

**Remote HHS and Public Safety
Meeting Agenda**
April 10, 2025 at 5:30 PM
Remote Meeting



MEMBERS
Councilor Anna Bullett, District 4, Chair
Councilor April Fournier, At-Large
Councilor Sarah Michniewicz, District 1
Councilor Wesley Pelletier, District 2

There will be opportunity for Public Comment on Agenda Item #3 - Chapter 35 and Agenda Item #4 - Childcare Proposal. To submit written public comment on an agenda item, email HHSPS@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Health & Human Services and Public Safety 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 name of the agenda item (see below).

The Health & Human Services and Public Safety Committee will conduct this meeting remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

You are invited to a Zoom webinar!

When: Apr 10, 2025 05:30 PM Eastern Time (US and Canada)

Topic: Remote HHS and Public Safety Meeting

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+1 669 900 6833 US (San Jose)

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1. Announcements
2. Review and Approval of Minutes from March 11, 2025
 - a. Draft Minutes
3. Chapter 35 (Councilor April Fournier)
Amendment to Chapter 35 to allow onsite non-alcoholic beverage preparation.
 - a. Public Comment
 - b. Committee Discussion and Vote
4. Childcare Proposal (Councilor Anna Bullett, Char)
 - a. Staff Memo (Kaela Gonzalez, Housing & Economic Development)
 - b. Public Comment
5. Warming and Cooling Shelter Planning (Caity Hager, Emergency Management Coordinator)
 - a. Staff Memo
6. Public Safety Update (Chad Johnstone, Fire Cheif)
7. Next Meeting: May 12, 2025

Health & Human Services and Public Safety Committee

March 11, 2025, 5:30 PM Remote Meeting

Committee Attendance:

Anna Bullett, Chair (District 4), April Fournier (At-large), Sarah Michniewicz (District 1), Wesley Pelletier (District 2).

Councilor Attendance:

Regina Phillips (District 3)

City Staff:

Adam Harr, Executive Assistant; Mark Dubois, Police Chief; Dena Libner, Assistant City Manager; Greg Jordan, Assistant City Manager; Maggie Mcloughlin, Director of Health and Human Services; Bridget Rauscher, Public Health Director.

1. Announcements

- None.

2. Review and Approval of Minutes from February 11, 2025

- Moved to approve by Councilor Fournier and seconded by Councilor Pelletier. The minutes were approved unanimously 4-0.

3. Pedestrian Safety (Mark Dubois, Police Chief)

- Chief Dubois presented on pedestrian and traffic accidents:
<https://portlandme.portal.civicclerk.com/event/7211/files/attachment/25425>
 - From Jan 2022 to YTD 2025, Portland has had:
 - 146 accidents involving pedestrians.
 - 39% resulted in minor injuries,
 - 34.2% in possible injures,
 - 12.3% in serious injuries, 8.9% in no injuries, and
 - 5.5% resulted in fatalities.
 - Most pedestrian fatalities occur at night and during winter months.
 - Pedestrian accidents mostly occur during clear weather whereas most calls for service occur in inclement weather.
 - Most accidents occur during high volume commute times in the work week.
- Councilor Michniewicz asked can the conditions of the sidewalk at the time of an accident be tracked?
 - Not tracked systematically but there may be detail in the report such as “raining” or “snow.”
 - The conditions that make people feel they need to walk in the street could be insightful.
 - Are pedestrians tested for sobriety?

- Yes, for fatalities or serious injuries based on medical records, on an individual basis.
- Councilor Fournier asked about the Overtime (OT) for traffic detail:
 - 5 days a week, with people working them four out of the five days in 4 hour blocks.
- Councilor Pelletier asked if there is training available to understand why crashes occur?
 - Yes and no: the traffic unit has two people certified in accident reconstruction who made a recommendation to install lighting along the driveway at the HSC after analyzing the 645 Riverside Street accident.
- Councilor Phillips asked how stops for insurance are initiated.
 - They are stopped for something else initially, then cited for not having insurance.
- Councilor Michniewicz asked what staffing is needed to roll traffic enforcement into regular shifts instead of OT?
 - The traffic unit has two people following up on motor vehicle accidents.
 - When we have more staffing, it will be a judgement call between patrol shifts and adding to the traffic unit; there will be a slow accumulation of personnel in both.
 - 10 people are on every team and would assess which team needs personnel the most.
- Councilor Pelletier asked how AAA was chosen as a partner as they a lobbyist for the motor vehicle industry that lobbied for car-centric infrastructure and policy such as creating the concept of jaywalking.
 - They have educational materials and are partners for other informational community events; we do not have materials internally and AAA had them readily available.
 - Can assess a more Portland focus education campaign with local partners.
- Councilor bullet asked how PD feel about traffic safety/speed cameras
 - Illegal in Maine but plate readers are effective for identifying suspect vehicles and drivers with a warrant.
 - Traffic enforcement would be difficult even if we were allowed.
- Vision Zero
 - Memo: <https://portlandme.portal.civicclerk.com/event/7211/files/attachment/25406>
 - Draft resolution out of GPCOG regional plan adopted by Portland.
 - <https://portlandme.portal.civicclerk.com/event/7211/files/attachment/25426>
 - Next steps
 - Adopt GPCOG Vision Zero Plan,
 - Adopt goal to eliminate traffic fatalities by 2045,
 - Quick action plan in short term,
 - What design elements may have contributed?
 - Long term work: reworking complete streets policy,
 - Creating a comprehensive transportation plan.
 - Maine DOT has jurisdiction on most streets
 - Need to work with communities at risk.
- Councilor Bullett encouraged people to attend Sustainability & Transportation Committee (S&T)
- Councilor Pelletier asked about the 2045 goal and would prefer ten years. Can this be changed?
 - 20245 aligns with GPCOG's long term plans and we could choose a smaller timeframe.
 - No less than ten years recommended due to the time needed for infrastructure construction.
 - Councilor Fournier likes that there is a quick action plan and would like a target of 2035 or 2030.

- Councilor Fournier asked the process be explained to the public.
 - Going to S&T for a vote on the resolution.
 - 20 years has already gone out to the public but can ten years can be talked about tomorrow.
 - Once approved it goes to council without a second read.
 - When it appears on the Council agenda is TBD.
 - Once Council approves it will go back to S&T for the quick action plan.
- There is a public safety update every meeting; next meeting is the Fire Department update to discuss recent fires.

4. Policy Consideration Re: The State of Childcare (Councilor Anna Bullett, Chair)

- Starting Strong Policy Recommendations:
<https://portlandme.portal.civicclerk.com/event/7211/files/attachment/25394>
- Using one time-funds aren't sustainable; Councilor Fournier would like to find a way to give ongoing support such as the scholarship.
 - The state subsidy can only be given to people currently employed and currently enrolled in school but not for job seekers and people applying to school.
 - There have been small cohorts of providers providing scholarships for people in this gap using CDBG funding and ARPA money.
- Before and After the Bell; Enrollment has been capped at lower numbers
 - What would it take for the Parks department to serve more kids and to serve pre-k?
 - Portland public pre-k is a lottery.
 - Pre-k is not offered before and after the bell, leading people to have to decline pre-k.
 - What would it take to add pre-k to this program?
 - The more quality early education, the better outcomes later in life.
- Choose one thing to move forward exploring this evening.
 - Councilor Fournier would like to look at the scholarship/subsidy (\$82,00 for the year when funded by ARPA)
 - Assistant City Manager Libner confirmed staff would bring information on what a program would look like and its cost to this committee to make a recommendation via an amendment to the finance committee or action via resolution
 - Is a resolution more permanent versus an amendment?
 - Future Councils cannot be obligated any operating costs and each council would need to affirm funding annually regardless of route.
 - Councilor Bullett supports either an amendment or resolution.
 - Councilor Fournier supports an amendment.
 - Councilor Pelletier and Michniewicz agreed.

5. Staff Update re: Opioid Settlement Funds Request for Grant Applications (Maggie McLoughlin, Health & Human Services Director)

- Signed on to the nationwide settlement from Opioid manufacturers in 2017. Funds will go for 18 years and must be used for opioid abatement strategies.
- The Council Decided to allocate funds to three programs: syringe services program, methadone treatment, and day space.
- Day space and methadone treatment program on peninsula RFAs
 - Received applications
 - 4 for methadone

- 1 for day space
- Of the \$1.3 million available in funding, the total ask to fund all programs that applied was \$4.5 million, showing a large gap between requests and availability.
- One applicant is already moving forward leasing up on the peninsula.
 - There will be a methadone clinic on peninsula, regardless of city investment.
- Funds a re time limited with an initial 1.3 million then smaller and smaller funds. As methadone treatment needs will be met, the committee prioritized day space.
- Day space: Commonsense request \$1.3 million to use 14 Baxter boulevard, owned by HUD via PHA.
 - Seeing if we can pursue a lease.
 - This may take some time.
 - Working to refine the application.
 - Not sure how long it will take to secure the lease.
- Councilor Fournier asked if there a final end date if the lease does not seem to be able to move forward to help the methadone services if they are not already in operations.
 - What is the contingency for the day space project being unable to move forward?
 - Staff recommendations are based on feasibility; if things seem to be progressing we will stick with Commonsense.
 - We do not expect it taking more than three months to know if the Day space project is viable.
- Councilor Michniewicz asked if there is community outreach planned.
 - The Commonsense application includes outreach to the neighboring areas, setting up a neighborhood advisory committee.
 - Outreach will happen further in the process when there is less uncertainty.
 - Committee/Council Approval is not required but the City Manager is looking for such approval; part of that process will have opportunity to engage the public in advance and during Committee/Council meetings.
- Are the opportunities for matching funds to help retrofit the space?
 - Premature, but we will explore that as part of the refining process such as city staff doing some interior work.

6. Staff Update re: Syringe Services Program (Bridget Rauscher, Public Health Director)

- Memo: <https://portlandme.portal.civicclerk.com/event/7211/files/attachment/25399>
- Operational improvement plan:
 - Decrease number of improperly disposed syringes.
 - Client education to return to the exchange or community sharps containers.
 - Syringe redemption program.
 - Harm reduction ambassador program.
 - Improved ratio of safely disposed / return syringes.
 - Staff increased cleanup; every member of the team is doing increased community cleanup without supplanting time serving clients.
 - Added 5 new community sharps boxes that are metal and able to withstand weather and tampering.
 - Distributed 1,100 personal sharps containers to clients.
 - Held focus groups with clients to know what they are doing with their syringes and barriers to community or personal sharps containers.
 - Shame and stigma.

- Improve data systems.
 - Improved Arc GS mapping.
 - Improved collaboration with Parks.
 - Collected municipalities/zip coeds from clients.
 - 97% within Portland.
 - 90% reported 04101 as their zip code.
 - Most of the remaining 3% live in a town near Portland.
 - Tracking rate of return to target outreach for people who have low rates of return.
- Respond to neighborhood concerns.
 - Went to one neighborhood association meeting
 - Narcan training
 - Promote syringe reporting resources: see click fix.
- Syringe redemption project
 - Launched in January.
 - Opioid settlement funds awarded for one year period.
 - Result: substantial increase in returned syringes.
 - 58% increase in syringes collected at the exchange overall in the six weeks following the program start (76,554 pre-program vs. 120,793 post-program).
 - 76% reduction in observed improperly disposed syringes by exchange staff.
 - 19% (42 encounters) returned more than 200 syringes, exceeding the maximum weekly redemption amount.
- What is the disposal cost?
 - Contracting with biohazard collection is factored into our budget but has increased with the growth of the community need and program.
- Ambassadors have a small stipend for a 6 month period to then allow others to participate.
 - Not having an address is a barrier to the stipend, red tape that affects clients experiencing homelessness.
 - Uses Overdose Data to Action (OD2A) funding.
- People must be exchange clients in order to access the redemption program.
- People can request a sharps container form the Public Health Director; we will work with Parks to install.
- Most syringes are returned to the exchange, but some are disposed of elsewhere such as public restroom sharps containers/community sharps boxes. surrendering to access shelter, they moved; there are many reasons but most regular users of the exchange return to us thanks to our ease of access being open all day, Monday through Friday.

Other business

- Chapter 35
 - Councilor Fournier said a potential change to chapter 35 to discuss a business that was preparing beverages on site. The business had until January 31st to remedy and asked for assistance on amendments to the chapter. Chapter 35 was worked on HHS&PS and HEDC and decided this committee to take up later in our work plan. Councilor Fournier asked the committee to move this item to the next meeting.
 - Councilor Bullett supports moving it to next month's agenda.
 - Councilor Pelletier and Councilor Michniewicz support expediting to the next meeting.

- Next steps:
 - Staff to give background on what a change to Chapter 35 would look like. (Fiscal impact, operational considerations)
 - Will be next meeting, if Corporation Counsel has capacity to draft an order for consideration in time for next meeting.

7. Next Meeting: April 8, 2025

- NOTE: the next meeting is postponed to April 10, 2025.

Councilor Bullet entertained a motion to adjourn. Councilor Michniewicz moved to adjourn, Councilor Pelletier seconded; the motion passed unanimously 4-0 and the meeting adjourned at 7:14 PM.

DRAFT

Rules & Procedure for Public Testimony

Council committees use the City Council rules for public testimony. You can find the complete rules in the *Rules of Procedure for the City Council, Rule 31. Procedure for Addressing Council*. This document is available on the City Website:

<http://www.portlandmaine.gov/DocumentCenter/View/1184>

Below is a summary of the main points:

- If you wish to speak, please raise your hand or line up.
- When you are recognized by the Chair, you will have up to three (3) minutes to offer your comments. Please begin by stating your name and where you live.
- While someone is speaking, others in attendance will not interrupt.
- There should be no expressions approval or disapproval (applause, snapping, boos, hissing).
- Remarks shall be confined to the merits of the pending item.
- The Chair may limit or cut off any commentary that is not germane or that is scurrilous, abusive, or not in accord with good order and decorum.
- Any person who shall continue to violate these rules, after warning by the Chair, may be ejected for the remainder of the meeting then in progress.

City of Portland | Permitting and Inspections
Jessica Hanscombe, *Director*



To: Health and Human Services and Public Safety Committee
From: Jessica B. Hanscombe, Director
Date: April 7, 2025
RE: Staff Feedback on Proposed amendment to Chapters 35, 15

MEETING DATE

April 10, 2025

AGENDA ITEM

Proposed Amendments to Chapter 35, Chapter 15.

PURPOSE

Amend Chapters 35 and 15, Code of Ordinances to allow Marijuana Retail Stores to operate as a Restaurant Use with nonalcoholic beverage preparation. .

COMMITTEE WORK PLAN

This item is included on the HHS & PS Committee’s 2025 Work Plan.

BACKGROUND

Chapter 35 of the Code of Ordinance currently prohibits the preparation of food or drinks at Marijuana Retail Stores. The stores are currently allowed to sell pre-packaged food and drinks with a City and State of Maine Prepackaged Food Service License. The definition of Packaged can be found in the Maine State Food Code, which has been adopted by reference:

(73) Packaged.

(a) "Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a Food Establishment or a Food Processing Plant

When the ordinance was created in 2019-2020, allowing for only Marijuana products and paraphernalia was deemed best practice. As part of the process of creating the ordinance, staff researched regulations by other states and Canada that were already licensing Marijuana retail businesses. Some, not all, states now allow it as part of the license for a “social club”. At this time, the State of Maine does not allow for Social Clubs.

Proposed changes to the Code to allow for a new license classification type, also has the potential to impact all 38 Marijuana Retail Stores, as well as future licensees. These additional

requirements would require City of Portland staff to train and educate on the requirements of the Maine State Food Code and how to prevent cross-contamination.

When Chapter 35 was adopted by the City of Portland, there was a cap of 20 Retail Stores. The voters removed that cap in November of 2020, which doubled staff's workload of Retail stores alone. The one dedicated Marijuana employee is currently past their capacity for the almost 100 licensed Marijuana businesses in the City of Portland. This new license classification would increase their workload if a large percentage of current licensees and new applicants chose to apply. PID would need to hire an additional Inspector to assess compliance with license requirements which ensure the safety of retail customers.

FISCAL IMPACT

\$102,802.61-Additional Marijuana Inspector (CEBA 18-M-SP) This includes salary, benefits, equipment, uniform, training

CHAPTER 35.

CHAPTER 35. MARIJUANA BUSINESSES.

- Art. I. Temporary Adult Use Marijuana Testing Licenses, §35-1**
- Art. II. Administrative Provisions, §35-2 - 35-7**
- Art. III. Regulation of Marijuana Businesses**
 - Div. 1. Applicability §35-8 - 35-11**
 - Div. 2. General License Requirements, §35-12 - 35-23**
 - Div. 3. Specific License Requirements, §35-24 - 35-31**
 - Div. 4. Performance Standards, §35-32 - 35-46**

ARTICLE I. TEMPORARY ADULT USE MARIJUANA TESTING LICENSES

35-1. Temporary Adult Use Marijuana Testing License.

