



Health & Human Services and Public Safety Committee

Tuesday, November 9, 2021, 5:30 PM
Remote Meeting

Councilor Tae Chong, District 3, Chair
Councilor Belinda Ray, District 1
Councilor Mark Dion, District 5

1. Announcements

a. Zoom Link

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85463088167?pwd=NTVIazdURUZXSzswL0ZoQU92WHIvUT09>

Passcode: 193952

Or One tap mobile :

US: +13126266799,,85463088167#,,,,*193952# or +19292056099,,85463088167#,,,,*193952#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 854 6308 8167

Passcode: 193952

International numbers available: <https://us06web.zoom.us/j/85463088167?pwd=NTVIazdURUZXSzswL0ZoQU92WHIvUT09>

2. Review and Approval of Minutes from October 12, 2021

a. October 12, 2021 Draft Meeting Minutes

3. Updates

a. HHS Update

b. Parks Update

c. Fire Update

4. Flavored Tobacco Ban

- a. Staff Presentation
 - b. Public Comment
 - c. Committee Questions, Discussion, and Possible Vote
5. Next Meeting: January 11, 2022

NOTE: public comment on the Flavored Tobacco Ban will be heard at this meeting. Please feel free to send comments to members of the committee on any issue at any time via email. Councilors' email addresses are available on the city website: www.portlandmaine.gov

The meeting can be watched online via livestream: www.portlandmaine.gov/livestream

Keep up to date with the new shelter design and planning process at the City's website

www.portlandmaine.gov/shelterplanning



Health & Human Services and Public Safety Committee Minutes

Tuesday, October 12, 2021, 5:30pm, Remote Meeting

Committee Attendance:

Tae Chong, Chair (District 3), Mark Dion (District 5), Belinda Ray (District 1)

Councilors in Attendance: April Fournier (At-Large)

City Staff:

Kristen Dow, Director of HHS; Tina Pettingill, Deputy Director of HHS; Aaron Geyer, Director of Social Services; Adam Harr, Executive Assistant for Social Services. Keith Gautreau, Fire Chief; Bridget Rauscher, Chronic Disease Prevention Program Manager; Ethan Hipple, Director of Parks, Recreation & Facilities; Heath Gorham, Interim Police Chief; Kirsten Goodrich, Tobacco Prevention Program Coordinator; Chelsea Hoskins, Resettlement Coordinator.

Meeting called to order at 5:40 PM.

AGENDA ITEM 1 – Announcements

- September 12, 2021 draft workshop minutes.
 - Councilor Dion moved to accept the minutes; Councilor Ray seconded and the minutes were accepted unanimously.

AGENDA ITEM 2 – September Updates

HHS Update

- 39 Forest Avenue Update
 - Administrative staff moved on September 28th.
 - Moves for the various locations have been scheduled for the following dates:
 - Lancaster St staff & GA operations- October 18th
 - India Street staff, clinic & exchange operations- October 28th
 - As a result of recommendations from our September 21st committee meeting, an interested parties email list has been created. The link to sign up can be found on the HHS relocation page: <https://portland.civilspace.io/en/projects/the-unification-of-portland-s-health-human-services>.
- General Assistance Program
 - Total Applications: 1,267

- Number of denials: 116
 - Denial rate: 9%
- Oxford Street Shelter and contract hotel:
 - OSS average nightly census: 65
 - Contract hotel average nightly census: 129
- Overview of the Family Shelter:
 - Number of on-site at the family shelter: 28 families/ 83 individuals
 - Number of families at local hotels for shelter overflow: 95 families/ 310 individuals
- Totals for the Needle Exchange Program (NEP) are as follows:
 - Total number of exchanges: 613 (286 onsite, 327 outreach)
 - Total number of needles collected: 40,228
 - Total number of needles distributed: 38,151
 - Total number of Narcan doses distributed: 267 kits (534 doses)
 - Community needles collected: 1,350
 - Collected from community sharps containers: 848 (63% of total)
 - First month of data going back to 1:1.
- Clinic Numbers:
 - STD Clinic: Patients seen: 97, new patients: 38
 - PCFC: Patients seen: 52, new patients: 8
- Outreach to individuals who are particularly aggressive.
- HHS does not employ outreach workers in Social Services; Oxford Street has shelter attendants who used to go out when there was capacity pre-covid. Today, the Social Services Director does the outreach when encampments are reported.
 - Outreach positions were created but were not filled; 4 temporary outreach positions were reposted.

Committee questions and discussion

- Councilor Ray asked if any exceptions are made to the 1:1.
 - Only new clients are given a pack of ten; larger exchanges were only occurred under the governor's executive order.
- Councilor Ray asked who else should be called in to respond to encampments? The alternative response team? If not, are other social service providers have capacity for outreach when encampments are reported.
 - HHS relies heavily on other providers but they are not here to enforce City ordinances; they operate for harm reduction, not enforcement or to move people along.
 - The PD started an alternative response unit as part of the behavioral health unit in 2020.
 - The alternative response position is vacant.
 - Currently have 2 full time staff in behavioral health unit.
 - Crisis workers are facing a critical shortage with one serving Southern Maine.

- Councilor Dion asked about the 40% of needles not being recovered in sharps boxes; where are they being collected?
 - Each needle/group of needles is logged into a GIS map.
 - They are picked up in porta-potties, parks, etc.
 - Parks, Public Works and staff across departments in maintenance positions pick up syringe litter.
- Councilor Dion would like more detailed location data shared on where needles are picked up.
- Councilor Chong said that we have 22 sharps boxes compared to the one in Bangor. Of the state's 11 needle exchange programs, Portland's collect the state's majority of needles. Our exchange is accessible so it we are a service center, making tracking needles difficult when people come here for services then go back to their home communities.

Councilor Chong said that Social Services staff don't have the capacity to do more outreach due to the volume of clients.

- Councilor Dion asked for Parks to provide a summary report on encampments in the city.
- Councilor Ray asked how the Point in Time numbers of people sleeping outside could be compared to what's seen in the encampments report.
 - The Point-in-Time (PIT) count is the last Wednesday in January.

Fire Update

- Month of September had 1,488 calls for services compares to 1,505 calls for service in 2020, down by 5%.
 - Down in Fire calls.
 - Added a Decon 1 unit to help disinfect ambulances after calls for service.
 - YTD Calls for services: 12,141 down 4% from 2020's YTD 12,672 calls for service.
- Facilities and Stations
 - Ocean Ave. renovations were completed in the beginning of September; Engine 11 is back in their district.
 - Completed 5 stations for air quality testing in response to some firefighters getting odd cancers.
 - Costs \$6,000-\$8,000 per station.
 - Tested: Munjoy Hill, Stevens Ave. Bram hall, and Peaks Island.
 - Munjoy Hill was the only one to come back above acceptable levels.
 - Riverton Station's renovation is under way. It is switching to natural gas and getting a new mechanical room and windows.
- Apparatus and Vehicles.
 - 5 new apparatus: first three, 2 engines and one ladder coming should arrive in April of 2022.
 - 2 new ambulances coming at the end of November. One is from an AFG grant and one from CIP funding.
 - Getting a pick-up truck with homeland security funding
- Staff
 - Graduated 13 recruits in September.

- o 8 firefighters lost due to vaccine mandate.
- o 12 vacancies.
- o Authorized to hire 18.
- o 100% vaccinated, including administrative staff.
- o 3C retirement will aid recruitment.
- o A Joint Job Fair with PD and dispatch is planned.
- o Recording a radio recruitment campaign.
- o Will start a fire academy in February to hire the 18.
- o 2 new positions posted through reallocation.
 - 1 fire marshal/fire prevention coordinator and a mental health EAP position. This position is only for first responders.

Committee questions and discussion

- Councilor Chong asked if there are more needles being distributed, is there an observed increase in overdoses?
 - o Chief Gautreau will bring a 3, 6 and 9 month look back at overdose calls.
 - Numbers are fuzzy because the calls can change from an overdose call to a cardiac arrest call and can change if the overdose caused the cardiac arrest.
 - o Are there reports from OD Map?
 - PD can make a report.
- Chief Gautreau doesn't have staff dedicated for recruitment from outside the City and State.
- Councilor Ray said if we are looking for a trend in overdoses, to consider our limited data and the potential for compromised data; while distribution increased, covid also increased mental health and substance use issues. There may be a correlation with increased syringe distribution but can our data prove that?

