



Legislative Committee Meeting 11-26-2018
Meeting
November 26, 2018

AGENDA

- I. Call to Order**
- II. Approval of Meeting minutes**
 - a. Approval of September 4, 2018 minutes
- III. Legislative Update**
 - a. Discussion of Legislative Priorities
- IV. Meeting Schedule**
- V. Adjournment**

**CITY OF PORTLAND
LEGISLATIVE COMMITTEE AND
PORTLAND LEGISLATIVE DELEGATION MEETING MINUTES**

September 4, 2018 Meeting started at 12:00 p.m.

Merrill Rehearsal Hall, Merrill Auditorium, Myrtle Street, Portland, Maine

A. Attendance/Introductions:

Councilor Pious Ali, Chair, Councilor Jill Duson, Councilor Kim Cook, Mayor Ethan Strimling, Sen. Ben Chipman, Rep. Richard Farnsworth, Rep. Rachel Talbot-Ross, Rep. Erik C. Jorgensen, Rep. Heather Sanborn, Rep. Matthew Moonen, Rep. Benjamin T. Collings

B. Discussion Items – Chair Ali asked for comments on how best to communicate between the Legislative Committee and the Delegation:

1. Rep. Chipman: Meetings should go over council goals and what the delegation plans to sponsor
2. Rep. Sanborn: We need early assertiveness on policy issues, for instance, not aware of Superintendent Botana's opposition to Proficiency-based diploma bill till texted to ask on date of vote. We need to know the consensus positions in advance.
3. Rep. Farnsworth: Last session communication between committee and delegation was scattered, and we need a way to talk about issues.
4. Rep. Jorgensen: Tracking the issues with the lobbyist is good, but the Delegation needs to know the City better and know how it works. Requested copy of new councilor orientation be emailed to the delegation.
5. Councilor Duson: The delegation can use the City Manager's Office as a resource for information, but it is a problem how to integrate the School Department's position.
6. Councilor Cook: The City has work to do to identify issues and convey that; we need to design a process to create an effective relationship.
7. Rep. Collings: More meetings starting after the election will help delegation know the City better, and discuss issues under state jurisdiction.
8. Rep. Moonen: Communication should be improved over last year.
9. Rep. Talbot-Ross: The lobbyist works for the City, not for the delegation. Frustrated that the City doesn't communicate with her about issues that directly affect her district, like the homeless shelter move, and asks that the City inform her and other state legislators in advance about local actions in their districts. The relationship is a two-way street and the City needs to respect the service provided by the Legislators. Concerned because left in a vacuum, with some legislators more privileged than others in receiving information from the City. It would be best for the Chair of the Portland Delegation and the Chair of the Legislative Committee to be in regular communication, as was done with Sen. Alfond and Mayor Strimling.
10. Mayor Strimling: Bring bills to the Committee and we can work on getting information. What do you need from us to accomplish goals? We can work on getting testimony.
11. Councilor Duson: In the upcoming first year of the Session we will see bills submitted and can categorize by subject.

C. The Lobbyist, Kate Knox, and the Tracking List: what is on it, how does it get on it?

1. Rep. Talbot-Ross: I am supposed to come up with everything Portland needs. It would be helpful to know about [City projects like the homeless shelter move] in advance. The tracking list lacked my bills. How do we get bills on that list?
2. Rep. Sanborn: City itself can give Kate Knox marching orders if it supports a bill, to have Kate Knox's help. In the Maine Brewers' Guild, we review all legislation, vote on what to support and respond rapidly.
3. Councilor Cook: Any bills brought to Legislative Committee are voted on. Wants a document that's more helpful to us, and will give Kate Knox guidance.
4. Rep. Talbot-Ross: Bills move quickly; how can the City be responsive?
5. Councilor Dusen: Lobbyist should be the person to interact between both the delegation and the committee, both to give priorities to the City and when needed in Augusta. The lobbyist is the most effective point person in Augusta and implements the decisions of the committee (though she is hired by the City Manager).
6. Mayor Strimling: From time to time the City and the delegation will not be able to be supportive.
7. Councilor Cook: When things move fast in Augusta, we meet weekly which can be too slow. The committee should decide who can testify after we decide priorities.
8. Councilor Dusen: There have been many City representatives in Augusta.
9. Rep. Talbot-Ross: I never saw them. Wants to know when city representatives are testifying before committees and wants memos they provide.
10. Rep. Sanborn: The answer is to communicate more. Inclined to go to Kate Knox but it would be better to go to city representatives directly. Encourages the committee to figure out how to take positions in 24 hours. Legislature can notice conference calls and discuss issues as long as public access is allowed.