(a) An adult use marijuana testing facility may apply for a temporary license to conduct business so long as all of the following criteria are met:

1. The applicant has received a conditional license from the State of Maine;
2. The testing facility has received site plan approval and/or a building permit for either an adult use or medical marijuana testing facility;
3. The applicant has designated an emergency contact who is available to respond to all emergency contacts by the City within one hour and to non-emergency contact by the City within 24 hours;
4. The facility will have security features sufficient to prevent the diversion of marijuana and marijuana products, and to protect the health and safety of owner, patrons, City officials, and the public;
5. The facility will have waste disposal measures sufficient to prevent diversion of marijuana or marijuana product, and to prevent contamination of land, water, and sewer;

6. The facility will mitigate odor in such a manner so as to eliminate the smell of marijuana at the property boundary or at any adjoining use of the property, whichever is closer;
7. The applicant has provided a floor plan for the facility;
8. The applicant has provided an operations plan for the facility; and
9. The applicant has disclosed all chemicals, solvents, and similar substances to be used in the facility.

(b) Except as otherwise provided in this section, the provisions of Chapter 15 shall apply to all licenses applied for and issued under this Section.

(c) Any temporary license granted under this section will expire six months after the effective date of an ordinance that provides for full licensing of adult use marijuana testing facilities. After the expiration of any temporary license, a testing facility must cease operations unless and until it obtains a full license under the relevant ordinance. The granting of a temporary license under this section shall not automatically entitle an adult use marijuana testing facility to a full license, and an adult use marijuana testing facility must meet all requirements of the relevant ordinance.

(d) Applicants for a temporary license shall pay a \$500 application fee. If the applicant subsequently applies for a full license within the same twelve-month period, the application fee for the full license shall be waived, but the applicant shall be required to pay the licensing fee. Any full license will be dated back to the initial date of the temporary license.

(e) This section will expire six months after the effective date of an ordinance that provides for licensing of adult use marijuana testing facilities.

(Ord. No. 162-19/20, 4-27-2020)

ARTICLE II. ADMINISTRATIVE PROVISIONS

35-2. Definitions.

Except as otherwise specified, the definitions in Chapter 14 shall apply to this Chapter.

Disqualifying conviction shall mean any of the following: (1) any felony conviction where the conviction or completion of any sentence, whichever is more recent, has been completed within the last ten years; or (2) any conviction for a drug related crime other than a felony, but not including convictions for marijuana related crimes, where the conviction or completion of any sentence, whichever is more recent, has been completed within the last five years.

Disqualifying violation shall mean, within the previous five years, the non-payment or late payment greater than 30 days of any tax or fee on more than one occasion; any citation for licensing, land use, life safety, building, fire, health, or similar violation that was not corrected within the timeframe required by the City; any suspension, revocation, or denial of any license or permit; any false statement on a City form or application; and any other significant failure to comply with City ordinances. Disqualifying violations shall not include parking tickets. Disqualifying violations shall not include late payments greater than 30 days of any taxes or fees that occurred during the period of the COVID-19 pandemic between March 30, 2020 and September 30, 2020 provided that all outstanding balances have been paid in full by October 16, 2020.

Manual processing shall include the extraction, processing, or manufacturing of marijuana using only mechanical methods that do not involve the use of chemicals or solvents other than water or ice; and the infusion of marijuana in typical cooking fats and food additives.

Marijuana means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" includes marijuana concentrate but does not include hemp as defined in 7 M.R.S. §2231(1), or a marijuana product.

Marijuana business shall mean any individual or entity cultivating, harvesting, manufacturing, processing, testing, selling or transferring, delivering, or otherwise engaging in any activity with respect to marijuana for profit within the City.

This shall include registered dispensaries, but shall not include (1) individuals cultivating and processing marijuana for their personal consumption; or (2) caregivers who are not required to be registered pursuant to 22 M.R.S. Chapter 558-C.

Mobile sales shall include sales directly from motor vehicles or vessels, tours, catering, or temporary off-site sales (including but not limited to "pop-up" events, farmer's markets, fairs, festivals, concerts, trade shows, or similar). Mobile sales shall not mean authorized deliveries from licensed businesses.

(Ord. No. 166-19/20, 5-18-2020; Ord. No. 108-20/21, effective 7-1-2020; Ord. No. 44-23/24, 10-16-2023)

35-3. Enforcement.

(a) This Chapter shall be enforced by the City Manager and his/her designee(s).

(b) Each day that a violation of this Chapter exists shall be a civil violation subject to the following:

1. *Civil penalties.* Each violation of this Chapter shall be subject to civil penalties in the minimum amount of \$100 and the maximum amount of \$2,500 per day that the violation has existed. However, the maximum amount of civil penalties may be increased where:
 - a. There has been a previous violation or judgment against the same party within the past two years for a violation of this Article, except that the maximum civil penalties may not exceed \$25,000 per day; or
 - b. The economic benefit resulting from the violation exceeds the applicable penalties, except that the maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation.
2. *Posting against occupancy.* In addition to any other remedies provided by this Code, the City may take all necessary steps to immediately shut down any marijuana business and post the business and the space that it occupies against occupancy for any of the following violations:
 - a. Operating a marijuana business without a valid City and state license;

- b. Failure to allow entrance and inspection to any City official on official business after a reasonable request;
- c. Allowing the use or consumption of marijuana or marijuana products on the premises of the marijuana business; and
- d. Any other violation that the City determines has the potential to threaten the health and/or safety of the public, including significant fire and life safety violations.

(c) The City Manager or his/her designee is authorized to cause to be instituted by the corporation counsel, in the name of the City, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Chapter.

(d) If the City is the prevailing party in any legal action to enforce this chapter, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

(Ord. No. 166-19/20, 5-18-2020)

35-4. Appeals.

Appeals of decisions made pursuant to this Chapter shall be as follows:

(a) An appeal from a decision to issue, issue with conditions, deny, or revoke a license pursuant to Article III may be appealed to Superior Court pursuant to M.R. Civ. P. 80B by a party with standing.

(b) An appeal from any notice of violation, suspension, revocation, or similar enforcement action under this Chapter may be appealed to the City Manager or his/her designee by a party with standing within ten business days of the written decision taking such action. An appeal from any decision of the City Manager may be appealed to Superior Court pursuant to M.R. Civ. P. 80B.

(Ord. No. 166-19/20, 5-18-2020)

35-5. Reserved.

35-6. Reserved.

35-7. Reserved.

(Ord. No. 166-19/20, 5-18-2020)

ARTICLE III. REGULATION OF MARIJUANA BUSINESSES

DIVISION 1. APPLICABILITY

35-8. Applicability.

This Article will apply to the operation of any marijuana business, as defined, within the City.

(Ord. No. 166-19/20, 5-18-2020)

35-9. Reserved.

35-10. Reserved.

35-11. Reserved.

(Ord. No. 166-19/20, 5-18-2020)

DIVISION 2. GENERAL LICENSE REQUIREMENTS

35-12. Licensing Requirements.

(a) Chapter 15 to apply. Except as otherwise provided in this Article, the provisions of Chapter 15 shall apply to all licenses applied for and issued under this Article.

(b) Operating without a license prohibited. No individual or entity may operate a marijuana business within the City without first obtaining a license from the City.

(c) Burden of proof. The applicant for any license under this Article bears the burden of proving that all qualifications for licensure have been satisfied.

(d) Current information. Any applicant or licensee must keep all information disclosed in their application current and must notify the City of any change in information within ten business days of any such change.

(e) No vested rights. No person shall have any entitlement or vested right to a license under this Article, and operating a marijuana business is a privilege and not a right in the City.

(f) Licenses not transferable. Licenses issued pursuant to this Article are not transferable. However, retail and dispensary licenses shall be transferable in accordance with Sec. 35-43 until the effective date of federal legislation allowing federally regulated financial institutions to serve marijuana businesses, or

the removal of the cap on marijuana retail stores and dispensaries in Sec. 35-43(i).

(g) Multiple licenses. An individual or entity may hold multiple licenses under this Article, except that an individual or entity may not hold more than one retail and/or dispensary license, or have an interest in an entity that holds more than one retail and/or dispensary license, until after January 1, 2025.

(Ord. No. 166-19/20, 5-18-2020)

35-13. License Types.

The City has established the following license types for marijuana businesses:

(a) Cultivation - Tier 1. A tier 1 marijuana cultivation license shall allow the license holder to cultivate up to 500 sq. ft. of marijuana plant canopy, and to sell harvested, unprocessed marijuana, marijuana plants, or seedlings at wholesale.

(b) Cultivation - Tier 2. A tier 2 marijuana cultivation license shall allow the license holder to cultivate up to 2,000 sq. ft. of marijuana plant canopy, and to sell harvested, unprocessed marijuana, marijuana plants, or seedlings at wholesale.

(c) Cultivation - Tier 3. A tier 3 marijuana cultivation license shall allow the license holder to cultivate more than 2,000 sq. ft. of marijuana plant canopy, and to sell harvested, unprocessed marijuana, marijuana plants, or seedlings at wholesale.

(d) Dispensary. A dispensary license shall allow a registered dispensary to sell marijuana in accordance with Title 22, Chapter 558-C of the Maine Revised Statute.

(e) Manufacturing - Manual. A manual manufacturing license shall allow the license holder to manufacture marijuana using manual processing only.

(f) Manufacturing - High Hazard. A high hazard manufacturing license shall allow the license holder to manufacture marijuana using chemicals and solvents in addition to manual processing methods.

(g) Retail - Medical. A medical marijuana retail license shall allow a registered caregiver to sell marijuana in accordance with Title 22, Chapter 558-C of the Maine Revised Statutes.

(h) Retail - Adult Use. An adult use marijuana retail license shall allow the license holder to sell adult use marijuana in accordance with Title 28-B of the Maine Revised Statutes.

(i) Small Scale Caregiver. A small scale caregiver license shall allow a registered caregiver to engage in the business of a small scale caregiver, as defined in Chapter 14, including cultivation, manual processing, and limited sales to patients, as defined.

(j) Testing. A marijuana testing license shall allow the license holder to engage in the business of testing medical and/or adult use marijuana for third parties.

(Ord. No. 166-19/20, 5-18-2020)

35-14. Licensing Procedure.

(a) Applications submission. All applications for licenses under this Article shall be submitted to the Business Licensing Office on forms provided by the City, and shall include all required information, attachments, and fees. No application will be considered unless and until it is complete, as determined by the Business Licensing Office.

(b) Review and recommendation by City departments. The following City departments shall review all applications and recommend whether to issue, issue with conditions, or deny the permits applied for.

1. The Permitting and Inspections Department shall review all applications for compliance with this Article, Chapters 6, 14, 10, and 15 of this Code, as applicable, and all other matters within its purview.
2. The Police Department shall review the security plans submitted by each applicant, as well as any disqualifying convictions of the applicant and associated individuals, and all other matters within its purview.
3. The Fire Department shall review all applications as to compliance with Chapter 10 of this Code, other fire and life safety concerns, and all other matters within its purview.
4. Other City staff or departments shall review and provide recommendations on applications as necessary to adequately evaluate the applications.

(c) Hiring of third party professionals. Where the City determines that it is necessary for an applicant to hire a third party professional to complete any portion of the application, the City may require an applicant to hire a professional with qualifications sufficient to satisfy the City.

(d) City consultation with third party experts. Where the City determines that it is necessary for the City to consult with a third party expert on an application or portion of an application, it may do so and charge the costs of that third party expert consultation to the applicant. Before doing so, however, the City shall give notice to the applicant of its determination of need, including the basis for that determination; the third-party that the City proposes to engage; and the estimated fee for the third-party consultation. The applicant shall have the opportunity to provide feedback to the City on its determination before the City engages the third party.

(e) Licensing decisions. Applications for any license shall be granted, granted with conditions, or denied by the City Manager or his/her designee. Conditions may be imposed on any license issued pursuant to this Article, as necessary to protect the health, safety, and welfare of the public.

(f) Allocation of retail licenses. Retail licenses shall be considered as follows:

1. The City Manager shall establish an opening date and a closing date for applications in the initial year in which licenses become available. This shall be considered the First Round of applications for retail licenses.
2. Upon submission of an application for a given round of licensing, the City will perform a completeness review and establish that the applicant has a complete application and meets the minimum qualifications.
 - a. If the application is complete and the applicant meets the minimum qualifications, the City will assign the application a numerical score based on the criteria outlined in subsection (f)(3) below.
 - b. If the application is incomplete, the applicant will be notified of the incompleteness and given one week to correct any incompleteness. If the application is still incomplete after that time,

the City will reject the application. The applicant may reapply, but any second or subsequent application will be treated as a new application.

3. Notwithstanding the cap in Sec. 35-43(i), and the dispersal requirements in Sec. 35-43(h), all qualified applicants who submit a complete application in the First Round of licensing shall be awarded tentative approval for a marijuana retail license. After the First Round, no additional licenses shall be awarded until the number of licensees falls below the cap, and all new licensees must meet the dispersal requirements and all other requirements of this Code.
4. Applicants with the highest point totals shall be chosen first for tentative approval for a license. Where two or more applicants cannot be awarded tentative approval due to either the 100' dispersal requirement, or other limitations in this ordinance, tentative approval will be awarded, as between those two or more applicants, based on a lottery.
5. If the application is tentatively approved, the applicant will have one year from tentative approval to open the retail business, including obtaining all final state and local approvals, building permits and approvals, certificates of occupancy, and any other local approvals or permits necessary to operate. If the applicant fails to meet the one-year deadline, it forfeits its tentative approval. The applicant may reapply, but any second or subsequent application will be treated as a new application. This paragraph shall not be construed to require a licensee to make retail sales.
6. A licensee who has its license revoked, or who fails to timely renew its license, shall forfeit its right to renew its retail license. The licensee may reapply, but any second or subsequent application will be treated as a new application.
7. Licensees who have a medical marijuana retail license may convert to an adult use retail license, so long as they meet the requirements for such license and pay the licensing fees. Licensees who have an adult use retail license may convert to a medical marijuana retail license, so long as they meet the requirements for such

license and pay the licensing fees. A licensee who chooses to convert its license will be treated as a renewal license, and not a new applicant for purposes of the dispersal requirement. Applicants with a pending application for a medical marijuana retail license may convert to an adult use retail application. Applicants with a pending application for an adult use retail license may convert to an application for a medical marijuana retail application. An applicant who chooses to convert its application will not be treated as a new applicant for purposes of the dispersal requirement outlined in Sec. 35-43.

8. Following the First Round of applications, the City Manager shall accept future applications on a first-come-first-served basis and may maintain a wait list for up to one year. However, if there are two or more applications that are submitted on the same business day and that cannot all be granted due to some limitation in this Chapter, any available license shall be awarded by lottery.

(Ord. No. 166-19/20, 5-18-2020; Ord. No. 105-20/21, 11-9-2020; By Referendum, 11-3-2020; Ord. No. 261-21/22, 8-8-2022)

35-15. License Application.

Applications for all licenses under this Article shall be on forms provided by the City. In addition to any other information deemed necessary by the City, applicants shall provide the following information:

(a) *General application.*

1. The name, mailing address, physical address, and phone number of the business, as well as any other available contact information, including email address, fax number, website, etc.
2. The name, mailing address, phone number, and email address of the following:
 - a. The individual or corporate owner of the marijuana business;
 - b. A community relations liaison, as described in Sec. 35-33;

- c. A person with a physical address in the City who is authorized to accept service of process on behalf of the marijuana business; and
 - d. An emergency contact, as described in Sec. 35-33.
2. A general description of the business, including hours of operation, type of business, etc.
 3. The license being applied for.

(b) *Corporate entity supplement.* Where the marijuana business is a corporate entity, the applicant must disclose the name, mailing address, phone number, and email address of each and every individual or corporate owner, officers, directors, managers, general partners, shareholders, and/or other parties responsible for the marijuana business.

(c) *Background check information and consent.* Where a background check of any kind is required by this Code, the applicant must provide all relevant information sufficient to conduct the background check, as well as any necessary consents.

(d) *Landlord permission.* Notarized, written permission from the owner of the property where the marijuana business proposes to operate for the applicant to operate the marijuana business for which the applicant is applying, or a copy of a fully executed lease agreement specifically allowing the use of the leased space to be used as they type of marijuana business applied for.

(e) *State authorizations.* Applicants must provide evidence of all required state authorizations, including evidence of a caregiver registration in good standing, a conditional license pursuant to Title 28-B, food license, and any other required state authorizations.

(f) *Security plan.* A security plan, which shall be kept confidential, and which shall be sufficient to prevent the diversion of marijuana and marijuana products, and to protect the health and safety of owner, patrons, City officials, and the public.

1. The security plan shall, at a minimum, address all of the security requirements included in Sec. 35-36.
2. The City may require any reasonable modifications to the security plan that it deems necessary to prevent diversion and protect the public safety.

3. A copy of the approved security plan shall be maintained at the licensee's site at all times and shall be made available to any City representative upon request. Any modifications to the security plan before or after licensing must be reviewed by the Police Department.

(g) *Waste disposal plan.* A waste disposal plan, which shall be sufficient to prevent diversion of marijuana or marijuana product, and shall be sufficient to prevent contamination of land, water, and sewer; and

1. The waste disposal plan shall, at a minimum, address all of the waste disposal requirements included in Sec. 35-39, and all waste disposal requirements otherwise included in this Code, including, but not limited to, Chapters 24 and 32.
2. The City may require any reasonable modifications to the waste disposal plan that it deems necessary.