Bayside & Deering Oaks Park Update

- Crime is up in those areas, including violent crime.
- Jail closures/restrictions and a lack of being able to arrest and remove people exacerbating the situations.
- Public nuisance issues that impact quality of life are responded to with a summons which doesn't change the dynamic of the situation.
- PD can only move people along.
- Trying to outreach and connect people to services.
- Cumberland County opening won't solve things but will help.
- Parks usually address the cleanup aspect.
- Portable toilets are deployed and staff were added to clean twice a day, seven days a week in this neighborhood.
 - o Urinals are full of needles and trash and are so full they can't be cleaned without being pumped.
 - o A contractor pumps the units three times per week but their workers are being accosted and the company is threatening to not continue unless the situation improves.
- Food and water are delivered and City staff picks up the trash off the ground despite there being trash cans.

- o Asking nonprofit partners that deliver food to stick around to help pick up trash from their meals and improve the dignity of people in the park.
- Picking up needles and trash is supplanting programming.

Committee questions and discussion

- Councilor Dion asked the capacities of the jails
 - o Cumberland County is closed and not taking anyone, including violent offenders.
 - o York is taking violent offenders.
 - o Two Bridges is taking everyone but is very small.
- Councilor Ray said that the drop and go meals are not working. Covid closed meal seating's at Preble Street but dropping off meals is creating issues.
- Councilor Ray hopes the public toilets issue will lead to fixed, concrete, year-round structures for public toilets in very public areas that can be monitored.
- Councilor Ray asked about the number of single people in GA hotels: 211.
- Councilor Dion thinks it's great to do outreach and deliver services, but some people require being arrested; he is concerned that the PD is not able to remove people for public safety.
 - o Councilor Ray and Councilor Chong agreed.

Resettlement Update

- Resettlement Coordinator position is funded by Cumberland County CDBG dollars; the staff in the position is former Family Shelter Program Coordinator, Chelsea Hoskins.
- The use of hotels has spread people out making it less obvious we are experiencing Expo level numbers.
- Biggest challenge is capacity. Not all hotels are required to accept General Assistance and it is a challenge to bring new hotels on.
- Singles are returning or coming to Portland to be housed, as covid hotels in other towns close, taking local hotel rooms offline.
- We have heard as other municipalities close their shelters, they are concerned about hotel licenses being in jeopardy for being disorderly houses and going outside their temporary lodging land use.
- The chart shows we were seeing the same number of individuals now as the total number of families last fall.
- When people come across the border, they are identifying the Portland shelter address.
 - o Previously people would go to San Antonio or Dallas then request a location change with immigration.
 - o Now we are seeing people list here.
 - o Someone was detained on the 20th and then released the next day being paroled for 3 weeks to get to the South Portland immigration office.
- The GA hotel numbers in August and September cost \$1 million/month. This is paid with FEMA dollars through the end of December but after that the City will need to pay for 30% of that with the State paying the rest.
 - o Monthly meetings with the State starting this month.
- Chelsea Hoskins, Resettlement Coordinator explained the position: coordinate and streamline services with a long-term goal of coordinating housing placements.

- New Mainers may include asylum seekers flying in or crossing a border as well as newly arriving to the country presenting to the Family Shelter of other immigration statuses.
- Families placed across multiple hotels due to capacity, spreading resources even thinner.
- Labor shortages are impacting the nonprofits serving families.
- Community stakeholder meeting identified:
 - Gaps
 - Duplication of Efforts
 - Current Capacity.
- Needs
 - Warm Clothing Distribution
 - Food Access and Distribution
 - Medical Enrollment Streamlining
 - Transportation
 - Housing
- Director Dow is concerned that families will not get the service they need because staff are spread so thin. We were so successful at the Expo because of wrap around services.

Committee questions and discussion

- Councilor Dion said that people saw the Expo as an incidental event but the numbers show a continued trend.
 - Do we have any influence in triaging arrivals?
 - Where will people be housed when they get here?
 - The Mayor should work with other mayors to get money that can be turned into tangible resources.
- Councilor Ray asked if there are newly arriving singles.
 - There are.
 - Newly arriving singles are not counted in the family shelter numbers; there are not many singles.
- Immigration status is preventing people from getting housing.
- During the Expo, we had the Portland Community Support Fund and a lot of Volunteers.
 - This happening more quietly in hotels.
 - Are we seeking volunteers, is the United Way coordinating this?
 - We have not reached out to the United Way for volunteers.
 - Councilor Ray thinks the Mayor should bring this to the United Way in addition to other mayors.
 - We need other municipalities time.
 - The situation is bigger than the Expo but we don't have the same level of help from other communities and community members.
- Councilor Chong agreed that this not a Portland issue, it is a state issue; the Mayor should meet with the Governor for support from the state.
 - Navigating asylum seekers is completely different from refugees because there is not federal money or eligibility.
 - This will be a \$3.6 million price tag if the FEMA money stops; that is a state issue.

- o GA should be reformed.
 - Portland shouldn't be penalized for helping people from around the state.
- o We need the state's assistance to create a resettlement program with state dollars to house people throughout the state.
- o Portland is only 5% of the state's population; we can't do this alone.
- Councilor Dion said that under the War on Drugs, each municipality contributed a member of their government to work on that issue; if we want to take on the resettlement challenge, there should be human resources behind it, such as staff from multiple municipalities working with the Resettlement Coordinator.

AGENDA ITEM 3 – Flavored Tobacco Ban

- Kristen Goodrich, Tobacco Prevention Coordinator presented.
- Flavored tobacco products target advertising to minorities.
- Combustible tobacco product use has declined.
- 85% of young people are using e-cigarettes.
- Tobacco use is the leading cause of death in the USA.
- Flavors target youth.
 - o The flavors are what's advertised; when surveyed, youth in Maine are reporting they thought they were just vaping flavors when they were vaping nicotine.
- Mint and Menthol disproportionately target vulnerable populations.
- Recommendation
 - o The Public Health Division recommends a full flavor ban on all tobacco products, including mint and menthol flavors.
- Enforcement
 - o Bans the sale, display, marketing and advertising of flavored tobacco products.
 - o Enforced by Public Health Director.
 - o Civil violation with a fine of \$100 to \$500.
- Flavor Bans have been proven to be effective public health strategy.
- Councilor Dion asked if public health will engage in outreach to retailers before enforcement?
 - o Yes.

Public comment opened at 7:30 PM.

- Dasha of 305 Commercial Street is a volunteer with the American Cancer Society, Cancer Action Network, supports the ban on the sale of all flavored tobacco products. Cancer is the leading cause of death in Maine; tobacco is responsible for 30% of cancer deaths in Maine. Maine has the 6th highest case of tobacco related cancer and 11th in tobacco related death. These statistics represent our friends, neighbors and loved ones. At work, they help people diagnosed with lung cancer apply for social security disability. Clients suffer symptoms that limit their ability to live normal lives and require aggressive treatment. More than 1 in 4 Maine children use tobacco; 4/5 youth started using tobacco with flavored tobacco products. Portland should lead in protecting kids from a lifetime of addiction.
- Richard Veillieux, resident of Portland, American Heart Association volunteer, and public health professional spoke in support of the ordinance to end the sale of flavored

tobacco products in Portland. Richard has been involved in tobacco use related public health issues for 30 years and there is good evidence that this ordinance will be effective. We made great progress combatting the tobacco industry before that was flipped upside down with youth tobacco use. This is an opportunity to make the city and the state a healthier place to live.

- Dr. Marguerite Pennoyer is the current chair of the American Lung Association's Maine leadership board. The lung association supports the end of all sale of menthol and all flavored tobacco products; this ordinance is one of the most important public health measures. We have made tremendous progress in lowering smoking rates but e cigarettes increase temper that progress. Almost all tobacco uses begin their use in youth and young adulthood. Flavored products are the reason youth started and continue to use tobacco products. More than one in four high school students vape daily. The industry is using flavoring in e cigarettes and cigars are attracting youth. They support the ordinance.
- Dr. Florence Edwards is a dentist living in Portland and board member of Equality Maine. and supports the ban on flavored tobacco. She grew up reading Jet magazine, a magazine for American descendants of slavery, most black Americans, where there were full page ads of black people smoking. LGBT smoke at higher rates and as a result of the related conditions suffered higher rates of severe covid. There are over 15,000 flavored tobacco products. She wrote an editorial on the subject. Note:
<https://www.sunjournal.com/2021/05/05/dr-florence-edwards-tobacco-industry-uses-menthol-mint-candy-flavors-to-lure-hook-black-brown-lgbtq-youth/>
- Matt Moonen, a resident of Thomas street and executive director of Equality Maine. They have worked on health equity issues for LGBT people. LGBT people suffer disproportionately high rates of tobacco related disease. The tobacco industry has sponsored pride events and marketed to the community. RJ Reynolds once had a marketing campaign called project SCUM: sub-culture urban marketing targeting gay men and homeless people. The industry knows 95% of smokers' use start before age 21. It is obvious they are targeting people on the receiving end of discrimination and stigma as a coping mechanism.

