, a defined set of meaningful measures, KPIs, and goals for protocols and assess efficacy of medications and procedures and for which decisions and actions are taken or have predetermined triggers that result in action(s)   | Staff Time                                                        | Recurring report delivered via email to each agency                                                                                                                                                                                                                                                           |  |
| <b>Activity 3.3</b> | Provide clinician level report card for measures, KPIs, and compliance                                                        | Data Team                                                                                                                          | 1-Oct-24 | % of clinicians sent regularly delivered reports, a defined set of meaningful measures, KPIs, and goals for protocols and assess efficacy of medications and procedures and for which decisions and actions are taken or have predetermined triggers that result in action(s) | Staff Time                                                        | Recurring report delivered via email to each clinician                                                                                                                                                                                                                                                        |  |
| <b>Activity 3.4</b> | Provide state level report card for measures, KPIs, and compliance                                                            | Data Team; Newsletter Author                                                                                                       | 1-Sep-24 | Dashboard, a defined set of meaningful measures, KPIs, and goals for protocols and assess efficacy of medications and procedures and for which decisions and actions are taken or have predetermined triggers that result in action(s)                                        | Staff Time                                                        | Addition to Staff Update Newsletter                                                                                                                                                                                                                                                                           |  |

**Strategy 4: Standardize Policies for Information Management**

|                     |                                                                                                                                                                                                              |                                                                              |          |                                                        |            |                                                                                         |        |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|----------|--------------------------------------------------------|------------|-----------------------------------------------------------------------------------------|--------|
| <b>Activity 4.1</b> | Author a policy/procedure for electronic communications, meetings, and social media messaging                                                                                                                | Data Team, Webmaster Team; Director                                          | 1-Jul-24 | Publication of an approved document                    | Staff Time | A policy/procedure document published on SharePoint and website                         | Policy |
| <b>Activity 4.2</b> | Author a policy/procedure for Information access and security                                                                                                                                                | Data Team; Director                                                          | 1-Apr-24 | Publication of an approved document                    | Staff Time | A policy/procedure document published on SharePoint and website                         | Policy |
| <b>Activity 4.3</b> | Author a policy/procedure for responding to requests for information that involve information managed by Maine EMS containing personally identifying information (PII) and personal health information (PHI) | Data Team; FOAA Team; Licensing Team; Attorney General's Office, OIT         | 1-Apr-25 | Publication of an approved document                    | Staff Time | A policy/procedure document published on SharePoint and website                         | Policy |
| <b>Activity 4.4</b> | Develop and adopt rule requiring Health Data Security training and MEFIRS Training                                                                                                                           | Data Team, Rules Committee; Education Coordinator; Attorney General's Office | 1-Apr-24 | Rule in effect and renewal process built to accomodate | Staff Time | Rule stating 10% of continuing education shall cover documentation of the topic covered | Rules  |

**Strategy 5: Streamline data entry processes.**

|                     |                                                                                         |                           |          |                                                                           |            |                                                                      |        |
|---------------------|-----------------------------------------------------------------------------------------|---------------------------|----------|---------------------------------------------------------------------------|------------|----------------------------------------------------------------------|--------|
| <b>Activity 5.1</b> | Develop and Implement Change Control and Notification Policy                            | Data Team; Director       | 1-Apr-24 | Development and approval of a change control policy, notification process | Staff Time | Policy document                                                      | Policy |
| <b>Activity 5.2</b> | Identify and Develop monitoring process for Data Entry KPIs                             | Data Team                 | 1-Jul-24 | Dashboard with KPI for time/effort required to enter, validity score      | Staff Time | Dashboard with KPI for time/effort required to enter, validity score |        |
| <b>Activity 5.3</b> | Streamline the ePCR user interface to improve data entry processes for clinicians.      | Data Team, Data Committee | Ongoing  | Improvement in KPIs from Activity 5.2                                     | Staff Time | Dashboard with KPI for time/effort required to enter, validity score |        |
| <b>Activity 5.4</b> | Streamline the licensure user interface to improve data entry processes for clinicians. | Data Team, Licensing Team | Ongoing  | Improvement in KPIs from Activity 5.2                                     | Staff Time | Dashboard with KPI for time/effort required to enter, validity score |        |

## EMS System Evolution

### Structure within State Government

#### Notes from Plan:

*Where We Want To Be: In 2035 EMS is structured and led within government to “promote and provide for a comprehensive and effective emergency medical services system to ensure optimum patient care.” EMS system leadership, planning, development and regulation are structured to provide maximum support for ongoing system evolution, ensuring the public is protected and served by reliable, sustainable and quality EMS. The structure includes significant local agency and personnel representation and ensures clear lines of communication between state EMS activities and the frontline provision of EMS. The structure provides a pathway to address current and emerging issues while maintaining efficacy and efficiencies.*

*Milestones/Markers of Success: a. The Bureau of EMS is positioned, empowered, funded and staffed to meet its mission of being “responsible for the coordination and integration of all state activities concerning emergency medical services and the overall planning, evaluation, coordination, facilitation and regulation of emergency medical services system.”*

*b. The positioning, empowerment, funding and staffing of the EMS Bureau are sustainable.*

*c. The Bureau of EMS has a balanced and collaborative relationship with an EMS Board that provides strategic guidance, checks and balances and accountability across the statewide structure and in rule-making.*

*d. There is clear delineation between system planning and the regulation and licensing of personnel and entities.*

*e. An EMS professional licensing board is created that regulates personnel licensing rules, conducts investigations and disciplinary/administrative hearings and proposes personnel licensing rules. The Bureau of EMS regulates agencies.*

*f. The EMS Board is small and agile with nine members representing EMS regions and key stakeholder groups. It provides guidance on EMS system planning and development, provides representative input from various EMS stakeholders and provides a check and balance in rule-making.*

*g. The EMS Board has the authority to develop and submit legislation directly to the legislature.*

*h. Independent Regional Councils made up of representatives of local clinicians and local agencies meet regularly and effectively provide regional representation for agencies and personnel on the EMS Board, to voice local issues, needs and opportunities.*

*i. A State Medical Director is a fulltime EMS Bureau employee and oversees all aspects of clinical care and clinical care development.*

*j. The 1982 EMS Act and other statutes and rules are updated to accomplish the above.*

| Activity                                                                                                        |                                                                                                                                                                                                                                                     | Responsible Entity                                                                                                                                                          | Anticipated Completion Date | Evaluation/Metric                         | Resource Required                                | Work Products                                                                                                                   | Anticipated Rulemaking/Statutory Changes |
|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| Strategy 1: Modify the EMS regulatory system structure to align with and achieve the Maine EMS Vision and Plan. |                                                                                                                                                                                                                                                     |                                                                                                                                                                             |                             |                                           |                                                  |                                                                                                                                 |                                          |
| Activity 1.1                                                                                                    | Support the proposed restructuring of the Maine EMS system that was endorsed by the Maine EMS Board (e.g., presenting to the Blue Ribbon Commission, advocating for change).                                                                        | Legislature, Director, Board, Maine EMS Staff                                                                                                                               | Ongoing                     | None                                      | N/A                                              | Proposed Organizational Structure of Maine EMS                                                                                  | Statute                                  |
| Activity 1.2                                                                                                    | Obtain state-supported staffing of a policy development position within the Office to support the development of concept rules and policies.                                                                                                        | Maine EMS Team, Board, Legislature, Commissioner's Office; Governor's Office                                                                                                | 1-Jul-25                    | Position Available and filled             | Legislation; Funding                             | Proposed Organizational Chart; Proposed Budget; Draft Appropriation Language/Legislation                                        | Statute                                  |
| Strategy 2: Ensure reliable staffing in the Maine EMS office.                                                   |                                                                                                                                                                                                                                                     |                                                                                                                                                                             |                             |                                           |                                                  |                                                                                                                                 |                                          |
| Activity 2.1                                                                                                    | Identify and define the structure and staffing needs to accomplish statutorily required activities and those of the Vision.                                                                                                                         | Maine EMS Team, Board, Legislature; Commissioner's Office; Governor's Office                                                                                                | 1-Jan-24                    | Plan created                              | Staff Time                                       | Proposed Organizational Chart; Proposed Budget; Draft Appropriation Language/Legislation                                        |                                          |
| Activity 2.2                                                                                                    | Define all duties being performed by Maine EMS staff, and identify the appropriate personnel required to successfully complete these tasks.                                                                                                         | Maine EMS Staff; Director; Human Resources Service Center                                                                                                                   | 31-Aug-24                   | Comprehensive document completed          | Staff time                                       | Document stating duties and responsibilities of each staff member and appropriate number of staff necessary to complete duties. |                                          |
| Activity 2.3                                                                                                    | Add new positions and transition limited-period/grant-funded positions into permanent, state-funded positions, where possible and appropriate, to ensure adequate staffing to meet the needs of the EMS system and achieve the goals in the Vision. | Maine EMS Team, Board, Legislature; Commissioner's Office; Governor's Office                                                                                                | 31-Dec-24                   | Positions funded and filled               | Legislation; Funding                             | Draft Legislation; Budget; Position Justification Forms; Position Descriptions                                                  | Statute                                  |
| Strategy 3: Foster an increase in interstate collaboration                                                      |                                                                                                                                                                                                                                                     |                                                                                                                                                                             |                             |                                           |                                                  |                                                                                                                                 |                                          |
| Activity 3.1                                                                                                    | Encourage components of the Maine EMS system to work collaboratively with our regional state counterparts (e.g., State of New York Office of EMS, Vermont Office of EMS, etc.).                                                                     | Maine EMS; Board; MDPB; Attorney General's Office; Education Committee; Community Paramedicine Committee; Trauma Advisory Committee; Maine Stroke Alliance; QA/QI Committee | Ongoing                     | Ongoing participation in NASEMSO meetings | Staff Time; Stakeholder Time; NASEMSO membership | TBD                                                                                                                             |                                          |



## Regional Coordination and Support Under a State Model

### Notes from Plan:

*Where We Want To Be:* Local clinicians, EMS agencies, EMDs and other local EMS stakeholders have an effective voice in the statewide EMS system and experience effective local and state support. Their unique needs, opportunities, challenges and concerns are regularly heard and addressed. This is accomplished through four EMS Regions with robust regional structures that include: true representative regional councils that meet regularly; funded regional offices staffed by state employees who provide coordination, information, facilitation, guidance, outreach, compliance and clear and regular communication between all facets of the EMS system; regional medical direction; and quality improvement guidance. The regional structure promotes EMS reliability, sustainability and quality by helping local entities understand expectations, meet regulations, collaborate, develop efficiencies and address challenges.

*Milestones/Markers of Success:* a. Regional councils that are truly representative and effective have been established and provide input on regional needs and goals, medical direction, operational collaboration and quality improvement.

b. Regional offices are established in each geographic region and are appropriately staffed and funded.

c. Local EMS personnel and agencies experience effective support and have known resources to turn to.

d. Communication is clear, timely and effective between the Bureau of EMS, the statewide system and local agencies and personnel.

e. Cross agency partnerships and collaboration are successful and effective.

f. Agencies have ready access to guidance and support in addressing operational challenges, regulatory questions, workforce issues, medical direction, continuing education, QA/QI and wellbeing programming.

| Activity                                                                                     |                                                                                                                                                                                              |  |  |  |  |  | Responsible Entity                                                                  | Anticipated Completion Date | Evaluation/Metric                                                                           | Resource Required                                       | Work Products                                       | Anticipated Rulemaking/Statutory Changes |
|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|-------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------|-----------------------------------------------------|------------------------------------------|
| Strategy 1: Create the framework for a regional model incorporated into state government.    |                                                                                                                                                                                              |  |  |  |  |  |                                                                                     |                             |                                                                                             |                                                         |                                                     |                                          |
| Activity 1.1                                                                                 | Define and articulate the needs of the EMS system regarding a regional model, including receiving feedback from stakeholders.                                                                |  |  |  |  |  | Maine EMS Staff, Maine Board of EMS                                                 | 12/31/2024                  | Report on stakeholder feedback completed, Current proposed rule implemented                 | Staff Time, Meeting Space,                              | Chapter 15 of Maine EMS Rules; Public Forum; Report | Rule                                     |
| Activity 1.2                                                                                 | Define the regional system's structure, organization, required resources, and position within state government.                                                                              |  |  |  |  |  | Maine EMS Staff, Maine Board of EMS                                                 | 31-Dec-24                   | Completion of a structure model                                                             | Staff Time, Board Time,                                 |                                                     | Statute                                  |
| Strategy 2: Transition from the current regional model to a state-supported regional system. |                                                                                                                                                                                              |  |  |  |  |  |                                                                                     |                             |                                                                                             |                                                         |                                                     |                                          |
| Activity 2.1                                                                                 | Use the framework from Strategy 1 to create a transition plan that includes future structure, communication pathways, and steps to move from the current structure to the desired structure. |  |  |  |  |  | Director of Maine EMS                                                               | 3/31/2025                   | Completion of transition plan                                                               | Staff Time                                              | Transition Plan                                     |                                          |
| Activity 2.2                                                                                 | Develop a budget that supports the regional offices and the services and functions identified by key stakeholders.                                                                           |  |  |  |  |  | Maine EMS Staff, Director, Service Center, Commissioner's Office, Governor's Office | 31-Dec-25                   | Completion of budget                                                                        | Staff Time                                              | Budget                                              | Statute                                  |
| Activity 2.3                                                                                 | Secure legislative changes and funding to create regional offices and positions.                                                                                                             |  |  |  |  |  | Legislature; Maine EMS Director                                                     | 12/31/2025                  | Regional offices created in each region with sufficient personnel for implementation funded | Staff time; legislative materials (including testimony) | Legislation                                         | Statute                                  |

## Interfacility Transfers

### Notes from Plan:

*Where We Want To Be:* In 2035 interfacility transport (IFT) is viewed as a distinct, vital and necessary element of an optimally performing EMS system. IFT is coordinated statewide through a Centralized Transfer Center (CTC) that is the result of broad collaboration between healthcare systems, healthcare facilities and EMS agencies. Data and information about transfer volumes, locations, necessity, destinations, clinical care and other specialized care are used by the CTC in real-time to ensure resources are efficiently used. Patient and healthcare system needs are effectively met without eroding 9-1-1 capacity. Healthcare systems actively participate and share responsibility in supporting IFT and the CTC through funding, training opportunities and other resources.