3. A copy of the approved waste disposal plan shall be maintained at the licensee's site at all times and shall be made available to any City representative upon request. Any modifications to the waste disposal plan before or after licensing must be reviewed and approved by the City.

(h) *Odor mitigation plan.* An odor mitigation plan, which shall be sufficient to eliminate the smell of marijuana at the property boundary or at any adjoining use of the property, whichever is closer.

1. The odor mitigation plan shall at a minimum, address all of the odor mitigation requirements included in Sec. 35-40.
2. The City may require any reasonable modifications to the odor mitigation plan that it deems necessary, including requiring that the plan be designed by a qualified, licensed professional engineer.
3. A copy of the approved odor mitigation plan shall be maintained at the licensee's site at all times and shall be made available to any City representative upon request. Any modifications to the odor mitigation plan before or after licensing must be reviewed and approved by the City.

(i) *License specific requirements.* A licensee must provide the additional information specific to the license being applied for, as described in Sec. 35-24 through 35-28.

(j) Any other information that the City Manager decides is necessary to evaluate an application under this Article.

(Ord. No. 166-19/20, 5-18-2020)

35-16. Performance Guarantee Required.

(a) For all marijuana businesses, other than small scale caregivers and marijuana testing facilities, a performance guarantee shall be required in the amount of the cost of winding down the marijuana business, including proper disposal of all marijuana, marijuana plants, and marijuana product; disposal of chemicals and solvents; disposal of specialized equipment; and resolution of any outstanding compliance issues.

(b) The performance guarantee shall be supplied before the issuance of the final license.

(c) This requirement may be satisfied by surety bond, letter of credit, escrow account, or by evidence, acceptable to the City, of the financial and technical ability and commitment of the applicant or its agents to wind down the business in full compliance with all federal, state, and local requirements.

(d) At the sole discretion of the City Manager or his/her designee, the marijuana business may be released from its obligation to maintain the performance guarantee after three years of successful and responsible operation of the marijuana business in a manner acceptable to the City.

(Ord. No. 166-19/20, 5-18-2020)

35-17. Fees and Costs.

(a) The initial application fee, annual licensing fee, and expiration date for licenses issued under this Article shall be as listed in Chapter 15 of this Code. Application fees shall be due only for the initial application, or any time that the applicant makes substantial changes to the licensed business and requires re-approval.

(b) Applicants shall also be responsible for paying the City's reasonable expenses associated with the review of an application, including:

1. Any required criminal background checks;

2. Any costs of notification; and
3. The cost of any independent, third-party review, where the City determines it is necessary to effectively evaluate an application.

(c) Application fees and any expenses charged pursuant to this section shall be non-refundable.

(d) Upon request of the applicant, the annual licensing fee may be refunded if the applicant 1) withdraws its application prior to the granting of the license; 2) is denied a marijuana business license; or 3) notifies the City that it is abandoning its license prior to opening the marijuana business. Refunds must be requested within 60 days of withdrawal, denial, or abandonment.

(Ord. No. 166-19/20, 5-18-2020)

35-18. Minimum Qualifications for Individual Applicants.

All natural persons who apply for a license under this Article shall meet all of the following requirements:

- (a) Be at least 21 years of age;
- (b) Not have any disqualifying convictions or currently be subject to prosecution for any disqualifying conviction;
- (c) Not have any disqualifying violations;
- (d) Not have been an owner, officer, director, manager, general partner, shareholder, or other responsible party in any corporate entity with disqualifying violations within the past two years;
- (e) Not have any revocation or suspension of a marijuana-related license, permit, certificate, or registration;
- (f) Not be employed by any state agency or City department with regulatory authority over the marijuana business, including the City Executive Department, Police Department, Permitting and Inspections Department, Planning Department, Fire Department, and Corporation Counsel's Office; and
- (g) Not be a law enforcement officer.

(Ord. No. 166-19/20, 5-18-2020)

35-19. Minimum Qualifications for Corporate Applicants.

All corporate or other entities who apply for a license under this Article shall meet all of the following requirements:

- (a) Be formed or organized under the laws of the State of Maine;
- (b) Be in good standing with the Maine Secretary of State;
- (c) Not have any disqualifying violations within the past two years; and
- (d) Have all officers, directors, managers, and general partners be natural persons who meet the minimum requirements for an individual applicant in 35-18 above.

(Ord. No. 166-19/20, 5-18-2020)

35-20. Suspension and Revocation.

(a) Grounds for suspension. In addition to the grounds for suspension enumerated in Chapter 15, the following shall be grounds for suspension of a license pursuant to this Article:

- 1. Any event or condition that would have disqualified an applicant from obtaining an original license, until that disqualification is resolved to the satisfaction of the City;
- 2. The licensee has failed to timely supplement its license information, as required;
- 3. The licensee has failed to file any required reports or furnish any information, as required; and
- 4. The licensee has knowingly permitted, encouraged, failed to prevent, or failed to remedy a violation of this Article.

(b) Length of suspension. Any first suspension pursuant to this Article may not exceed six months after the resolution of the condition that formed the grounds for suspension. Any second and subsequent suspensions may not exceed one year after the resolution of the condition that formed the grounds for suspension.

(c) Grounds for revocation. In addition to the grounds for revocation enumerated in Chapter 15, the following shall be grounds for revocation of a license pursuant to this Article:

- 1. Failing to timely remedy any condition in (a) above;

2. Repeated significant violations of this Article; and
3. Any event that would have disqualified the license from initially obtaining a license.

(d) Length of revocation. Any license revocation shall prohibit the licensee from being an owner, officer, director, manager, general partner, shareholder, and/or otherwise responsible for any marijuana business for one year after the resolution of the condition that formed the grounds for revocation.

(e) Procedures for suspension or revocation. Suspension or revocation proceedings shall be conducted by the Permitting and Inspections Department pursuant to the following procedures:

1. Prior to suspension or revocation, a licensee shall be given notice of the reasons that the City is considering the action and an opportunity to be heard.
2. Where the reason for suspension or revocation could reasonably threaten health, safety, and/or welfare, a license may be suspended without notice and hearing, so long as notice and an opportunity to be heard is provided as soon as practicable.
3. Suspensions or revocations will be issued in writing.

(Ord. No. 166-19/20, 5-18-2020)

35-21. Reserved.

35-22. Reserved.

35-23. Reserved.

(Ord. No. 166-19/20, 5-18-2020)

DIVISION 3. SPECIFIC LICENSE REQUIREMENTS

35-24. Cultivation Licenses.

In addition to the requirements provided elsewhere in this Article, an applicant for any tier of cultivation license must also provide the following:

- (a) The amount of plant canopy to be grown;
- (b) Floor plans, including the location of mature, immature, and seedling plants, storage areas, office areas, etc.;

(c) Operations plan, including growing and fertilizing methodology, inventory control, transportation, overview of policies and procedures, and similar information;

(d) Quality control plan detailing the testing protocols and schedules to ensure the safety of the marijuana being cultivated;

(e) Disclosure of chemicals, fertilizer, pesticides, and similar substances - whether organic or synthetic - to be used in the cultivation process, the quantities of such substances, and the Safety Data Sheets for any covered products to be used in the operation;

(f) Written certification by a qualified engineer that the cultivation facility, equipment, and operation meet all requirements of Chapter 38 of NFPA 1, as adopted by Chapter 10 of this Code;

(g) Written certification by a Maine certified Master Electrician that the cultivation facility and operation meets all electrical standards adopted by the State of Maine and/or the City; and

(h) If the applicant intends to offer mobile delivery (if permissible under their State license), applicant must complete a mobile security form available through Permitting and Inspections, and must provide proof of the following:

1. Copy of Current registration and motor vehicle insurance for any vehicle which could be used for any mobile operations of the marijuana business;
2. Copy of valid driver's license for all listed employees who could potentially be conducting mobile operations.

(Ord. No. 166-19/20, 5-18-2020; Ord. No. 44-23/24, 10-16-2023)

35-25. Manufacturing Licenses.

In addition to the requirements provided elsewhere in this Article, an applicant for a manufacturing license must also provide the following:

(a) Description of manufacturing processes to be used, including extraction methods;

(b) Floor plans, including the location of processing equipment, storage areas for marijuana, chemicals and solvents, and other items; office areas, etc.;

(c) Operations plan, including intake and inventory control, transportation, overview of policies and procedures, and similar information;

(d) Quality control plan detailing the testing protocols and schedules to ensure the safety of the products being manufactured;

(e) Disclosure of chemicals, solvents, and similar substances to be used in the cultivation process, the quantities of such substances, and the Safety Data Sheets for any covered products to be used in the operation;

(f) Written certification by a certified professional engineer, licensed by the State of Maine, that the manufacturing facility, equipment, and operation meet all requirements of Chapter 38 of NFPA 1, as adopted by Chapter 10 of this Code;

(g) Written certification by a Maine certified Master Electrician that the manufacturing facility and operation meets all electrical standards adopted by the State of Maine and/or the City;

(h) Where a licensee will manufacture food or food products, the licensee must also provide proof of licensing pursuant to the Maine Food Code and Chapter 11 of this Code; and

(i) If the applicant intends to offer mobile delivery (if permissible under their State license), applicant must complete a mobile security form available through Permitting and Inspections, and must provide proof of the following:

1. Copy of Current registration and motor vehicle insurance for any vehicle which could be used for any mobile operations of the marijuana business;
2. Copy of valid driver's license for all listed employees who could potentially be conducting mobile operations.

(Ord. No. 166-19/20, 5-18-2020; Ord. No. 44-23/24, 10-16-2023)

35-26. Retail and Dispensary Licenses.

In addition to the requirements provided elsewhere in this Article, an applicant for a retail license must also provide the following:

(a) Total square footage of the facility under the control of the applicant and dedicated to the retail facility or dispensary and ancillary activities;

(b) Floor plans, including the location of retail space, storage areas for marijuana products, areas dedicated to the sale of non-marijuana products, office areas, etc.;

(c) Operations plan, including overview of policies and procedures, including policies and procedures to prevent sales to minors, and similar information;

(d) Documentation that the marijuana retail facility or dispensary meets the dispersal requirements of Sec. 35-43; and

(e) If the applicant intends to offer mobile delivery (if permissible under their State license), applicant must complete a mobile security form available through Permitting and Inspections, and must provide proof of the following:

1. Copy of Current registration and motor vehicle insurance for any vehicle which could be used for any mobile operations of the marijuana business;

2. Copy of valid driver's license for all listed employees who could potentially be conducting mobile operations.

(Ord. No. 166-19/20, 5-18-2020; Ord. No. 44-23/24, 10-16-2023)

35-27. Small Scale Caregiver License.

In addition to the requirements provided elsewhere in this Article, an applicant for a small scale caregiver license must also provide the following:

(a) Total square footage dedicated to the small scale caregiver use;

(b) Total plant canopy;

(c) Floor plans, including the location of mature, immature, and seedling plants, storage areas, office areas, etc.;

(d) Quality control plan detailing the testing protocols and schedules to ensure the safety of the products being manufactured;

(e) Operations plan, including overview of policies and procedures, including policies and procedures to prevent sales to minors and to ensure that the small scale caregiver operation does

not exceed the five patients in one calendar month, and similar information; and

(f) If the applicant intends to offer mobile delivery (if permissible under their State license), applicant must complete a mobile security form available through Permitting and Inspections, and must provide proof of the following:

1. Copy of Current registration and motor vehicle insurance for any vehicle which could be used for any mobile operations of the marijuana business;
2. Copy of valid driver's license for all listed employees who could potentially be conducting mobile operations.

(Ord. No. 166-19/20, 5-18-2020; Ord. No. 44-23/24, 10-16-2023)

35-28. Marijuana Testing License

In addition to the requirements provided elsewhere in this Article, an applicant for a retail license must also provide the following:

(a) Floor plans, including the location of testing equipment; storage areas for marijuana samples, chemicals and solvents, and other items; office areas, etc.;

(b) Operations plan, including intake and inventory control, transportation, overview of policies and procedures, and similar information; and

(c) Disclosure of chemicals, solvents, and similar substances to be used in the testing process, the quantities of such substances, and the Safety Data Sheets for any covered products to be used in the operation.

(Ord. No. 166-19/20, 5-18-2020)

35-29. Reserved.

35-30. Reserved.

35-31. Reserved.

(Ord. No. 166-19/20, 5-18-2020)

DIVISION 4. PERFORMANCE STANDARDS.

35-32. Applicability.

Except where otherwise indicated, the performance standards in this Division shall apply to all marijuana businesses.

(Ord. No. 166-19/20, 5-18-2020)

35-33. Cooperation with municipal officials.

(a) The City Manager's designees shall be permitted to enter any marijuana business during regular business hours for the purpose of making inspections, and examining and copying records.

(b) Each and every person responsible for the management or control of the marijuana business must afford free access to every part of such establishment and to render all aid and assistance necessary to enable the City to make a full, thorough and complete examination thereof to determine compliance with this Article.

(c) Each marijuana business shall designate a community relations liaison, who shall be responsible for receiving and responding to inquiries from, and reasonably addressing concerns raised by, members of the public and other individuals.

(d) Each marijuana business shall designate an emergency contact who shall respond to all non-emergency contacts by the City within 72 hours of contact, and to any emergency contact by the City within two hours of contact.

(Ord. No. 166-19/20, 5-18-2020)

35-34. Record retention Requirements.

In addition to those records required to be kept and maintained by the State of Maine, all marijuana business licensee shall also keep the following records:

(a) Invoices of all purchases for the previous two years demonstrating the source of those purchases;

(b) Receipts of all sales for the previous two years;

(c) Testing results, if any, for the previous two years;

(d) A copy of all current state and local licenses; and

(e) Information about each concern addressed to the community relations liaison, including the date and time of the contact; the substance of the concern raised; the contact information of the originator of that contact; the date and time of the licensee's response; and the substance of the response.

(Ord. No. 166-19/20, 5-18-2020)

35-35. Compliance with Approvals.

All licensees under this Article shall comply with their approved plans, including security plans, waste disposal plans, operating plans, odor mitigation plans, and any other plans that are submitted to and approved by the City.

(Ord. No. 166-19/20, 5-18-2020)

35-36. Security Requirements.

All marijuana businesses must implement the following minimum security requirements, which shall also be incorporated into a security plan.

(a) Building security. All fixed locations for a marijuana business shall have the following:

1. Exterior lighting sufficient to deter nuisance activity and facilitate surveillance but not disturb neighbors.
2. A new or existing intrusion alarm system that is professionally monitored by a third party monitoring company and maintained in good working condition. The intrusion alarm system must include a panic button(s) that has the capability of transmitting its signal via City of Portland AES system directly to the City Dispatch Center.
3. Interior electronic monitoring and video cameras. Electronic monitoring and video camera recording records must be maintained for at least 14 days and must be made available to an authorized representative of the City upon request.
4. Exterior electronic monitoring and video cameras. Electronic monitoring and video camera recording records must be maintained for at least 14 days and must be made available to an authorized representative of the City upon request.
5. Consistent and systematic prevention of loitering.
6. Facilities approved by the Police Department or its third party designee for securing cash and all marijuana product packaged for sale as further detailed in regulations to be promulgated by the City Manager.

Regulations shall require facilities sufficient to provide for the safety of employees and the public, and to prevent employee and third party theft and diversion.

7. Any other security features that the Police Department deems necessary to ensure public safety and prevent theft and illegal transfer of marijuana.

(b) Mobile security. All mobile operations of a marijuana business, including pick-ups and deliveries of samples for testing, wholesale products, authorized deliveries, and similar functions shall have the following security:

1. The vehicle may not have identifying marks associating the vehicle with a marijuana business; and
2. The vehicle must have video cameras showing the interior of the vehicle, as well as the exterior of the vehicle, and recordings must be maintained for at least 14 days and must be made available to an authorized representative of the City upon request.

(Ord. No. 166-19/20, 5-18-2020; Ord. No. 261-21/22, 8-8-2022; Ord. No. 44-23/24, 10-16-2023)

35-37. Responsibility for Employees, Guests, and Customers.

(a) A marijuana business shall be responsible for all individuals on their premises.

(b) A marijuana business shall not sell any marijuana product to, or allow an individual to enter or to remain on their premises, who is

1. Disorderly;
2. Intoxicated;
3. A threat to safety; or
4. Has consumed or attempted to consume marijuana on the premises.

(Ord. No. 166-19/20, 5-18-2020)

35-38. Information disclosure requirements.

(a) A copy of the business license issued pursuant to this Article must be prominently displayed at each location of the marijuana business.

(b) The business license number issued to each marijuana business must be clearly disclosed in all written advertising, marketing, and promotional materials.

(c) Each marijuana business must disclose the telephone number of its community relations liaison, after the statement, "For questions or concerns contact [number]" in all written advertising, marketing, and promotional materials; and must be prominently displayed at each location of the marijuana business.

(d) A sign, prominently displayed near the entrance to the marijuana business stating the minimum age to enter the business and, if a retail store, the minimum age to purchase products from the retail store.