Public comment closed at 7:50 PM.

Committee questions and comments.

- Councilor Ray is happy see draft chapter 17 language to vote on at the next meeting.
 - She would like a fiscal note included if it would cost over \$50,000.
 - It will not cost more than \$50,000.
 - What happened at the state with these bills?
 - LD1190 in the 129th legislature and held over to the 130th?
 - LD1550 passed but wasn't put in place because funding was cut?
- Councilor Dion and Councilor Chong could vote tonight but will wait for the draft at the next meeting.

AGENDA ITEM 4 – Next Meeting: November 9, 2021

The meeting adjourned at approximately 7:55 PM.

DRAFT



Health & Human Services Department
Kristen Dow, Director

MEMORANDUM

To: Members of the Health & Human Services & Public Safety Committee
From: Kristen Dow, Director of Health & Human Services
Date: November 3, 2021
Re: Month of October Health and Human Services Department Updates

The following data and information is to serve as the monthly update from the Health & Human Services Department to the HHS & PS Committee:

39 Forest Ave relocation update:

- Lancaster St staff & GA operations moved on Thursday, October 28th and began seeing clients out of the new location on Friday, October 29th.
- India Street programs will operate out of 103 India Street November 8-10 (with exception of programmatic staff, which will move to Forest Avenue on 11/5). All programs closed on 11/11 due to holiday. On Friday, 11/12, needle exchange will operate as outreach-only; STD and PCFC staff will be on-site at Forest Avenue on 11/12 setting up the clinical space. All programs on-site and operational at Forest Avenue on Monday, 11/15. There will be no missed days of clinical services.

The totals for the City's General Assistance Program are as follows:

- Total Applications: 1417
- Denials: 74
- Denial rate: 5%

Overview of Oxford Street Shelter and contract hotel:

- OSS average nightly census 64
- Contract hotel average nightly census 133
- Average individuals placed in hotels through General Assistance: 210

Overview of the Family Shelter:

- Average number of Families/individuals on site in shelter 28 families/79 individuals
- Average number of families/individuals in hotel overflow 125 families/ 402 individuals

Totals for the Needle Exchange Program (NEP) are as follows:

- Total number of exchanges: 479 (248 onsite, 231 outreach)
- Total number of needles collected: 39,310
- Total number of needles distributed: 39,270
- Total number of Narcan doses distributed: 252 kits (504 doses)
- Community Needles collected: 1076
 - Collected from community sharps containers: 563 (52%)

Clinic Numbers:

- **STD Clinic:** Patients seen: 105, new patients: 43
- **PCFC:** Patients seen: 41, new patients: 5