*Milestones/Markers of Success:* a. IFT is viewed by EMS agencies, leaders, clinicians and healthcare systems as important and in need of systemwide study, support and coordination to ensure optimal system operation.

b. IFTs and processes that deliver IFTs are studied and well understood in a manner that guides a statewide systems approach to IFT.

c. Healthcare systems and facilities assume a shared responsibility for the coordination of IFTs through the creation, funding and ongoing support of a Centralized Transfer Center (CTC) to facilitate and coordinate a best possible delivery model of patient movement between healthcare facilities.

d. A statewide IFT system is designed to maximize efficiency, efficacy and safety.

e. The IFT system ensures the development of adequately prepared, competent and confident resources to meet critical care, pediatric and neonatal IFT needs.

f. A licensure pathway for critical care transport has been created for both clinicians and agencies.

g. Novel solutions have been developed to move patients that do not need traditional ambulance transportation.

h. Data and information about all aspects of IFTs are gathered and analyzed with an eye on what is best for patients, healthcare systems and EMS clinician and agencies.

| Activity                                                                                                                         | Responsible Entity | Anticipated Completion Date | Evaluation/Metric | Resource Required | Work Products | Anticipated Rulemaking/Statutory Changes |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------|-------------------|-------------------|---------------|------------------------------------------|
| <b>Strategy 1: Establish a resilient, efficient, and effective system for the delivery of interfacility transportation (IFT)</b> |                    |                             |                   |                   |               |                                          |

|                     |                                                                                                                                  |                                                                                                  |           |                                                                                                                                                          |                                                                                                         |                                                                                                                                                                  |  |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Activity 1.1</b> | Compile evidence and data to increase the understanding of the current IFT system, and propose alternatives that can improve it. | IFT Committee, Maine EMS Staff, MAA, Maine Fire Chiefs' Association, Maine Hospital Association. | 1-Jul-24  | Completion of research and documentation of research, Surveys, questionnaires, subject matter expert groups, and evaluations of positives and negatives. | Maine EMS, EMS Board, Maine Ambulance Association, Fire Chiefs' Association, Maine Hospital Association | Research materials of other Interfacility Transfer Programs/Methods in other states. Written, concise descriptions of successes and failures of current program. |  |
| <b>Activity 1.2</b> | Identify clearly defined goals for Interfacility Transfers, both ALS and BLS.                                                    | IFT Committee, Maine EMS Staff, MAA, Maine Fire Chiefs' Association, Maine Hospital Association. | 31-Dec-24 | Goals checklist written                                                                                                                                  | Maine EMS, EMS Board, Maine Ambulance Association, Fire Chiefs' Association, Maine Hospital Association | Clearly established goals for the direction of Interfacility Transports in the state.                                                                            |  |
| <b>Activity 1.3</b> | Identify key performance indicators that can be used to measure the effectiveness and efficiency of interfacility transfers      | IFT Committee, Maine EMS Staff, MAA, Maine Fire Chiefs' Association, Maine Hospital Association. | 31-May-25 | Surveys, questionnaires, and options to develop KPIs.                                                                                                    | Maine EMS, EMS Board, Maine Ambulance Association, Fire Chiefs' Association, Maine Hospital Association | They were written and accepted KPI's for Interfacility Transports.                                                                                               |  |

**Strategy 2: Develop a new licensure level for agencies and individuals to support IFT**

|                     |                                                                                                                                                                               |                                                                               |           |                       |                                                                                                         |                                                                          |       |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------|-----------------------|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------|
| <b>Activity 2.1</b> | Establish a Workgroup to decide the roles, responsibilities, scope of practice, credentialing, education, etc. of this licensure level.                                       | Maine EMS, EMS Bd., MAA, Fire Chiefs' Association, Maine Hospital Association | 31-Jul-24 | Workgroup established | Maine EMS, EMS Board, Maine Ambulance Association, Fire Chiefs' Association, Maine Hospital Association | Licensure requirements, education requirements, competency requirements. |       |
| <b>Activity 2.2</b> | Draft and initiate Rules for the implementation of critical care licensure at the individual and agency levels.                                                               | Maine EMS, EMS Board, PIFT Committee                                          | 31-Dec-25 | Rules created         | Staff time, committee time                                                                              | Rule                                                                     | Rules |
| <b>Activity 2.3</b> | Develop rules to prevent 911 services from relying on mutual aid to cover emergency calls in their coverage area while the primary service leaves their coverage area for IFT | IFT Committee, Rules Committee, Maine EMS Board                               | 31-Dec-25 | Rules created         | Staff time, committee time                                                                              | Rule                                                                     | Rules |

**Strategy 3: Consider the need for a centralized/singular dispatch resource for transfers**

|                     |                                                                                                            |                                                  |          |        |                            |                                |  |
|---------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------|--------|----------------------------|--------------------------------|--|
| <b>Activity 3.1</b> | Evaluate resources available to support a centralized dispatch, including existing agencies and protocols. | Maine EMS, IFT Committee, MHA, Priority Dispatch | 1-Jan-25 | Report | Staff time, committee time | Clearly established resources. |  |
|---------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------|--------|----------------------------|--------------------------------|--|

**Communication and EMD**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |  |  |  |  |  |  |
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| <p><i>Notes from Plan:</i></p> <p><i>Where We Want To Be: In 2035 emergency communications and emergency medical dispatch (EMD) are at the center of optimizing the EMS system's response, resource use and outcomes. The EMS system's efficiency and effectiveness continuously improve because the system's status and resource use are managed by a complete and effective feedback loop and supported by quality data. The continuous improvement is the result of: emergency communications centers and EMD telecommunicators being appropriately integrated into response planning; response plans that are designed to appropriately match the caller/patient's need with the best resource in a geographic region; uniform processing of calls across the state; EMD telecommunicators having a wide variety of emergency and non-emergency resources to draw on; telecommunicators being appropriately prepared and empowered to effectively match needs with resources; the availability of technology to continuously evaluate resource status and location in real time; the use of data elements through the entire continuum of care that are pulled together to gather reliable outcomes information; and the use of outcomes information to continuously improve outcomes, the system and resource use.</i></p> <p><i>Milestones/Markers of Success: a. Emergency communications, EMD telecommunicators, response plans and response data are viewed as integral to the EMS system's efficiency and patient outcomes.</i></p> <p><i>b. All of the various elements of the EMS system work together to create carefully crafted response plans aimed at maximizing efficient resource use and positive patient outcomes.</i></p> <p><i>c. There is increasing collaboration and increasing uniformity between call centers. Call processing is structured to match needs with the right resources, and the technology is available and utilized to support this mission.</i></p> <p><i>d. A variety of resources beyond EMS response are identified and available to meet the callers' needs. These include non-emergency resources such as mental health, nurse triage, social services, poison control, etc.</i></p> <p><i>e. EMD telecommunicators are prepared, resourced, authorized and empowered to match callers with the right resources. The data elements needed to evaluate and guide best-outcome response planning have been identified.</i></p> <p><i>g. The system has established a process for gathering and aggregating data elements from 9-1-1 call data, computer aided dispatch (CAD) systems, Maine EMS &amp; Fire Incident Reporting System (MEFIRS) data and the various electronic health records (EHR) used by the healthcare systems.</i></p> <p><i>h. Outcomes information is used to continuously improve system response plans and resource use.</i></p> |  |  |  |  |  |  |  |
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| Activity                                | Responsible Entity                                                  | Anticipated Completion Date                                | Evaluation/Metric | Resource Required        | Work Products                  | Anticipated Rulemaking/Statutory Changes |
|-----------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------|-------------------|--------------------------|--------------------------------|------------------------------------------|
| <b>Strategy 1: Program Coordination</b> |                                                                     |                                                            |                   |                          |                                |                                          |
| <b>Activity 1.1</b>                     | Define the role and responsibilities of the EMD Program Coordinator | Maine EMS, ESCB (Emergency Services Communications Bureau) | 1-Jan-24          | Completion of the Report | Staff Time, historical records | Report                                   |

|                     |                                                                                                                         |                                                                         |           |                          |                                                        |                                                                                |         |
|---------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------|--------------------------|--------------------------------------------------------|--------------------------------------------------------------------------------|---------|
| <b>Activity 1.2</b> | Evaluate the time required to complete identified job tasks to meet the responsibilities of the EMD Program Coordinator | Maine EMS, ESCB (Emergency Services Communications Bureau)              | 1-Jan-24  | Completion of the Report | Staff Time                                             | Report                                                                         |         |
| <b>Activity 1.3</b> | Allocate staff (staff time) to meet the needs of the system                                                             | Maine EMS, ESCB (Emergency Services Communications Bureau), Legislature | 31-Dec-25 | Increased staffing       | Legislation; funding; staff time; office restructuring | Draft Legislation; Budget; Position Justification Forms; Position Descriptions | Statute |
| <b>Activity 1.4</b> | Promote legislation recognizing the need for an Emergency Mental Health Dispatch Coordinator                            | Maine EMS, ESCB (Emergency Services Communications Bureau), Legislature | 1-Jan-25  | Increased staffing       | Staff Time                                             | Additional staff member                                                        | Statute |

#### Strategy 2: System Evaluation

|                     |                                                                                                                                                                                                                                                                                                                                    |                                                                               |          |                                                |                                                                                     |                                |  |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------|------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------|--|
| <b>Activity 2.1</b> | Evaluate EMD Centers' existing resources (software versions, interfaced programs, alternative communication technologies, Automatic Vehicle Location[AVL]) and operations (24 hour capability, use of secondary dispatch, QA plan, use of response plans, EMS and EMD feedback mechanisms) through surveys and on site inspections | Maine EMS, ESCB (Emergency Services Communications Bureau)                    | 1-Jul-24 | Completion of the Report                       | Staff time, travel expenses, EMD center time, survey tools and inspection checklist | Report                         |  |
| <b>Activity 2.2</b> | Evaluate and promote the use of the 911-988 transfer policy.                                                                                                                                                                                                                                                                       | Maine EMS, ESCB (Emergency Services Communications Bureau), Maine Crisis Line | 1-Nov-23 | User and patient feedback from direct contact. | Staff time                                                                          | Data, QI, Continuing education |  |

#### Strategy 3: Quality Assurance Support

|                     |                                                                                                                                          |                                                                                                                                   |          |                                                                                     |                                                                                                     |                                                             |  |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------|--|
| <b>Activity 3.1</b> | Measure the available staff at each EMD Center qualified to perform QA and encourage under resourced Centers to send staff to Q training | Maine EMS, ESCB (Emergency Services Communications Bureau)                                                                        | 1-Jul-24 | Increased number of qualified QA staff                                              | Staff Time                                                                                          | Report                                                      |  |
| <b>Activity 3.2</b> | Identify a pathway for direct access to EMD data (ProQA and AQUA software) by the EMD Coordinator                                        | Maine EMS/ESCB (Emergency Services Communications Bureau), Priority Dispatch, OIT (Office of Information Technology), EMD Centers | 1-Jul-24 | MEMS and ESCB staff have direct access to EMD Centers' ProQA and AQUA software.     | Staff Time, IT                                                                                      | Cloud based or other direct access to EMD Centers' software |  |
| <b>Activity 3.3</b> | Financially support EMD Centers to meet the requirements of regular quality assurance case reviews.                                      | Maine EMS/ESCB (Emergency Services Communications Bureau), Priority Dispatch                                                      | 1-Jul-25 | Increased quantity of month case reviews and increased compliance scores by Center. | Funding for staff time or QPR contract. Funds available through 911 surcharge, managed by the ESCB. | Report reflecting improved compliance with case reviews     |  |

#### Strategy 4: EMD and EMS Collaboration

|                     |                                                                                                                                                                                     |                                                        |          |                                                      |                                                                  |                                                                                   |  |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|----------|------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------------------------------|--|
| <b>Activity 4.1</b> | Schedule regular workshops with PSAPs (Public Safety Access Points), EMS user agencies, and service-level Medical Direction to educate local systems on implementing response plans | Maine EMS Staff                                        | Ongoing  | Increased implementation of response plans.          | Staff time                                                       | Workshops held and completed                                                      |  |
| <b>Activity 4.2</b> | Identify opportunities for EMD representation in EMS committees and working groups                                                                                                  | Maine EMS                                              | 1-Jul-24 | Increased EMD representation in EMS committees       | Staff time, Board approval to add representative roles as needed | List of opportunities                                                             |  |
| <b>Activity 4.3</b> | Increase awareness and promote implementation of feedback mechanisms between EMS agencies and EMD centers for patient outcomes to support understanding and quality assurance       | Maine EMS, EMD Centers, EMS Agencies, Hospital Liasons | Ongoing  | Increased communication between EMS and EMD locally. | Staff time                                                       | Outreach, networking, websites for EMD centers, outcomes feedback for EMD centers |  |

### Emergency Management and Disaster Preparedness

#### Notes from Plan:

Where We Want To Be: In 2035 the Maine EMS system is prepared and ready to meet any events that exceed the capacity of local resources. This preparation will allow the EMS system to be prepared and ready for any large-scale emergency, extraordinary event or disaster. The EMS system is no longer struggling to meet routine 9-1-1 and IFT demands, and therefore has the capacity, leadership, personnel and funding to appropriately prepare for large-scale emergencies and disasters. Planning is led at a regional level and is fully integrated with statewide emergency planning and regional healthcare coalitions. EMS in Maine is viewed as a key stakeholder in emergency management and disaster planning and has a respected place in all planning activities. Local agencies and clinicians are appropriately prepared and resourced for these activities.