(Ord. No. 166-19/20, 5-18-2020)

35-39. Waste Disposal Requirements.

(a) No marijuana, marijuana products, marijuana plants, or other marijuana waste may be stored outside, other than in secured, locked containers.

(b) No marijuana, marijuana products, marijuana plants, or other marijuana waste may be disposed of unless and until it has been modified such that it is not useable.

(c) All waste and wastewater from any marijuana facility must be treated such that it will not create excessive odors, contamination, or pollution.

(d) No waste from a marijuana business may be disposed of in residential trash.

(Ord. No. 166-19/20, 5-18-2020)

35-40. Odor Mitigation Requirements.

The smell of marijuana shall not be detectable at the property boundary and/or at any adjoining use of the same property. A marijuana business licensee is responsible for taking any and all measures necessary to ensure that this standard is met.

(Ord. No. 166-19/20, 5-18-2020)

35-41. Labeling.

Any marijuana business that sells marijuana or marijuana products at retail, must label all products as follows:

(a) All marijuana must be in labeled containers meeting the requirements of this section.

(b) All required statements must be in a font and size that is readily legible to the average person.

(c) Where applicable, the label must contain the following:

1. A statement that the marijuana or marijuana product contains THC;
2. If the marijuana or marijuana product has been tested for quality, purity, or potency, and any such representations are made about the marijuana or marijuana product, the following must be disclosed in close proximity to that representation:
 - a. The name, location, and license number of the testing facility
3. If the marijuana or marijuana product has not been tested for quality, purity, and/or potency by an independent third party, a statement that the product has not been tested for quality, purity, and/or potency.

(Ord. No. 166-19/20, 5-18-2020)

35-42. Limitations on the Production and Sale of Marijuana Food Products.

The following limitations apply to the manufacture and sale at wholesale or retail of food or beverage products containing marijuana:

(a) Marijuana products may not be manufactured or sold in a shape or design that is intended to appeal to minors;

(b) Marijuana or marijuana derivatives may not be added to commercially available products that do not otherwise contain marijuana; and

(c) Marijuana food and beverage products may not be manufactured, processed, or packaged in the same kitchen or room, or using the same equipment, as non-marijuana food and beverage products.

(Ord. No. 166-19/20, 5-18-2020)

35-43. Additional Retail Store and Dispensary Requirements.

Marijuana businesses licensed pursuant to this Article must also meet the following performance standards:

(a) Hours of operation. Marijuana retail stores and dispensaries may only be open to the public between the hours of

7:00 a.m. and 10:00 p.m. daily, and no sale or other distribution of marijuana may occur on the premises outside of those hours.

(b) Age restrictions.

1. A medical marijuana retail store may not allow any individual under the age of 18 to enter their premises, including as an employee.

2. An adult use marijuana retail store may not allow any individual under the age of 21 to enter their premises, including as an employee.

3. Any delivery made under this Article must be to an adult 21 years of age or older or to a qualifying medical patient under Maine law.

(c) On-premises consumption of any marijuana products is not permitted.

(d) Other uses prohibited. Marijuana retail stores and dispensaries may only not have the following uses ~~other than marijuana retail or other retail~~ on the premises:

1. Licensed marijuana retail sales and licensed marijuana dispensary sales; ~~including entertainment or restaurant uses, except that the~~

2. Sales of pre-packaged, ready-to-eat foods that are not prepared on site, subject to a FSE (food service establishment) - "No food preparation on premises" license;

3. Sales and of ready-to-drink non-alcoholic beverages, shall be allowed provided the applicant has an subject to a FSE - "No food preparation on premises" license; ~~appropriate food service license.~~

4. Sales of non-alcoholic beverages prepared on site subject to a FSE - "With preparation limited to non-alcoholic beverages only" license.

(e) Education requirements.

1. Marijuana retail stores and dispensaries must have a sign, prominently displayed by the point of sale, informing customers of:

a. The dangers of over consumption;

- b. The impact that marijuana has on brain development;
 - c. That consumption of marijuana is illegal at the federal level and that consuming marijuana could impact employment, immigration status, the right to own firearms, the right to a commercial driver's license, and other rights;
 - d. That consumption of marijuana and marijuana products in public is illegal; and
 - e. Additional information as required by rules promulgated by the Department of Health and Human Services.
2. The City shall draft acceptable language for the signs required by this subsection. Any marijuana retail store or dispensary wishing to use alternative language must receive prior approval from the City's Department of Health and Human Services.

(f) Fixed location sales and delivery.

1. Mobile sales are specifically prohibited.
2. Mail order, telephone, internet or similar remote sales are specifically prohibited.
3. Notwithstanding the provisions of this section, a small scale caregiver, medical marijuana retail store, and/or dispensary may make deliveries of marijuana products to a qualifying patient whose medical certificate has been verified in person.

(g) Drive through windows. A marijuana retail store or dispensary may not use a drive through window, or any other outdoor space to sell marijuana or marijuana products.

(h) Dispersal requirement. A marijuana retail facility or dispensary may not be located within one hundred (100) feet of any other marijuana retail facility or marijuana dispensary, as measured along or across public ways, in a straight line, from any entrance that is accessible to the public.

This distance restriction shall not apply to one adult use and one medical marijuana retail facility or dispensary that 1) share the same or immediately adjoining space; 2) have common ownership; 3) have consistent naming and branding; and 4) are permitted by the state to share such space.

The distance restriction shall also not apply to an existing dispensary or medical marijuana retail store operating with a City business license, a change of use permit, certificate of occupancy, and/or a site plan approval prior to September 1, 2019, so long as that dispensary or medical marijuana retail store does not apply to convert to an adult use retail store.

(i) [Repealed by referendum, 11-3-2020.]

(j) Annual training. Each manager of any marijuana retail store or dispensary, and all front line staff of each marijuana retail store or dispensary and any staff conducting mobile retail deliveries must attend a City-approved training within ninety days of beginning in that position and then annually thereafter. Employing a manager or front line staff that does not have the required training may be grounds for suspension. If the training program is provided by the Department of Health and Human Services, the Department shall charge a fee for the cost of this class.

1. Retail stores must submit a list of employees annually with their license renewal, along with verification that they have successfully completed a City-approved training program.

(k) Transfer of retail and dispensary licenses. The ownership of a retail or dispensary licensee may only be transferred subject to the following limitations:

1. No more than 25% of the ownership interests in a licensee may be transferred in any five-year period.
2. Any transfers of interest in a retail or dispensary license occurring before January 1, 2025 must not impact any of the licensee's points calculated under Sec. 35-14(f)(3).
3. Any new owners must meet all requirements of this Chapter and be approved by the State of Maine.

(Ord. No. 166-19/20, 5-18-2020; By Referendum, 11-3-2020; Ord. No. 44-23/24, 10-16-2023)

35-44. Signs.

In addition to the sign regulations contained in Chapter 14 of this Code, all signage in connection with a marijuana business, whether adult use or medical, shall comply with the requirements for signs under Title 28-B of the Maine Revised Statutes, and any regulations adopted thereunder.

(Ord. No. 166-19/20, 5-18-2020)

35-45. Other Prohibitions.

(a) On-premises consumption. Consumption of marijuana on the premises of any marijuana business is prohibited.

(b) Outdoor growing. Marijuana plants may not be grown outdoors and may only be grown within a fully enclosed and secured structure.

(c) Indoor air quality. A marijuana business may not use any chemical, process, or methodology that would result in compromised indoor air quality, including the use of technology such as sulfur pots.

(d) Giveaways and samples prohibited. Marijuana businesses may not distribute marijuana or marijuana products free of charge.

(Ord. No. 166-19/20, 5-18-2020)

35-46. Insurance and Indemnification.

(a) Each marijuana business, other than a small scale caregiver, shall procure and maintain occurrence based commercial general liability coverage in the minimum amount of \$1,000,000.00 per occurrence for bodily injury, death, and property damage.

(b) Each small scale caregiver shall procure and maintain occurrence based commercial general liability coverage in the minimum amount of \$500,000.00 per occurrence for bodily injury, death, and property damage.

(c) Evidence of insurance required herein shall be a condition of the issuance of any license under this article, and shall be submitted to the City prior to obtaining the final license. Certificates shall guarantee ten days' notice to the City of termination of insurance from the insurance provider or agent. The City's acceptance or lack of acceptance of such evidence shall not be construed as a waiver of the applicant's obligation to obtain and maintain such insurance as required by this article.

(d) By accepting a license from the City for a marijuana business, the licensee knowingly and voluntarily waives, releases and discharges the City from all claims, causes of action and

demands, both known and unknown, which it has ever had, or may have against the City, or any of its officers, agents, employees, representatives, insurers, successors and assigns for 1) any injuries, damages, or liabilities resulting from the arrest, prosecution, or other consequence of the marijuana business or its parties of control for a violation of local, state, or federal laws, rules, or regulations; and 2) any claim by a third party against the marijuana business.

(e) To the fullest extent permitted by law, the licensee 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, the costs of defense and attorney's fees arising out of, resulting from, or relating to the performance of any license issued to licensee under this Article or the operation of the licensee's marijuana business. Such obligation of indemnification shall not be construed to negate or abridge any other obligation of indemnification running to the City which otherwise exists. The extent of the indemnification provision shall survive termination of any license issued to a licensee under this Article and shall not be limited by the provision for insurance in this Article.

(f) This article shall not be construed as imposing upon the City or any official, agent, or employee of the City, any liability or responsibility for damages to any person resulting from or in relation to the performance of this license, nor shall the City or any official, agent or employee of the City be deemed to have assumed any such liability or responsibility by reason of inspections authorized herein, or the issuance of any license.
(Ord. No. 166-19/20, 5-18-2020)

Chapter 15 LICENSES AND PERMITS*

***Cross reference(s)**--Uniform procedure for assessments, § 1-16; administration, Ch. 2; funds due to city, § 2-201 et seq.; permits for burglar alarm systems, § 2.5-17; license for bottle clubs, § 3-26 et seq.; license for amusement devices, § 4-26 et seq.; license for music, dancing and special entertainment, § 4-51 et seq.; license for gaming, § 4-81 et seq.; license for sidewalk tanks and pumps for petroleum products, § 10-116 et seq.; inspection performance requirements, § 11-37; license for food service establishments, § 11-46 et seq.; license for street vendors, § 19-29 et seq.; license for transient sales, § 19-56 et seq.; license for pawnbrokers, junk dealers, secondhand dealers and flea markets, § 23-26 et seq.; excavator license, § 25-119; license for wreckers and vehicle towing, § 28-286 et seq.; licenses for taxicabs and limousines, § 30-31 et seq.; licenses for horse-drawn cabs, § 30-42 et seq.

Art. I. In General, §§ 15-1--15-14.5

Art. II. Reserved, §§ 15-15--15-20

Art. III. State Liquor Licenses and Special Entertainment Licenses, § 15-21

Div. 1. Renewals, §§15-21--15-30

Div. 2. Site Restriction, §§15-31--15-40

Div. 3. Training Requirements, §§15-41--15-43

ARTICLE I. IN GENERAL

Sec. 15-1. Definitions.

Words used in this chapter shall have their common meanings except that, as used in this chapter or in chapters related to this chapter, the following terms shall have the meanings set forth in this section, unless the particular licensing provision, or the context in which the term appears, clearly establishes that a different meaning was intended:

Actual ownership interest shall mean and include any legal or equitable interest in either the licensed firm, corporation, partnership or other entity, or the assets of that entity which are the subject matter of the license, other than any mortgage or security interest created solely as security for valuable consideration. In the case of stock in a corporation, the term shall be limited to those persons who individually or collectively have an interest in more than one-half of the voting shares of the

corporation. In the case of a limited partnership, the term shall not include ownership of limited partnership shares.

Bona fide nonprofit organization shall mean and include a bona fide nonprofit, charitable, educational, political, civic, recreational, patriotic or religious organization, which is organized under the provisions of 13 M.R.S.A. § 901, or 13-B M.R.S.A. § 201, or which is recognized as such by the Internal Revenue Service under 26 U.S.C.A. § 501(c) (3).

Bottle club means any person operating on a regular basis a premises for social activities in which members or guests provide their own alcoholic beverages.

Disqualifying criminal conviction shall mean and include any conviction for any criminal offense punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but shall not include any conviction which is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or the equivalent under the law of the sentencing jurisdiction has been granted, or which is not rationally related to the purpose of licensing the particular activity or device.

Person aggrieved shall mean and include any person whose license is suspended or revoked or whose license application is denied by any administrative official charged with responsibility for the granting or supervision of any license.

Principal officers shall mean and include the applicant and any officer, director, partner, owner, manager, or person who either has an actual ownership interest in the entity or directs any policy of the entity.

(Code 1968, § 901.3; Ord. No. 231-80, 12-22-80; Ord. No. 562-84, § 1, 4-23-84; Ord. No. 183-84, 9-24-84; Ord. No. 165-15/16, 3-7-2016)

Cross reference (s) --Definitions and rules of construction generally, § 1-2.

Sec. 15-2. Applicability.

(a) It is the sense of the city council that, to the extent practical, licensing procedures within the city should be uniform, and should be conducted at all times so as to give the maximum degree of protection to the licensee consistent with protection of the public health, safety and welfare. To that end, this chapter shall apply to all licenses and permits issuable by the city

through the Permitting and Inspections Department, and all licenses and permits issued by the state to which the city council have a right or duty to offer recommendations, comments, or to consent, set forth in this Code. Notwithstanding the aforesaid, any more stringent licensing or other requirement of this Code which is not inconsistent with this chapter, shall be deemed to be an additional requirement of this chapter.

(b) The Director of the Permitting and Inspections Department or his or her authorized designee shall be responsible for licensing of taxicabs and liveries under article II of chapter 30, and all references herein to the Permitting and Inspections Department shall be to the said director in regard to such licensing.

(Code 1968, § 901.1; Ord. No. 231-80, 12-22-80; Ord. No. 562-84, § 2, 4-23-84; Ord. No. 294-04/05, 6-20-05; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-3. License required.

(a) No person shall engage in, operate any business, or use or permit the use of any device for which one (1) or more licenses are required by this Code or permit others operating under such licenses to act, without having obtained each and every such license required therein and shall not operate or use such license or device during any time that the applicable license has been suspended or after revocation as provided herein.

(b) A license may be issued pending receipt of the criminal history report from the State Bureau of Identification for pawnbrokers, junk dealers, secondhand dealers and flea markets as defined in Section 23-16, provided that the Permitting and Inspections Department has received all other documentation required for the issuance of such license and a copy of the applicant's criminal history record from the Portland Police Department, which criminal history record does not contain a disqualifying criminal conviction. If, after issuance of the license, the Permitting and Inspections Department receives a criminal history report from the State Bureau of Identification that contains disqualifying information, the Permitting and Inspections Department shall immediately move to suspend or revoke the license pursuant to Chapter 15 Section 15-8(a)(6) of the City Code.

(c) Any person engaged in, or operating any business or activity, or who uses or permits the use of any device for which a

license is required, shall procure a license for each and every such business activity, device or location of each activity or device unless this Code specifically provides to the contrary.

(d) Every license shall be exhibited in a conspicuous place on the premises, device or vehicle at all times that the premises, device, or vehicle is open to the public.

(Code 1968, § 901.2; Ord. No. 231-80, 12-22-80; Ord. No. 152-02/03, 2-3-03; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-4. Licensing authority.

(a) All licenses shall be issued, denied, suspended or revoked and all hearings shall be held by the Permitting and Inspections Department except as expressly provided in this Code. The Permitting and Inspections Department is authorized to notify the state licensing division of bureau of alcoholic beverages that the city council consent to the extension of existing state liquor licenses to city licensees pending the next meeting of the city council.

(Code 1968, § 901.4; Ord. No. 231-80, 12-22-80; Ord. No. 576-81, § 1, 3-16-81; Ord. No. 361-82, 1-4-82; Ord. No. 562-84, § 3, 4-23-84; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-5. Applications.

(a) All applications shall be made in writing on a form provided by the Permitting and Inspections Department. Each application submitted to the Permitting and Inspections Department shall state the name and business address of each applicant, the license desired, location to be used, if any, the date of the application, and such additional information as may be deemed necessary or useful by the Permitting and Inspections Department in determining whether such permit or license applied for should be issued.

(b) Other papers:

(1) Any application for a license for which a criminal conviction is a disqualification under this Code shall be accompanied by a written waiver of the applicant's right to privacy or confidentiality under the State Criminal History Records Act [16 M.R.S.A. § 611 et seq.] and otherwise to the extent necessary for the Permitting and Inspections Department, acting through the chief of police, to determine whether or not such disqualification exists.

- (2) If the applicant is other than a natural person, the names of all principal officers shall accompany the original application.
- (3) A statement to the fact that no employee or officer of the city is beneficially interested in the license or licenses, or in lieu thereof, a statement of the names of such employees or officers as are beneficially interested.
- (4) In the case of a renewal, the licensee shall submit to the Permitting and Inspections Department on a form provided by the Permitting and Inspections Department, a certified ownership report for the previous twelve (12) month period. Such report, among other things, shall list the names of all persons, or groups of persons acting in concert who at any time during the period had an actual ownership interest.
- (5) Any organization claiming status as a bona fide nonprofit organization shall furnish sufficient evidence of such status.