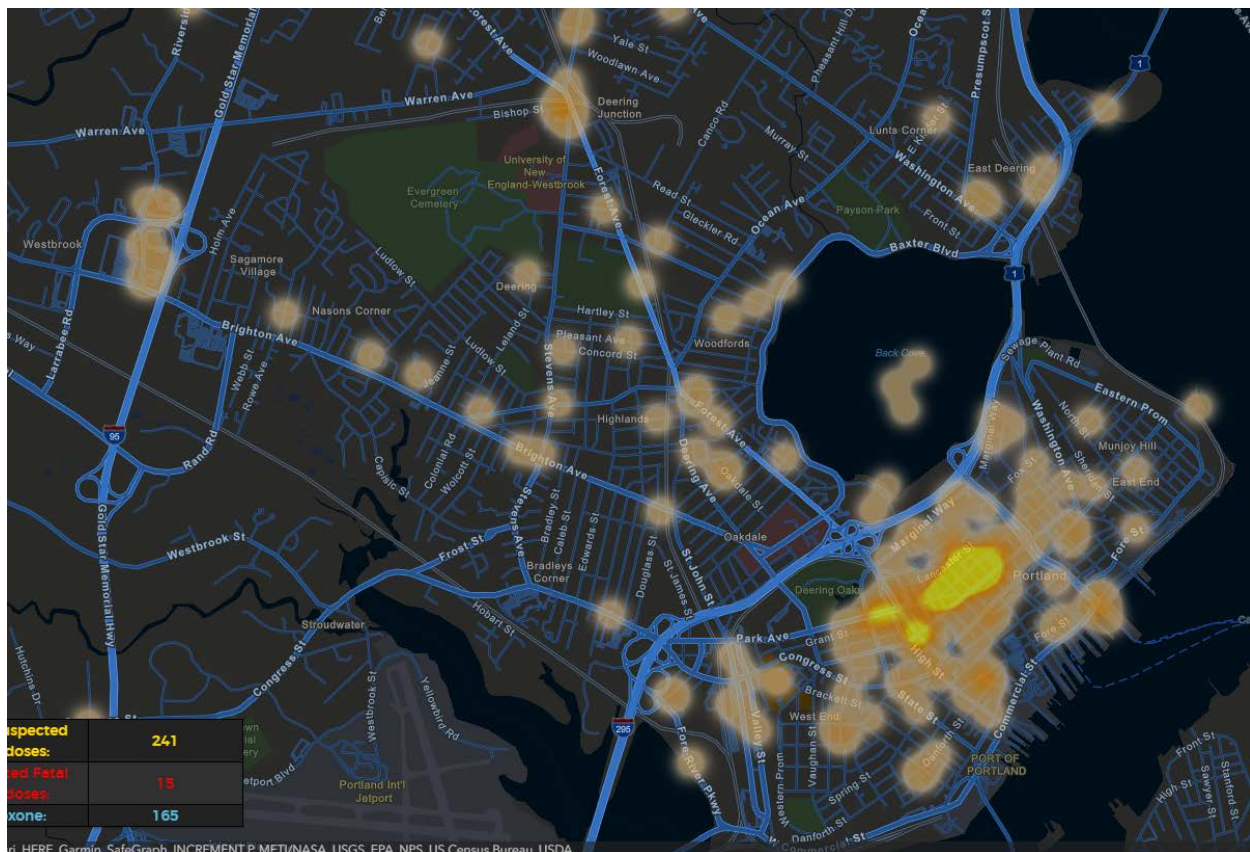


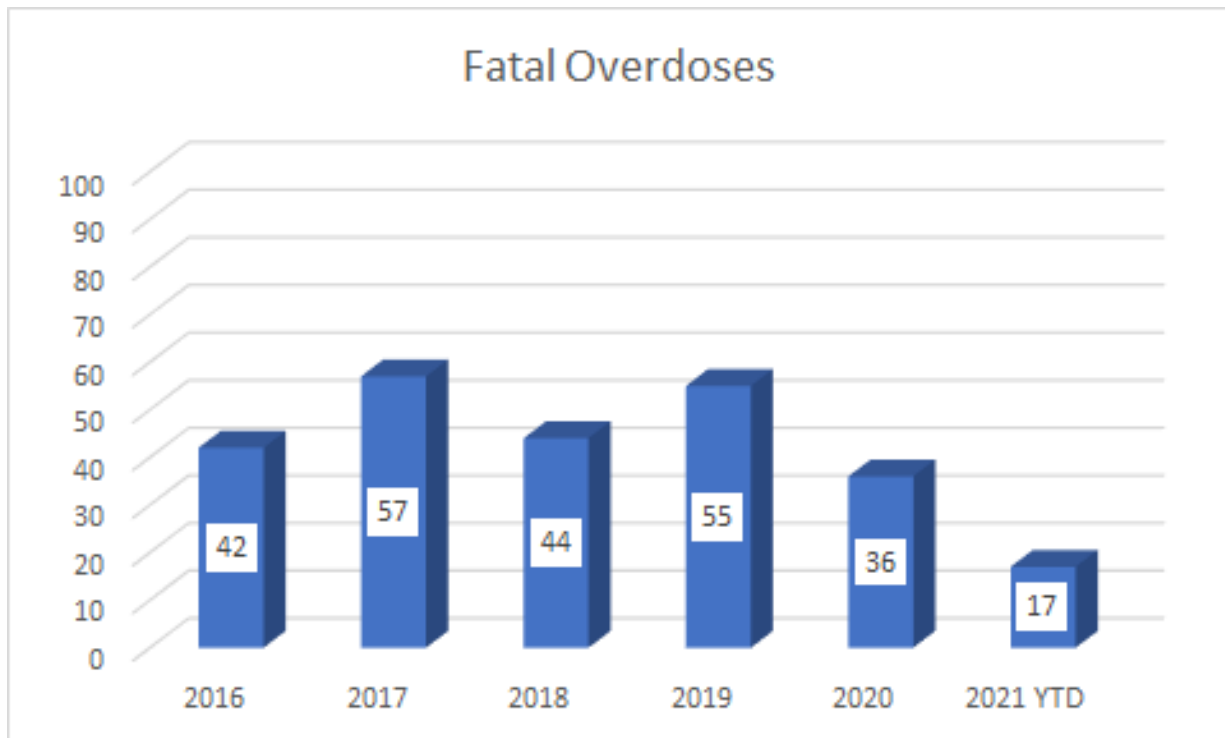
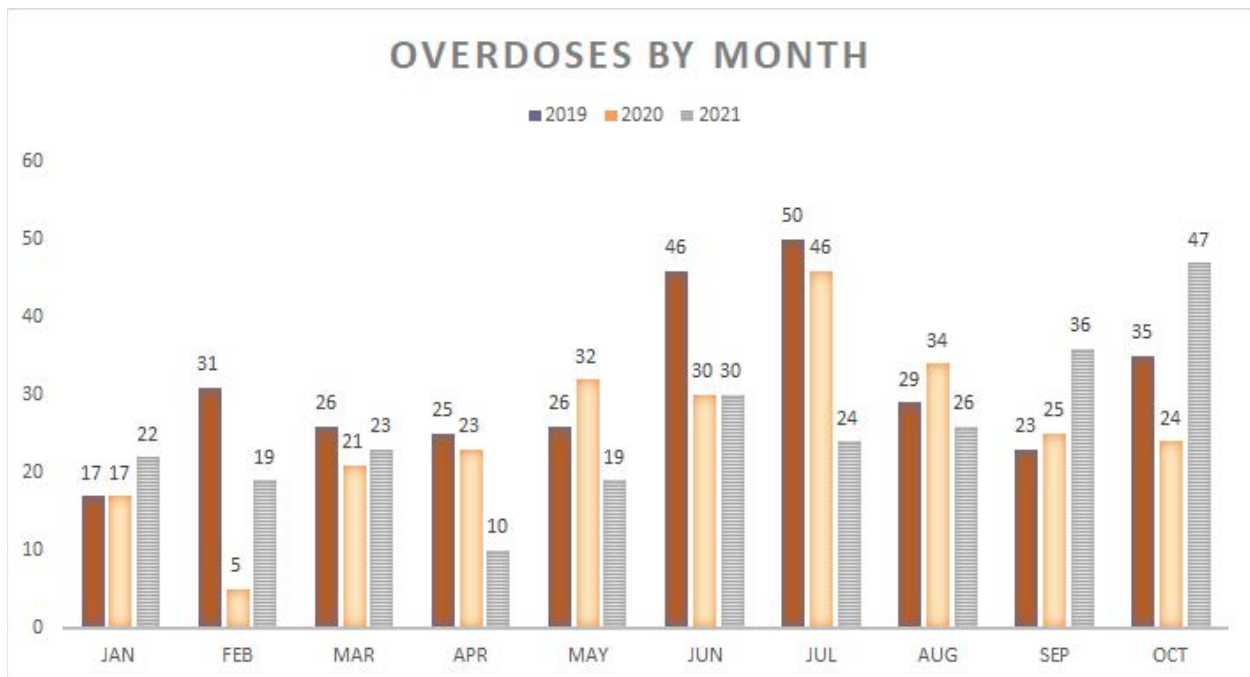
CITY OF PORTLAND
Portland Police Department
Heath Gorham, Acting Police Chief

MEMORANDUM

TO: The members of the Health & Human Services and Public Safety Committee
FROM: Heath Gorham, Acting Police Chief
DATE: November 9, 2021
RE: ODMAP and Overdose Update

At the October 12, 2021 meeting, the Committee asked staff if there is an observed increase in overdoses. Looking at the past three months, overdoses are up 31% from last year. There have been 261 overdoses YTD up from the 257 overdoses that occurred during the same time frame last year. In 2021, Narcan has been used in 208 out of the 261 overdoses (79.6%) and officers have administered 32.3% of those times. Fatal overdoses are down significantly. This is most likely due to a number of reasons, one of which is that Narcan is now widely available. From Jan-Oct in 2020, there were 30 fatal overdoses and Jan-Oct 2021 we have had 17. The heat map below is from ODMAP and shows that most overdoses happen in the Bayside Neighborhood.

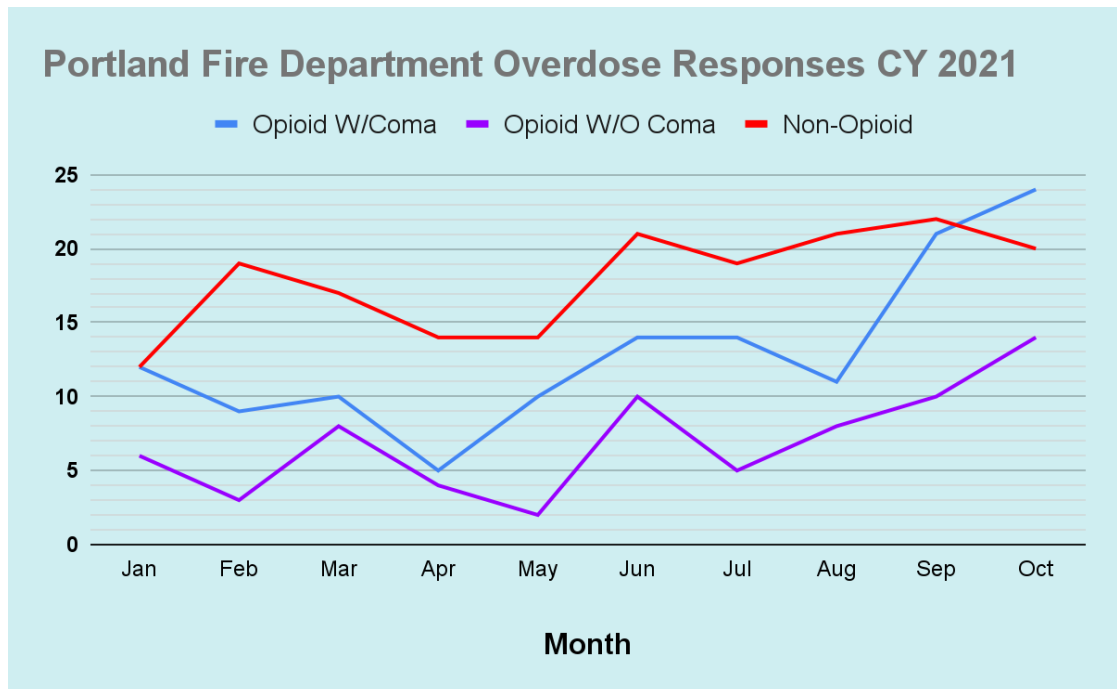




Portland Fire Department Overdose Data Calendar Year 2021

The following are the results of the PFD Overdose Responses for the calendar year to date through the end of October.

Month	Opioid W/Coma	Opioid W/O Coma	Non-Opioid
Jan	12	6	12
Feb	9	3	19
Mar	10	8	17
Apr	5	4	14
May	10	2	14
Jun	14	10	21
Jul	14	5	19
Aug	11	8	21
Sep	21	10	22
Oct	24	14	20
Totals	130	70	179

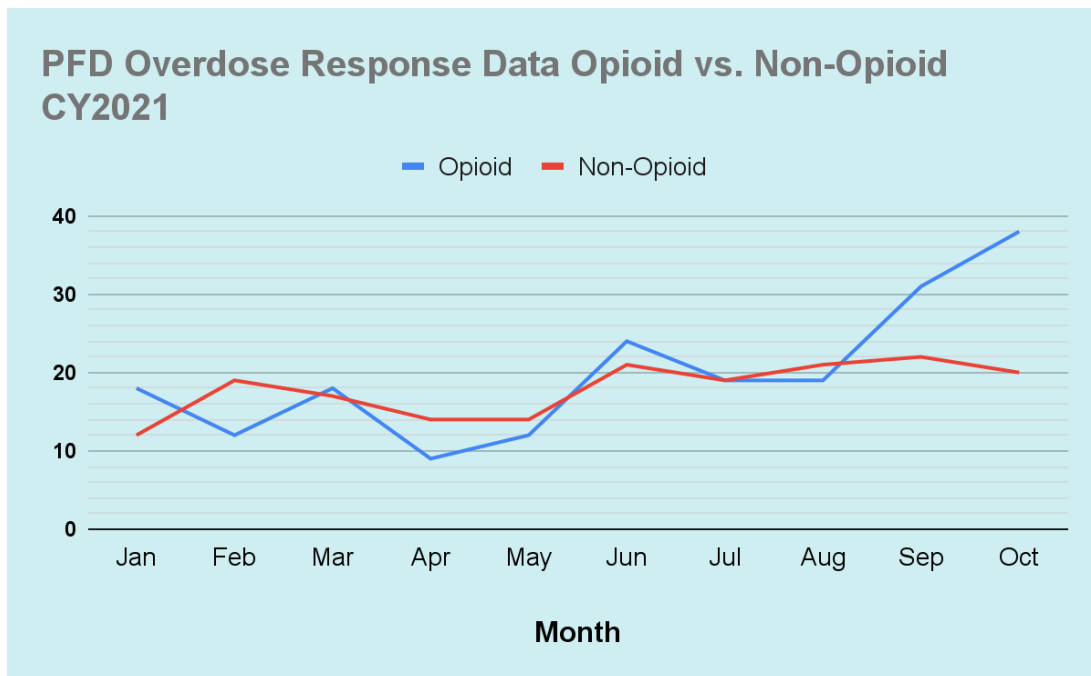


This illustrates a moderate increase in non-opioid overdoses and opioid overdoses without coma, and a more significant increase in opioid overdoses with a coma. The reference to "coma" indicates the state the patients were found in when we made contact with them, ie, whether they were comatose or not.