*Milestones/Markers of Success: a. All facets of the system actively plan for any incident, event or situation that will exceed local capacity. This planning is continuous.  
b. EMS throughout Maine has an equal part in preparation, planning and response.  
c. EMS throughout Maine is involved in disaster mitigation and recovery.  
d. EMS throughout Maine is considered a valid and valued resource in any disaster  
e. The planning for patient movement in disasters is integrated with the overall healthcare system.  
f. EMS is cognizant of and prepared to respond to the disasters that are the result of climate change.*

| Activity                                                                                                                |                                                                                                                                                                                                                         | Responsible Entity                         | Anticipated Completion Date | Evaluation/Metric                                                                                                          | Resource Required                                                                      | Work Products                                                                          | Anticipated Rulemaking/Statutory Changes |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------|
| <b>Strategy 1: Develop and enhance relationships between State EMA and EMS</b>                                          |                                                                                                                                                                                                                         |                                            |                             |                                                                                                                            |                                                                                        |                                                                                        |                                          |
| <b>Activity 1.1</b>                                                                                                     | Increase coordination and collaboration between State EMS and State EMA through regular meetings, training, and planning                                                                                                | Maine EMS, Maine EMA                       | 31-Jan-24                   | Regularly scheduled meetings and training                                                                                  | Staff time                                                                             | Meeting minutes                                                                        |                                          |
| <b>Activity 1.2</b>                                                                                                     | Clarify and develop the roles and responsibilities of each agency in the State EOP.                                                                                                                                     | Maine EMS, Maine EMA                       | 31-Mar-25                   | Written defined roles and responsibilities of each agency in disaster response                                             | Incident Command Training, staff time                                                  | State EOP                                                                              |                                          |
| <b>Activity 1.3</b>                                                                                                     | Identify and train four staff members to support the State EOC as ERT members.                                                                                                                                          | Maine EMS, Maine EMA                       | 31-May-24                   | Develop areas where each agency may collaborate.                                                                           | Incident Command Training, ERT Training and resources (WebEOC)                         | Training completion certificate                                                        |                                          |
| <b>Strategy 2: Increase disaster resiliency in the Maine EMS System</b>                                                 |                                                                                                                                                                                                                         |                                            |                             |                                                                                                                            |                                                                                        |                                                                                        |                                          |
| <b>Activity 2.1</b>                                                                                                     | Conduct a risk assessment and determine capability assessment/needs of the EMS system with MEMA current capabilities to assess assets, gaps, and/or barriers                                                            | Maine EMS, Maine EMA                       | 30-Jun-24                   | Identify hazards, response needs, and gaps within the system to respond to disasters                                       | Staff time, EMS and MEMA data                                                          | Completed capability assessment, risk assessment, THIRA                                |                                          |
| <b>Activity 2.2</b>                                                                                                     | Develop a Continuity of Operations (COOP) Plan for Maine EMS                                                                                                                                                            | Maine EMS                                  | 30-Jun-24                   | Development of a COOP Plan                                                                                                 | Staff time                                                                             | COOP Plan                                                                              |                                          |
| <b>Activity 2.3</b>                                                                                                     | Participate in emergency preparedness exercises and training at the local or state level. Share exercise development materials with EMS services to develop and conduct their own exercises.                            | Maine EMS, Maine EMA, Maine CDC PHEP       | 30-Jun-24                   | Access to trainings                                                                                                        | Staff time, exercise materials                                                         | HSEEP Resources (EXPLANS, SITMANS, Etc.)                                               |                                          |
| <b>Activity 2.4</b>                                                                                                     | Develop resources and educational materials to increase knowledge in disaster preparedness and hazards, including climate change. Share information on how services can create their own continuity and disaster plans. | Maine EMS staff, Maine EMA, Maine CDC PHEP | 30-Jun-24                   | Development of local Emergency Plans, and a plan to disseminate trainings (through regions)                                | Staff time, resources, local support, materials development                            | Educational materials, resources.                                                      |                                          |
| <b>Activity 2.5</b>                                                                                                     | Actively participate in and evolve from After Action Reports (AARs)/Improvement Plans                                                                                                                                   | Maine EMS, MEMA, Maine CDC                 | Ongoing                     | Based on findings from AAR                                                                                                 | Recommendation dependent                                                               | TBD based on AAR                                                                       |                                          |
| <b>Strategy 3: Increase the percent of EMS agencies that have a disaster plan that addresses the needs of children.</b> |                                                                                                                                                                                                                         |                                            |                             |                                                                                                                            |                                                                                        |                                                                                        |                                          |
| <b>Activity 3.1</b>                                                                                                     | Determine existing disaster plans (local, county, regional) and any pediatric aspects included (or absent)                                                                                                              | EMSC, Maine EMA, Maine EMS                 | 31-Dec-24                   | Do at least 9 counties (45%) have plans that address needs of children                                                     | Staff Time                                                                             | Develop template of best practices                                                     |                                          |
| <b>Activity 3.2</b>                                                                                                     | Evaluate gaps and opportunities to resolve                                                                                                                                                                              | EMSC, Maine EMA, Maine EMS                 | 31-Dec-24                   | Evaluate at least 9 counties (45%) for gaps in plans that address needs of children                                        | Staff time                                                                             | Determine best practices                                                               |                                          |
| <b>Activity 3.3</b>                                                                                                     | Evaluate current triage systems and pediatric applicability                                                                                                                                                             | EMSC, Maine EMA, Maine EMS                 | 31-Dec-24                   | Evaluate at least 9 counties (45%) for triage plans that address needs of children                                         | Determine current triage systems used, determine any options                           | Consider statewide triage system                                                       |                                          |
| <b>Activity 3.4</b>                                                                                                     | Encourage regional/local training exercises that integrate pediatric considerations                                                                                                                                     | EMSC, Maine EMA, Maine EMS                 | 31-Dec-24                   | Determine that at least 9 counties (45%) have, or have plans for, training exercises that address needs of children        | Funding, commitment from county, public safety agencies, hospitals, other stakeholders | Use of federal/MEMA templates for training exercise planning / implementation / review |                                          |
| <b>Activity 3.5</b>                                                                                                     | Evaluate pediatric tracking and reunification during disasters                                                                                                                                                          | EMSC, Maine EMA, Maine EMS                 | 31-Dec-24                   | Determine that at least 9 counties (45%) have plans that address tracking and reunification needs of children and families | Hospital and EMS agencies                                                              | Existing methods and best practices - develop sample policies and resource lists       |                                          |

## EMS Workforce

### Data-driven Workforce Planning

#### Notes from Plan:

Where We Want To Be: In 2035 the EMS system has accurate and actionable information about the EMS workforce. A proactive and ongoing data-driven, evidence-based approach to workforce planning is led by the Bureau of EMS and utilized by the EMS Regions, local agencies and communities. This process collects detailed data and information about the numbers and certification/licensure levels of needed workers, shortages and the location of shortages, the demand for workers, causes of turnover, the supply of workers and the pipeline feeding the supply, education and training issues, working conditions, compensation and benefits, the entire employment value proposition and developing workforce trends. This information is turned into actionable plans, tools and activities that support successful recruitment and retention.

#### Milestones/Markers of Success:

- Workforce planning expertise has been established within the Bureau of EMS with appropriate resources and staffing.
- EMS leaders and agencies are introduced to the concepts of workforce planning and the need for and importance of reliable data and information about the workforce.
- Detailed workforce data is collected at state, regional and agency levels, including: the number of currently active EMS related professionals;7 geographic distribution of workers; the number of EMS related professionals working multiple EMS jobs; the number of EMS related professionals needed; the gap between the supply of EMS related professionals and the needed number of EMS related professionals; the pipeline and development of new EMS related professionals; and issues impacting turnover and retention.
- The need, current supply, gap between need and supply and confounding factors are used to clarify the actual shortage of workers in plain numeric terms. e. Volunteerism is continuously evaluated at an agency level. This includes defining what it means to be an active volunteer, quantifying the numbers of active volunteers, assessing volunteer availability, noting an absence of a schedule or schedule shortages, and the agency trends over time. All of this is used to predict agency sustainability.
- Systemwide predictions are made around future supply and demand based on data, information and emerging trends.
- The EMS employment value proposition is continuously studied, talked about and addressed state-wide. The employment value proposition includes compensation, benefits, retirement programming, career paths and ladders, advancement opportunities, the subjective intrinsic satisfiers and dissatisfiers, and the general wellbeing of the workforce.
- All of the above is regularly communicated throughout the EMS system to aid the EMS Regions in coordinating with local agencies in planning successful retention and recruitment strategies.
- There are a variety of career paths for clinicians and growing awareness about the capacity of paramedicine as a career field and path.

| Activity                                                                                                        | Responsible Entity                                                                                                                                                                  | Anticipated Completion Date           | Evaluation/Metric | Resource Required                                                                                                                | Work Products                          | Anticipated Rulemaking/Statutory Changes                                                   |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------------|
| <b>Strategy 1: Improve data collection regarding workforce</b>                                                  |                                                                                                                                                                                     |                                       |                   |                                                                                                                                  |                                        |                                                                                            |
| <b>Activity 1.1</b>                                                                                             | Identify which additional workforce data (i.e., administrative staff, mechanics, etc.) we need to collect data on to better understand the capacity and needs of the EMS workforce. | Data team, Licensing Team             | 1-Jul-24          | The existence of defined data elements/needs.                                                                                    | Staff, Workforce Expertise             | Defining the data elements necessary to evaluate the workforce within the EMS system.      |
| <b>Activity 1.2</b>                                                                                             | Collect data identified in Activity 1.1 from licensed agencies as part of their licensure renewal.                                                                                  | Data team, Licensing Team             | 30-Nov-24         | Adoption of a rule that requires all staff to be entered into licensure                                                          | Staff, Rules committee, Board          | EMS Application (initial or renewal) collecting data elements defined in needs assessment. |
| <b>Activity 1.3</b>                                                                                             | Monitor and improve logic behind delay reporting in MEFIRS, to include dispatch delays.                                                                                             | Data team, EMD                        | Ongoing           | Closer alignment between anecdotal reports of staffing causing response delays aligning with measurable information              | Staff, Data Committee, QA/QI Committee | Ability to assess impact of staffing on delays                                             |
| <b>Strategy 2: Cost Reporting</b>                                                                               |                                                                                                                                                                                     |                                       |                   |                                                                                                                                  |                                        |                                                                                            |
| <b>Activity 2.1</b>                                                                                             | Bring on Staff Positions Allocated by the Legislature                                                                                                                               | Director                              | 31-Mar-24         | Staff Onboarded                                                                                                                  | Staff Time                             | Position Justification Form; New Position Number; New Job Posting                          |
| <b>Activity 2.2</b>                                                                                             | Develop data collection form                                                                                                                                                        | Data team; Cost Reporting Team Member | 31-Dec-24         | Time to complete                                                                                                                 | Staff time, Financial Expertise        | Collection instrument                                                                      |
| <b>Activity 2.3</b>                                                                                             | Educate about the importance of cost data reporting                                                                                                                                 | Data team; Cost Reporting Team Member | 2024/2025         | Completion ratio                                                                                                                 | Staff time, Financial Expertise        | Marketing/education materials                                                              |
| <b>Activity 2.4</b>                                                                                             | Develop report from the cost data collection and identify KPIs                                                                                                                      | Data team; Cost Reporting Team Member | 31-Dec-25         | Reporting that provides insightful and actionable insights into the sources of revenue/funding, expenses and the balance between | Staff time, Financial Expertise        | Cost Data Program(s)                                                                       |
| <b>Strategy 3: Using data to identify workforce patterns to support sustainability and address disparities.</b> |                                                                                                                                                                                     |                                       |                   |                                                                                                                                  |                                        |                                                                                            |
| <b>Activity 3.1</b>                                                                                             | Collect data to quantify the factors impacting work/life balance in the EMS workforce.                                                                                              | New Hire (Workforce Management Staff) | TBD               | TBD                                                                                                                              | Legislative funding, Staff             | Mechanism to measure and monitor employment factors pertaining to work/life balance.       |
| <b>Activity 3.2</b>                                                                                             | Collect data to quantify compensation and factors impacting compensation in the EMS workforce.                                                                                      | New Hire (Workforce Management Staff) | TBD               | TBD                                                                                                                              | Legislative funding, Staff             | Mechanism to measure and monitor employment factors pertaining to compensation.            |
| <b>Activity 3.3</b>                                                                                             | Identify potential career pathways and advancement opportunities within the EMS profession.                                                                                         | LD244 Stakeholder Group               | 14-Jan-24         |                                                                                                                                  | Legislative Report                     |                                                                                            |

## Education and Training

### Notes from Plan:

Where We Want To Be: In 2035 education and training are no longer just gateways to obtaining and keeping clinical and operational credentials but the pathway for the EMS system's future and a passport for each clinician's ongoing professional growth, development, and satisfaction. A clear distinction between education and training has been established. Not only do clinicians acquire the necessary skills and behaviors needed for their roles, a passion for knowledge and wisdom has been created that enriches the entire EMS system and its quest to improve and innovate. The quality of entry level training and education continues to be strong, locally available, affordable and adaptive to the needs of learners and Maine's geography. Education and training reach far beyond clinical and operational EMS and now includes leadership development, business administration, accounting, technology, improvement science, people and workforce management, research, and resilience and wellbeing. The EMS system has enough attention and support to have adequate educational sites, qualified educators, financial resources and technology to meet current and emerging needs. EMS education and training continues to develop in quality, availability, convenience and affordability.

Milestones/Markers of Success: a. EMS education is valued by clinicians, employers, leaders and stakeholders as an essential component not only for clinical and operational competency but for every facet of the EMS system.

b. EMS education (clinical, leadership and managerial) is available and accessible statewide, with a mechanism to provide appropriate funding for EMS education in Maine.

c. EMS education is an essential component of a career ladder, and the ladder has been connected with clear paths and credentials.

d. The academic development of leadership is recognized as essential, and programming for leadership development at all levels has been developed.

e. Possession of EMS education and credentials (clinical, leadership and managerial) are required components of EMS organizational hiring.

f. EMS education is valued as a career path. EMS clinicians wishing to expand their careers seek out education because of the multiple roles educators can fill.

g. There is a state level organization, which is seated in the college system, dedicated to the education, training, professional development and credentialing of EMS instructors.h. There is a formal, outlined training and development pipeline for EMS instructors that is phased and encompasses all levels of EMS instruction.

i. Participation in initial training for all levels is supported and not hampered by issues such as child care, lost wages and transportation. Funding for EMS education and training has become a systemwide priority.

j. The system has sustainable ways to provide continuing education hours in a manner that delivers quality, effectiveness and convenience.