(Code 1968, § 901.5; Ord. No. 231-80, 12-22-80; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-6. Fees.

(a) *Application fees.* Except as expressly provided, all applications for original licenses or for the consent of the city council, other than a flea market seller, temporary FSE or auction license, shall be accompanied by an administrative fee of forty-five dollars (\$45.00) to defray the cost of processing the application. All applications for renewal of licenses shall be accompanied by the fees for issuance and an administrative fee of thirty-five dollars (\$35.00), except for a flea market seller to defray the cost of processing the application. In any case where notice by publication or mail is required, the applicant shall pay the cost of publication and postage in advance. Application fees shall not be refundable.

- (1) Applications for any original licenses pursuant to Chapter 35, other than licenses for Small Scale Caregivers, shall be accompanied by an administrative fee of five hundred dollars (\$500.00). Applications for renewal of licenses pursuant to Chapter 35, other than

licenses for Small Scale Caregivers, shall be accompanied by an administrative fee of two hundred and fifty dollars (\$250.00).

- (2) Applications for original Small Scale Caregiver Licenses shall be accompanied by an administrative fee of fifty dollars (\$50.00). Applications for renewal of Small Scale Caregiver Licenses shall be accompanied by an administrative fee of forty dollars (\$40.00).

(b) *Appeals fee.* Appeals from determinations of the Permitting and Inspections Department shall be accompanied by a filing fee of twenty-five dollars (\$25.00) and the appellant shall also pay the full cost of publication and postage in advance, if such notice is required. For the purposes of this subsection, notice by publication shall be deemed to apply to the hearing on appeal whenever the requirement of publication would exist in the first instance. Appeals fees shall not be refundable except that, upon a successful appeal, the Permitting and Inspections Department shall credit the appeal fee toward the fee for issuance and shall refund any excess.

(c) *Filing fees.* Whenever any document, other than an application for any license, is required or permitted to be filed with the Permitting and Inspections Department in connection with any license, and no fee for such filing is otherwise prescribed, the fee for filing such document shall be two dollars (\$2.00) for the first page, and one dollar (\$1.00) for each page thereafter. Filing fees shall not be refundable.

(d) *Fees for issuance.* Fees for issuance of licenses shall be as provided in section 15-12. Fees for issuance shall be refundable in the amounts, and under the conditions, as set forth in a policy adopted by the Permitting and Inspections Department.

(e) *Late fees.* An additional fee shall be charged for issuance of any license after expiration of the holder's prior license, unless the application for the renewal license was filed prior to such expiration. The additional fee for issuance or renewal of any license applied for after the applicant has commenced the activity, or has permitted the use of the device to be licensed prior to such issuance, shall be ten dollars (\$10.00) or five (5) percent per month of the fee for issuance, whichever is greater, but shall not exceed the fee specified in this chapter for issuance of that license. Late fees shall not be refundable.

(f) *Proration.* The fee for issuance of an original license, unless issued late as provided in subsection (e), and which is issuable on an annual basis, but which when issued will not give the licensee twelve (12) full months use prior to expiration, shall be reduced by ten (10) percent for each full month that licensee will not have the use of the license, but in no case shall the license fee be reduced by more than fifty (50) percent. Notwithstanding the foregoing, there shall be no proration of the fee for excavators' licenses issued pursuant to chapter 25, article VII of this Code.

(g) *Fees to be cumulative.* Fees provided for in this section shall be deemed cumulative and shall be in addition to any other fee or fees required for the issuance of any permit under section 15-12. Where a maximum license fee is established by the state, the fees set by this chapter shall be deemed cumulative to the extent of such maximum fee.

(h) *Refunds where activity subsequently prohibited.* If, during the unexpired term of the license, a licensed activity is subsequently prohibited by amendment to this Code, the Permitting and Inspections Department shall refund to the licensee a portion of the license fee in accordance with the formula for proration of fees set forth in section 15-6(f).

(Code 1968, § 901, 6; Ord. No. 231-80, § 901.6, 12-22-80; Ord. No. 554-81, § 901.6, 3-2-81; Ord. No. 40-82, 6-21-82; Ord. No. 554-85, 5-14-85; Ord. No. 210-85, § 1, 10-21-85; Ord. No. 30-87, 7-6-87; Ord. No. 424-89, 5-15-89; Ord. No. 247-04/05, 5-16-05; Ord. No. 224-09/10, 5-17-10; Ord. No. 203-11/12, 6-4-12; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-7. Investigation of applicant.

(a) Upon receipt of an application for any license or permit, other than a renewal application substantially identical to the original application, the Permitting and Inspections Department shall inquire of other city departments, as appropriate, for comments as to whether a license may be granted consistently with the provisions of the laws and ordinances enforced by such departments. In all appropriate cases, the building authority shall verify that the premises to be used for the proposed activity comply with the building code, electrical code, plumbing code and zoning ordinance, and if applicable, state junkyard screening law; the health authority shall cause inspections to be made of the proposed location of any premises dispensing food or liquor; the fire chief shall cause inspection to be made for the purpose of determining if city ordinances, a state law, or state regulations

concerning fire and safety have been complied with; and if the license is not issuable to any class of persons, the police chief shall cause an investigation to be made of the principal officers or persons to be licensed. All such persons shall report to the Permitting and Inspections Department in writing, and copies of any such report shall be deemed a public record.

(b) Whenever a criminal background check is done prior to issuance of a license, any cost of such background check which is charged to the City by another agency shall be added to the fees to be paid by the applicant.

(Code 1968, § 901.7; Ord. No. 231-80, 12-22-80; Ord. No. 115-84, § 1, 8-6-84; Ord. No. 247-02/03, 5-19-03; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-8. Standards for denial, suspension or revocation.

(a) *Grounds.* In addition to any other specific provision of this Code authorizing such action, a license or permit may be denied, suspended or revoked upon a determination of the existence of one (1) or more of the following grounds:

- (1) Failure to fully complete the application forms; knowingly making an incorrect statement of a material nature on such form; or failure to supply any additional documentation required or reasonably necessary to determine whether such license is issuable, or failure to pay any fee required hereunder;
- (2) The licensed activity, or persons on the premises for the purpose of participating in the licensed activity, or persons patronizing the licensed device have caused one (1) or more breaches of the peace; or
- (3) There is a clear danger that a breach of the peace will occur if the licensed activity is permitted; or
- (4) The licensed activity or persons patronizing the licensed premises will substantially and adversely affect the peace and quiet of the neighborhood, whether or not residential, or any substantial portion thereof;
- (5) The licensee has violated any provision of this Code in the course of the conduct of the activity or device for which the license or licenses have been applied for, or have been issued; or

- (6) The occurrence of any event subsequent to issuance of the license which event would have been a basis for denial of the license shall be grounds for revocation thereof; or
 - (7) The applicant's or licensee's real or personal property taxes, or final judgments due and payable to the city, are determined to be in arrears as of the date of the license or application; or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued have not been paid in full as of the date of the license or application. Real or personal property taxes or final judgments that are less than thirty (30) days past due at the time of the license or permit application, that are less than \$500.00, or that are determined by the City Manager of his or her designee to not be owed as per §2-203(f) shall not be considered in arrears for purposes of this section.
- (b) *Hearings.*
- (1) Except as expressly provided in this Code, no license to which this chapter applies may be revoked or suspended without prior notice to the licensee, and after a hearing.
 - (2) In the case of the suspension or revocation of a license, a hearing shall be given to the licensee and a generalized statement of the nature of the complaint constituting the basis for the proposed action shall be included in the notice of hearing. Unexcused failure of licensee to appear at the hearing shall be deemed a waiver of the rights to said hearing.
 - (3) Upon a determination that immediate and irreparable harm will be suffered by the public prior to the time that a hearing on suspension or revocation of a license can be scheduled and a finding of probable cause for such suspension or revocation, the Permitting and Inspections Department may suspend a license, pending hearing, effective upon the giving of actual notice to the licensee; provided that the Permitting and Inspections Department shall give an opportunity to be heard as soon as practicable thereafter. At any hearing, the licensee shall be given the opportunity to answer the complaint

and to present evidence. The complainant shall also be notified of the hearing and given the opportunity to be heard.

- (4) All suspensions or revocations shall be upon substantial evidence and all hearings shall be conducted with substantial fairness and strict adherence to the rules of evidence shall not be required.
- (5) All hearings on suspension or revocation of licenses shall be held within thirty (30) days of delivery to licensee of the generalized statement of complaint.

(c) *Abandoned licenses.* The applicant shall pay the issuance fee and obtain any license from the Permitting and Inspections Department within thirty (30) days after it has been approved by the Permitting and Inspections Department. Upon failure to pay the issuance fee and obtain the license within said thirty-day period, the approval shall be void and the application deemed abandoned. For good cause shown, the Permitting and Inspections Department may extend the thirty-day period provided such extension does not result in the issuance of the license being delayed more than one hundred eighty (180) days from its approval by the Permitting and Inspections Department.

(Code 1968, § 901.8; Ord. No. 231-80, 12-22-80; Ord. No. 291-83, 12-5-83; Ord. No. 562-84, §§ 4, 5, 4-23-84; Ord. No. 196-88, 11-7-88; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017; Ord. No. 220-17/18, 6-4-2018)

Sec. 15-9. Appeals.

(a) *Procedure.* An appeal to the city manager may be taken by any person aggrieved by the denial, suspension or revocation of a license by the Permitting and Inspections Department by filing a notice of appeal and the prescribed fee with the city manager within thirty (30) days of the decision appealed from, and not thereafter. Every appeal should be in writing and shall state the basis for the appeal. Within two (2) business days of the filing of an appeal, the city manager shall designate himself or any agent or employee to act as hearing designee in the appeal. The hearing designee shall hear the appeal within ten (10) business days after the filing of the appeal and may affirm, reverse or modify the decision appealed from. The taking of an appeal shall not stay a decision appealed from, except that at the request of the licensee, the Permitting and Inspections Department may stay the effective date of a suspension, revocation or denial of a renewal license upon a finding that the public is not likely to suffer any harm

during the pendency of the appeal. In such case, the Permitting and Inspections Department shall make a written finding of his or her decision in this regard and shall notify the appellant.

(b) *Scope of review.* On appeal, the hearing officer shall review the decision of the Permitting and Inspections Department and any disciplinary action taken pursuant thereto to determine whether the decision was based upon substantial evidence and the disciplinary action taken was proportionate to the violation. The hearing officer may take additional evidence with respect to such decision or action and if additional testimony or evidence is taken shall determine the appeal upon all of the evidence, except as provided in this section.

(c) *Appeal to the superior court.* Any person aggrieved by a decision of a hearing officer on appeal may appeal therefrom to the superior court in accordance with the provisions of Maine Rule of Civil Procedure 80B.

(Code 1968, § 901.9; Ord. No. 231-80, 12-22-80; Ord. No. 562-84, § 6, 4-23-84; Ord. No. 182-84, 9-24-84; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-10. Notices of hearing.

(a) *Content.* Whenever a public hearing is required, the Permitting and Inspections Department shall give notice of the time and place of the hearing, the type of license involved, and the nature of the hearing, and the address or location of the property involved.

(b) *Service.* Except as expressly provided, whenever notice by mail is required, such notice shall be mailed by regular United States mail at least ten (10) days in advance of the hearing date. When notice by publication is required, such notice shall be published in a newspaper of general circulation in the city at least once, not more than thirty (30), nor less than seven (7) days before the date of the hearing. Where notice to abutters is required, all owners or occupants of property within five hundred (500) feet of such parcel or tract shall be deemed to be abutters, and service shall be made by ordinary mail at least seven (7) days before the date of the hearing. In the case of abutters, the owners and occupants of property listed in the assessor's records on the last tax date prior thereto, shall be deemed to be the persons to whom notice is to be given. The Permitting and Inspections Department shall take reasonable measures to notify renters in close proximity.

(c) *Notice requirements not mandatory.* Failure of any person other than the applicant or licensee to receive a notice of the public hearing shall not necessitate another hearing and shall not invalidate any action taken as a result thereof, except as otherwise expressly provided by law.

(Code 1968, § 901.10; Ord. No. 231-80, 12-2-80; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-11. License not to be transferable.

(a) No license shall be transferred to any person, to any location, or to any other vehicle or device, and no license fee shall be refunded if the licensed activity is ceased prior to the expiration of the license. All purported transfers not in accordance with this section are void. A license shall be deemed the subject of an attempted transfer whenever there is a sale of the business, vehicle or device, or where there is a change in actual ownership interest. Upon any such event, the licensee shall immediately surrender the license to the Permitting and Inspections Department; except that, in the case of death, bankruptcy or receivership of any licensee, the duly appointed executor or administrator of the deceased licensee or the duly appointed trustee or receiver of the bankrupted licensee or licensee receivership may retain the license and operate under the same for the benefit of the estate with the written permission and approval of the Permitting and Inspections Department until such time as such operation is no longer needed to benefit the estate. Thereafter, such personal representatives, receivers, or trustees shall either return the license to the Permitting and Inspections Department or transfer same to any other person, under order of the court having jurisdiction and upon written notice to the Permitting and Inspections Department. In the interim, between the death of the licensee and the appointment of an executor or administrator, or in cases where no administration of the estate of a deceased licensee is contemplated, the widow or widower or person designated by all of the heirs of the deceased licensee may take over the license upon written notice to the Permitting and Inspections Department. Duly appointed and qualified guardians and conservators of the estate of a licensee may retain the license of their ward during the term of office upon written notice to the Permitting and Inspections Department.

(b) In all cases arising out of this section in which the Permitting and Inspections Department is required to determine the identity or composition of or ownership interests in an applicant or licensee, or to determine whether a transfer of an ownership

interest in an applicant or licensee has taken place, he shall look to the substance rather than the form of transactions and any person aggrieved may appeal the Permitting and Inspections Department's determination to the city manager.
 (Code 1968, § 901.11; Ord. No. 231-80, 12-22-80; Ord. No. 562-84, § 7, 4-23-84; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-12. Fees and expiration dates.

(a) Unless specified elsewhere in this Code, fees for licenses issued pursuant to this Code and the expiration date of each license shall be as follows:

Location in Code	Description	Fee	Expiration Date
Ch. 3, Art. II	Bottle clubs (must obtain FSE and entertainment if applicable)	\$940.00	June 30
Ch. 3, Art. III	Brewery, Winery and On-Premises Consumption Distillery License (must obtain FSE and/or entertainment if applicable)	\$525.00	Concurrent with state liquor license
Ch. 3, Art. III	Small Brewery, Winery and Distillery Manufacturing License	\$250.00	Effective November 1, 2019; Concurrent with state liquor license
Ch. 3, Art. III	Large Brewery, Winery and Distillery Manufacturing License	\$2,000	Effective November 1, 2019; Concurrent with state liquor license

Location in Code	Description	Fee	Expiration Date
Ch. 4, Art. II	Amusement devices (other than adult amusements), per device	\$153.00 for up to 25 and all additional @ \$10.00 per device	Twelve months or concurrent with state liquor license or with any city license
	Adult amusement devices, per location	\$978.00	Twelve months or concurrent with state liquor license or with any city license
Ch. 4, Art. III	Entertainment:		
	Single Entertainment Event - Private Property	\$50	Per event
	Single Entertainment Event - Public Property	\$50	Per event
	Indoor Entertainment	\$500	12 months or concurrent with state liquor license or any city license
	Outdoor Entertainment	\$700	12 months or concurrent with state liquor license or any city license
	Combined Entertainment	\$800	12 months or concurrent with state liquor license or any city license
	Sound Mitigation Review Fee	\$150	Per sound mitigation plan

Location in Code	Description	Fee	Expiration Date
	Expanded Entertainment Addendum	\$100	Per event
Ch. 4, Art. IV	Gaming:		
	Beano	\$104.00	December 31
	Games of chance (application fee pursuant to section 15-6 only)		
Ch. 4, Art. V	Nudity in licensed businesses	\$1,474.00	June 30
Ch. 11, Art. II	Food service establishments (FSE):		
	Temporary FSE:		
	a. Unopened prepackaged food	\$93.00	Three months
	b. Opened or nonprepackaged food	\$93.00	Per event not to exceed two weeks
	Mobile FSE (Chapter 19) a. pushcarts	\$322.00	March 31
	b. Food Trucks	\$546.00	March 31

Location in Code	Description	Fee	Expiration Date
	Street vendor cooler storage space - maximum of 7 sq. ft.	\$38.00 per 3.5 sq. ft. of space	March 31
	FSE-No food preparation on premises	\$181.00	January 31
	FSE-With preparation limited to hot - <u>non-alcoholic</u> beverages only	\$ 142 <u>230</u> .00	January 31
	FSE-With beer and wine take out	\$415.00	January 31
	FSE/Commissary - Food preparation on premises	\$459.00	January 31
	Marijuana Food Processing Establishment	\$459.00	Concurrent with marijuana license
	FSE's with liquor:		
	FSE-Class A lounge (Class X)	\$2,774.00	Concurrent with state liquor license
	FSE-Class A restaurant (Class I)	\$1,873.00	Concurrent with state liquor license
	FSE-Hotel (Class IA)		
	FSE-Class A restaurant/lounge (Class XI)	\$2,326.00	Concurrent with state liquor license