C. The next agenda and how to get new information on issues in the district

1. Rep. Collings: We need more meetings before cloture, before the session, starting right after the election. Review major issues like revenue sharing, education, housing, ESL, health and human services and infrastructure and decide what we want to accomplish.
2. Mayor Strimling: Delegation should be invited on tour of the islands.
3. Rep. Farnsworth: Between the election and the beginning of the session, we should decide priorities. The legislators will share bills.
4. Councilor Cook: Maine Municipal Legislative Committee has a good process. I am hoping we can adopt that process so the whole council discusses these priorities.
5. Rep. Talbot-Ross: Wants an orientation to the City. The next meeting should have an agenda and there should also be a call-in number for anyone unable to attend. The lobbyist and the superintendent of schools should be invited.
6. Mayor Strimling: Can share City Council Goals from last year, and top priorities of the Mayor's Coalition.
7. Councilor Ali: How do you deal with City opposition?

D. Next meeting will be November 15, 2018

The Legislative Committee and Portland Delegation meeting adjourned at 1:45 p.m.



CITY OF PORTLAND, MAINE

Legislative and Nominating Committee Meeting

Staff Legislative Priorities

General Assistance

1. Reimbursement of GA Costs

Prior to 2015, 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. Since 2015, GA has been reimbursed at a 70% rate.

Legislative Change: Request is to add the 90% reimbursement for GA when a community reaches the above described threshold.

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

LC recommendation: Staff to draft bill title and LC to discuss with Delegation.

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

2. Gap Coverage for Asylum Seekers

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.

LC recommendation – Staff to develop language for bill title

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

Sustainability

1. Proposal for legislation to relax the net metering cap for large scale community solar; currently set a 1MW.

LC Recommendation - Lobbyist and staff to monitor for Bill Titles; LC may take a position but not take the lead.

2. 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.

LC Recommendation - Lobbyist and staff to monitor for Bill Titles; LC may take a position but not take the lead.

3. Proposal for legislation that would expand number of participants in a net metered community solar projects; current number of participants is 9.

LC Recommendation - Lobbyist and staff to monitor for Bill Titles; LC may take a position but not take the lead.

4. Proposal for legislation that would allow municipalities to adopt a stretch energy code to improve performance of new building construction .

LC Recommendation - Lobbyist and staff to monitor for Bill Titles; LC may take a position but not take the lead.

Land Use

1. Proposal to make changes to state zoning statutes to provide limited flexibility.

LC Recommendation – look to MEREDA or other organization to lead bill efforts that LC may support.

2. Request a fix to the subdivision legislation from last session. The MEREDA bill that the City supported does not apply to sites under 1.5 acres; this size limit does not help the City.

LC Recommendation – Possible remedy in the errors/omissions bill later in the session.

3. Creation of a state housing tax credit program. Creation of such a program will help further address the need for affordable homes.

LC Recommendation – MAHC bring forth bill that LC can support.

Assessing

1. Amend Definition of Eligible Business Equipment for BETE program; currently leased hospital equipment is exempt from personal property tax. LD 1212 in the last session was intended to correct the issues; it received the support from MMA and the ME Association of Assessing Officers, but died on the table.

