



Legislative Committee Meeting 11-19-2018

Meeting

November 19, 2018

State of Maine Room

AGENDA

I. Call to Order

II. Approval of Meeting minutes

- a.
 - Approval of October 10, 2018 Minutes
 - Approval of November 5, 2018 Minutes

III. Presentation of Staff Legislative Priorities

- a.
 - Zoning Legislative Change
 - Subdivision Legislative Change
- b.
 - Amend Definition of Eligible Business Equipment for BETE Program
- c.
 - Clarifications/Changes to Marijuana Legislation
- d.
 - Update of GA Reimbursement

IV. Review of City Councilor Priorities and Perennial Legislative Priorities

- City Councilor Priorities
- Perennial Legislative Priorities
 - a. City Councilor Priorities
 - b. Perennial Legislative Priorities

V. Review of Reference Materials

- a. Reference Materials

VI. Adjournment



Legislative and Nominating Committee Meeting Minutes

October 10, 2018
5PM - 7PM
Room 209
City Hall

I. Call to order

Chair Ali called the meeting to order at 5:02PM. Present were Councilor and Committee Chair Chair Pious Ali, Councilor and Committee member Jill Duson, Councilor and Committee member Kim Cook, Mayor Ethan Strimling, School Committee Chair Anna Trevorrow, School Committee member Roberto Rodriguez, City Manager Jon Jennings, Corporation Council Danielle West-Chuhta, Kate Knox(Bernstein Shur), Mike Murray(staff).

II. Approval of May 7, 2018 Legislative Committee Meeting minutes

Councilor Duson moved acceptance of the May 7, 2018 minutes; Councilor Cook seconded. There were no amendments. Committee approved the minutes 3-0.

III. Approval of the September 4, 2018 Legislative Committee Meeting minutes

Councilor Cook moved to postpone approval of the September 4, 2018 minutes until the November 15, 2018 meeting with the delegation so that the delegation had a chance to review and comment on the minutes. Councilor Duson seconded. Committee voted to postpone approval of the September 4, 2018 meeting minutes until the November 15, 2018 meeting 3-0.

IV. New Business - Discussion of the committee internal working process

Committee discussion about the upcoming legislative session; internal bill process vs external bill process; streamlining of the bill tracking process; and interaction between the committee/lobbyist/city staff during the legislative session.

The committee requested the following for future reference:

- Written procedure/flow chart of internal/external bill process;
- List of perennial legislative issues for committee to review;
- Ranking process of bills as they appear on the bill tracker;

V. Adjournment

At 6:53 PM, Councilor Cook moved adjournment; Councilor Duson seconded the motion. 3-0 to adjourn.



Legislative and Nominating Committee Meeting Minutes

November 5, 2018
9-10 AM
Room 209
City Hall

I. Call to order

Chair Ali called the meeting to order at 9:03 AM. Present were Councilor and Committee Chair Chair Pious Ali, Councilor and Committee member Jill Duson, Councilor and Committee member Kim Cook, Mayor Ethan Strimling, School Committee member Roberto Rodriguez, Alicia Gardiner, Executive Director of Budget and Finance, PPS, City Manager Jon Jennings, Corporation Counsel Danielle West-Chuhta, Kate Knox, Esq., Alysia Melnick, Esq., Mike Murray(Staff), David MacLean (Administrator, Social Services Division, DHHS), Troy Moon (Sustainability Coordinator), Chris Huff City Assessor), Jeff Levine(Director of Planning and Urban Development).

II. Approval of minutes

1. Approval of October 10, 2018 meeting minutes

- Councilor Duson made motion to postpone of the October 10, 2018 minutes; Councilor Cook seconded. Motion to postpone passed 3-0.

2. Approval of the October 30, 2018 minutes

- Councilor Cook amended the minutes to reflect that Mr. Jennings and Mr. Murray were to have a discussion about the content of the October 10, 2018 minutes. Councilor Duson moved passage of the amended minutes; Councilor Cook seconded; move to accept the amended minutes of October 30, 2018 meeting 3-0.

III. New Business

1. Presentation of City Legislative Priorities

- Proposal to return GA reimbursement to the pre-2015 level of 10% city; 90% state when general assistance costs for the fiscal year are in excess of .0003 of the municipality's most recent valuation relative to the state fiscal year for which reimbursement is being issued as determined by the State Tax Assessor.