Location in Code	Description	Fee	Expiration Date
	FSE-Qualified catering service (Class I)	\$1,873.00	Concurrent with state liquor license
	Innholder-15 rooms or less	\$1,436.00	Concurrent with state liquor license
	Innholder-16 to 40 rooms	\$1,928.00	Concurrent with state liquor license
	Innholder-more than 40 rooms	\$2,239.00	Concurrent with state liquor license
	FSE-Spirituous license (Class II)	\$611.00	Concurrent with state liquor license
	FSE-Vinous license (Class III)	\$410.00	Concurrent with state liquor license
	FSE-Malt license (Class IV)	\$824.00	Concurrent with state liquor license
	FSE-Malt and vinous license (Classes III and IV combined)	\$906.00	Concurrent with state liquor license
	FSE-Nonprofit club (Class IV with catering or Class V without catering)	\$737.00	Concurrent with state liquor license

Location in Code	Description	Fee	Expiration Date
	FSE-Liquor catering	\$33.00	Per event
	FSE-Temporary (bona fide nonprofit organization) with any spirituous, vinous or malt license and special entertainment	\$65.00	Per 2-day period
	FSE-Auditorium	\$584.00	Concurrent with State Liquor License
	FSE-Civic Auditorium	\$1,851.00	Concurrent with State Liquor License
Ch. 12, Art. VII	Operation of rendering facilities	263.00	September 30
Ch. 16	Massage establishment	\$65.00	September 30
	Combined massage establishment/massage therapist	\$55.00	
	Massage therapist	\$38.00	
	Conditional massage therapist	\$38.00	
Ch. 19, Art. II	Night Street Vendor (must also obtain FSE and street vendor)	\$218.00	
Ch. 19, Art. III	Transient sellers	\$109.00	December 31
Ch. 21	Farmers' Markets on private property	\$26 per vendor	March 31

Location in Code	Description	Fee	Expiration Date
Ch. 23, Art. II	Flea market seller	\$22.00	Last day of February
	Flea market Operator	\$55.00 \$246.00	Per day Annual/March 1st
	Secondhand dealer, junk dealer, pawnbroker ¹ (including used cars)	\$153.00	December 31
	Junk collector	\$26.00	December 31
Ch. 28, Art. IV	Wreckers and vehicle towing	\$278.00	June 30
Ch. 28, Art. VII	Valet Parking	\$ 2 7 3 . 0 0 p e r l o c a t i o n	Twelve months
	Valet Parking Special Event Permit	\$64.00	
Ch. 28, Art. VIII	Licensing of Booting of Motor Vehicles	\$105.00	October 31
Ch. 30, Art. II	Taxicabs and liveries:		
	Taxicab business license	315.00	April 30
	Livery business license	315.00	April 30
	Taxicab driver's license	79.00	April 30

¹ Reflects city practice for junk dealers and pawnbrokers.
15-19

Location in Code	Description	Fee	Expiration Date
	Taxi Replacement license	11.00	
	Livery driver's license	21.00	April 30
	Livery replacement license	11.00	
Ch. 30, Art. III	Horse-drawn cabs	210.00, plus 21.00 per driver	April 30
Ch. 30, Art. IV	Bicycle cabs	105.00, plus 21.00 per driver	April 30
Ch.30, Art. V	Tour companies	315.00, plus 32.00 per vehicle/operator operator	April 30
Ch. 35	Marijuana Cultivation - Tier 1	500.00	Twelve months/concurrent with state license
	Marijuana Cultivation - Tier 2	5,000.00	Twelve months/concurrent with state license
	Marijuana Cultivation - Tier 3	10,000.00	Twelve months/concurrent with state license
	Manufacturing - manual	2,500.00	Twelve months/concurrent with state license
	Manufacturing - high hazard	5,000.00	Twelve months/concurrent with state license

Location in Code	Description	Fee	Expiration Date
	Retail Marijuana - medical	5,000.00	Twelve months
	Retail Marijuana - adult use	10,000	Twelve months/concurrent with state license
	Small Scale Marijuana Caregiver	250.00	Twelve months
	Marijuana Testing	1,000.00	Twelve months/concurrent with state license

(b) Fees for licenses to be established by the city pursuant to state law shall be as follows:

Description	Fee	Expiration Date
Amusements, including images; pageantry; sleight of hand tricks; puppet shows; feats of balancing; wire dancing; personal agility; or dexterity	\$22.00	Per day
Billiards or pool, per table	\$33.00	Twelve months or concurrent with state liquor license or with any city license
Bowling alley, per establishment	\$92.00	April 30
Circus	\$181.00	Per day

Description	Fee	Expiration Date
Circus (bona fide nonprofit organization)	\$27.00	Per day
Going-out-of-business sale	\$104.00	--
Menageries	\$22.00	Per day
Motion picture theatres (other than open-air drive-in) operating more than six (6) months:		
Seating capacity 999 or less, per screen	\$295.00	June 30
Seating capacity 1,000 or more, per screen	\$486.00	June 30
Temporary--One (1) week or less	\$33.00	One week
Temporary--More than one (1) week but less than two (2) months	\$49.00	Two months
Temporary--More than two (2) months but less than six (6) months	\$77.00	Six months
Roller skating rink	\$164.00	June 30

(Code 1968, §§ 302.6, 414.1, 414.5, 712.2, 714.6, 714.7, 901.12; Ord. No. 391-72, 7-5-72; Ord. No. 201-74, 4-17-74; Ord. No. 645a-75, 11-17-75; Ord. No. 231-80, 12-22-80; Ord. No. 553-81, § 1, 3-2-81; Ord. No. 554-81, 3-2-81; Ord. No. 576-81, § 2, 3-16-81; Ord. No. 694-81, 5-18-81; Ord. No. 82-81, § 1, 7-6-81; Ord. No. 392-82, 2-1-82; Ord. No. 564-82, 5-17-82; Ord. No. 565-82, 5-17-82; Ord. No. 566-82, 5-17-82; Ord. No. 510-84, § 1, 4-2-84; Ord. No. 591, 5-21-84; Ord. No. 658-84, 5-30-84; Ord. No. 431-85, § 3, 2-20-85; Ord. No. 554-85, 5-14-85; Ord. No. 212-85, §§ 1, 2, 10-21-85; Ord. No. 116-86, § 1, 3-3-86; Ord. No. 551-86, 5-12-86; Ord. No. 189-87, § 2, 12-7-87; Ord. No. 386-88, 5-16-88; Ord. No. 425-89, 5-15-89; Ord. No. 29-89, 6-19-89; Ord. No. 258-90, 2-21-90; Ord. No.

351-90, 5-21-90; Ord. No. 264-91, 3-4-91; Ord. No. 358-91, 5-20-91; Ord. No. 183-91, 12-2-91; Ord. No. 175-92, 3-16-92; Ord. No. 245-93, 3-22-93; Ord. No. 83-93, § 1, 9-8-93; Ord. No. 94-93, 9-20-93; Ord. No. 221-94, § 2, 2-23-94; Ord. No. 314-94, 5-16-94; Ord. No. 229-95, 4-3-95; Ord. No. 34-95, 7-5-95; Ord. No. 264-96, § 1, 5-20-96; Ord. No. 128-98, 10-19-98; Ord. No. 282-99, §2, 5-17-99; Ord. No. 228-00, §1, 5-15-00; Ord. No. 276-01, 5-21-01; Ord. No. 277-01, 5-21-01; Ord. No. 119-01/02, § 6, 12-3-01; Ord. No. 258-01/02, 5-20-02; Ord. No. 260-01/02, 5-20-02; Ord. No. 246-02/03, 5-19-03; Ord. No. 248-02/03, 5-19-03; Ord. No. 180-03/04, 4-7-04; Ord. No.217-03/04, 5-17-04; Ord. No. 68-04/05, 10-4-04; Ord. No. 247-04/05, 5-16-05; Ord. No. 245-05/06, 5-15-06; Ord. No. 227-06/07, 5-21-07; Ord. No. 196-07/08, 4-28-08; Ord. No. 246, 07-08, 5-19-08; Ord. No. 224-09/10, 5-17-10; Ord. No.229-12/13, 5-20-13; Ord. No. 159-12/13, 4-22-13; Ord. 52-14/15, 9-15-2014;)Ord. 246-14/15, 6-24-2015; Ord. 109-15/16, 11-16-2015; Ord. 181-15/16, 3-21-2016; Ord. 180-15/16, 3-21-2016; Ord. 18-17/18, 8-21-2017; Ord. No. 111-17/18, 11-20-2017; Ord. No. 218-17/18, 5-21-2018; Ord. No. 244, 5-20-2019; Ord. No. 285-19/20, 7-15-2019; Ord. No. 25-19/20, 8-12-2019; Ord. No. 166-19/20, 5-18-2020; Ord. No. 152-19/20, 10-5-2020; Ord. No. 74-21/22, on 10-18-2021, retroactive to 9/13/2021)

Sec. 15-12.1. Waiver of fees.

The city council may, in its discretion, waive or reduce any fee required of any nonprofit organization where the council determines that the purpose of the licensed activity or the funds to be raised by the activity are of direct benefit to the citizens of the city. Additionally, the Permitting and Inspections Department may waive or reduce the fee required of the nonprofit organization for a temporary food service establishment license when the organization demonstrates that it will retain 100 percent of the proceeds of the temporary sale of food.

(Ord. No. 527-82, 5-3-82; Ord. No.230-12/13, 5-20-13; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Editor's note--Ord. No. 527-82, adopted May 3, 1982, added a new § 901.12A to the 1968 Code, which provisions, at the discretion of the editor, have been codified as § 15-12.1 of this Code.

Sec. 15-13. Supplementation of applications.

Whenever a license is in effect, the licensee shall be responsible for notifying the Permitting and Inspections Department in writing of any material change in facts set forth in the application for any license held from the city within seven (7) days thereafter. Failure to comply with this requirement shall be a violation of this chapter.

(Code 1968, § 901.13; Ord. No. 231-80, 12-22-80; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-14. Violations.

In addition to any action which may be taken by the Permitting and Inspections Department or the city council with respect to the suspension or revocation of a license:

(a) Violation of this chapter, or of any licensing provisions of the city governed by this chapter, or of any rule made pursuant thereto shall be a civil violation subject to the penalties of section 1-15; and

(b) The Permitting and Inspections Department is authorized to institute, or cause to be instituted by the corporation counsel, in the name of the city, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this article.

(Code 1968, § 901.14; Ord. No. 231-80, 12-22-80; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-14.5. Inspections.

(a) A licensee must allow any city official who is on duty access to the licensed premises at the same times and in the same manner as access is allowed to the public except that no entry fee may be charged.

(b) A licensee must also allow access to the licensed premises to any city official authorized to determine compliance with federal, state or city law at any reasonable time, including any time that access is allowed to the public.

(c) A violation of this section is grounds for license nonrenewal, suspension, or revocation, in addition to any other penalties authorized by this Code.

(Ord. No. 27-96, 7-15-96)

Editor's note--Ord. No. 27-96, passed Jul. 15, 1996, amended this Code by adding provisions to be included as § 15-15. Such provisions have been redesignated as § 15-14.5 at the discretion of the editor, inasmuch as other provisions were previously codified as § 15-15.

ARTICLE II. RESERVED*

***Editor's note**--Ord. No. 129-98, adopted Oct. 19, 1998, repealed Art. II, Divs. 1 and 2, §§ 15-15--15-20, relative to moratorium on liquor licenses, which derived from Ord. No. 325-92, §§ 1--3, adopted Apr. 23, 1992; Ord. No. 116-92, adopted Oct. 5, 1992; Ord. No. 103-95, adopted Nov. 6, 1995; and Ord.

No. 222-96, adopted May 6, 1996.

- Sec. 15-15. Reserved.**
- Sec. 15-16. Reserved.**
- Sec. 15-17. Reserved.**
- Sec. 15-18. Reserved.**
- Sec. 15-19. Reserved.**
- Sec. 15-20. Reserved.**

**ARTICLE III. STATE LIQUOR LICENSES AND SPECIAL ENTERTAINMENT
LICENSES**

DIVISION 1. RENEWALS.

**Sec. 15-21. Renewal hearings for state liquor licenses or name
changes.**

The City License Administrator is authorized to approve the renewal of State liquor licenses, name changes, or any changes in license classification other than a change allowing the sale of spirituous alcohol, without holding a hearing, unless the License Administrator determines that hearing is necessary, or has received a request from a member of the City Council or a City official for a hearing on a specific application. Hearings shall be held by the City Council.

(Ord. No. 146-96, 1-17-96; Ord. No. 98-03/04, 11-17-03; Ord. No. 285-19/20, 7-15-2019)

- Sec. 15-22. Reserved.**
- Sec. 15-23. Reserved.**
- Sec. 15-24. Reserved.**
- Sec. 15-25. Reserved.**
- Sec. 15-26. Reserved.**
- Sec. 15-27. Reserved.**
- Sec. 15-28. Reserved.**
- Sec. 15-29. Reserved.**
- Sec. 15-30. Reserved.**

***Editor's note-** Pursuant to Council Order 81-09/10, passed on October 19, 2009 repealed Article IV in its entirety and was replaced with Division 2 (Site restriction) and Division 3 (Training requirements).

DIVISION 2. SITE RESTRICTION.

Sec. 15-31. Site restrictions.

The City License Examiner shall not accept an application for a State liquor license of any type for a business that will be located on premises that are the same, or substantially the same, as premises that held a business for which a liquor license of any type was not renewed, for a period of one hundred and eighty (180) days following the later of the date of the non-renewal, or the date of a final decision in any appeal of the non-renewal. Any premises containing some but not all of the original premises shall be considered substantially the same as the original premises.

(Ord. No. 152-03/04, 2-23-04; Ord. No. 81-09/10, 10-19-09)

- Sec. 15-32. Reserved.**
- Sec. 15-33. Reserved.**
- Sec. 15-34. Reserved.**
- Sec. 15-35. Reserved.**
- Sec. 15-36. Reserved.**
- Sec. 15-37. Reserved.**
- Sec. 15-38. Reserved.**
- Sec. 15-39. Reserved.**
- Sec. 15-40. Reserved.**

DIVISION 3. TRAINING REQUIREMENTS

Sec. 15-41. Training requirements for individuals who serve alcohol.

Individuals who serve alcoholic beverages pursuant to a liquor license that allows the service of alcohol for consumption on the premises must complete a server training program certified by the state bureau of liquor enforcement no later than September 1, 2010, or within ninety (90) days of the commencement of his or her employment with a licensee if said employment begins within ninety (90) days of September 1, 2010 or thereafter.

(Ord. No. 81-09/10, 10-19-09)

Sec. 15-42. Record keeping.

Liquor licensees whose license allows the service of alcohol for consumption on the premises shall maintain on the licensed premises, or in the case of a caterer at the principle place of

business, written records of the server training programs completed by individuals who serve alcohol and shall produce those records upon request by the city license administrator, a member of the Portland police department, or an agent of the state bureau of liquor enforcement.
(Ord. No. 81-09/10, 10-19-09)

Sec. 15-43. Failure to meet training requirements.

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).
(Ord. NO. 81-09/10, 10-19-09)

To: Health-Human Services and Public Safety Committee
Councilor Anna Bullett, Chair

MEETING DATE

April 10, 2025

AGENDA ITEM

Agenda Item 4 - Staff Recommendations for a City-funded Childcare Voucher Collaborative Program.

PURPOSE

At the request of the HHS & PS Committee, staff are presenting potential City-funded Childcare Voucher Collaborative Programs for consideration and discussion.

COMMITTEE WORK PLAN/CITY COUNCIL GOAL ALIGNMENT

This item aligns with the Childcare priority included in the Committee's 2025 workplan.

BACKGROUND/ANALYSIS

At its March 11, 2025 meeting the Health and Human Services/Public Safety Committee, discussed the state of childcare. Based on the Committee's discussion during the meeting, staff was asked to prepare information on a Child Care Voucher Program potentially funded by the City in the FY2026 budget.

The Portland Childcare Scholarship Collaborative is an existing program that provides scholarships to low-income families to help with the costs of childcare while they are temporarily ineligible for the State of Maine's Child Care Affordability Program (CCAP) while they look for employment or enroll in school, however, this program currently has a waitlist due to increased need and recent changes in income eligibility. These scholarships help families retain or gain access to childcare while they wait for vouchers from the State, as losing a spot often places them on lengthy waitlists, creating further hurdles.

Currently, the Portland Childcare Scholarship Collaborative consists of four participating child care centers; Youth and Family Outreach, Catherine Morrill Day Nursery, St. Elizabeth's Child Development Center, and Portland Head Start. The Collaborative has served an estimated 845 Portland families since July of 2010. In 2024, the Collaborative received \$160,000 in American Rescue Plan Act funds. Since July 2024, a total of \$53,600 has been expended, averaging \$6,500 a month in program expenses. Youth and Family Outreach, the agency currently managing the Collaborative, has expressed a willingness to expand the Collaborative to include additional providers.