| Anticipated Rulemaking/Statutory Changes                                                                                                                                |                                                                                                                                                                  |                       |                             |                                                                                                           |                                                                     |                                                    |
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| Activity                                                                                                                                                                |                                                                                                                                                                  | Responsible Entity    | Anticipated Completion Date | Evaluation/Metric                                                                                         | Resource Required                                                   | Work Products                                      |
| Strategy 1: Increase the percent of EMS agencies that have a process that requires clinicians to physically demonstrate clinical competency (both adult and pediatric). |                                                                                                                                                                  |                       |                             |                                                                                                           |                                                                     |                                                    |
| Activity 1.1                                                                                                                                                            | Assess EMS agencies' current practices, barriers, and opportunities for improvement as they relate to the frequency of adult and pediatric competency assessment | EMSC, Maine EMS Staff | 31-Dec-24                   | Survey, conduct focus groups                                                                              | EMS Training officers, medical directors                            | Summary report on barriers                         |
| Activity 1.2                                                                                                                                                            | Develop awareness among EMS agencies and EMS medical directors on the importance of regular adult and pediatric clinical competency training and assessment      | EMSC; MDPB            | 31-Dec-24                   | Develop quarterly promotion materials distributed statewide                                               | Social media, website, regional distribution, conference attendance | Electronic resources and presentations to educate  |
| Activity 1.3                                                                                                                                                            | Attend statewide and regional conferences to promote clinical competency assessments                                                                             | EMSC, Maine EMS Staff | 31-Dec-24                   | Attend/participate in state, regional and local meetings to promote adult and pediatric skills competency | Travel, build presentations                                         | Attendance and presentations                       |
| Activity 1.4                                                                                                                                                            | Analyze EMS response data to determine what types of adult and pediatric calls/skills are seen/performed by frequency                                            | EMSC; Data Team       | 31-Dec-24                   | Evaluate at least 2 years of Maine EMS data for adult and pediatric responses                             | Analyze data,                                                       | Report on Maine EMS pediatric skills and responses |
| Activity 1.5                                                                                                                                                            | Develop sample policies and resources for annual adult and pediatric clinical competencies                                                                       | EMSC; Maine EMS Team  | 31-Dec-24                   | Develop a sample policy template                                                                          | Eval national resources, develop policy                             | Sample template                                    |
| Activity 1.6                                                                                                                                                            | Support EMS conferences and training opportunities related to adult and pediatric clinical competency evaluation and improvement                                 | EMSC, Maine EMS Staff | 31-Dec-24                   | Attend at least 2 conferences annually to promote skills around adult and pediatric care                  | Travel, build presentations                                         | Attendance and presentations                       |

### Strategy 2: Improve access to initial EMS education.

|                     |                                                                                                                                                                                          |                                                                                                                                            |           |                                                                                                                        |                                                                       |                               |      |
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| <b>Activity 2.1</b> | Convene a Stakeholder Group to Explore EMS Career Pathways and Educational Opportunities in the State (Resolve -- LD 244)                                                                | Maine EMS, Maine Community College System, University of Maine System, and public/private entities that provide EMS education and training | 15-Jan-24 | Report to Joint Standing Committee on Criminal Justice and Public Safety that outlines activities and recommendations. | Maine EMS Staff Time, Stakeholder Staff Time, Meeting Space (Virtual) | Required Report (Due 1/15/24) |      |
| <b>Activity 2.2</b> | Ensure all EMR, EMT, AEMT, and paramedic classes held in Maine are posted to eLicensing at least one month before the start date so that anyone can find upcoming classes in their area. | Maine EMS Staff, Training centers, Community college system                                                                                | 1-Jun-24  | Rates of compliance, and rates of successful course matching                                                           | Staff time, website reconfiguring, Education Committee cooperation    | List of courses on MEMSEd     | Rule |
| <b>Activity 2.3</b> | Identify needs to improve access to initial licensure courses.                                                                                                                           | Maine EMS Staff, Training centers                                                                                                          | 1-Jun-24  | Number of EMS classes held in each region                                                                              | Staff time, training center support                                   | Needs assessment/report       |      |
| <b>Activity 2.4</b> | Hire additional Education staff to the Maine EMS Office                                                                                                                                  | Maine EMS Staff                                                                                                                            | 1-Jun-24  | Successful onboarding of new staff member(s)                                                                           | Staff time, grant funding                                             | Grant application             |      |

### Strategy 3: Improve access to continued education hour opportunities for clinicians and instructor/coordinators

|                     |                                                                                   |                                      |          |                                       |                                      |          |      |
|---------------------|-----------------------------------------------------------------------------------|--------------------------------------|----------|---------------------------------------|--------------------------------------|----------|------|
| <b>Activity 3.1</b> | Revise, standardize, and educate stakeholders on criteria for CEH course approval | Maine EMS Staff, Education Committee | 1-Jul-24 | Completion and validation of criteria | Staff time, Education Committee time | Criteria | Rule |
|---------------------|-----------------------------------------------------------------------------------|--------------------------------------|----------|---------------------------------------|--------------------------------------|----------|------|



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| <b>Activity 3.2</b> | Develop training(s) on how to develop and seek approval for CEH courses.                                                                                  | Maine EMS Staff, Education Committee | 1-Jul-24 | Completion of training                      | Staff time                                             | Training materials and resources              |  |
| <b>Activity 3.3</b> | Identify and advertise grant funding opportunities for clinicians to receive compensation for attending continuing education or professional development. | Maine EMS Staff                      | 1-Dec-25 | Services access and apply for grant funding | Staff time, website, internet, grant-related expertise | List of grant opportunities posted to website |  |

**Strategy 4: Implement and expand the Maine EMS Explorer Program.**

|                     |                                                                                                                                  |                                                                                                                           |                                              |                                                                                   |                                                                                                                                |                                                                       |  |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--|
| <b>Activity 4.1</b> | Identify a minimum of 3 initial Explorer sites and convene a regular cohort meeting.                                             | Explorer Program Coordinator                                                                                              | Ongoing, to be completed in the Fall of 2023 | Interest expressed by trial sites (verbal and written). Support from communities. | Staff time, transportation, social media                                                                                       | Written Statement of Interest from each site                          |  |
| <b>Activity 4.2</b> | Develop education/training materials for Explorers, Mentors, and Services.                                                       | Explorer Program Coordinator, JMG EMS Workforce Liaison, JMG ELO team                                                     | Ongoing, to be completed by end of 2023      | Completion.                                                                       | Staff time, transportation, filming equipment, actors, scripts, locations, media editing software, collaboration with ELO team | Completed modules on MEMSEd and the JMG ELO                           |  |
| <b>Activity 4.3</b> | Implement Explorer activities at trial sites.                                                                                    | Explorer Program Coordinator, JMG EMS Workforce Liaison, trial site personnel                                             | Ongoing, to be completed by March, 2024      | Count of Mentors and Explorers, satisfaction of all involved.                     | Staff time, transportation, social media, t-shirts (arranged by JMG), service time and effort                                  | Count of Mentors and Explorers, Explorer Program Implementation Guide |  |
| <b>Activity 4.4</b> | Begin subsequent rollout phases beyond the initial sites.                                                                        | Explorer Program Coordinator, JMG EMS Workforce Liaison, trial site personnel, Service leaders, Educators, Schools, Towns | June, 2024                                   | Count of services implementing Explorer Program                                   | Staff time, transportation, social media, t-shirts (arranged by JMG), service time and effort                                  | Count of services                                                     |  |
| <b>Activity 4.5</b> | Hold monthly meetings with initial Explorer sites and the Explorer Team to promote quality improvement and share best practices. | Maine EMS staff, JMG, initial trial sites                                                                                 | September 2023 through May 2024              | Regular meetings, discussions, and implementation of lessons learned              | Staff time, service and mentor time, Zoom/Teams                                                                                | Meeting minutes and recordings                                        |  |

**Leadership Development and Support**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |  |  |  |  |  |
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| <p><i>Notes from Plan:</i></p> <p><i>Where We Want To Be: In 2035 the EMS system has an extraordinary cadre of leaders at every level. It is widely accepted that the EMS system's sustainability depends on prepared and capable leaders. The development and credentialing of leaders receive as much attention and focus as the development and credentialing of clinicians. The EMS system has identified what is needed to develop effective EMS leaders at all levels. This knowledge results in robust programming for leadership development and the ongoing encouragement, growth and support of leaders. There are clear expectations for agency leaders to have formal leadership development, and a leadership credentialing process has been developed. Leadership has become an attractive career path and the EMS system is continually looking for and preparing the next leaders.</i></p> <p><i>Milestones/Markers of Success: a. Capable and prepared leaders are viewed as essential to EMS system reliability, sustainability and quality.</i></p> <p><i>b. Learning leadership is no longer simply on the job, and the ability to lead is not assumed.</i></p> <p><i>c. Leadership education and development are expected of all personnel who have responsibilities for coordinating, supervising, managing, directing and leading any part of an agency or the system.</i></p> <p><i>d. A credentialing process has been developed, and leaders at all levels are expected to fulfill the specific competencies of the process.</i></p> <p><i>e. Foundational leadership education is provided by Maine's Community College System, and Maine's colleges, universities, associations, educational organizations and agencies provide continuing education for leaders and ongoing support.</i></p> <p><i>f. The EMS system is continuously developing the next generation of leaders and identifying a roadmap for EMS professionals as they advance in their careers to take on more administrative responsibilities.</i></p> |  |  |  |  |  |  |  |
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| Activity                                                                                               | Responsible Entity                                                                                     | Anticipated Completion Date | Evaluation/Metric | Resource Required                                                                                                                                                                 | Work Products                                                                     | Anticipated Rulemaking/Statutory Changes                                                                                                                 |
|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Strategy 1: Develop Course for EMS Supervision &amp; Human Resources for Front Line Supervisors</b> |                                                                                                        |                             |                   |                                                                                                                                                                                   |                                                                                   |                                                                                                                                                          |
| <b>Activity 1.1</b>                                                                                    | Identify subject matter for educational programs targeting front-line supervisors and human resources. | Maine EMS Deputy Director   | 1-Jun-24          | Surveys, questionnaires, and meeting with stakeholders to identify subject matter needed for leadership development programs and target audiences for Front Line EMS Supervision. | Maine EMS, EMS Board, Maine Ambulance Association, Maine Fire Chief's Association | Subject matter and target audiences identified.                                                                                                          |
| <b>Activity 1.2</b>                                                                                    | Develop educational programs for Front Line Supervisors and human resources                            | Maine EMS Deputy Director   | 1-Dec-24          | Stakeholders review of educational programs.                                                                                                                                      | Maine EMS, EMS Board, Maine Ambulance Association, Maine Fire Chief's Association | Search and review for grant funding to support program. Identify subject matter experts that would be interested and participate in educational program. |

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| <b>Activity 1.3</b> | Research ways to provide educational programs with the subject area of EMS Supervision and Human Resources for current Front Line Supervisors and potential leadership. | Maine EMS | 1-Jun-24 | Surveys, questionnaires, and meeting with stakeholders to identify best dates and locations for programs. | Maine EMS, EMS Board, Maine Ambulance Association, Maine Fire Chief's Association | Advertisement of program and distribution of educational materials. |  |
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**Strategy 2: Develop Course(s) for EMS Finance & Budget Management for EMS Administrators**

|                     |                                                                                                                                                                   |                           |          |                                                                                                                                                                                                                 |                                                                                   |                                                                                                                                                          |  |
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| <b>Activity 2.1</b> | Identify subject matter for leadership educational programs for EMS Administrators and potential EMS Administrators concerning EMS Finance and Budget Management. | Maine EMS Deputy Director | 1-Jun-24 | Surveys, questionnaires, and meeting with stakeholders to identify subject matter needed for leadership development programs and target audiences for EMS administrators for EMS Finance and Budget Management. | Maine EMS, EMS Board, Maine Ambulance Association, Maine Fire Chief's Association | Subject matter and target audiences identified.                                                                                                          |  |
| <b>Activity 2.2</b> | Develop leadership educational programs for EMS Administrators and potential EMS Administrators concerning EMS Finance and Budget Management.                     | Maine EMS Deputy Director | 1-Dec-24 | Stakeholders review of educational programs.                                                                                                                                                                    | Maine EMS, EMS Board, Maine Ambulance Association, Maine Fire Chief's Association | Search and review for grant funding to support program. Identify subject matter experts that would be interested and participate in educational program. |  |
| <b>Activity 2.3</b> | Research ways to provide leadership educational programs for EMS Administrators and potential EMS Administrators concerning EMS Finance and Budget Management.    | Maine EMS                 | 1-Jun-24 | Surveys, questionnaires, and meeting with stakeholders to identify best dates and locations for programs.                                                                                                       | Maine EMS, EMS Board, Maine Ambulance Association, Maine Fire Chief's Association | Advertisement of program and distribution of educational materials.                                                                                      |  |

## Mental Fitness and Wellbeing

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| <p><i>Notes from Plan:</i></p> <p><i>Where We Want To Be: In 2035 clinicians across Maine enjoy high levels of subjective wellbeing and know how to balance the challenges of EMS and living well. Sacrificing one's wellbeing for EMS is no longer expected, championed or modeled. Care for the wellbeing of clinicians has become a proactive effort and not merely reactive to big events or psychological breakdown. Attending to mental health has been normalized and is no longer stigmatized. Clinicians are prepared for the rigors of EMS and expected and motivated to cultivate mental fitness. Mental fitness, like physical fitness, is developed. Mental fitness programming is systemwide and encompasses the clinician experience from initial training through retirement. Clinicians participate because selfcare and caring for one another are expectations, and there is positive social pressure in each agency to do so. This results in high levels of clinician wellbeing, resilience and satisfaction, and low rates of breakdown, stress injury and psychopathology.</i></p> <p><i>Milestones/Markers of Success: a. The EMS system acknowledges EMS is a high risk, high stress and high responsibility occupation that demands more than a reactive and after-event response to support mental health. b. EMS agency leaders have been introduced to the concepts of mental fitness, subjective wellbeing and resilience as proactive measures to cultivate a better clinician experience. c. Systemwide mental fitness programming has been developed and is continuously taught through educational institutions, training programs and the EMS Regions. d. Clinicians are prepared for the inherent psychological challenges of EMS through mental fitness training that aids them in creating strong self-awareness and emotional awareness, resilience training, peer-to-peer support and organizational cultures that support living well and selfcare. e. Mental fitness training, development and support begin in initial EMS training programs and continue through one's entire career. f. Agencies have access to mental fitness training, and instructors and agency leaders are taught how to create organizational cultures that support wellbeing, are pro-selfcare and promote fitness, work/life balance and asking for help when needed.g. The EMS system has identified mental health professionals who are first responder friendly and knowledgeable. h. CISM services continue, are expanded and are readily available throughout the EMS system. i. Peer support development, education and training have become standardized and readily available throughout the EMS system and are educational opportunities for clinicians interested in mental health, mental fitness and resilience. j. Rates of anxiety, depression, PTSD and suicide in EMS clinicians are equal to or lower than the national averages for the general public. g. The system has established a process for gathering and aggregating data elements from 9-1-1 call data, computer aided dispatch (CAD) systems, Maine EMS &amp; Fire Incident Reporting System (MEFIRS) data and the various electronic health records (EHR) used by the healthcare systems. h. Outcomes information is used to continuously improve system response plans and resource use.</i></p> |
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| Anticipated Rulemaking/Statutory Changes                                                              |                                                                                                                            |                                                    |                             |                                     |                                                                                             |                                           |
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| Activity                                                                                              |                                                                                                                            | Responsible Entity                                 | Anticipated Completion Date | Evaluation/Metric                   | Resource Required                                                                           | Work Products                             |
| Strategy 1: EMS Explorers and Explorer Mentors receive prophylactic mental health awareness training. |                                                                                                                            |                                                    |                             |                                     |                                                                                             |                                           |
| Activity 1.1                                                                                          | Develop training module to expand awareness of mental health and teach coping and harm reduction strategies for Mentors.   | Explorer Team, Maine EMS Staff, Mental health SMEs | 31-Dec-23                   | Holding the trainings               | Time, staff, mental health experts, EMS clinicians                                          | Training module to be adapted onto MEMSEd |
| Activity 1.2                                                                                          | Develop training module to expand awareness of mental health and teach coping and harm reduction strategies for Explorers. | Explorer Team                                      | 31-Dec-23                   | Uploading the trainings to JMG LMS. | Time, staff, mental health experts, EMS clinicians, video equipment, video editing software | Training module on JMG LMS                |