Committee Recommendation – Prepare Bill Title

- Proposal to have State provide GA assistance to asylum seekers from the time that duration of stay for which a person is considered lawfully present to the time the individual obtains proof of receipt of the asylum application being received by the Federal Government, which allows that person 24 months of assistance from that date. The “gap” can be anywhere from 6-9 months without coverage. *Committee Recommendation – Prepare Bill Title*
- Proposal for legislation to relax the net metering cap for large scale community solar; currently set a 1MW. *Committee Recommendation - lobbyist and staff to monitor for Bill Titles*
- Proposal for legislation to compensate municipal and community solar project owners in cash rather than kWh credits; current legislation does not cover demand charges which City of Portland is subject to. Monetary credit could then be applied to the demand charges. *Committee Recommendation - lobbyist and staff to monitor for Bill Titles*
- Proposal for legislation that would expand number of participants in a net metered community solar projects; current number of participants is 9. *Committee Recommendation - lobbyist and staff to monitor for Bill Titles*
- Proposal for legislation that would allow municipalities to adopt a stretch energy code to improve performance of new building construction. *Committee Recommendation - lobbyist and staff to monitor for Bill Titles*

2. Review of Legislative Flow Chart

- Committee reviewed and made recommendations to proposed flow chart; also repeated the request for the Legislative Committee Process memo for next meeting.

IV. Adjournment

At 11:36 AM, Councilor Cook moved adjournment; Councilor Dusen seconded the motion. 3-0 to adjourn.



Mike Murray <msm@portlandmaine.gov>

Fwd: Idea for Legislative Session

1 message

Jon Jennings <jpj@portlandmaine.gov>
To: Mike Murray <msm@portlandmaine.gov>

Wed, Oct 31, 2018 at 6:04 PM

----- Forwarded message -----

From: **Jeff Levine** <jlevine@portlandmaine.gov>
Date: Wed, Oct 31, 2018 at 12:15 PM
Subject: Idea for Legislative Session
To: Jon Jennings <jpj@portlandmaine.gov>

1. Stretch Code as a local option for building code. This would allow cities to opt in to higher energy efficiency standards in their building code as a way of meeting climate change targets. Massachusetts did this a few years back, and so far 2/3 of all the state's communities opted in:

<https://www.mass.gov/service-details/building-energy-codes>

2. Changes to state zoning legislation to allow for more flexibility when applicants seek some kinds of variances or conditional use approvals. Right now the rules are very cut and dry. I don't have a specific proposal right now but could work on one if there is interest. I think MEREDA would support some changes in this direction as long as they were not giving cities too much power to say no all the time.

3. Fixing the subdivision fix from last session. We got it to the finish line and then MEREDA, whose bill was the one we had agreed to support, dropped the ball when the bill was being finalized. As currently written it doesn't apply to sites under 1.5 acres in size.

Jeff

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Mike Murray <msm@portlandmaine.gov>

Re: Legislative Session

1 message

Christopher Huff <chuff@portlandmaine.gov>

Fri, Nov 2, 2018 at 11:28 AM

To: Jon Jennings <jpj@portlandmaine.gov>, Mike Murray <msm@portlandmaine.gov>, Michael Sauschuck <mjs@portlandmaine.gov>, Brendan O'Connell <boconnell@portlandmaine.gov>

Jon,

LD 1212, SP 406, was a bill that was introduced in 2017 and died on adjournment of the 128th Legislature on 9/13/18. This bill needs to be introduced again in the next session and moved through to passage. This bill had the full support of MMA.

LD 1212 is titled 'An Act To Amend the Definition of "Eligible Business Equipment" for the Purposes of the Business Equipment Tax Exemption Program'. Specifically, this bill repeals the exemption provided to companies that lease personal property to hospitals (e. g. MRI machines, x-ray machines, photocopiers, etc.), but simultaneously makes the property eligible for enrollment in the state's Business Equipment Tax Exemption (BETE) program.

Currently, only the personal property leased to hospitals is provided a special exemption from taxation. The hospital leased personal property exemption, enacted in 1975, was at the time and remains to this day, an outlier in Maine's tax code. Property that is leased by a tax exempt entity, unless the lessor is also exempt from property taxation, is subject to property taxation in virtually all other circumstances in the state.