LC Recommendation - Committee is comfortable with concept, but would like to see some other entity bring legislation forward.

Marijuana

1. LD 1539 provides for a caregiver retail stores, but provides no definition.
2. LD 1539 can't prohibit stores, dispensaries, testing facilities, and manufacturing facilities that are operating with "municipal approval" as of 12/13/2018. There needs to be clarity/definition about what "municipal approval" means.
3. Currently municipalities cannot prohibit or limit number of caregivers. Again clarity is needed that does not prohibit municipality from imposing zoning or setback restrictions.
4. Current requirements with NFPA 2018 include certification by a PE of facilities and equipment. There are very few PE's with experience in marijuana industry; request for a state program to qualify engineers.
5. Request for revenue sharing of marijuana sales tax; data collection by city staff is already in place to develop true cost of what marijuana laws will cost city.

LC Recommendation – Committee is comfortable bringing forth legislation; requests staff to prioritize requests for legislation or emergency legislation.. Committee recommends that city staff be trained in equipment/facilities certifications.

Safety in Municipal Buildings

1. Request brought forth by City Manager to ban weapons from municipal buildings/city halls. Lobbyist has indicated that ME Gun Safety Coalition will be introducing legislation.

LC Recommendation – Committee is supportive of legislation; wants to ensure that “city halls” are in the bill language.

Lead Screening/Child Safety

1. Lobbyist alert Committee that MAHC is proposing legislation to create a universal lead screening law in Maine.

LC Recommendation – Committee is supportive of this measure and has asked staff to prepare supporting documentation as to what measures are already taking place in Portland through Housing and Neighborhood Services.

Perennial Legislative Issues/City Councilor Legislative Priorities

The following is a list of perennial issues that has been assembled by our lobbyist. In addition, the list includes items identified by city councilors as areas of concern; those items in *italics* are called out in the list and attributed to individual councilors.

Perennial Issues to Discuss Pre Session

1. **Revenue sharing** (full funding/increasing funding - currently 2% and want it to back to 5%)

**Identified as priority by Councilors Costa, Ray*

**Identified as priority by Ray – revenue sharing model that offers greater funding to service center cities;*

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)

** Identified as a priority by Strimling – raise debt ceiling so that more schools can make the construction funding list;*

**Identified as Priority by Ray – reforming school funding formula to address communities that are land rich and income at or below average;*

**Identified as priority by Costa – overall funding for education;
state support for adult education, including workforce development;
teacher retirement costs;*

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

**Identified as priority for Ray – more funding for detox beds and treatment facilities;*

**Identified as a priority by Batson – Increased funding for opioid treatment;*

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)
 - d.

**Identified as priority for Batson – Increased funding for HHS; increased funding for homeless services;*

**Identified as priority by Costa – Shelter reimbursements & GA rules more generally;*

**Identified as priority by Ray – bring back Chipman bill to mandate communities treat homelessness as an emergency and use GA funds to provide housing in hotels or temporary housing if they do not operate a shelter facility*

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.

**Identified as priority for Ray – LOST*

- 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.)

*Priority identified by Costa – fire stations; port activities, i.e. dredging, pier improvements **

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.

**Identified as a priority by Ray - % of marijuana taxes for municipalities that allow retail shops*

- 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.

Other:

Sustainability

**Identified as a priority for Ray: more/new credits for energy efficiency and renewables (solar power, geothermal pumps, energy efficient appliances, windows, doors, etc)*

Proposal for Statewide GA GAP coverage for Asylum seekers

This legislative change would be addressed in the Current GA Statute under sub section 4301 #3: the definition of an "eligible person". (highlighted below) There are currently two periods of eligibility for asylum seekers arriving on a visitor visa. The first eligibility period is defined as when they arrive in country their visa is stamped with an I-94 designation which indicated the duration of stay for which they are considered "lawfully present". This period has typically been 6 months but lately we have seen that period reduced to two or three months. The second eligibility period is when they are "pursuing a lawful process to apply for immigration relief". That period is defined as being from the time the individual gets proof of receipt of the asylum application being received by the Federal Government (I-94 form) and allows that person 24 months of assistance from that date.