Since Fiscal Year 2002, childcare initiatives in Portland have received CDBG funding totaling \$2.3 million. The uncertainty of federal funding year to year and an increasingly competitive process for CDBG funding puts this program at risk.

Based on information provided by Starting Strong, the current maximum market rate for infants through school-age childcare averages \$317 per week, utilizing rates set by the Maine Department of Health and Human Services, the State agency that oversees the CCAP. Starting Strong is an organization that works with community partners to advocate for early childhood education in Portland. Based on this average, \$200,000 would provide an estimated 630 weeks of childcare for families in need, \$100,000 would provide an estimated 315 weeks of childcare, and remaining at the current level of funding, would provide 252 weeks.

FISCAL IMPACT

The State may change the maximum reimbursement rates, thus affecting the potential number of weeks of childcare that level funding could provide year to year. At this time, we do not anticipate additional staff costs, however that could change. A fiscal impact statement is attached.

CONCLUSION(S)

Funding the expansion of the Childcare Voucher Collaborative Program will increase access to quality, affordable childcare and provide support to families while they seek gainful employment, an education, or to remain employed.

PRIOR COMMITTEE REVIEW

Health and Human Services & Public Safety Committee – March 11, 2025

PREPARED BY

Greg Watson
Director
Housing and Economic Development Department

ATTACHMENTS

Attachment A – Fiscal Impact Statement

Attachment B – [Starting Strong Policy Recommendations](#)

Attachment C – [Maine Department of Health and Human Services Child Care Market Rates July 6, 2024](#)

Attachment D – [CCAP Income Eligibility Guidelines](#)

Formula for New Program Cost on Tax Rate

1) FY25 Valuation:	15,145,000,000	\$15,145,000
2) FY25 Tax Rate (Total City & School): <i>Levy / (Valuation/1000)</i>		\$15.01
(a) FY25 Tax Rate (City):		\$6.57
(b) FY25 Tax Rate (County):		\$0.56
(c) FY25 Tax Rate (School):		\$7.88
3) FY25 Value of \$0.01 of Tax Rate (Total City & School):		\$151,450

Note: FY26 Tax Rate is not available, so FY25 figures must be utilized.

FISCAL IMPACT NOTE	2025		2026		2027	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
New Program Cost Data: \$200,000						
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$200,000		\$200,000		\$200,000
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
New Program Impact to the Tax Rate	\$0.0132	\$0.0132	\$0.0132	\$0.0132	\$0.0132	\$0.0132
New Program % Impact on Tax Rate	0.2010%	0.0880%	0.2010%	0.0880%	0.2010%	0.0880%
Tax Rate Including New Program	\$15.02	\$15.02	\$15.02	\$15.02	\$15.02	\$15.02

FISCAL IMPACT NOTE	2025		2026		2027	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
New Program Cost Data: \$100,000						
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$100,000		\$100,000		\$100,000
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
New Program Impact to the Tax Rate	\$0.0066	\$0.0066	\$0.0066	\$0.0066	\$0.0066	\$0.0066
New Program % Impact on Tax Rate	0.1005%	0.0440%	0.1005%	0.0440%	0.1005%	0.0440%
Tax Rate Including New Program	\$15.02	\$15.02	\$15.02	\$15.02	\$15.02	\$15.02

FISCAL IMPACT NOTE	2025		2026		2027	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
New Program Cost Data: \$80,000						
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$80,000		\$80,000		\$80,000
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000
New Program Impact to the Tax Rate	\$0.0053	\$0.0053	\$0.0053	\$0.0053	\$0.0053	\$0.0053
New Program % Impact on Tax Rate	0.0804%	0.0352%	0.0804%	0.0352%	0.0804%	0.0352%
Tax Rate Including New Program	\$15.02	\$15.02	\$15.02	\$15.02	\$15.02	\$15.02



Policy Recommendations for the City of Portland - Improving Access to Quality Child Care

February 11, 2025

Develop a child care scholarship program

A child care scholarship program supports families access to child care by offering financial assistance. When parents and caregivers have access to affordable child care, they are more likely to remain employed - contributing to a stable workforce which in turn boosts the local economy. A city with robust childcare opportunities and support is more attractive to businesses. Providing child care assistance can help bridge the gap for lower income families and contributes significantly to a child's early development, and better educational outcomes later in life.

The following is an abbreviated version of a process outlined in ["Let's Grow Kids Community Child Care Scholarship Handbook"](#)

Phase 1: Research and Community Engagement

Conduct a Community Needs Assessment

A community needs assessment for child care involves evaluating the demand and supply of services, including whether the current supply meets the needs across different age groups and neighborhoods. Affordability is another key factor, examining the cost of high-quality child care, existing funding sources, and who may be excluded from access. Barriers to expanding and accessing quality care, including affordability and funding limitations, are explored to understand the challenges in meeting needs.

Establish a Scholarship Design Committee

Establishing a scholarship design committee ensures the program has broad community support and is informed by the needs of key stakeholders. The committee should represent important sectors of the community including health care, public education, early childhood education, parents, business, and local government. It is also important to engage individuals with expertise in evaluation to ensure appropriate inclusion of evaluation of impact in the program design.

Phase 2: Design Scholarship Program

Establish guiding principles, target populations, scholarship eligibility, program costs and financing, and delivery model. Potential program designs include direct support to families and/or contracting with child care providers.

Phase 3: Pilot Implementation

Implementing a scholarship program requires a pilot phase to test all aspects of the program. A one-year pilot will allow the opportunity to examine and refine the design, and determine any changes needed to

bring the program to scale. Specifically, the pilot year will allow for testing the delivery model, the program partnerships, the family experience, and the enrollment and payment processes. The evaluation plan developed in the design phase will provide guidance for collecting stakeholder input and design revisions, as well as being one basis for making iterations to the model before implementing beyond a pilot phase.

Phase 4: Evaluation and Continuous Improvement

During the program design phase, the advisory committee should create an evaluation plan for the scholarship program. Focusing on evaluation from the beginning of the project helps establish a culture of continuous improvement for the scholarship program and ensure that data guides every step of the program design and implementation. The evaluation will yield results that could continue to inform and improve the scholarship program while also setting the stage for a larger and longer-term impact evaluation.

Develop a salary supplement program for early childhood educators

A childcare employee salary supplement supports employees by offering financial assistance. Salary supplement programs have been shown to increase employee retention and attract more qualified new teachers.

Phase 1: Program Planning & Design

Identify the program's objectives - this includes determining the specific purpose of the stipend. The next step is to define the eligibility criteria. This involves establishing who qualifies for the stipend, whether it's based on factors such as tenure, full-time status, or financial need, and setting clear guidelines for eligibility. Additionally, the stipend structure must be determined, including how much the stipend will be, how often it will be awarded, and whether it will be a fixed sum or tiered based on need.

Phase 2: Funding & Application Process

The second phase focuses on securing funding and developing the application process. It's important to identify the program's funding source, which could come from the city's budget, external partnerships, or other financial resources. Ensuring long-term sustainability is key to the program's success. Additionally, decisions need to be made about whether childcare workers will need to apply for the stipend and how the review process will work.

Phase 3: Communication & Pilot Implementation

Clear communication is critical for the success of the program. In this phase, the stipend program should be communicated including details on eligibility, the application process, and important deadlines. It's essential to ensure that all potential applicants understand the program's purpose, how to apply, and what they need to do to qualify.

Phase 4: Monitoring, Evaluation & Continuous Improvement

Once the program is launched, it's important to monitor its impact and effectiveness. This involves tracking the stipend's results, collecting feedback from recipients, and making necessary adjustments to improve the program. Evaluation will help ensure that the program continues to meet the needs of the childcare workforce and align with organizational goals. Adapting the program over time will help address evolving employee needs and keep the program relevant.

Additional no-cost/low-cost opportunities to further support access to child care

Eliminate or minimize barriers to opening new child care businesses in the city:

- Update [this step-by-step guide](#) (located [here](#)) to opening family-based child care businesses; identify and address potential barriers. Orient existing business assistance and microenterprise services to address the unique needs of child care businesses.
- Make operating a family-/home-based child care permitted as-of-right in all zones (including zones where it is currently conditional).
- Connect the City's business assistance and microenterprise programs with the Child Care Incubator run by Portland ConnectED/Starting Strong, United Way of Southern Maine, Coastal Enterprises, Inc., and Southern Maine Workforce Initiative. This will leverage existing resources to support more entrepreneurs to open child care businesses in Portland.
- Identify any city-owned spaces that might be available to locate a child care business.

Use existing contact points with low-to-moderate income families to inform and support families in applying for the state Child Care Affordability Program.

Expand Portland Recreation Before & After the Bell Program to include Pre-Kindergarten students (self-funding).

Ensure future comprehensive plans address child care as key economic infrastructure.

City of Portland's past efforts to improve access to child care

- [Portland Growing Child Care Grants](#) for start-up or expansion of child care businesses, funded with ARPA dollars, expiring end of year
- [Community Development Block Grants](#): Childcare vouchers identified as "High Priority" under Economic Opportunity goal. (Most recent funding: Childcare Voucher Collaborative, \$81,295 in 2023-24, no funding 2024-25)
- Office of Economic Opportunity [created this resource to help families navigate finding child care](#).

For more information, please contact Katie Soucy, Director, Starting Strong ksoucy@portlandconnected.org

Maine Department of Health and Human Services Child Care Market Rates July 6, 2024

COUNTY	Licensed Child Care Center Maximum Rate				Licensed Family Child Care Maximum Rate				Licensed-Exempt Child Care Maximum Rate			
	Full Time	Part Time	Half Time	Quarter Time	Full Time	Part Time	Half Time	Quarter Time	Full Time	Part Time	Half Time	Quarter Time
Androscoggin												
Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$180.00	\$135.00	\$90.00	\$45.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75
Aroostook												
Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$180.00	\$135.00	\$90.00	\$45.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75
Cumberland												
Infants	\$330.00	\$247.50	\$165.00	\$82.50	\$245.00	\$183.75	\$122.50	\$61.25	\$171.50	\$128.63	\$85.75	\$42.88
Toddlers	\$320.00	\$240.00	\$160.00	\$80.00	\$230.77	\$173.08	\$115.38	\$57.69	\$161.54	\$121.15	\$80.77	\$40.38
Preschool	\$300.00	\$225.00	\$150.00	\$75.00	\$225.00	\$168.75	\$112.50	\$56.25	\$157.50	\$118.13	\$78.75	\$39.38
School Age	\$214.00	\$160.50	\$107.00	\$53.50	\$175.00	\$131.25	\$87.50	\$43.75	\$122.50	\$91.88	\$61.25	\$30.63
Franklin												
Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$180.00	\$135.00	\$90.00	\$45.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75
Hancock												
Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$180.00	\$135.00	\$90.00	\$45.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75
Kennebec												
Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$267.00	\$200.25	\$133.50	\$66.75	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$180.00	\$135.00	\$90.00	\$45.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75

COUNTY	Licensed Child Care Center Maximum Rate				Licensed Family Child Care Maximum Rate				Licensed-Exempt Child Care Maximum Rate			
	Full Time	Part Time	Half Time	Quarter Time	Full Time	Part Time	Half Time	Quarter Time	Full Time	Part Time	Half Time	Quarter Time
Knox												
Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$220.00	\$165.00	\$110.00	\$55.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75
Lincoln												
Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$180.00	\$135.00	\$90.00	\$45.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75
Oxford												
Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$180.00	\$135.00	\$90.00	\$45.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75
Penobscot												
Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$200.00	\$150.00	\$100.00	\$50.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75
Piscataquis												
Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$180.00	\$135.00	\$90.00	\$45.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75
Sagadahoc												
Infants	\$330.00	\$247.50	\$165.00	\$82.50	\$245.00	\$183.75	\$122.50	\$61.25	\$171.50	\$128.63	\$85.75	\$42.88
Toddlers	\$320.00	\$240.00	\$160.00	\$80.00	\$230.77	\$173.08	\$115.38	\$57.69	\$161.54	\$121.15	\$80.77	\$40.38
Preschool	\$300.00	\$225.00	\$150.00	\$75.00	\$225.00	\$168.75	\$112.50	\$56.25	\$157.50	\$118.13	\$78.75	\$39.38
School Age	\$214.00	\$160.50	\$107.00	\$53.50	\$175.00	\$131.25	\$87.50	\$43.75	\$122.50	\$91.88	\$61.25	\$30.63

COUNTY	Licensed Child Care Center Maximum Rate				Licensed Family Child Care Maximum Rate				Licensed-Exempt Child Care Maximum Rate			
	Full Time	Part Time	Half Time	Quarter Time	Full Time	Part Time	Half Time	Quarter Time	Full Time	Part Time	Half Time	Quarter Time

Somerset

Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$180.00	\$135.00	\$90.00	\$45.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75

Waldo

Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$220.00	\$165.00	\$110.00	\$55.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75

Washington

Infants	\$275.00	\$206.25	\$137.50	\$68.75	\$210.00	\$157.50	\$105.00	\$52.50	\$147.00	\$110.25	\$73.50	\$36.75
Toddlers	\$250.00	\$187.50	\$125.00	\$62.50	\$200.00	\$150.00	\$100.00	\$50.00	\$140.00	\$105.00	\$70.00	\$35.00
Preschool	\$244.00	\$183.00	\$122.00	\$61.00	\$190.00	\$142.50	\$95.00	\$47.50	\$133.00	\$99.75	\$66.50	\$33.25
School Age	\$180.00	\$135.00	\$90.00	\$45.00	\$170.00	\$127.50	\$85.00	\$42.50	\$119.00	\$89.25	\$59.50	\$29.75

York

Infants	\$330.00	\$247.50	\$165.00	\$82.50	\$245.00	\$183.75	\$122.50	\$61.25	\$171.50	\$128.63	\$85.75	\$42.88
Toddlers	\$320.00	\$240.00	\$160.00	\$80.00	\$230.77	\$173.08	\$115.38	\$57.69	\$161.54	\$121.15	\$80.77	\$40.38
Preschool	\$300.00	\$225.00	\$150.00	\$75.00	\$225.00	\$168.75	\$112.50	\$56.25	\$157.50	\$118.13	\$78.75	\$39.38
School Age	\$214.00	\$160.50	\$107.00	\$53.50	\$175.00	\$131.25	\$87.50	\$43.75	\$122.50	\$91.88	\$61.25	\$30.63

	Full Time	Part Time	Half Time	Quarter Time
Infant				
Toddler	30+ hours per week	20-29 hours per week	10-19 hours per week	1-9 hours per week
Preschool				
School Age	30+ hours per week	11-29 hours per week	6-10 hours per week	1-5 hours per week

Infant means a child six (6) weeks through twelve (12) months of age
 Toddler means a child thirteen (13) months through thirty-six (36) months of age
 Preschooler is a child more than thirty-six (36) months of age but not yet enrolled in Kindergarten
 School age is a child enrolled in kindergarten or higher

INCOME ELIGIBILITY CRITERIA (125% SMI)

Individuals eligible for child care subsidy from the Department of Health and Human Services, Child Care Affordability Program must comply with income eligibility criteria below.

Funds	State Funds (SPSS) Fund for a Healthy Maine (FHM) Child Care Development Funds (CCDF) Temporary Assistance to Needy Families (TANF)
Income Eligibility	All families must meet income guidelines of gross family income at or below 125% of Maine's State Median Income.
Fee Assessment	Fees are assessed to all families.

Effective 07/01/2024

FAMILY SIZE	ANNUAL INCOME	MONTHLY INCOME (ANNUAL/12)	WEEKLY INCOME (ANNUAL/52)
1	\$68,067.35	\$5,672.28	\$1,308.99
2	\$89,011.15	\$7,417.60	\$1,711.75
3	\$109,954.95	\$9,162.91	\$2,114.52
4	\$130,898.75	\$10,908.23	\$2,517.28
5	\$151,842.55	\$12,653.55	\$2,920.05
6	\$172,786.35	\$14,398.86	\$3,322.81
7	\$176,713.31	\$14,726.11	\$3,398.33
8	\$180,640.27	\$15,053.36	\$3,473.85
9	\$184,567.23	\$15,380.60	\$3,549.37
10	\$188,494.20	\$15,707.85	\$3,624.89

Add 3% for additional family members. For families with more than one child in care, the youngest child is always considered the first child enrolled. The total amount of assessed fees to a family shall not exceed 10% of the family's gross income for all of their children.

Weekly fee assessments must be rounded down to the nearest dollar. All assessed parent fees shall be paid directly to the caregiver by the parent.

SMI DATA: [LIHEAP IM 2022-04 State Median Income Estimates for Optional Use in FFY 2022 and Mandatory Use in FFY 2023 | The Administration for Children and Families \(hhs.gov\)](#)



To: Health and Human Services & Public Safety Committee
Councilor Anna Bullett, Chair

MEETING DATE

April 10, 2025

AGENDA ITEM

Agenda Item #5 - Warming and Cooling Shelter Planning

PURPOSE

Review options to improve reliable access to warming and cooling centers for vulnerable populations.