The proposed change would not have an impact on the bottom lines of the leasing company or the hospital, because the property leased to the hospital would be seamlessly exempt from taxation through enrollment in the BETE program. The proposal would, however benefit communities with hospitals within their municipal boundaries. As the leased property is enrolled in the BETE program, the host municipality would be eligible for state reimbursement equal to 50% of the lost property tax revenue associated with the leased personal property. Under the current exemption, 100% of the lost revenue is borne by the local property taxpayers. As Portland contains the state's two largest hospitals, this is a substantial amount of revenue being subsidized by every other taxpayer.

The FY19 estimated personal property value in hospital leased equipment for Portland is approximately \$4.5 million dollars. This equates to just over \$100,000 in taxes lost to the City. This number will only continue to grow as both MMC and Mercy expand their campuses.

Chris

On Wed, Oct 31, 2018 at 5:48 PM Jon Jennings <jpj@portlandmaine.gov> wrote:

Good Evening,

As a reminder, please submit your ideas for bills to submit to the Legislative Committee for their review before submitting to our delegation by November 1st. Please copy Mike Murray on your emails.

On Thu, Nov 1, 2018 at 2:36 PM Anne Torregrossa
<atorregrossa@portlandmaine.gov> wrote:

Hi there,

Nancy mentioned to me that the Legislative Committee was looking for thoughts on what we'd like to see for changes to the marijuana legislation. Here are a few of my initial thoughts, and I'd be happy to flesh out any details you might need:

- Currently, LD1539 authorizes caregiver retail stores, however, there is no definition of what a retail store it. It might be helpful to have a definition.
- LD1539 also provides that a municipality can't prohibit stores, dispensaries, testing facilities, and manufacturing facilities that are operating "with municipal approval" as of 12/13. No one knows what "with municipal approval" means - building permit? passed inspection? change of use? site plan? It would be great to have clarity around that, and I would strongly encourage that municipal approval is limited to a change of use, conditional use, or site plan approval.
- Currently, municipalities can't "prohibit or limit the number of registered caregivers." It would be helpful to have it clarified that does not prohibit us from imposing zoning restrictions, or setback restrictions.
- There are currently requirements to comply with NFPA 2018 for certain types of uses in the state statute. Some of those requirements include certification by a PE of the facilities and equipment. There are very few PEs around who have experience in the marijuana industry, so I would like to see a state program for qualifying engineers. This might be more of a rule thing, but I think it needs some attention.
- Revenue sharing!!

That's what I've got so far, let me know if you have questions.

Anne

Legislative options for addressing GA reimbursement to municipalities include:

1) Option 1 – 50/50 then 90/10: This is a return to old calculation in which all municipalities receive 50% reimbursement until they reach a threshold, at which point the reimbursement bumps up to 90% for the fiscal year when GA costs are in excess of .0003 of the municipality's most recent valuation relative to the state fiscal year for which reimbursement is being issued as determined by the State Tax Assessor.

a. For many munis, this would result in a loss of reimbursement funds since they would be dropping from 70% to 50% and will never hit the threshold. Only service centers (Portland, Bangor and Lewiston) get to 90%.

2) Option 2 - 70/30 then 90/10: This is a combo of old and new policies. Reimbursement for all municipalities would be at the current 70% and then bumps to 90% at the previously determined threshold.

a. This keeps smaller/non service center munis whole, while acknowledging the role and costs to service centers and hopefully encourages other munis to consider having a shelter in their community.

3) Option 3 - 9/10 with no threshold

4) Option 4 – 100% state reimbursement.

In all of these scenarios, we stop worrying about determining which community the individual is coming from/headed to, which hopefully will earn good will and support of non-service center communities and will relieve administrative burdens to service centers which will no longer have to seek evidence of where folks are coming from or pursue payment from sending towns.

Administrative changes:

- ILAP to share their definition of lawfully present/pursuing a lawful process with the new administration in the hopes that they will utilize this definition for purposes of GA state reimbursement for non-citizens. This does not require a legislative change.

- Operating expenses – hopeful that the new administration will return to the interpretation in which reimbursement calculations include all shelter operating expenses.