The problem is that there is almost always a period of time between the end of the "Lawfully Present" eligibility period and the beginning of the "Pursuing a lawful process to apply for immigration relief" This "Gap" in coverage period is problem that this legislative change would address. This GAP period would cause someone who might be housed by GA assistance "Lawfully Present" to fall out of GA eligibility and lose their housing when that designation ends until they once again become GA eligible when the second period of eligibility begins "Pursuing a lawful process to apply for immigration relief"

Portland has designated funding for this GAP period called the "Portland Community Support Fund" This fund is administered exactly like a GA benefit except it is funded with City of Portland General fund dollars. Without assistance during the GAP period asylum seekers would lose the resources necessary to continue to cover the basic necessities, rent, utilities food etc. They would lose their housing and have to access the homeless shelter system. Because Portland is the only municipality to offer this Gap coverage most asylum seekers have no other choice than to settle in Portland during the asylum application period which can last for years. The City budgets approximately \$200k annually to cover the cost of this program.

With the labor shortage affecting the entire state especially our heavy tourist visited areas, it would be a great benefit to have the GA program offer a "GAP" coverage statewide. The result being that asylum seekers could seek to reside in any municipality in the state and not fall out of GA eligibility because they fell into the GAP period. Once they receive their work authorization they could join the workforce in any area of the State and be a benefit to those municipalities where businesses are hungry for a talented willing workforce. With the current shortfall in affordable housing and the current cost of housing in the Portland area it is becoming increasingly difficult to find housing for the asylum seeking population in and around Portland.

§4301. Definitions

1. As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [1983, c. 577, §1 (NEW) .]
2. **1. Basic necessities.** "Basic necessities" means food, clothing, shelter, fuel, electricity, nonelective medical services as recommended by a physician, nonprescription drugs, telephone where it is necessary for medical reasons and any other commodity or service determined essential by the overseer in accordance with the municipality's ordinance and this chapter. "Basic necessities" do not include security deposits for rental property, except for emergency purposes. For the purposes of this subsection, "emergency purposes" means any situation in which no other permanent lodging is available unless a security deposit is paid.
3. [1991, c. 9, Pt. U, §1 (AMD) .]
4. **1-A. Direct costs.** "Direct costs" means the total value of general assistance benefits paid out by a municipality that is in compliance with this chapter and the municipality's general assistance ordinance.
5. [1991, c. 9, Pt. U, §2 (NEW) .]
6. **2. Dwelling unit.** "Dwelling unit" means a building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit.
7. [1983, c. 577, §1 (NEW) .]
8. **3. Eligible person.** "Eligible person" means a person who is qualified to receive general assistance from a municipality according to standards of eligibility determined by the municipal officers whether or not that person has applied for general assistance. "Eligible person" does not include a person who is a fugitive from justice as defined in Title 15, section 201, subsection 4. Beginning July 1, 2015, in accordance with 8 United States Code, Section 1621(d), "eligible person" means a person who is lawfully present in the United States or who is pursuing a lawful process to apply for immigration relief, except that assistance for such a person may not exceed 24 months.

A few of MAHC State Housing Policy Recommendations

(1) Creation of a state low income housing tax credit program: while the federal low income housing tax credit program remains the most significant driver of affordable housing production nationwide, many other states (including Vermont, Massachusetts and Connecticut) have created state low income housing tax credit programs to further address their need for affordable homes.