Comparing all opioid overdoses with non-opioid overdoses yields the following data:

Portland Fire Department Overdose Data Calendar Year 2021

Month	Opioid	Non-Opioid
Jan	18	12
Feb	12	19
Mar	18	17
Apr	9	14
May	12	14
Jun	24	21
Jul	19	19
Aug	19	21
Sep	31	22
Oct	38	20
Totals	200	179



Non-opioid overdoses have remained relatively constant over the course of the year, running between values of 12 to 22 per month. Opioid overdoses, however, hit a monthly high in June, plateaued for a few months, and then sharply increased again from August until present. The data suggests that opioid overdoses are increasing at a much higher rate than non-opioid overdoses, and the percentage of patients who are found in a comatose state due to their overdose is, on the average, increasing.



CITY OF PORTLAND
Social Services Division

MEMORANDUM

TO: Members of the Health & Human Services and Public Safety Committee
FROM: Chelsea Hoskins, Resettlement Coordinator
DATE: November 9, 2021
RE: Asylum Seeker Update

Since the October 12th HHS & PS committees meeting, The City of Portland has continued to see large numbers of New Mainers arriving in Portland. October, 2021 saw some of the highest numbers of newly arriving families on record for a one month period, comparable only to the summer of 2019 which was spent in the Exposition building. For the month of October, 2021, 45 families totaling 145 individuals presented to GA seeking shelter who reported being unhoused and in need of hotel placement. Of those, 39 families for 128 individuals were newly arriving families.

130 families of mixed family make-ups and backgrounds totaling 429 individuals are currently in hotels. An additional 29 families for 84 individuals are residing at the Family Shelter.

Since October 12th's HHS & PS committee meeting, some new curriculum and outreach has occurred across a few hotels. We have implemented triage case management at the Quality Inn and Comfort Inn. These informal triage workers consist of a Family Shelter staff member, interns from SMCC and Gateway Community Resources, and CHOWs from the City's Minority Health Program. These staff members meet with newly arriving families, provide an overview of area resources, and assistance in applying for essential benefits.

Medical outreach teams continue to present on site to the Quality Inn consisting of WIC, GPH, MMC, South Portland's Local Health Officer, City of Portland's Maternal Child Health Nurses and a new addition of Care Partners. South Portland's Local Health Officer and their Social Services Division staff member access Comfort Inn on Tuesdays to assist with orientation to resources and continue to offer connections to healthcare and other needs during these visits.

On Wednesday November 3rd, a pop-up vaccine clinic at the Quality Inn took place which occurred as the result of several area providers working collaboratively. This clinic offered both testing and COVID vaccinations. Providers on the ground reported that 16 individuals received

vaccinations, and those who arrived later in the day received referrals to MAIN's standing Friday Vaccine clinic. Ongoing meetings and conversations will be held to determine the necessity and frequency of future clinics.

An Opportunity Alliance SNAP-Ed staff member working alongside Preble Street's advocacy staff member, held a pop-up nutrition education class at the Comfort Inn where families received information related to nutrition education, proper food storage, microwave cooking, and SNAP benefit education. These two individuals plan to continue to outreach Comfort Inn again next week, and are planning on sessions to be held at the Quality Inn.

ILAP is working on materials for newly arriving families about the changes in immigration process and policy which require additional processing steps in some instances.

Prosperity Maine has dedicated to holding a twice monthly virtual education session on how to be a successful tenant, as families and individuals search for housing.

There has been a renewed energy in the community related to helping families since the last HHS & PS committee meeting. However, the vast majority of gaps in care presented at that time continue to exist. These gaps in care are primarily related to transportation, food access, and housing. Some hotels still do not have options for cooking or even microwave use and others do not have laundry options; families continue to be challenged by transportation to get into town for picking up prescriptions, going to appointments, grocery shopping, or even going to a friend's home to cook or use their washing machines when their hotel lacks these options. Even with many food service distributors and providers dropping off meals or non-perishables, there is still a huge need in relation to cooked and prepared meals. Unfortunately, staffing challenges across agencies continue to limit the collective capacity to cook and deliver prepared foods.

We have recently partnered with two property owners in Old Orchard Beach who opened up their properties as winter rentals that they generally close for the season. The benefits of these properties is that each unit has stove top burners and refrigerators. Families are moving this week and next. Many are excited about the opportunity to finally be able to cook for their families. 20 families for 61 individuals out of the above outlined hotel family numbers will be moving into the Old Orchard Beach units.

Although the distance from Portland is a challenge as many families are connected to Medical care in Portland and transportation will need to be sorted out, many providers have reached out to offer support for these families. A couple of local Pastors have offered to assist families with transportation into town. They and other Biddeford entities have also offered to start collections for quarters for families to be able to access the nearby laundromats in the town, as well as toiletries and diapers. Good Shepherd has offered to donate culturally appropriate foods and partnered with Youth Full Maine to deliver the food to the families at the properties. A few African grocery markets in Portland are also brainstorming how they might be able to bring families food purchased with their GA vouchers if transportation proves to be a barrier. Portland WIC has collaborated with YCCAC for a transfer of WIC services, and YCCAC has been a great

connector for other area resources. Biddeford community groups, their adult education office, MIRC, and WIONN have been very helpful as well in connecting to area providers and resources, as has the OOB Town Manager and Fire Chief, offering up services and asking how they can be helpful.

As the dust settles and families move in, the City's Resettlement Coordinator will continue to work with the above named providers to pull together an OOB team for correspondence, and a resource packet for families to be as prepared as possible as more services and offers to assist are received.

This transition of families to Old Orchard Beach has been heartwarming, and is fantastic to see the wraparound supports being offered and falling into place. One thing of concern remains; these are all temporary situations and families will still need to locate permanent housing, ideally before the end of their stay so they are not routed back to another temporary situation in a different hotel or the shelter.

More housing options which have area providers and resources within close proximity, and housing units which are fully outfitted, continue to be a great need. A more expansive and free, or affordable transportation system, would also greatly benefit all to be able to transition families to other towns while allowing them to stay connected to providers, their churches and get their needs met is in very high demand as numbers continue to rise.

2021 Portland Park Ranger Encampment Report

The following report is in regards to the 2021 Park Ranger season starting January 1st 2021 until the current date of October 25th 2021. The report outlines the number of encampment infractions in the City of Portland.

City Code 18.18 states: “...no person shall stop, loiter, be or remain in any of the parks of the city or in any of the paths, drives, streets, boulevards or roadways of the parks between the hours of 10:00 p.m. and 6:30 a.m. of the day immediately following, except for the purpose of traveling across or through such parks; nor shall any person park an automobile and remain therein between the hours of 10:00 p.m. and 6:30 a.m. of the day immediately following on any of the drives, streets, boulevards, promenades or roadways within the parks of the city...”

Therefore any person camping overnight in the parks are considered trespassing and receives a *criminal trespass notice*. The parks department policy remains: When a tent or encampment is discovered, a *criminal trespass notice* will be given along with homeless services information. This grants individuals a 24 hour window to pack up their belongings and move to a homeless shelter if needed. In most cases, an additional 24 hour grace period is given. After 48 hours, Park Rangers return to the site and clean the area to ensure safety to all park patrons.