On Mon, Nov 12, 2018 at 10:12 AM Justin Costa
<jcosta@portlandmaine.gov> wrote:
Councilor,

Most of what I would suggest are general, recurring items that won't surprise anyone, but here are some priorities I would suggest:

- School Funding formula / overall funding for education
- Revenue sharing
- Shelter reimbursements
- GA rules more generally
- Teacher retirement costs
- State support for fire stations
- State support for any port activities (e.g. dredging, pier improvements)
- State support for adult ed, including workforce development

I'll let you know if I come up with other ideas.

~ Justin

Thanks, Pious!

I'd love to see us focus on the following issues (most of which I believe are already under consideration):

1) Local option tax - we seem poised to finally find success with this one on now that we have a new governor and considering that MMA, the Mayors' Coalition, and our local legislative delegation have all set it as a priority. I'd like to make sure we are advocating for a model that will be most beneficial to Portland.

2) Increased revenue sharing - same as above

3) Reforming the school funding formula to address communities like ours that are land rich and income average or below average

4) Bringing back Senator Chipman's bill to mandate that communities treat homelessness as an emergency and use GA dollars to provide housing in hotels or temporary housing if they don't have a shelter facility rather than referring people struggling with homelessness to service centers like Portland

5) Doing what we can to grab back a portion of marijuana taxes for municipalities that allow retail shops (like Portland, because we will once we get our zoning figured out)

6) More funding for detox beds and treatment facilities to address the opioid crisis

7) Along with increased revenue sharing (#2, above), it would be wonderful to see a revenue sharing model proposed that offers greater funding to cities that serve as regional service centers (i.e., Portland, Bangor)

8) More/new credits for energy efficiency and renewables (solar power, geothermal heat pumps, more efficient appliances, windows, doors, insulation, etc.) - anything that can help us and our residents move us closer to our sustainability goals

Those are the things that come to me right away. Thanks so much for your work on the legislative committee and for getting us organized on this front.

Best,

Belinda

Perennial Issues to Discuss Pre Session

1. **Revenue sharing** (full funding/increasing funding - currently 2% and want it to back to 5%)
2. **School funding**
 - a. Changes to the formula
 - b. State aid for education/property tax relief (making good on 55% obligation to municipalities)
 - c. Free and reduced lunch
 - d. Supports for low income students
 - e. School based health centers
 - f. Funding for facilities/school construction (revolving school loan fund)
3. **Addressing the opioid crisis** (funding and support for evidence-based prevention, treatment and enforcement measures)
 - a. Funding for needle exchanges
 - b. Funding/increased support for LEAD type programs
4. **Public benefits** – General protection of/increased state funding for state SSI, TANF, and GA
 - a. Oppose the creation of additional/unreasonable barriers to accessing benefits
 - b. Support increased state funding (change GA funding form?)
 - c. Support reimbursement of service centers by the municipalities that send them (or the state)
5. **Public benefits (mostly GA) for non-citizens/asylum seekers**
6. **LOST -**
 - a. MC/MMA/Service Center Coalition may be able to take lead on this issue. MMA and Mayor's coalition both exploring proposals.
 - b. Adult use cannabis LOST for host communities?
7. **Firearms controls**
 - a. Guns in school parking lots
 - b. Red flag bill.
 - c. Background checks
8. **Affordable housing**
 - a. Senior housing
 - b. Housing for those experiencing homeless
9. **Automobile excise tax**

10. **Property tax proposals** (support or opposition depends on impact of proposal)

11. **Homestead exemption**

12. **County jail funding**

13. **County inmate healthcare costs**

14. **Bonds (especially for infrastructure, roads, schools, etc.)**

Other bills we anticipate this year for which you may want to pre-discuss your position.

1. Adult Use Marijuana Tax Revenue

- a. MMA considering proposing 25% of excise and sales tax revenues from adult use cannabis be shared with host communities.

2. **Moving CDS services to the public schools** (Per Xavier, this is ok as long as it doesn't become part of the EPS formula)

3. **ELL criteria changes** - Changes to the criteria for students to exit the ELL program will result in loss in school funding for Portland (about 160-200 kids will exit due to the change). We need a temporary fix to cover this year. Heather Sanborn offered to put in a bill/spoke to Xavier.

**CITY LEGISLATIVE COMMITTEE 2018-2019
FLOW CHART**

CITY MANAGER COMPILES CITY STAFF LEGISLATIVE PRIORITIES AND DISCUSS WITH LEGISLATIVE COMMITTEE ; COMMITTEE ALSO REACHES OUT TO CITY COUNCIL, BOARD OF EDUCATION, AND SUPERINTENDENT FOR LEGISLATIVE PRIORITIES; COMMITTEE DECIDES WHAT TO PURSUE.