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| <b>Activity 1.3</b>                                                                                     | Create network of resources among Mentors, service leaders, JMG specialists, school employees, and communities to support mental health in Explorers                                                                                                      | Explorer Team, trial sites                                                                        | 31-Mar-24 | Availability of mental health supports for all Explorers        | Time, staff, peer resources, counselors                                                                     | List of resource network members for Explorers |         |
| <b>Strategy 2: Increase access to mental health peer support and CISM trainings in all EMS Regions.</b> |                                                                                                                                                                                                                                                           |                                                                                                   |           |                                                                 |                                                                                                             |                                                |         |
| <b>Activity 2.1</b>                                                                                     | Access grant funding to pay for mental health resources and CISM trainings to make them freely accessible for all clinicians.                                                                                                                             | Maine EMS Staff                                                                                   | 1-Aug-24  | Access to funds                                                 | Time, staff, grant opportunities, SMEs                                                                      | Grant funding and program infrastructure       |         |
| <b>Activity 2.2</b>                                                                                     | Increase availability for individuals to be trained in providing EMS peer support and CISM trainings.                                                                                                                                                     | Maine EMS Staff, contractors?                                                                     | 1-Aug-24  | At least one training per quarter per region                    | Time, staff, CISM training facilitators, training spaces                                                    | CISM training resources                        |         |
| <b>Activity 2.3</b>                                                                                     | Create list of chaplain resources, spiritual care services, the front-line warm-line, and other peer support groups on the Stay Healthy in EMS webpage.                                                                                                   | Maine EMS Staff, chaplaincy and spiritual care services, Stress resiliency and response workgroup | 31-Dec-23 | Clicks on "Stay Healthy in EMS" website links                   | Time, staff, Maine EMS website, Maine EMS Stress Response and Resiliency workgroup                          | Website                                        |         |
| <b>Strategy 3: EMS Clinicians will be able to readily access behavioral health resources as needed</b>  |                                                                                                                                                                                                                                                           |                                                                                                   |           |                                                                 |                                                                                                             |                                                |         |
| <b>Activity 3.1</b>                                                                                     | Access to a list of behavioral health clinicians that are competent/experienced in working with first responders.                                                                                                                                         | Maine EMS Stress Response and Resiliency Work Group                                               | 1-Feb-24  | Published list of clinicians                                    | Time from Maine EMS stress response and resiliency group, buy in from behavioral health clinicians/entities | Published document on Maine EMS website        |         |
| <b>Activity 3.2</b>                                                                                     | Maine EMS will collaborate with local behavioral health agencies to support in connecting them with individual agencies to provide trainings on compassion fatigue, accessing mental health resources, and awareness of when coworkers may need supports. | Maine EMS staff, behavioral health agencies                                                       | 1-Feb-25  | Number of trainings held                                        | Time from Maine EMS staff, behavioral health agencies, and potentially some grant funding                   | Courses held                                   |         |
| <b>Activity 3.3</b>                                                                                     | Maine EMS will work collaboratively with other first responder networks to support statewide first responder mental health initiatives (such as a training).                                                                                              | Maine EMS staff                                                                                   | 1-Feb-25  | Number of collaborative meetings, Number of statewide trainings | Time from Maine EMS staff, time from local agencies                                                         | Trainings                                      |         |
| <b>Activity 3.4</b>                                                                                     | Develop a report that identifies providers who may be at risk due to traumatic events witnessed on scene. Those identified will be provided with behavioral health resources to access should they choose.                                                | Maine EMS staff, Data Team                                                                        | 1-Jul-24  | Creation of report                                              | Staff time                                                                                                  | report and auto resources                      |         |
| <b>Activity 3.5</b>                                                                                     | Develop a pathway for clinicians to self-report substance use issues that is non-disciplinary.                                                                                                                                                            | Maine EMS staff, legislators                                                                      | Dec-25    | Pathway developed                                               | Staff time, legislature, Board                                                                              | Legislative change                             | Statute |

## EMS Clinical Care

### Medical Direction

Notes from Plan:

*Where We Want To Be: In 2035 EMS medical direction is a defined and essential role within the Maine EMS system at all levels. The engaged leadership of medical directors is integral to clinical development and quality throughout the EMS system and has become a major motivational and developmental element in the EMS clinician's experience. Gone are the days of a medical director being a minimally involved volunteer and ad hoc paper-signer. Medical directors are prepared, active and motivated and are involved and empowered by the agencies they serve.*

*Milestones/Markers of Success: a. Medical direction is led by a full-time state medical director and an associate medical director.*

*b. Regions are supported by regional medical directors who support agency level medical directors and serve as the conduit from local medical directors to the state.*

*c. All transporting agencies have active and engaged medical direction.*

*d. Cohorts of medical directors have formed and work together to serve multiple local agencies in geographical areas, increasing continuity throughout the EMS system.*

*e. Agency administrators and chiefs have a robust understanding of medical direction, its roles and responsibilities and its importance to clinical operations. They support this role and view the medical director as the agency's chief medical officer.*

*f. The medical direction role and authority in each agency is clearly defined, with job descriptions, contracts, appropriate compensation and accountability.*

*g. Each medical director's span of control is right-sized to allow for appropriate engagement and ensure the role is rewarding and satisfying for the medical director, agency leader and clinicians.*

*h. Each medical director is appropriately prepared, has a command of evidence-based medicine and EMS protocols and protocol development and is proficient in the ongoing cyclical process that continuously uses clinical evaluation to drive clinician feedback, education, mentoring and skills development.*

*i. Medical directors connect with frontline clinicians and notice, inspire and motivate ongoing clinical development, research, growth and exploration. Medical directors help clinicians fully realize the rewards of best-possible clinical care.k. Medical directors are integral parts of system planning, development and integration, and work with each other to ensure EMS in Maine continues to develop as a cohesive system regionally and statewide. Because of their work in emergency departments, they are an effective bridge between EMS and healthcare.*

*l. Medical control has become more centralized and delivered by appropriately prepared physicians who deliver meaningful support that is consistent, knowledgeable and accountable. Medical control has evolved to provide a range of services, including simply radio advice, telemedicine video support or even infield physician intercepts.*

| Activity                                                                                                                      | Responsible Entity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Anticipated Completion Date           | Evaluation/Metric | Resource Required                                                                     | Work Products                            | Anticipated Rulemaking/Statutory Changes                              |
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| <b>Strategy 1: All agencies have active and engaged medical direction.</b>                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                       |                   |                                                                                       |                                          |                                                                       |
| <b>Activity 1.1</b>                                                                                                           | Update or develop a medical director guidebook. The guidebook should contain a plan to allow a medical director to be successful.                                                                                                                                                                                                                                                                                                                                                                                             | MDPB/EMS Office Staff/ Board          | 1-Dec-24          | Guidebook                                                                             |                                          |                                                                       |
| <b>Activity 1.2</b>                                                                                                           | Develop a template for a medial director job description for all agency types.                                                                                                                                                                                                                                                                                                                                                                                                                                                | MDPB/EMS Office Staff/ Board          | 1-Dec-24          | Job description                                                                       |                                          |                                                                       |
| <b>Activity 1.3</b>                                                                                                           | Create rules requiring medical direction for all transporitng agencies. The plan should include span of control advice to ensure medical direction is not overburdened.                                                                                                                                                                                                                                                                                                                                                       | Rules Committee/Maine EMS Board       | 31-Dec-25         | Time, Support from Maine EMS Board                                                    | Updated EMS Rules                        | Rules                                                                 |
| <b>Strategy 2: Regional Medical Directors are active and supported</b>                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                       |                   |                                                                                       |                                          |                                                                       |
| <b>Activity 2.1</b>                                                                                                           | Develop regional medical director job description & deliverables                                                                                                                                                                                                                                                                                                                                                                                                                                                              | MDPB/EMS Office Staff/ Board          | 1-Dec-24          | Job Description                                                                       | Time, Support from MDPB and EMS Staff    | Regional Med Director Job Description w/deliverables; Bylaws          |
| <b>Activity 2.2</b>                                                                                                           | Fund regional medical director positions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EMS Office                            | 1-Jul-25          | Funding obtained                                                                      | Support from MEMS Office and Board       |                                                                       |
| <b>Activity 2.3</b>                                                                                                           | Provide support staff for regional medical directors to carry out their duties                                                                                                                                                                                                                                                                                                                                                                                                                                                | EMS Office                            | 1-Jul-25          | Funding obtained                                                                      | MEMS Office and Board                    |                                                                       |
| <b>Activity 2.4</b>                                                                                                           | Develop educational resources for medical directors that teach the nuances of medical direction in Maine. This course should focus on the administrative aspects of medical direction and should be deliverable in person and on line.                                                                                                                                                                                                                                                                                        | EMS Office Staff/MDPB                 | 31-Dec-25         | Completion of the educational materials and fiirst course                             | Time, Support, Educational Expertise     | Completed educational product and first course                        |
| <b>Activity 2.5</b>                                                                                                           | Develop education for medical drectors focusing on the clinical aspects of prehospital medicine. While these procedures are commonly taught through fellowships, it may not be feasible to require fellowship training for all medical directors, therefore, in settings where the physician is providing in-field support, this course could support those activities. In an effort to workshare, this effort could be a collaborative effort with the state's EMS Fellowship program.                                       | EMS Office Staff/MDPB                 | 31-Dec-26         | Completion of the educational materials and fiirst course                             | Time, Support, Educational Expertise     | Completed educational product and first course                        |
| <b>Strategy 3: Under the Auspices of Communication Between Agency Medical Directors and Maine EMS/State Medical Direction</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                       |                   |                                                                                       |                                          |                                                                       |
| <b>Activity 3.1</b>                                                                                                           | Develop expectations that agency medical directors become involved in Regional Councils, or, at a minimum, host quarterly meetings, lead by the regional medical director, that focus on the needs and input of agency medical directors. These meetings are expected to develop strong relationships between the regional medical director and agency medical directors and act as a conduit for information and communication between the state to agency medical directors and from agency medical directors to the state. | EMS Office Staff/MDPB/Maine EMS Board | 31-Dec-25         | Development of meeting/meeting schedule/demonstration of medical direction attendance | Time, Support, System Wide Communication | Forums in each region focused on medical direction                    |
| <b>Activity 3.2</b>                                                                                                           | Given the importance and stature of regional medical directors in the state, these positions are supported by Maine EMS at an appropriate level, allowing the regional medical directors time and energy to perform the tasks asked of them. This level of support should be around 0.25 FTE.                                                                                                                                                                                                                                 | EMS Office Staff/MDPB/Maine EMS Board | 31-Dec-25         | Acheivement of RMD finacial and staff support                                         | Time, Support, Budgetary Support         | Excellent communication pathways between the EMS System and Hospitals |

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| <b>Activity 3.3</b> | Agency medical directors should be working clinically within the region and affiliated with a hospital of that region. This model allows for risk levels of communication between the regional medical director and the hospital. In addition, should need arise for high level communication with a given hospital in a region, the agency medical director can foster that communication between the regional medical director and/or the state medical director/state director. | EMS Office<br>Staff/MDPB/Maine<br>EMS Board | 31-Dec-25 | Demonstration of communication pathways between State, Region, Local Levels | Time, Support, System Wide Communication | Excellent communication pathways between the EMS System and Hospitals |  |
| <b>Activity 3.4</b> | All hospitals have a designated EMS Physician who acts as a contact, advocate and point of communication between the hospital the EMS System (local, regional and state). This position may be filled by and agency medical director, or could be a stand alone position.                                                                                                                                                                                                          | EMS Office<br>Staff/MDPB/Maine<br>EMS Board | 31-Dec-25 | Identified hospital physician contacts with each hospital in Maine          | Time, Support, System Wide Communication | Excellent communication pathways between the EMS System and Hospitals |  |