- Tagged Tent Sites* on Portland Owned lands for the reported year of 2021 = 75 tents.
 - *Tagged Tent sites = Occupied erect tents where rangers observe activity on the site.
- Abandoned Tent sites* on Portland Owned Lands for the Reported year of 2021 = 84 sites.
 - *Abandoned Tent sites = sites containing a collapsed tent, or a site that is no longer being occupied.
- Debris sites* from relocated tent sites/encampment sites = 83
 - *Debris sites = Locations where tents were present but only trash and other remains exist including drugs, sharps, and fire rings.
- Total number of camp infractions = 242*
 - *Total numbers do not include Deering Oaks Park.
- Estimated number of hours Park Rangers dedicated to camping infractions = 793 Hours
 - Hours include the time tagging, reporting, and cleaning illegal encampment sites throughout the city.
- Total number of needles collected in 15 parks by Rangers – 2,002 Needles (these are needles found on the ground in parks or campsites, not including those collected in needle collection boxes).

Many encampment sites have contained knives, machetes, axes, hatchets, and saws. Campsites have also contained firearms (1 handgun, 2 pellet guns), 2 compound bows, and 1 large 32” sharpened sword. Parks with the highest number of infractions are Eastern Promenade, PATHS Open Space, Bayside Trail, Deering Oaks, and Technology Park.

1. * Encampment Violation Handouts
2. * Map of Portland with encampment locations

#1

Encampment Violation Handouts

Criminal Trespass Notice

Per City of Portland Ordinance:

No Loitering

Chapter 18 Section 18



Park Hours 6:30am – 10:00pm

Attention!

Camping is prohibited on public property.
You must vacate this area immediately.
All belongings at this site will be removed
after 24 hours of this notice.

For immediate assistance or shelter please contact:
Oxford St. Homeless Shelter
203 Oxford St. Portland, ME 04101 (207) 761-2072

Date/ Time: _____

Points to Remember:
Park hours are 6am-10pm. Camping, drinking,
drug use, and smoking on public property is
PROHIBITED. Encampments will result in a
criminal trespass notice per city ordinance
Chapter 18.18 and will result in removal of
belongings after notice.

(Homeless Outreach and Mobile Engagement Team)
Mon-Sat. 9am-9pm 207-838-8904
All other times 207-775-4790 EXT. 192

H.O.M.E. TEAM

Portland Fire Department:
207-874-8400

Portland Police non-emergency line:
207-874-8400

Emergency Call 911

Have an Emergency?
Don't Wait, Call for Help!

PORTLAND
PARKS, RECREATION
& FACILITIES

HOMELESS
SERVICES
RESOURCE GUIDE



Shelters for Adults and Youth & Families

- City of Portland, Social Services
 - 207-775-7911
- City of Portland, Family Shelter: Healthy Community Connection
 - 207-772-8339
- City of Portland, Oxford Street Shelter
 - 207-482-5224
- Community Housing of Maine
 - 207-879-0347
- Preble Street Resource Center
 - 207-775-0026
- Shalom House, Inc.
 - 207-874-1080
- Salvation Army Lighthouse Shelter
 - 207-774-3037
- Greater Portland Family Promise
 - 207-200-8672

Transitional Housing for Women

- Through These Indoors
 - 866-864-4657
- Florence House
 - 207-699-4392



Recovery Programs

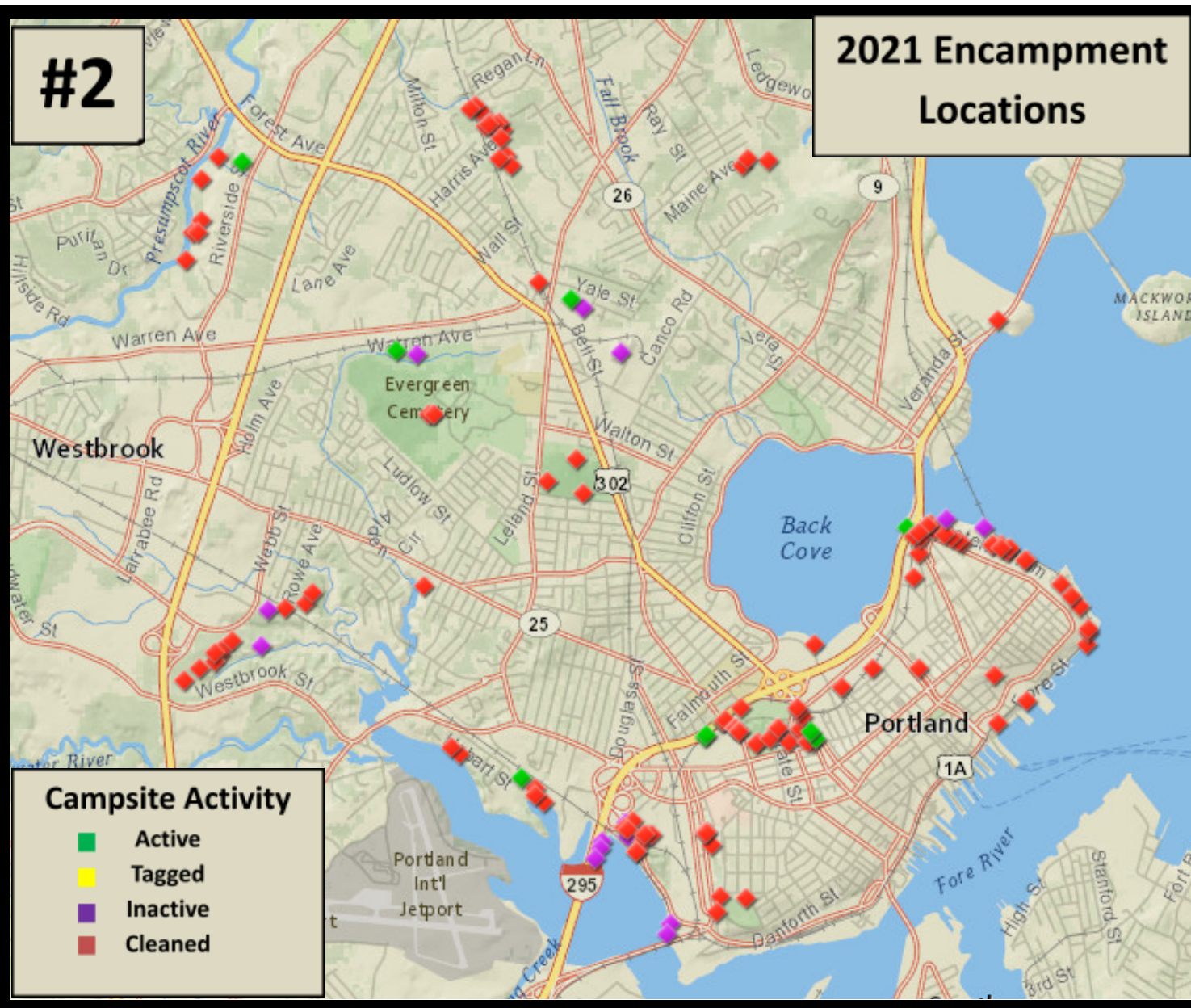
- Milestone Foundation Emergency Shelter
 - 207-775-4790
- Pine Tree Recovery Center
 - 207-618-9611
- Portland Recovery Community Center
 - 207-553-2575
- Liberty Bay Recovery Center
 - 855-607-8758
- Salvation Army Adult Rehab Center
 - 207-774-7818

#2

2021 Encampment Locations

Campsite Activity

- Active
- Tagged
- Inactive
- Cleaned





CITY OF PORTLAND
Health and Human Services

MEMORANDUM

TO: Kristen Dow, Director of Health and Human Services
Tina Pettingill, Deputy Director of Health and Human Services
Bridget Rauscher, Chronic Disease Prevention Manager
FROM: Kirsten Goodrich, Public Health Division, Tobacco Prevention Program
DATE: 11/3/2021
SUBJECT: Outline of Education and Outreach Strategy for Retailers

This memo addresses the questions posed by the Health and Human Services and Public Safety Committee (HHS&PS Committee) on October 12, 2021.

Outreach & Education Strategies:

As of September 2021, there are 90 licensed tobacco retailers in the City of Portland. The tobacco prevention team has a previously established partnership with local retailers for retailer education and technical assistance. In the past, the tobacco prevention team has had success surveying retailers to identify needs of appropriate educational materials. The tobacco prevention program will continue with this approach and will survey licensed retailers in the City of Portland to get a better sense of the materials that retail establishments would prefer to display. The survey will be conducted and evaluated prior to developing materials.

As a current grant recipient and partner, the tobacco prevention team anticipates continuing partnerships with MaineHealth's Center for Tobacco Independence (CTI) to improve and support consistent messaging. The tobacco prevention team will expand the current retailer initiatives such as promoting the NO BUTS! training program, a free training to reduce underage tobacco sales, and the Maine QuitLink program, a tobacco quitting program free to Maine residents. Additionally, the tobacco prevention team will update the current retailer toolkits to reflect the flavor ban, if adopted. The purpose of the toolkit will be to provide education and support to retailers around the specifics of the full flavor ban. It will also provide materials to educate customers by providing resources to display with language that informs customers of the change. These resources will be designed to alleviate the burden placed on retailers to educate customers. The toolkit will be mailed to retailers at least 30 days before the law goes into effect.