LEGISLATIVE COMMITTEE DEVELOPS LEGISLATIVE AGENDA AND MEETS WITH DELEGATION TO DISCUSS AGENDA AND TO ALSO HEAR DELEGATION'S PRIORITIES



LEGISLATIVE COMMITTEE PRESENTS PROPOSED AGENDA ON SPONSORED BILLS TO CITY COUNCIL AS A COUNCIL



SUBMIT ACTION PLAN FOR
LEGISLATIVE AGENDA

If emergency and other issues arise throughout the Legislative Session, Lobbyist will discuss with Mayor, City Staff and Legislative Committee (if possible) and Legislative Committee Chair to determine best course of action.

**TRACKING LIST OF
APPROVED BILL
TITLES**

City Staff/Lobbyist/ Legislative Committee track bills throughout drafting; release; committee process, both chambers until chaptered law via tracking list.

Weekly meetings soon after Friday update of tracking list; Priority position assigned to bills by Committee

City staff draft testimony; Legislative Committee determines lead resources

Memorandum

TO: Chair Ali and Members of the Portland Legislative Committee
FROM: Michael Murray, Assistant to the City Manager 
CC: Jon P. Jennings, City Manager
SUBJECT: Legislative Committee Process
DATE: November 6, 2018

At the October 10, 2018 Legislative Committee meeting, the Committee requested that City staff prepare a memorandum that outlines the Committee process for establishing the City's legislative agenda, and specifically addresses how the Committee deals with externally generated bills, the City's priorities and the Committee's/staff's role during the legislative session. The following summary seeks to address each of these items:

I. City Legislative Agenda

- First, the City Manager requests that departments/staff submit their legislative priorities. For instance, with the upcoming legislative session, the City Manager set November 1, 2018 as the deadline for departmental/staff submissions.
- Next, the City Manager reviews and assembles the priorities, and submits them to the Legislative Committee for review. At the same time, the Chair of the Legislative Committee may also request that individual City Councilors submit any legislative priorities.
- The Legislative Committee then reviews all of the submitted priorities, and makes its final recommendation on the priorities the Committee wishes to advance to the Delegation.
- The Legislative Committee then meets with the Legislative Delegation to discuss its priorities, as well as listen to the delegation's priorities. The two bodies work together to develop a legislative agenda and relevant bill titles and submissions.
- Finally, the Legislative Committee finalizes its legislative agenda and submits it as a communication to the Portland City Council.

II. Externally Generated Bills

The Committee may also review a list of legislative issues that generally come up during each legislative session and/or are carry over bills from last session. This list, developed by the City lobbyist, may also contain priorities that generally result in bill submissions each session.

- Once cloture takes place, City staff and the City lobbyist will read each bill title, and those bills that may have an outcome that may impact the City are placed on the tracking list, along with the bills of general importance mentioned above, and the bills that are part of the City legislative agenda.
- The Legislative Committee will review the tracking list and assign a priority ranking to each bill.
- The bills that are on the tracking list will be tracked by the City lobbyist and City staff throughout the drafting, and printing/release.

III. The Legislative Session

- During the Legislative session the Committee will hold weekly meetings with the lobbyist, City staff and the Delegation in order to receive an update on each bills status.

The Committee will also determine the extent of City participation on each bill, i.e. letter of support, testimony, etc.

- When emergencies arise or amendments are offered with a short time frame to make a decision, the City's lobbyist will discuss the issues with City staff, the Legislative Committee (if time permits), the Committee Chair, and/or the Mayor in order to determine the best course of action on each particular issue.

Sample prioritization scale

1 (support or oppose)

Top priority – pull out all the stops. Actively participate in drafting/amending and take the lead if necessary on strategy, etc.

2 (support or oppose)

Consequential – we care what happens, participate in hearings, review amendment language, etc. but do not take the lead (do what we can but not to the detriment of other issues/priorities).

3 (support or oppose)

Light – issue is of interest but we will only participate if the bill is changed or circumstances change that bump it to a 1 or 2.

4 (outcome only, do not actively take a position)

Monitor – Don't necessarily care about outcome one way or the other, but need to be aware of outcome to ensure understanding and compliance with change.