## Systems of Care

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| <p><i>Notes from Plan:</i></p> <p><i>Where We Want To Be: In 2035 EMS in Maine is fully integrated into the overall healthcare system, as evidenced by its inclusion and participation in robust systems of care for time-sensitive conditions. The Bureau of EMS continues to oversee the trauma system of care and is given statutory oversight over other EMS dependent systems of care such as stroke, STEMI, sepsis and out-of-hospital cardiac arrest. A robust system plan identifies healthcare facilities based on their capabilities to manage time-sensitive conditions including designations, data reporting, performance improvement and outcomes. EMS's role is universally acknowledged as a keystone component in the continuum of care.</i></p> <p><i>Milestones/Markers of Success: a. There has been broad recognition of EMS's vital role in time-sensitive conditions such as trauma, stroke, sepsis, STEMI, out-of-hospital cardiac arrest, prenatal and perinatal conditions, pediatric care, organ and tissue donation and traumatic brain injury. This recognition includes EMD, initial response, treatment and communication, destinations and bypass, interfacility transfers and critical care transfers, and participation in data collection and registries.</i></p> <p><i>b. The Bureau of EMS has statutory oversight of the stroke, STEMI, sepsis and out-of-hospital cardiac arrest systems of care.</i></p> <p><i>c. A robust system plan identifies healthcare facilities based on their capabilities to manage time-sensitive conditions including designations, data reporting, performance improvement and outcomes.</i></p> <p><i>d. Standardized statewide order sets have been developed for interfacility movement of patients with time-sensitive conditions.</i></p> <p><i>e. EMS protocol development and education have been integrated with clinical experts in timesensitive conditions.</i></p> <p><i>f. EMS clinicians have access to routine training and educational opportunities related to timesensitive conditions.</i></p> <p><i>g. Registries have been established for trauma, stroke, STEMI, sepsis, and out-of-hospital cardiac arrest, and EMS and the larger healthcare system actively participate in these registries. Registries provide feedback to EMS clinicians on their patient's 30-day outcome.</i></p> <p><i>h. Performance matrices have been defined for time-sensitive conditions that allow for the appropriate QA/QI evaluation.</i></p> <p><i>i. EMS clinicians are included in registry reports and case reviews.</i></p> <p><i>j. Maine contributes to the national dialogue on systems of care particularly related to the rural environment.</i></p> |  |  |  |  |  |  |  |
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| Anticipated Rulemaking/Statutory Changes                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                           |                 |                                                                                             |                                                                       |                                                                                             |       |
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| Activity                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Responsible Entity                                        | Completion Date | Evaluation/Metric                                                                           | Resource Required                                                     | Work Products                                                                               |       |
| Strategy 1: The office will facilitate EMS agencies in being able to acknowledge, train, educate, and evaluate time sensitive illnesses. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                           |                 |                                                                                             |                                                                       |                                                                                             |       |
| Activity 1.1                                                                                                                             | Define measures, key performance indicators (KPIs), and goals for time sensitive illnesses.                                                                                                                                                                                                                                                                                                                                                                        | Systems of Care Coordinator, QA/QI Committee              | 1-Jul-24        | Definations along with dashboard with KPI for time/effort required to enter, validity score | Staff time                                                            | Dashboard with KPI for time/effort required to enter, validity score                        |       |
| Activity 1.2                                                                                                                             | All out-of-hospital cardiac arrests will be reviewed by an internal QA/QI committee, QA/QI primary contact, and/or service level medical director.                                                                                                                                                                                                                                                                                                                 | Rules Committee/Maine EMS Board                           | 31-Dec-25       | Rule in effect and renewal process built to accomodate                                      | Time, Support from Maine EMS Board                                    | Rule stating that all out-of-hospital cardiac arrests will be reviewed by an internal QA/QI | Rules |
| Activity 1.3                                                                                                                             | CARES National Report data will be disseminated to all EMS services, and hospitals, and publically published.                                                                                                                                                                                                                                                                                                                                                      | Systems of Care Coordinator                               | 1-Mar-24        | All CARES reports will be published.                                                        | Staff time                                                            | Publication of CARES documents                                                              |       |
| Activity 1.4                                                                                                                             | Each year a time sensitive illness education will be available for all clinicians facilitated by a additional staff member(s) who work with the State Medical and Associate Medical Director as well as identified clinical experts to develop this material. Additional responsibilities of this new position could include the improvement of MEMSEd in an effort to make MEMSEd a "go-to" resource that is respected for it's excellence and quality education. | Systems of Care Coordinator                               | Each year       | Educational Program                                                                         | Time, support from the education committee                            | Training materials (asynchronous training, videos, handouts)                                |       |
| Activity 1.5                                                                                                                             | Add additional staff whose solitary function is to support the MDPB's activities, including protocol development. This position would become the primary support for protocol development and evolution and would also be the dedicated support for MDPB meetings.                                                                                                                                                                                                 | Maine EMS Director, Commissioner, Maine EMS Board         | 31-Dec-25       | Approval of the position and hiring into the position                                       | Time, Support, Communication, Funding                                 | Approval of the position and hiring into the position                                       |       |
| Activity 1.6                                                                                                                             | Regional medical directors and directors, through the support provided by Maine EMS, will function to support sysmtes of care at the regional level and work closely with hospitals to develop, improve and evolve systems of care at the regional level.                                                                                                                                                                                                          | MDPB, Reional Directors, Maine EMS Director, Staff, Board | 31-Dec-25       | High Functioning Systems of Care                                                            | Time, Support, Communication, Hospital Collaboration and Partnerships | High Functioning Systems of Care                                                            |       |
| Activity 1.7                                                                                                                             | Regional directors are Maine EMS employees with authority provided by the Maine EMS to and are accountable to ensure prevention of message dillution and pollution in all communication from the state to local stake holders, and vice versa.                                                                                                                                                                                                                     | EMS Office                                                | 1-Jul-25        | Funding obtained                                                                            | Support from MEMS Office and Board                                    |                                                                                             |       |
| Activity 1.8                                                                                                                             | Maine EMS will add an epidemiology or data analyst to support the Maine EMS efforts in data reporting and system improvement.                                                                                                                                                                                                                                                                                                                                      | EMS Office                                                | 1-Jul-25        | Funding obtained                                                                            | Support from MEMS Office and Board                                    |                                                                                             |       |

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| <b>Activity 1.9</b> | Similar to the TAC and the MSA, Maine EMS convene 2 additional advisory committees covering acute cardiac care and out of hospital cardiac arrest care. These committees should be made up of clinical leaders in those domains, as well as the state medical director, associate state medical director, an MDPB member and other key stakeholders from the EMS community. The purpose of all advisory committees is to: 1) develop, support, and improve statewide systems of care<br>2) review and comment on the state's 911 protocols<br>3) develop model physician ordersets for MDPB review and approval<br>4) support the state offices and state medical director's oversight and management of a specific condition's care | MDPB, State Medical Directors, Maine EMS Director, | 31-Dec-25 | Committee established with participation from all appropriate stake holders | Support from MEMS Office |  |  |
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| <b>Strategy 2: Increase the percent of EMS agencies recognized through the Maine "Always Ready for Children" EMS recognition program.</b> |                                                                                                         |                                      |           |                                                 |                                                                                          |                                |       |
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| <b>Activity 2.1</b>                                                                                                                       | Develop and have a Board approved "Always Ready for Children" program for EMS                           | EMSC, EMSC Advisory Committee, Board | 31-Dec-24 | Approved program                                | Collaborate and emulate previously approved hospital "Always Ready for Children" program | Program Manual                 |       |
| <b>Activity 2.2</b>                                                                                                                       | Promote and recognize EMS agencies                                                                      | EMSC, EMSC Advisory Committee, Board | 31-Dec-24 | 10% of EMS agencies recognized                  | Promotion and meetings with EMS agencies                                                 | Recognition awards and process |       |
| <b>Activity 2.3</b>                                                                                                                       | Establish requirement of pediatric emergency care coordinator (PECC) into EMS agency required position. | EMSC, Maine EMS Staff, Board         | 31-Dec-24 | Is a PECC required for each licensed EMS agency | Proposal to Rules Committee, supporting resources                                        | Proposal, supporting resources | Rules |

| <b>Strategy 3: Increase usage of a Family Advisory Network (FAN) member(s) to represent the emergency needs of children in their community.</b> |                                                        |                               |           |                     |                                   |               |  |
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| <b>Activity 3.1</b>                                                                                                                             | Develop a FAN Strategic Plan Guide                     | EMSC, EMSC Advisory Committee | 1-Oct-23  | HRSA approved plan  | FAN, HRSA, submission through EHB | Approved plan |  |
| <b>Activity 3.2</b>                                                                                                                             | Recruit a second volunteer FAN member for EMSC Program | EMSC, EMSC Advisory Committee | 31-Dec-24 | Approved FAN member | FAN, EMSC Advisory Committee      | 2nd FAN       |  |

## Expanded Role of EMS

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| <i>Notes from Plan:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |  |  |  |  |  |  |
| Where We Want To Be: In 2035 there is broad acceptance, appreciation and reimbursement for care and service outside the traditional emergency response and transport roles of EMS. Maine's EMS system continues to identify unmet healthcare needs that may benefit from EMS resources and for which EMS can develop the necessary knowledge, skills, competencies and reimbursement. Across Maine, many agencies have embraced mobile integrated health and community paramedicine as models to address unmet healthcare needs due to rurality and other social determinants of health. In furtherance of this, medical direction, a Board of Paramedicine, the EMS Board and regulatory oversight have all recognized the need to establish clear authority for EMS to meet certain needs without supplanting existing healthcare resources and infrastructure. Services provided under these provisions are fully reimbursed by payers, and the model for delivery is considered sustainable, effective and efficient by all involved. The Maine EMS system continues to support the expansion of these types of programs through pilot programs, education and training, quality assurance and ongoing evaluation and improvement. |  |  |  |  |  |  |  |
| Milestones/Markers of Success: a. Payers of healthcare services value and recognize the potential efficiencies and are willing to pay to have EMS provide expanded services.<br>b. Healthcare systems and primary care see mobile integrated health and community paramedicine as valuable, effective and efficient extensions of their services.<br>c. The healthcare system understands and values mobile integrated health and community paramedicine as beneficial extensions of their services.<br>d. Expanded EMS services such as mobile integrated health and community paramedicine are seen as valuable components of the overarching healthcare system and are not seen as competitive programming among existing components.<br>e. The number of Mainers who have access to Mobile Integrated Health and community paramedicine continues to increase.<br>f. The unnecessary use of emergency departments and 9-1-1 EMS response continues to decline.<br>g. Mobile integrated health and community paramedicine models and programs are consistently receiving referrals from healthcare entities.                                                                                                                        |  |  |  |  |  |  |  |

| Activity                                                                                                           | Responsible Entity                                                                                                           | Anticipated Completion Date        | Evaluation/Metric | Resource Required                                                                   | Work Products                                                                                          | Anticipated Rulemaking/Statutory Changes        |
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| <b>Strategy 1: Community Paramedicine programs will be active and collaborative with other healthcare entities</b> |                                                                                                                              |                                    |                   |                                                                                     |                                                                                                        |                                                 |
| <b>Activity 1.1</b>                                                                                                | There will be 20 EMS agencies with a CP designation or license.                                                              | Community Paramedicine Coordinator | 1-Jan-24          | Number of agencies with a CP designation or license. Collected from ImageTrend      | Community Paramedicine Coordinator will support agencies through the Designation or licensing process. | 20 Designations/ licenses                       |
| <b>Activity 1.2</b>                                                                                                | Agencies will provide 20 or more patient visits a year.                                                                      | Community Paramedicine Agencies    | 1-Dec-25          | Number of PCRs in MEFIRS.                                                           | MEFIRS reports                                                                                         | Report on patient visits                        |
| <b>Activity 1.3</b>                                                                                                | Increase collaboration of other healthcare stakeholders will be included in the CP committee to ensure new voices are heard. | Community Paramedicine Coordinator | 1-Sep-23          | CP committee will have a home health position and hospice/palliative care position. | Board approval                                                                                         | New CP membership in expanded healthcare roles. |

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| <b>Strategy 2: Collect and compile data to show the value of Community Paramedicine</b> |
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| <b>Activity 2.1</b> | Cutler will complete a cost avoidance data analysis deliverable that will show potential avoided costs for CP patients. | Community Paramedicine Coordinator; University of Southern Maine (Contractor) | 1-Feb-24            | Completed work product from Cutler received by Maine EMS. | OMS/ EMS data being provided to Cutler                  | Cost avoidance analysis |  |
| <b>Activity 2.2</b> | The new CP Module will go live.                                                                                         | Community Paramedicine Coordinator; Data Team                                 | 1-Jul-24            | CP Module roll out                                        | ImageTrend System; Work sessions with Data Team         | Final CP Module.        |  |
| <b>Activity 2.3</b> | The office will publish a quarterly report regarding CP data.                                                           | Community Paramedicine Coordinator; Data Team                                 | 1-Jan-24            | Published CP data report.                                 | Data report creation from Data Team                     | Quarterly report        |  |
| <b>Activity 2.4</b> | EMS Explorers shadow and assist Community Paramedicine professionals                                                    | EMS Explorer Program Coordinator and Community Paramedicine Coordinator       | May 2024 and onward | Collaboration between Explorer and CP services            | Staff time, collaboration with Explorer and CP services | Quarterly report        |  |

**Strategy 3: Increase Community Paramedicine Sustainability by Securing MaineCare Reimbursement**

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| <b>Activity 3.1</b> | Chapter 19: Community Paramedicine rules will be updated to reflect the new scope of practices, formulary and other changes to the CP process in Maine. The rules will move through the process and be approved by the board. | Community Paramedicine Coordinator | 31-Jan-25 | New and approved chapter 19 CP rules.                                     | CP committee and rules committee will need to review the CP rules.                      | New Chapter 19 rules | Rules |
| <b>Activity 3.2</b> | The CP formulary will be approved by the MDPB and the Board.                                                                                                                                                                  | Community Paramedicine Coordinator | 1-Dec-23  | Approved CP Formulary                                                     | Review by the MDPB and Board                                                            | Formulary            | Rules |
| <b>Activity 3.3</b> | There will be a scope of practice for all 3 license levels of CP providers with signaled support by the MDPB and the board.                                                                                                   | Community Paramedicine Coordinator | 1-Jul-24  | 3 separate scopes of practice created and approved by the MDPB and Board. | CP Committee work on completion of 3 separate scopes. Review by the MDPB and the Board. | 3 Scopes of Practice | Rules |