A retailer toolkit will include:

- Signage stating new ordinance changes and the effective date (various sizes and styles)
- Educational rack cards,
- Maine Quitlink resources,
- No Buts! one pager,
- FAQ one pager.

In addition, the tobacco prevention program will draft communication that will go out to all licensed retailers in the Portland area that will comprehensively detail the changes to the current retail tobacco ordinance. The tobacco prevention program will record educational trainings for retailers. The tobacco prevention team will create social media posts to share on virtual platforms to expand reach. All resources will be uploaded to the City's website in order to be accessible to retailers and residents. All materials will be translated into the top five most spoken languages here in Portland. The top five languages spoken in Portland are Somali, Arabic, Spanish, French, Portuguese. Translated materials will be printed and distributed and electronic versions will be available on the City's website. We anticipate that the retailer outreach process will take approximately four to six months.

Updates to LD1190 & LD1550:

LD 1190, passed as amended in the 129th Legislature

When LD 1190 was introduced at the start of the 129th Legislature (January 2019), the FDA was considering action on flavored tobacco products. The Legislature's Health & Human Services Committee decided they wanted to wait and see what actions the FDA would take. As a result, LD 1190 was amended significantly by the Committee, stripping out all references to flavored tobacco products and simply aligning statutory enforcement provisions for furnishing tobacco products with those for furnishing alcohol in Maine, thereby leaving the continued proliferation of flavored tobacco products unaddressed. Unfortunately, the FDA has taken extremely limited action, likely taking years to fully implement, which is why LD 1550 (see below) was introduced in the 130th.

LD 1550, carried over to the 2nd Regular Session of the 130th Legislature

Two years later, with inadequate action taken by the FDA and an explosion of flavored tobacco products on the market, LD 1550 was introduced at the start of the 130th Legislature (January 2021) with strong bipartisan sponsorship, including members of Democratic leadership, Democratic House chairs of both the HHS and Appropriations Committees and Republican Senate and House Appropriations Committee leads. The bill was supported by Governor Mills, who included the proposal in her Supplemental Budget proposal, and was voted with a majority "ought to pass" out of the HHS committee. The Governor and Appropriations Committee agreed to advance a budget that could garner the support of 2/3 of legislators. Ultimately, Republican leadership requested the flavors proposal come out of the budget in order to reach 2/3 support, and this was agreed to by the Appropriations Committee. With only a few days remaining in the legislative session, LD 1550 was carried over to the 2nd Regular Session of the 130th (starting January 2022), where it will be considered for passage and funding.

Fiscal Note:

The cost of implementing a full ban on flavored tobacco products will not exceed \$50,000. Any costs incurred would be minimal and will be paid from existing grant funds by the Tobacco Prevention Program, in collaboration with the Center for Tobacco Independence and the Maine CDC.

Ordinance Language:
See Attached

Chapter 17 OFFENSES, MISCELLANEOUS PROVISIONS*

*Cross reference(s)--Alarm systems, Ch. 2.5; rules of conduct in cemeteries, § 7-123 et seq.; police, Ch. 20; traffic and motor vehicles, Ch. 28.

Art. I. In General, §§ 17-1--17-14

Art. II. Offenses Against Public Peace, §§ 17-15--17-30

Art. III. Offenses Against Public Safety, §§ 17-31--17-60

Div. 1. Generally, §§ 17-31--17-40

Div. 2. Weapons, §§ 17-41--17-43

Art. III-A. Trigger Locking Devices, §§ 17-44--17-60

Art. IV. Obscenity, §§ 17-61--17-69

Art. V. Regulation of Tobacco, §§ 17-70--17-98

Div. 1. Generally, §§ 17-70--17-80

Div. 2. Miscellaneous Provisions, §§ 17-81--17-85

Div. 3. Nonsmoking on Designated City Trails, §§ 17-86--17-89

Div. 4. Secondhand Smoke on Playgrounds, Beaches, and Athletic Facilities, §§17-90--17-93

Div. 5. Secondhand Smoke in Indoor and Outdoor Eating Areas, §§17-94--17-95

Div. 6. Smoking Prohibited in City Parks and Public Grounds §§17-96--17-98

[Div. 7. Sale of Flavored Tobacco Products Prohibited, Sec. 17-98.](#)

Art. VI. Mercury Thermometers, §§ 17-99--17-107

Div. 1. Generally, §§ 17-99--17-100

Div. 2. Restrictions, §§ 17-101--17-107

Art. VII. Reserved, §§ 17-108--17-112

Art. VIII. Recreational Use of Marijuana by Adults 21 Years of Age or Older, §§ 17-113--17-119

Art. IX. Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs, §§ 17-120--17-123

Art. X. Moratorium on Marijuana Caregiver Retail Stores, Testing Facilities, Manufacturing Facilities, and Grow Facilities, §§ 17-124--17-128

Art. XI. Facial Recognition Technology, , §§ 17-130--17-133

....

Sec. 17-68. Reserved.

Sec. 17-69. Reserved.

ARTICLE V. REGULATION OF TOBACCO*

***Editor's note**--Ord. No. 241-98, § 1, adopted Apr. 7, 1998, amended this chapter by adding provisions as herein set out; such ordinance was approved at referendum on Nov. 3, 1998, with an effective date of Dec. 5, 1998.

***Editor's note**—Pursuant to Council Order 39-12/13, passed by City Council on 2/4/13 repealed Article V in its entirety and replaced it with a new Article V.

DIVISION 1. GENERALLY

Sec. 17-70. Findings; purposes.

(a) The city council hereby finds as follows:

- (1) There is no risk-free level of contact with secondhand smoke; even brief exposure can be harmful to health;
- (2) Secondhand smoke contains over 4,000 chemicals, more than 60 of which are known to cause cancer;
- (3) The smoking of other substances may also cause serious health problems and risks to those who smoke; and
- (4) The purpose of this regulation is to decrease the exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment.

(b) The city council hereby finds that it is in the public health, safety and welfare to supplement state regulation of the use of tobacco, tobacco products and other substances that emit smoke that is used and intended customarily for inhalation into the lungs in outdoor locations and the free distribution and self-service displays of tobacco and tobacco products.
(Ord. No. 39-12/13, 2-4-13, Ord. 207-14/15, 4-27-2015)

Sec. 17-71. Definitions.

Words used in this chapter shall have their common meanings, except that definitions set forth in 22 M.R.S.A. Chapter 262-A, or this section shall apply unless the context clearly indicates that a different meaning is intended:

Designated city trail means the traveled portion of all city-owned or controlled trails open to use by the public that have been designated as a nonsmoking trail by order of the city council.

Flavored tobacco products means any tobacco product that imparts a taste or smell, other than the taste or smell of tobacco, either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice. Specifically excluded from this definition are any product(s) containing cannabis, as defined by Chapter [_____], of this Code, unless these products contain, are made of, or are derived from tobacco or nicotine.

Outdoor eating areas shall mean patios, decks, public property permitted for outdoor dining and other outdoor areas under the control of a restaurant or bar for the use of its patrons.

Owner means and includes the proprietor, manager, lessee, lessor licensee or any other person exercising control over any facility or location.

Private function is a room or a hall in which the sponsor of the private function and not the owner or proprietor has control over the seating arrangements.

Smoking means the lighting, inhaling, exhaling, burning or carrying of any cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, other similar product that relies on vaporization or aerosolization, or other tobacco product, or carrying or having in one's possession any lighted object giving off smoke from tobacco or any other substance that emits smoke that is customarily used and intended for inhalation into the lungs.

~~*Tobacco or tobacco product* means any form of tobacco, including but not limited to cigarettes, cigars, pipe tobacco, chewing tobacco or snuff, and any material or device used in the smoking, chewing or other form of tobacco consumption, including~~

~~but not limited to cigarette papers, pipes, electronic cigarettes, electronic cigars, electronic pipes, and other similar products that rely on vaporization or aerosolization.~~

"Tobacco product" means: (1) any product containing, made of, or derived from tobacco or nicotine, natural or synthetic, that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (2) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or (3) any component, part, or accessory of (1) or (2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes. "Tobacco product" does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Traveled portion means that area of a trail covered by material such as concrete, pavement, stone dust, or cedar mulch, designed to bear traffic from individuals or vehicles powered by individuals.