Maine has never developed such a program, though a proposal to do so received significant attention in the last legislative session: LD 1461 was passed out of the Taxation Committee, but the full House and Senate could not come to agreement on specific amendment language and so the bill consequently died. The proposal generated strong support among many members of the Legislature but also drew some concern over program inefficiencies, especially regarding administration costs. MAHC recommends a new approach to the creation of a state low income housing tax credit, modeled on a highly successful program in North Dakota, which would allow 100% of its fiscal cost to be passed along for the program's intended use: building the safe, affordable, energy-efficient homes that Maine people need.

The program would be capitalized by contributions from taxpayers, up to an aggregate program ceiling set by the Legislature, in exchange for a credit (equal to the amount of the contribution) to be claimed against the taxpayers' state income tax liability. MaineHousing would receive the contributions and issue a tax credit certificate to the contributor. Such a program would allow Maine communities to better address their affordable housing needs with the direct support of Maine taxpayers, while demonstrating maximum efficiency and subject to the fiscal impact limitations established by the Legislature. We believe such an approach would receive broad-based and bipartisan support.

(2) Universal screening for childhood lead poisoning: Lead poisoning can lead to a wide variety of serious problems for children, including decreased IQ and academic achievement, inability to pay attention, decreased bone and muscle growth, damage to the nervous system and kidneys, and diminished hearing. Once inflicted, the effects of lead exposure are irreversible. Maine has made significant strides in recent years in addressing the lead poisoning that continues to affect hundreds of our children every year. In particular, the Legislature recently revised the definition of "lead poisoned" to the level recommended by the federal Centers for Disease Control and Prevention, and in so doing has provided hundreds of poisoned Maine children with the protection from further harm that they otherwise would not have received.

Unfortunately, Maine remains the only state in New England that does not require all children to be proactively tested for lead poisoning. Only children with MaineCare coverage have the benefit of this public health intervention, because the federal government has long recognized how important early testing is to prevent the long-term, costly consequences of a child's prolonged exposure to lead. ***We recommend that Maine policy makers act to provide our children with the same level of proactive protection from lead poisoning that all other New England currently require, through the passage of a universal lead screening law.***

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%. (Dave can you add the specific threshold?)

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 9/10: 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.

b.

3) Option 3 - 90/10 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.**

I. Bill Tiering Structure

1. Tier one bills represent our proactive legislative agenda, and are top priority bills.
2. Tier two bills hit priority issue areas, but are not our own bills – proactive and defensive.
3. Tier three bills are all other bills that we will take a position on – proactive and defensive.
4. Tier four, monitoring but not taking a (public) position.

A. Tier 1 Priorities are initiatives for which the City is the primary and possibly only proponent seeking these reforms. Tier 1 bills trigger the highest level of staff and lobbyist involvement and can include a variety of activities – drafting bill language and amendments, securing sponsor(s), building coalitions, identifying key legislators and staff, organizing and testifying at public hearings and work sessions, activating and updating the City delegation and City staff, lobbying, writing and distributing floor sheets, whipping votes, and meeting with the leaders and executive branch. Tier one initiatives are only affirmative, not defensive.

B. Tier 2 Priorities fall within central COP concerns (e.g. solar, revenue sharing, the opioid crisis, school funding), but COP is not the lead. Tier 2 bills are ones on which we work with established, effective other organizational and coalition partners (ie. The MMA and Mayors' Coalition on LOST and revenue sharing; environmental and renewable energy advocates on solar; MAHC on a state low income housing tax credit). COP would contribute to planning hearings/work sessions, lobbying ahead of key votes, activating delegation and staff members, and supporting some media strategy.

C. Tier 3 Priorities are bills that raise COP concerns issues, but to which less resources are devoted – either because they will have little impact or have little chance of passage. We generally testify on these bills, but spend few or no resources lobbying these bills (perhaps one of these would be working with the MSMA/the Maine Handgun Coalition/Everytown for Gun Safety on guns in school parking lots – COP may choose to oppose but not spend a lot of resources since it is unlikely to pass).

D. Tier 4 Priorities are bills that COP would be monitoring but not taking a (public) position. These should require minimal staff and lobbyist time.