**Strategy 4: Development of Critical Care Paramedic Systems of Care**

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| <b>Activity 4.1</b> | Similar to community paramedicine, Maine EMS develop an additional staff position that focuses on and coordinates all critical care transport efforts across the state.                                                                                                                                                                                                                                                                                                                                                                                                                   | EMS Office                                                          | 1-Jul-25  | Funding obtained                                                                                                | Support from MEMS Office and Board                                     |  |  |
| <b>Activity 4.2</b> | Maine EMS develops clinically rigorous pathways for interested ground EMS agencies to perform critical care transport.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | MDPB, State Medical Directors, Maine EMS Director, Key Stakeholders | 31-Dec-25 | System of Care Created and Approved                                                                             | Support from MEMS Office and Board                                     |  |  |
| <b>Activity 4.3</b> | All critical care transports, via ground or air, are held to similar clinical standards and are required to demonstrate proficiency on a regular basis. Medical directors supporting these efforts are adequately supported                                                                                                                                                                                                                                                                                                                                                               | MDPB, State Medical Directors, Maine EMS Director, Key Stakeholders | 31-Dec-25 | CCT Agencies submit state requested QI Metrics for review by the State Medical Director, State, CCT Coordinator | Support from MEMS Office and Board, Coordination with key stakeholders |  |  |
| <b>Activity 4.4</b> | Similar to community paramedicine, Maine EMS develop an additional staff position that focuses on and coordinates all critical care transport efforts across the state.                                                                                                                                                                                                                                                                                                                                                                                                                   | EMS Office                                                          | 1-Jul-25  | Funding obtained                                                                                                | Support from MEMS Office and Board                                     |  |  |
| <b>Activity 4.5</b> | Through the development of increased pathways for critical care transport and embracing PIFT-level care into ALS capabilities when appropriate, Maine EMS evolves beyond the PIFT scope of practice, leaving the following potential IFT scopes: EMT, AEMT, Paramedic (ALS), Critical Care. The latter may be a single tier provider type (i.e., similar to the scope of LifeFlight of Maine) or Maine EMS may choose to develop tiers of critical care transport that allow the EMS Agency and EMS Agency medical director to choose the degree of critical care transport they provide. | MDPB, State Medical Directors, Maine EMS Director, Key Stakeholders | 31-Dec-25 | Interested agencies submit application packet for Agency License in CCT                                         | Support from MEMS Office and Board, Coordination with key stakeholders |  |  |

|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                               |           |                                                                |                                                                        |  |
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| Activity 4.6 | Maine EMS, the Maine EMS Medical Directors, and the Maine EMS Regional Medical Directors work closely with the Maine Hospital Association, individual hospitals, hospital designated EMS Physician representatives and others to ensure all transferring physicians have a rich understanding of the Maine EMS interfacility transport system of care and are held responsible for determining the proper scope of practice for any given transport. Errors in decision making regarding transport are identified (by the receiving hospital, the transferring hospital during routine review of these cases, or the EMS Agency/EMS Agency medical director) and these errors are examined closely to ensure similar errors do not occur in the future. Regional medical directors and directors are involved in this review process to ensure EMS System awareness and support any necessary actions resulting from the review process. | Maine EMS, the Maine EMS Medical Directors, and the Maine EMS Regional Medical Directors work closely with the Maine Hospital Association, individual hospitals, hospital designated EMS Physician representatives and others | 31-Dec-25 | Educational and Reference Products for transferring physicians | Support from MEMS Office and Board, Coordination with key stakeholders |  |
| Activity 4.7 | Transferring and receiving hospitals have means of communication surrounding IFT's and patient outcomes resulting from IFT decision making are routinely communicated to receiving hospitals.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Maine EMS, the Maine EMS Medical Directors, and the Maine EMS Regional Medical Directors work closely with the Maine Hospital Association, individual hospitals, hospital designated EMS Physician representatives and others | 31-Dec-25 | Systems of Communication that support QI Efforts               | Support from MEMS Office and Board, Coordination with key stakeholders |  |

## Evaluation and Quality Improvement

### Notes from Plan:

Where We Want To Be: In 2035 Quality Assurance/Quality Improvement (QA/QI) is a foundational component of the EMS culture and permeates every facet of the EMS system. QA/QI is enthusiastically embraced and sought by clinicians, EMDs, service leaders, medical directors and the broader healthcare community. Systemwide quality practices and measures are informed by data at all levels. Quality metrics are being gleaned from all levels of the EMS system, from call-taking and dispatch through patient discharge and the clinical outcome. These metrics are consistent, data-driven, clinician friendly and supported by robust learning, growth and development. Patients reliably receive the right care, at the right time, by the right clinician. QA/QI has been destigmatized and disentangled from disciplinary mechanisms. QA/QI is efficient and does not create unnecessary burdens or redundancies. Clinicians are performing at the top of their scopes of practice, and EMS in Maine continues to expand its capacity to care for complex patients and support the healthcare system. Clinical quality is led and overseen by the State Medical Director and an active and collaborative cohort of regional and agency medical directors. QA/QI practices are implemented by competent and motivated agency quality coordinators and are supported by the system in its entirety.

Milestones/Markers of Success: a. QA/QI has become truly valued because the improvement process has been successfully applied to the top issues and concerns of clinicians, EMDs, service leaders, medical direction and the broader healthcare community.

b. All clinicians are comfortable reporting errors and view reporting as a duty and an opportunity for growth.

c. QA/QI has genuine and real accountability.

d. There is a systemwide appreciation and understanding of quality assurance and improvement science at all levels, with education and training opportunities on how to do so.

e. QA/QI is financially supported at all levels, including at the state level.

f. The complete patient record, from CAD through hospital discharge, is available to support quality assurance and improvement initiatives as well as clinician and EMD performance.g. QA/QI is understood to entail much more than finding the bad apples. Quality assurance is truly about improving the quality of clinical care when it comes to meeting a known standard. Quality improvement is truly about emphasizing the importance of raising the standard and reducing the incidents of quality issues.

h. There are innovative models to help local agencies meet QA/QI expectations including the possible use of outside contractors.

i. All entities (EMS agencies and EMD centers) are accountable and have implemented robust evaluation plans that are routinely reviewed. Plans include specific metrics, methodologies, roles, responsibilities and pathways for bringing about meaningful, systemic changes within their organizations for the betterment of patient care.

j. The EMS system has robust dashboards that provide accurate and actionable feedback on personal, agency and system performance.

k. Clinicians have increased the accuracy of their field impressions and associated clinical treatment through robust outcomes feedback.

l. QA/QI includes operational quality, ensuring response performance, the handling of IFTs and ensuring patients arrive at the right destination.

m. QA/QI and education are inextricably connected with comprehensive feedback loops in place to ensure clinician competency and best practice.

n. Agencies are adequately resourced to support QA/QI efforts and to connect and engage with clinical operations.

o. Clinicians and EMDs see meaningful improvement that is the result of their involvement in the QA/QI process.

p. QA/QI has been applied to resource deployment and ensures the efficient use of resources statewide.

| Activity                                                                                     | Responsible Entity                                                          | Anticipated Completion Date | Evaluation/Metric | Resource Required                                                                          | Work Products   | Anticipated Rulemaking/Statutory Changes |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------|-------------------|--------------------------------------------------------------------------------------------|-----------------|------------------------------------------|
| <b>Strategy 1: Improve quality of care by defining performance initiatives based on KPIs</b> |                                                                             |                             |                   |                                                                                            |                 |                                          |
| Activity 1.1                                                                                 | Define KPIs for Maine EMS protocols where appropriate with a minimum of 10. | MDPB, QA/QI Committee       | 1-Jul-24          | There will be performance improvement markers developed and shared with all EMS clinicians | time, analytics | KPIs                                     |

|                     |                                            |                       |           |                                                                                                                                     |                 |      |  |
|---------------------|--------------------------------------------|-----------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------|------|--|
| <b>Activity 1.2</b> | Identify QA/QI initiatives based upon KPIs | MDPB, QA/QI Committee | 31-Dec-24 | There will be available access for EMS agencies to compare themselves to like sized, or agencies with other similar characteristics | time, analytics | KPIs |  |
|---------------------|--------------------------------------------|-----------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------|------|--|

**Strategy 2: Develop a process to allow for sentinel event reporting, both defined and undefined.**

|                     |                                                                                                                                                                                                    |                                             |           |                                                                                                                                                            |                                                                                                      |                                                                                                                   |                 |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>Activity 2.1</b> | Define the needs for a system of sentinel event reporting                                                                                                                                          | MEMS Board/QA-QI Committee/MEMS Staff       | 31-Dec-24 | Maine EMS has a system that allows reporting of errors or mandated reporting items, that is easily accessed and frequently used without fear of punishment | time, money                                                                                          | Workgroup                                                                                                         |                 |
| <b>Activity 2.2</b> | Define the sentinel event reporting process to include training for EMS licensees (entities and individuals) and Service Chiefs                                                                    | MEMS Rules Committee MEMS QA-QI Committee   | 31-Dec-24 | the process to report errors is clear and defined, EMS clinicians understand the process of working to prevent errors                                      | time, support of the committees involved,                                                            | Model Process                                                                                                     |                 |
| <b>Activity 2.3</b> | Develop rules requiring sentinel event reporting                                                                                                                                                   | MEMS Rules Committee MEMS QA-QI Committee   | 31-Dec-25 | Maine EMS has adopted rules to support complinace regarding error reporting                                                                                | time, support of the committees involved,                                                            | Rules                                                                                                             | Rules           |
| <b>Activity 2.4</b> | Develop a model for the surveillance of trends related to Sentinel events, including the identification of emerging and/or unidentified events, that includes adequate staffing for implementation | Legislature, Maine EMS Staff, Board of EMS, | 31-Dec-25 | Sentinel event reporting and surveillance has been appropriately authorized and funded, and a finalized model has been developed                           | General Fund appropriation, staff time, authorizing language, integrated electronic reporting system | Draft model document, job description, implementation plan, draft statutory change language, budgetary documents. | Statute (Maybe) |

**Strategy 3: Comprehensively review the Maine EMS Quality Improvement Manual to increase its relevance to EMS clinicians and encourages the use of established performance metrics.**

|                     |                                                                                                                              |                 |           |                                                                                                                                      |                        |                                      |  |
|---------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------|--|
| <b>Activity 3.1</b> | Develop scalable quaiy improvement models for EMS agencies of all sizes and types                                            | QA/QI Committee | 31-Dec-25 | Maine EMS has program templates that are flexible and scalable for all Ems agencies that are continuously improved upon and updated. | time, additional staff | Revised Quality Improvement Manual   |  |
| <b>Activity 3.2</b> | Publish performance metrics for EMS agencies and the public.                                                                 | QA/QI Committee | 31-Dec-25 | Maine EMS has made the defined and established performance metrics availabel for public viewing in the interest of transparency.     | time, additional staff | Performance Metrics                  |  |
| <b>Activity 3.3</b> | Publish examples on how EMS entities can migrate from an exclusively quality assurance stance to a quality improvement model | QA/QI Committee | 31-Dec-25 | Increases in clinical performance metrics                                                                                            | time, additional staff | Examples of transition from QA to QI |  |

## EMS Finance

### The Cost of EMS

*Notes from Plan:*

*Where We Want To Be: In 2035 it is recognized that sustainable funding of EMS necessitates an accurate and ongoing accounting for the full costs of EMS. The costs of all elements such as administration, the readiness of 24/7 operations, medical direction, quality assurance and improvement, initial and continuing education and training, employee turnover, vehicle maintenance, dispatch and communications, etc. have been accurately quantified and are known. Costs are no longer obscured by a lack of accounting for donated labor or below-living-wage labor. Agencies know how to quantify their costs including the costs of preparedness, response, treatment and transport, as well as all overhead. Agency financial accounting includes an understanding of all revenue sources including reimbursement for services, tax subsidies, other public monies, grants and donations.*

*Milestones/Markers of Success: a. The full and true costs of providing operational EMS are known.*

*b. Local agencies and governments are continuously educated in how to calculate the full and true costs of providing operational EMS. Tools for financial accounting are readily available.*

*c. The full and true costs of EMS are utilized to appropriately establish revenue sources to fund EMS.*

*d. There is transparency regarding the total finances of each agency, including costs and revenues.*

*e. Local agencies are expected to report costs, and the EMS Bureau has the resources and staff to aid local agencies in calculating cost reporting.*

*f. Any funds for operational EMS provided by the state should never exceed the median cost of providing services.*

| Activity                                                                                                                                                                     |                                                                                                                                      | Responsible Entity                                                   | Anticipated Completion Date | Evaluation/Metric                                                                                                                | Resource Required                                                                | Work Products                                                     | Anticipated Rulemaking/Statutory Changes |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------|
| <b>Strategy 1: Enhance EMS cost reporting.</b>                                                                                                                               |                                                                                                                                      |                                                                      |                             |                                                                                                                                  |                                                                                  |                                                                   |                                          |
| <b>Activity 1.1</b>                                                                                                                                                          | Bring on Staff Positions Allocated by the Legislature                                                                                | Director                                                             | 31-Mar-24                   | Staff Onboarded                                                                                                                  | Staff Time                                                                       | Position Justification Form; New Position Number; New Job Posting |                                          |
| <b>Activity 1.2</b>                                                                                                                                                          | Develop data collection form                                                                                                         | Data team; Cost Reporting Team Member                                | 31-Dec-24                   | Time to complete                                                                                                                 | Staff time, Financial Expertise                                                  | Collection instrument                                             |                                          |
| <b>Activity 1.3</b>                                                                                                                                                          | Educate about the importance of cost data reporting                                                                                  | Data team; Cost Reporting Team Member                                | 2024/2025                   | Completion ratio                                                                                                                 | Staff time, Financial Expertise                                                  | Marketing/education materials                                     |                                          |
| <b>Activity 1.4</b>                                                                                                                                                          | Develop report from the cost data collection and identify KPIs                                                                       | Data team; Cost Reporting Team Member                                | 31-Dec-25                   | Reporting that provides insightful and actionable insights into the sources of revenue/funding, expenses and the balance between | Staff time, Financial Expertise                                                  | Cost Data Program(s)                                              |                                          |
| <b>Strategy 2: Educate EMS Administrators about Finance Management</b>                                                                                                       |                                                                                                                                      |                                                                      |                             |                                                                                                                                  |                                                                                  |                                                                   |                                          |
| <b>Activity 2.1</b>                                                                                                                                                          | Identify ways to develop and offer course in Business Models                                                                         | Maine EMS Staff; University of Maine System; Maine Community College | 31-Dec-25                   | Course Evaluation(s)                                                                                                             | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association | Course Materials                                                  |                                          |
| <b>Activity 2.2</b>                                                                                                                                                          | Facilitate the development and delivery of educational programming covering Administrative Accounting                                | Maine EMS Staff; University of Maine System; Maine Community College | 31-Dec-25                   | Course Evaluation(s)                                                                                                             | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association | Course Materials                                                  |                                          |
| <b>Activity 2.3</b>                                                                                                                                                          | Facilitate the development and delivery of educational programming covering Budget Development                                       | Maine EMS Staff; University of Maine System; Maine Community College | 31-Dec-25                   | Course Evaluation(s)                                                                                                             | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association | Course Materials                                                  |                                          |
| <b>Strategy 3: Develop Processes for Agencies to Identify and Monitor the Financial and Economic Drivers of the Healthcare System(s) and related risks and opportunities</b> |                                                                                                                                      |                                                                      |                             |                                                                                                                                  |                                                                                  |                                                                   |                                          |
| <b>Activity 3.1</b>                                                                                                                                                          | Develop and establish metrics to quantify baseline system costs                                                                      | Data Team, Deputy Director                                           | 1-Jul-24                    | Develop and evaluate metrics                                                                                                     | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association |                                                                   |                                          |
| <b>Activity 3.2</b>                                                                                                                                                          | Establish a best practices model to determine potential expenditures, cost savings, and long-term investment needs for the agencies. | Deputy Director                                                      | 31-Dec-24                   | Evaluation of metrics, gathering data from agencies                                                                              | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association |                                                                   |                                          |
| <b>Activity 3.3</b>                                                                                                                                                          | Develop a process for evaluating Best Practices for success or non-success                                                           | Deputy Director                                                      | 31-Dec-25                   |                                                                                                                                  |                                                                                  |                                                                   |                                          |