COMMITTEE WORK PLAN/CITY COUNCIL GOAL ALIGNMENT

At the February 11, 2025 HHS&PS meeting, the Committee set Discussion of 2024-2025 Warming & Cooling Shelter Planning as the number one priority on the work plan and requested a presentation on options to manage cooling and warming centers for the April meeting.

Council Goal #2: The Council will work to implement solutions to the housing crisis, including building more working class housing, improved support for the unhoused community such as an overdose prevention center as well as continued support for warming shelters. Additionally conduct independent assessment of Efficiencies, Outcomes and Expenditures.

BACKGROUND

The City of Portland is providing shelter to over 560 individuals on a nightly basis and has some staff time dedicated to coordinating warming/cooling centers. There is a greater need for improvements to warming center planning than cooling center planning in Portland based on our current climate and resources. Many communities that have overnight warming shelters or stations are open nightly during the coldest months, while Portland's is activated based on a temperature or snow threshold. City staff and partners have sought to have a warming shelter that was open more often but have been unable to identify an appropriate location and funding for our needs.

The information below provides an overview of the City's current model on warming/cooling centers followed by research from peer cities and options for how this program could evolve.

Description of Current Model

City of Portland staff work closely with community partners to facilitate privately-operated warming shelters and apply for state funding available through Maine State Housing Authority (MSHA). Once a community partner has secured funding, the City's Emergency Management Coordinator (EMC) works with them to establish activation triggers and update the Winter Warming Plan. The EMC and Social Services Director coordinate with other local partners that provide services to the unhoused community to open their spaces for warmth during the day when the plan is activated. The EMC maintains a robust email distribution list of stakeholders, monitors the weather, activates the Winter Warming Plan, and notifies stakeholders when the plan is activated.

An overnight warming shelter at First Parish has been funded by MSHA for the past two winters and was operated by a different organization each season. In the winter of 2023-2024, the activation trigger for the warming shelter was a daily high apparent temperature of 20°F or snow accumulation of more than 10 inches and the warming shelter opened on 17 nights. In an effort to have the warming shelter open more often, in the winter of 2024-2025 the temperature trigger was changed to a daily low of 15°F and the warming shelter opened on 34 nights.

The EMC monitors the weather and works with the Portland Public Library to activate the main library as a cooling center when the National Weather Service (NWS) issues a Heat Advisory¹. When the NWS issues an Excessive Heat Warning² and the Portland Public Library is not available, the EMC activates available City facilities (ex: Trobh Ice Arena, Community Centers) and staff. This trigger has been in place since the summer of 2023 when the cooling center was activated two times, in 2024 it was activated five times.

Analysis of Current Model

Plan triggers have been aligned with the timing of the impacts of extreme temperatures. The warming plan trigger is based on the low temperature, ensuring that overnight sheltering aligns with the coldest time of day. Meanwhile, the cooling plan is guided by the NWS Heat Advisory which occurs during the day, and the Excessive Heat Warning which considers the impacts of a heat wave.

The City of Portland is more impacted by extreme cold weather than extreme warm weather. There are fewer resources available for the unsheltered community to keep warm during extreme cold, especially overnight when temperatures are lowest. Staff feel that the cooling center needs are being met by the current plan in addition to the availability of the 24/7 operations at the Homeless Services Center.

MSHA released a Notice of Funding Opportunity for warming shelter operations for winter 2024-2025 and there were no applicants in Cumberland County. With no warming shelter options planned in Portland, Commonsplace and First Parish collaborated for Commonsplace to operate the warming shelter at First Parish and secured funding from MSHA. First Parish has not offered

¹ Heat index of approximately 95°F or higher that lasts 2 hours or longer.

² Heat index is expected to reach 105°F or greater lasting for 2 hours or more and/or when there is a heat wave where nighttime temperatures do not go below 75 F or less.

their space beyond this winter. Commonsense provided a memo update for the January Committee meeting that describes the successes and challenges of operating a warming shelter in this space (**Attachment A**). The overnight warming shelter is low-barrier and serves an unsheltered population impacted by substance use disorder. Professional, trained, staff are needed to operate a safe and welcoming warming shelter.

According to that memo, Commonsense concludes that First Parish is not an ideal space or location for a warming shelter. The size of the space does not meet the needs of the number of people that need the warming shelter, the bathrooms are not outfitted in any manner to promote safety in the form of overdose awareness and response, and its proximity to Portland High School requires additional staff effort and the support of the Portland Police and Public Works departments. The limitations with this location need to be applied to any space we contemplate for overnight warming shelter and this is the only location the City and partners have identified as a location for an overnight warming shelter. Experience from operating low-barrier shelters is that the space should be on one floor, have clear lines of sight, and have bathrooms appropriate for overdose response.

Research and Peer Review

To facilitate the Committee's discussion, staff researched warming shelter solutions cities similar to Portland utilize and the feasibility of solutions in our local context, including a 1.0 FTE staff position responsible for coordinating such shelter. Challenges faced by all possible solutions include the lack of appropriate physical space or location, a lack of appropriate facility operations staff that can be unpredictably mobilized, and funding.

Using the the League of Women Voters of Maine's 2021 analysis as a foundation, we looked at the following cities similar in population and size relative to the rest of their states and with a similar climate to Portland: Burlington, VT; Charleston, WV; Grand Island, NE; Cheyenne, WY; Idaho Falls, ID; Missoula, MT; Bismarck, ND; Rapid City, SD³. We also looked at New England municipalities with a similar population size to Portland: Meriden, CT; Norwalk, CT; Nashua, NH; Conford, NH; and Plymouth, MA as well as Lewiston, Augusta, and Bangor, ME.

Based on this research, staff are highlighting the following facts and themes:

- About half of the cities outside of New England do not have overnight warming shelters.
- Of the cities that do have warming shelters, the majority of the warming shelters are open nightly on a seasonal basis and are operated by private non-profit organizations.
- Many are located in churches or in overflow areas at existing homeless shelters or day spaces while others are in recently vacant buildings (ex. old school building, GSA disposition).

³ League of Women Voters of Maine, "Identifying Cities Comparable to Portland, Maine," www.lwvme.org, November, 2021, February 10, 2025. https://www.lwvme.org/sites/default/files/web/ComparableCities_0.pdf.

- The majority of these shelters are privately or state grant funded. Some municipalities have provided funding for warming shelters in the past, most using pandemic-era funding that is not available after 2025.
- Municipal coordination of privately operated warming shelters appears to be more common in New England than in other parts of the country.
- It did not appear that any of the municipalities researched have full-time staff dedicated to coordinating emergency warming / cooling centers year round.
- Nashua, NH is the only municipality that directly operates an overnight warming location - a “warming station” which has chairs and snacks but no beds or meals.
- Portland stands out as the only municipality researched that operates its own homeless shelter; many communities have limited year-round shelter capacity that increases the need for sheltering in the colder months.

Options for Enhancing Portland’s Warming Plan

1. Continue with Current Approach

2. **Dedicated Coordinator** - At the committee’s request, staff considered supplementing the current approach with additional staff time (up to 1 FTE) dedicated to the coordination of warming/cooling centers. Staff considered this option and determined that the workload associated with the current approach is being effectively handled within existing staff resources which include the EMC, Social Services Director, and support staff. Because the major constraints to expanding warming center operations relate to the availability of willing and qualified non-profit operators, appropriate facility space, and funding, the value of additional staff is not clear. It is not likely that additional staff would have more success in recruiting and coordinating partners.

- a. **Estimated Fiscal Impact:** Adding a 1.0 FTE Program Coordinator would cost approximately \$100,000 for the first year including salary, fringe benefits, computer, and supplies.

3. **Stand up Single Site Open Nightly During Winter** - Identify space for a seasonal warming shelter that is open every night during the winter months. City staff and partners have reached out to organizations to identify space for a warming shelter in the past and have not found a suitable or low-cost space. Zoning requirements also limit options to certain areas of the City where a warming shelter could operate on a nightly basis. There could be locations that could be appropriate for warming shelters but they would require significant funding and/or regional partnership. If a space was identified, operating staff would still be required.

- a. **Estimated Fiscal Impact:** Using Commonsplace’s proposed budget for 30 nights of operating a winter warming shelter, it is estimated that a seasonal warming

shelter budget for staff, utilities, supplies and very low rent would cost at least \$560,000 for 120 nights of operation. It is likely that the costs to lease or acquire a different building would be significantly higher.

4. **Facilitate Multiple Small Sites Open at Certain Temperature Thresholds** - Pivot coordination efforts to see if additional partners are willing to operate small capacity warming shelters in their buildings. This model is used in some of the municipalities researched, but may not work in Portland. Given the challenges of the existing model (available locations, willing partners, and staffing constraints), staff believe this would be more challenging to operationalize.
 - a. **Estimated Fiscal Impact:** The cost of operating multiple small warming shelters is dependent on the number and size of each. Activities beyond the scope and available funding from MSHA would require another funding source. MSHA has provided approximately \$231,000 in grant funding for 30 nights of warming shelter operations in Portland and had \$2M available statewide this winter.

FISCAL IMPACT

See estimated costs provided above.

CONCLUSION(S)

After researching what municipalities similar to Portland provide for year round and warming/cooling sheltering, staff conclude that Portland is providing more than many other municipalities, despite some challenges with our current model. The lack of a physical building suitable for a seasonal warming shelter is the biggest barrier to improving our model. An effective solution to improve access to seasonal shelter will carry a significant additional fiscal impact.

PRIOR COMMITTEE REVIEW

N/A

PREPARED BY

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ATTACHMENTS

Attachment A - Commonsense Memo



January 10, 2025

First Parish Warming Shelter Update

Per request from the City Council's HHS Committee, please see the following update on the usage statistics, successes, and challenges of the project up to this point:

Participation

Commonspace has been operating an Emergency Winter Warming Overnight Shelter, with a primary location at First Parish Unitarian Universalist at 425 Congress St. and with funding from MaineHousing, since the onset of colder, winter-season temperatures.

The Warming Shelter is activated when the City's Emergency Response Plan is activated by a low temperature of 15 degrees or anticipated snowfall of more than 10 inches, or at the discretion of Commonspace and First Parish (with significant consideration to the finite resource, both human and financial, available to the project and the potential for depleting that resource prior to the end of the winter season if too many discretionary openings take place).

The Warming Shelter has been open 13 nights as of today. The first opening was on December 14th. Five of the Warming Shelter nights, all in December, utilized Commonspace's Portland Peer Center at 103 India St. as a back-up location, due to logistical complications related to holiday activities and events at First Parish. The eight other Warming Shelter nights took place at First Parish, and we anticipate that all remaining Warming Shelter nights this winter will take place at First Parish.

The lowest number of Warming Shelter guests on a given night was 50. The highest number was 107 (reached twice in the most recent 6-night stretch of openings, spanning January 4th-9th). **The average number of guests, to date, has been 80.** We have seen five unduplicated families, all New American families, ranging in household size from three to six. The largest number of families we have had on a given night was three, occurring on our most recent shelter night (Jan. 9th). It's important to note that the Warming Shelter is not designed for families as it is offered in an open, communal space. To meet this unexpected need safely, First Parish provided several

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children's classroom on a separate floor. First Parish staff also helped connect families with local services and supplemented the food service provided by Commonsplace.

While the Fire Marshall established an allowed guest capacity of 110 (at First Parish), Commonsplace and First Parish identified a soft cap of 60, based on our assessment of the space, our planned use of only one floor-level, and what we estimated to be the outer limit volume within which staff could reliably maintain a safe and effective resource for guests. The census to date has demonstrated that this cap has indeed been a soft cap.

Successes

- The **communication strategy** for notifying those potentially in need of emergency warming shelter has been effective. The City notifies a large recipient group via email about an activation, with 48 hours' notice. Recipients include agencies working directly with unhoused and unsheltered individuals in the community, who work to get the word out to potential guests. Activation notices are also posted on the City's website and social media, and on the social media of Commonsplace and First Parish (with multiple posting shares supporting distribution of the alerts).
- In spite of the challenges noted below, **the staff supporting the shelter** have been able to hold a highly complex space, balancing the need to enforce guidelines that maintain the safety of everyone in the space while maintaining a low enough barrier to retain the shelter as a resource for those most in need of its existence, and focusing their attention and responsiveness on maintaining a safe, welcoming warming shelter while working at the same time to prevent negative impact from the project on the surrounding area, with specific concern surrounding the proximity of Portland High School.
- The **Portland Police Department** has been a tremendously helpful partner in the project. On nights with higher census counts, duty officers have offered their temporary presence in the space, supporting staff and guests with establishing and maintaining an environment of order and safety. Officers have also supported staff, in the mornings, with attending to the alley that runs alongside First Parish and connects to Portland High School, ensuring that the students are not navigating any waste associated with guests who had exited the shelter and who temporarily utilized the area before moving on to other locations. Public Works has also recently started supporting the project with their assistance with any waste or debris in the general area.
- **Response to overdoses** and to medical events have been timely and effective. Attending Emergency Response officials have been great about fulfilling their response activities while being care-taking and mindful of the fact that many in the space are asleep and that

some guests have a baseline of anxiety regarding the arrival of their team. We have been very impressed by the care and skill of the responding teams.

- **First Parish** has, for a second year in a row (the first in partnership with Commonsplace), been very accommodating and flexible concerning the operation of this project, which involves intensive use of their space and the displacement or alteration of other uses of the space, and which this year has included accommodations for sheltering families in sections of the space that had not been assigned to this project in the space use agreement.

Challenges

- The **challenges and limitations of the space and location** at First Parish were understood going into this project, which proceeded regardless of these concerns due to the lack of other viable community spaces being offered for this use. The recent, increased volume of guests and the frequency of shelter activation due to the bitterly cold start to this winter season have highlighted and exacerbated those challenges, the three greatest of which are:

- 1) There are only two available **bathrooms** in the space intended for the overnight shelter, which is a barely adequate resource for 80 guests, and which is entirely inadequate for 107 guests.

This reality has created a significant challenge. Guests arrive downstairs, where a meal is provided, and according to the project plan should then be brought upstairs to the shelter space for the balance of the evening. Instead, for two reasons, staff have had to operate the shelter on two floors (and occasionally on three, due to the presence of families). First, limiting the defined shelter space to the upstairs space would restrict guests to two available bathrooms; Second, a large segment of shelter guests, impacted by co-occurring disorders significantly complicated by stimulant use, do not sleep and do not comport themselves in a manner that is conducive to delivery of a sleep-supportive and safe shelter environment, which staff works to maintain upstairs.

For upcoming activation nights, a determination will need to be made as to whether the Warming Shelter should maintain its plan of operating on only one floor, which would create a hard cap of 70 guests (per Fire Marshal's determination) and would create challenges regarding the effective operation of the space across the diverse needs of its guests, or, alternatively, to maintain operations across both floors. We've assessed that in order to more effectively maintain the latter option, we would need additional staff to safely monitor and manage the project. Emergency shelter spaces are often less than ideal, but compromised sight lines and accessible, off-limit areas across two floors render the space very challenging to manage for safety, especially with high volume use.

- 2) A compounding, related concern involves **guest safety as it relates to bathrooms**. None of the bathrooms are outfitted in any manner to promote safety in the form of overdose awareness and response. In addition to risks that we are challenged to mitigate, this reality also necessitates intense staff attention to bathroom use, which draws attention away from other facets of space management. Of the four bathrooms currently in use, we have determined that one needs to be taken off-line, as it deadbolts from the inside and staff cannot open it in the event of an emergency.
- 3) The **proximity of First Parish to Portland High School** heightens the need for attention to project impact to an extent that is taxing on the project team, and that has required the support of municipal partners (PPD and Public Works). Also, given that the mornings following a shelter night are frequently very cold, it is negatively impactful on the guests that they are required to leave the building and the premises by 7:00 am, in order to avoid impact on students' arrival at school.

Additional challenges

- Commonsplace staff has experienced multiple **challenges in their efforts to uphold quite minimal safety and behavioral expectations** of guests within the space, including situations involving direct physical assault on staff by guests. In cases of major infractions or repeated refusal to comply with safety guidelines, guests have sometimes been asked to leave. It should be noted that guests who have been asked to leave on one shelter night have been welcomed to return the following night of activation, with the same minimal expectations for safety and behavior in place.
- Commonsplace remains eager to utilize the Warming Shelter as an opportunity to leverage contact and relationships with guests to support access to more appropriate, every night shelter options for people who are currently unsheltered. Regional emergency shelters, including the Homeless Services Center and Milestone Recovery have, on activation nights, been operating at or very near capacity, which has worked to severely reduce our diversion options. The HSC responded to community pressure several months ago to extend their check-in curfew to 11:00pm. One consequence of this is that a clear picture of available beds at the HSC is not known until or after 11:00, when it is incredibly challenging to act upon. If, as an example, we learn at 11:30 that there are 7 male beds and 3 female beds available at the HSC, we have to determine whether we could and should notify or wake Warming Shelter guests in the hopes of identifying 10 individuals willing to transfer from the Warming Shelter to the HSC, and whether we could or should make such a transfer mandatory. These are currently unanswered questions. The short story is that the near capacity operation of regional shelters does not permit the type of diversion, and Warming Shelter census reduction, that would be optimal.