### Reimbursement Alignment

*Notes from Plan:*

*Where We Want To Be: In 2035 the Maine EMS system has maximized the revenue local EMS agencies collect in reimbursement from private insurance, Medicare, Medicaid and other payers. This maximization is the result of accurate cost reporting, the accurate documentation of services, advocacy, a deep understanding of the billing process and taking full advantage of available reimbursements.*

*Milestones/Markers of Success: a. EMS has a clear voice and interacts with payers through the effective advocacy efforts of associations, groups, agencies or individuals.*  
*b. Agency leaders are continuously educated in EMS finance and the intricacies of EMS reimbursement. This will be an important part of EMS leadership development.*  
*c. The full and true costs of providing EMS are continuously calculated and accounted for. These must be communicated in a manner that fosters a genuine understanding by government and the public about the full and true costs of providing EMS.*  
*d. EMS clinicians understand the value and importance of their documentation in cost recovery and are consistent in collecting appropriate data. Initial and continuing education for clinicians heavily emphasize the importance of documentation and teach clinicians how to document well.*  
*e. EMS stakeholders continue to advocate for reimbursement that accounts for the cost of providing EMS.*

| Activity                                                                                                             |                                                                                                                                                                                                                         | Responsible Entity                                                                 | Anticipated Completion Date | Evaluation/Metric                                                                                                                | Resource Required                                                                                                                           | Work Products                                                                                                                                 | Anticipated Rulemaking/Statutory Changes |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <b>Strategy 1: EMS agencies will have resources to have a more comprehensive understanding of EMS reimbursement.</b> |                                                                                                                                                                                                                         |                                                                                    |                             |                                                                                                                                  |                                                                                                                                             |                                                                                                                                               |                                          |
| <b>Activity 1.1</b>                                                                                                  | Develop Data Collection/Measurement Tool(s)                                                                                                                                                                             | Data Team, Deputy Director; Cost Reporting Team Member                             | Dec-24                      | Having a collection instrument available and in use by agencies                                                                  | Staff time, Financial Expertise                                                                                                             | Collection instrument                                                                                                                         |                                          |
| <b>Activity 1.2</b>                                                                                                  | Analyze Data to measure baseline and trends in reimbursement for agencies that perform their own billing and agencies that contract billing.                                                                            | Data Team, Deputy Director; Cost Reporting Team Member                             | Dec-25                      | Reporting that provides insightful and actionable insights into the sources of revenue/funding, expenses and the balance between | Staff time, Financial Expertise                                                                                                             | Analysis of KPI surrounding revenue, expenses and financial health                                                                            |                                          |
| <b>Activity 1.3</b>                                                                                                  | Identify variables in Reimbursement Collections                                                                                                                                                                         | EMS Agencies; Deputy Director; Cost Reporting Team Member                          | Dec-25                      | Surveys, questionnaires, and meeting with stakeholders                                                                           | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association                                                            | Documentation of target issues.                                                                                                               |                                          |
| <b>Strategy 2: Identify Alternative Revenue Streams/Sources</b>                                                      |                                                                                                                                                                                                                         |                                                                                    |                             |                                                                                                                                  |                                                                                                                                             |                                                                                                                                               |                                          |
| <b>Activity 2.1</b>                                                                                                  | Educate agencies to work with counties/cities to ensure continued and consistent funding obligations; considering alternative structure and implementation of budget-line inclusion in place of outside agency funding. | Maine EMS Staff; Deputy Director                                                   | Dec-24                      | Surveys, questionnaires, and meeting with stakeholders                                                                           | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association; Public/Private Payers                                     | Educational programs and resource documents that will provide a clear understanding for EMS Administrators to educate municipal stakeholders. |                                          |
| <b>Activity 2.2</b>                                                                                                  | Educate agencies about reimbursement options for patients that refuse transport.                                                                                                                                        | Deputy Director, Community Paramedicine Coordinator; SUD Team                      | Dec-24                      | Research reimbursement programs for non-transport, specifically.                                                                 | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association; Public/Private Payers                                     | Educational programs and resource documents that will provide a clear understanding for EMS Administrators to fund non-transport responses.   |                                          |
| <b>Activity 2.3</b>                                                                                                  | Help identify potential and under utilized sources (e.g., Federal programs, grants, contracts, Community Paramedicine, and foundations)                                                                                 | Deputy Director, Community Paramedicine Coordinator; SUD Team                      | Ongoing                     | Research reimbursement sources that have been not utilized or recognized in the past.                                            | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association; Public/Private Payers                                     | Documents that identify resources for agencies to receive funding that have not been utilized in the past and have been untapped.             |                                          |
| <b>Strategy 3: Identify Best Practices in Billing that Result in Higher Collection Rates</b>                         |                                                                                                                                                                                                                         |                                                                                    |                             |                                                                                                                                  |                                                                                                                                             |                                                                                                                                               |                                          |
| <b>Activity 3.1</b>                                                                                                  | Educate agencies on how to assess the agency's current operational financial performance in regards to reimbursement                                                                                                    | Deputy Director; Cost Reporting Team Member; Maine EMS Staff; Regional Coordinator | Dec-24                      | Surveys, questionnaires, and meeting with stakeholders                                                                           | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association; Reimbursement Consultants; American Ambulance Association | Educational programs and resource documents for EMS administrators to understand financial performance measures in regards to reimbursement.  |                                          |
| <b>Activity 3.2</b>                                                                                                  | Educate leaders about appropriate documentation and the importance of training field clinicians.                                                                                                                        | Deputy Director; Cost Reporting Team Member; Maine EMS Staff; Regional Coordinator | Dec-24                      | Evaluation of metrics, gathering data from agencies                                                                              | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association; Reimbursement Consultants; American Ambulance Association | Educational programs and resource documents for documentation programs.                                                                       |                                          |
| <b>Activity 3.3</b>                                                                                                  | Identify best practices in billing across Maine and encourage sharing of those practices.                                                                                                                               | Deputy Director; Cost Reporting Team Member; Maine EMS Staff; Regional Coordinator | Dec-25                      | Evaluation of metrics, gathering data from agencies and identifying successful agencies.                                         | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association; Reimbursement Consultants; American Ambulance Association | Identify successful agencies as subject matter experts and encourage sharing of materials to assist other agencies.                           |                                          |

## Local Agency Sustainability

Notes from Plan:

*Where We Want To Be: In 2035 rural communities and low volume areas continue to evolve EMS operations that are appropriately staffed and financially sustainable. Rural communities and low volume areas have help in moving from unsustainable EMS delivery models to sustainable delivery models. The help comes in the form of a process that uses EMS sustainability experts to guide communities moving from unsustainability to sustainability. The process aids communities in: determining whether their current model is sustainable; calculating the full costs of delivering EMS in their community; providing information about various delivery models; determining what the community wants, needs and what potential resources are available; and providing guidance in navigating the change process. This process is made available through state funding.*

*Milestones/Markers of Success: a. Wide acceptance that the delivery of operational EMS in Maine will continue to evolve and change to meet needs and that some models will not be sustainable long-term.  
b. The Maine State Legislature continues to appropriate adequate funding for grants to help rural communities with EMS change.  
c. The Informed Community Self Determination process and similar processes are advocated throughout Maine.  
d. Experts in rural EMS are developed, and the process continues to evolve as it finds success in Maine communities.  
e. Models of successful evolution and change are identified and recognized.*

| Activity                                                                                                           |                                                                                                                                       | Responsible Entity                                                                           | Anticipated Completion Date | Evaluation/Metric                                                                                                                                             | Resource Required                                                                                                                                                           | Work Products                                                                                                                                                                                                                                                                                               | Anticipated Rulemaking/Statutory Changes |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <b>Strategy 1: Improve the appropriate usage of EMS in Maine's communities to lessen the burden(s) on Services</b> |                                                                                                                                       |                                                                                              |                             |                                                                                                                                                               |                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                             |                                          |
| <b>Activity 1.1</b>                                                                                                | Identify opportunities to provide Healthcare Provider Education regarding the utilization of EMS.                                     | Maine EMS Staff                                                                              | 31-Dec-24                   | Surveys, questionnaires, and meeting with stakeholders to identify education with healthcare providers about EMS.                                             | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association                                                                                            | Written documentation of educational opportunities to educate the healthcare system about EMS.                                                                                                                                                                                                              |                                          |
| <b>Activity 1.2</b>                                                                                                | Identify actions to improve the use of EMS by community customers, skilled nursing facilities, physician offices, and medical alarms. | Maine EMS Staff                                                                              | 31-Dec-24                   | Surveys, questionnaires, and meeting with stakeholders to identify inappropriate/unneeded EMS responses/uses.                                                 | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association; Maine Hospital Association; Maine Medical Association; Maine Nursing Homes; Maine Hospice | Templated educational materials for EMS agencies and clinicians to use to educate specific community customers.                                                                                                                                                                                             |                                          |
| <b>Activity 1.3</b>                                                                                                | Identify actions to eliminate the usage of ambulances for different types of EMS calls.                                               | Maine EMS Staff                                                                              | 31-Dec-25                   | Surveys, questionnaires, and meeting with stakeholders to identify inappropriate/unneeded EMS responses.                                                      | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association; Dispatch Stakeholders                                                                     | Work report outlining call types that may be handled by specific alternative resources and the pathway for an EMD Center, EMS agency, and Medical Direction to obtain IAED MPDS Accreditation (ACE) to implement OMEGA-level dispatch options for alternative response and consider Nurse Triage protocols. |                                          |
| <b>Strategy 2: Assist agencies in their procurement processes to improve financial sustainability</b>              |                                                                                                                                       |                                                                                              |                             |                                                                                                                                                               |                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                             |                                          |
| <b>Activity 2.1</b>                                                                                                | Assist in best practices for vendor bidding and contracts                                                                             | Maine EMS Staff; Maine Ambulance Association                                                 | 31-Dec-24                   | Surveys, questionnaires, and meeting with stakeholders to identify concurrent issues with supply chain management and successful models.                      | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association                                                                                            | Written documentation of best practices for bidding and contracts. Development of resources to support subject matter.                                                                                                                                                                                      |                                          |
| <b>Activity 2.2</b>                                                                                                | Identify ways to provide annual classes on public purchasing procedures, including the use of the state bidding process.              | Maine EMS Staff; Maine Ambulance Association; Maine Procurement; Maine Municipal Association | 31-Dec-24                   | Research public purchasing procedures and state bidding process.                                                                                              | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association                                                                                            | Course outlines, educational materials.                                                                                                                                                                                                                                                                     |                                          |
| <b>Activity 2.3</b>                                                                                                | Facilitate group agency discussions on buying Co-ops/Regionalized Purchasing                                                          | Maine EMS Staff; Maine EMS Regions                                                           | 31-Dec-24                   | Surveys, questionnaires, and meeting with stakeholders to identify agencies that would be interesting in discussion/developing Co-ops/Regionalized Purchasing | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association                                                                                            | Meeting agenda(s) for discussions of subject matter and educational materials.                                                                                                                                                                                                                              |                                          |
| <b>Strategy 3: Low-Volume EMS Agencies; Moving from unsustainable EMS delivery systems to sustainable models</b>   |                                                                                                                                       |                                                                                              |                             |                                                                                                                                                               |                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                             |                                          |



|                     |                                                                                                                                       |                                             |                                 |                                                                                                                                                         |                                                                                  |                                                                                                                        |  |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--|
| <b>Activity 3.1</b> | Assist in identifying low-volume EMS agencies that are potentially in an unsustainable EMS system.                                    | Maine EMS Staff; Data Team                  | 31-Dec-24                       | Surveys, questionnaires, and meeting with stakeholders to identify low-volume EMS agencies and issues that make the agencies possibility unsustainable. | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association | Identified and documented issues/challenges for low-volume EMS agencies and the definition of low-volume EMS agency.   |  |
| <b>Activity 3.2</b> | Identify potential pathways that would direct an EMS system towards the goal of sustainability.                                       | Maine EMS Staff                             | 31-Dec-24                       | Surveys, questionnaires, and meeting with stakeholders to identify low-volume EMS agencies that find ways to make their service sustainable.            | Maine EMS; EMS Board; Maine Ambulance Association; Maine Fire Chiefs Association | Identified and documented potential/successful pathways for low-volume EMS agencies.                                   |  |
| <b>Activity 3.3</b> | Provide technical assistance and training to low-volume EMS agencies on data collection, analysis, and reporting.                     | Maine EMS Staff; Cost Reporting Team Member | 31-Dec-25                       | Improved data submission from low volume EMS agencies                                                                                                   | Time, Collaboration with low volume agencies                                     | Low Volume Agency Collaboration Report. I don't know what would be in this, but like services will have like problems. |  |
| <b>Activity 3.4</b> | Support small agencies with recruitment and training of youth interested in EMS, in order to promote the EMS workforce in their area. | Explorer team                               | May 2024 (phase 2), and onwards | Number of services with Junior/Explorer Programming, and number of Juniors/Explorers enrolled                                                           | Staff time, Explorer + Mentor trainings, and initial cohort group mentorship     | Explorer Program Implementation Guide                                                                                  |  |

## Order 259 - State of Maine EMS Grant

kcapron1@maine.rr.com <kcapron1@maine.rr.com>

Jun 14, 2024, 6:39 PM  
(3 days ago)

to publiccomment@portlandmaine.gov

Order 259-23/24 Accepting and Appropriating a \$200,000 State of Maine EMS Grant for the Portland Fire Department EMS Operations - Sponsored by Danielle P. West, City Manager

This project will provide temporary fiscal support to Portland Fire Department EMS operations to meet increasing demand and ensure that all residents and visitors to the City of Portland continue to receive high-quality EMS care. The funding will support being able to send six members to paramedic training this year instead of the budgeted three openings. The funding will also support increasing compensation for our required medical direction (Director) . It will also support the acquisition of necessary equipment to support EMS operations, most notably an additional Lucas CPR device for the Marine Division supporting service to Portland's island populations. All of these improvements will come with no expense to the taxpayers of Portland.

1. Could a copy of the grant agreement be provided in the packet for this meeting?
2. Spelling correction for "Director"
3. Is the increased compensation covered in the new budget? How is the additional pay covered in future years?
4. Does the City charge an administrative fee against grants to cover related staff monitoring?
5. Is this funding really needed to continue "high-quality" care? What happens if the grant was declined due to lack of future funding to continue a higher pay for the Director?

Kenneth A. Capron, ret. CPA, Systems Engineer

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