(Ord. No.39-12/13, 2-4-13, Ord. 207-14/15, 4-27-2015)

Sec. 17-72. Reserved.
Sec. 17-73. Reserved.
Sec. 17-74. Reserved.
Sec. 17-75. Reserved.
Sec. 17-76. Reserved.
Sec. 17-77. Reserved.
Sec. 17-78. Reserved.
Sec. 17-79. Reserved.
Sec. 17-80. Reserved.

DIVISION 2. MISCELLANEOUS PROVISIONS

Sec. 17-81. Free distribution; sampling.

The free distribution or sampling of tobacco is prohibited in the City of Portland. A violation of this section shall be a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(Ord. No. 241-98, § 1, 4-7-98; Ord. No. 39-12/13, 2-4-13)

Sec. 17-82. Self-service displays.

(a) Self-service displays of tobacco products, from which individual packages, cartons, or items may be selected by the customer, are prohibited in the City of Portland.

(b) The foregoing shall not apply in a retail tobacco store which specializes in the sale of tobacco and tobacco products only.

(c) A violation of this section shall be a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-83. Nonretaliation.

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any right to smoke-free environment afforded by this article. A violation of this section shall be a civil violation subject to the general penalty provisions of section 1-15 of this code.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-84. Sale of tobacco products to people under 21 prohibited.

(a) Notwithstanding the provisions of 22 M.R.S. §1555-B(2) and in accordance with 22 M.R.S. 1556, in the City of Portland, no individual, corporation, partnership, unincorporated association or other entity may sell, furnish, give away or offer to sell, furnish or give away a tobacco product to any individual under 21 years of age.

(b) No individual, corporation, partnership, unincorporated association or other entity may sell or permit the sale of tobacco products in the City of Portland unless a clearly visible notice is posted at the location where tobacco products are available for purchase. The City of Portland shall provide this notice, which shall state "No person under the age of 21 may purchase tobacco products," legibly printed in letters at least one-half inch high.

(c) The City of Portland's Public Health Division Director or his or her designee(s) shall have the primary responsibility

for enforcement of this section and may conduct random, unannounced inspections at locations where tobacco products are sold to test and ensure compliance with this ordinance.

(d) A violation of this section shall be a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(Ord. No. 303-15/16, 7-20-2016)

Sec. 17-85. Reserved.

DIVISION 3. NONSMOKING ON DESIGNATED CITY TRAILS

Sec. 17-86. Purpose.

This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, and quality of life of the children and other people that use designated city trails.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-87. Smoking prohibited.

It shall be unlawful for any person to smoke on a designated city trail at any time.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-88. Enforcement.

The parks and recreation department shall place signs at the beginning and end point of any city trail as well as in such other locations that, in its sole discretion, the parks and recreation department deems necessary to notify the public of this ordinance. Prior to issuing a citation for a violation of this section, a police officer or any law enforcement or code enforcement officer or park ranger shall issue one verbal warning to an individual. If the individual fails to immediately comply after one warning, individual shall be given a citation.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-89. Reserved.

DIVISION 4. SECONDHAND SMOKE ON
PLAYGROUNDS, BEACHES, AND ATHLETIC FACILITIES

Sec. 17-90. Purposes.

The purpose of this regulation is to decrease the exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment.

(Ord. No. 39-12/13, 2-4-13, Ord. 207-14/15, 4-27-2015)

Sec. 17-91. Smoking prohibited at playgrounds, beaches and outdoor athletic facilities.

(a) Smoking is prohibited both at, or within, twenty (20) feet of the following outdoor areas: playgrounds, beaches and outdoor athletic facilities owned and maintained by the city where members of the general public of any age assemble to engage in physical exercise, participate in athletic competition, play or recreational activity, or to witness sports, or other outdoor recreational events.

(b) The foregoing prohibition shall not apply in an area which has been designated prior to passage of this ordinance as a designated smoking area at Hadlock Field, but such area shall not be expanded.

(Ord. No. 39-12/13, 2-4-13)

Sec. 17-92. Enforcement.

(a) The health and human services department shall work with the public works department to place signs notifying the public of this prohibition at or near playgrounds and athletic facilities, as well as in such other locations that, in its sole discretion, the health and human services department deems necessary to notify the public of this ordinance.

(b) Prior to issuing a citation for a violation of this section, a police officer or any law enforcement or code enforcement officer or park ranger shall issue one verbal warning to an individual. If the individual fails to comply after one warning, said individual shall be given a citation. Failure to comply after one warning is cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the initial warning.

(Ord. No. 39-12/13, 2-4-13; Ord. 108-15/16, 11-16-2015)

Sec. 17-93.Reserved.

**DIVISION 5. SECONDHAND SMOKE IN
INDOOR AND OUTDOOR EATING AREAS**

Sec. 17-94. Smoking Prohibited in Indoor and Outdoor Eating Areas.

(a) Smoking is prohibited within the indoor and outdoor eating areas provided by restaurants and bars while such indoor or outdoor eating areas, or any portion thereof, are open and available for dining and beverage service.

(b) *Indoor eating areas* shall mean indoor areas permitted for dining that are under the control of a restaurant or bar for the use of its patrons.

(c) *Outdoor eating areas* shall mean patios, decks, public property permitted for outdoor dining and other outdoor areas under the control of a restaurant or bar for the use of its patrons.
(Ord. 207-14/15, 4-27-2015)

Sec. 17-95. Enforcement.

(a) It shall be the responsibility of restaurants and bars to notify its customers of this prohibition and to request that customers comply with it.

(b) Prior to issuing a citation for a violation of this section, a police officer or any law enforcement or code enforcement officer shall issue one verbal warning to an individual and the restaurant. If the individual or restaurant or bar fails to comply after one warning, said individual or restaurant or bar shall be given a citation. Failure to comply after one warning is cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the initial warning.
(Ord. 207-14/15, 4-27-2015)

DIVISION 6. SMOKING PROHIBITED IN CITY PARKS AND PUBLIC GROUNDS

Sec. 17-96. Smoking prohibited in all city-owned or maintained parks.

(a) Smoking is prohibited in the City's public parks, squares and grounds and temporary parks requiring a permit.

(b) The Council shall define by order the City-owned or maintained public parks and grounds to which this requirement shall apply and such order shall be kept on file in the Department of Public Works.

(c) Smoking is prohibited in any temporary or "pop-up" park operated or maintained by a private person or entity, into which the public is invited and that requires an event permit under Chapter 18 for the duration of the event so approved. (Ord. No. 39-12/13, 2-4-13; Ord. 80-15/16, 10-19-2015, Ord. 108-15/16, 11-16-2015)

***Editor's Note:** Pursuant to Council Order 38-12/13, passed on 2/4/13, and Order 76-15/16, passed on 10/19/2015, the following is the list of public parks to which 17-96(b) applies:

ORDERED, that smoking shall be prohibited in the following parks and public grounds as described in Section 17-96 of the Portland City Code:

Back Cove Park	Lobsterman Park
Baxter Woods	Longfellow Square
Bayside Park	Marginal Way Field
Bedford Park	Monument Square
Bell Buoy Park	Oatnuts Park
Belmeade Park	Payson Park
Boothby Square	Pleasant Street Park
Capisic Pond Park	Post Office Park
Compass Park/Maine State Pier	Presumpscot Park
Congress Square	Presumpscot River Preserve
Deering Oaks Park	Quarry Run Dog Park
Dougherty Field	Riverton Park
Eastern Promenade	Stroudwater Park
Fessenden Park	Tommy's Park
Fort Allen Park	University Park
Fort Sumner Park	Valley Street Dog Park
Ganley Plaza	Western Promenade
Harbor View Park	
Heseltine Park	
Lincoln Park	

Sec. 17-97. Enforcement.

(a) The health and human services department shall work with the public works department to place signs notifying the public of this prohibition at or near playgrounds and athletic facilities, as well as in such other locations that, in its sole discretion, the health and human services department deems necessary to notify the public of this ordinance.

(b) Prior to issuing a citation for a violation of this section, a police officer or any law enforcement or code enforcement officer or park ranger shall issue one verbal warning to an individual. If the individual fails to comply after one warning, said individual shall be given a citation. Failure to comply after one warning is cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the initial warning.
(Ord No. 39-12/13, 2-4-13; Ord. 108-15/16, 11-16-2015)

DIVISION 7

Sec. 17-98. Sale of Flavored Tobacco Products Prohibited.

(a) No individual, corporation, partnership, unincorporated association or other entity may sell or permit the sale of any flavored tobacco product, or display, market, or advertise for sale in the City of Portland, or display, market, or advertise for sale in the City of Portland, any flavored tobacco product.

(b) There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer of tobacco products, or any employee or agent of a manufacturer of tobacco products, or any individual, corporation, partnership, or other entity that sells tobacco in the City of Portland, has: (1) made a public statement or claim that the tobacco product imparts a taste or smell other than the taste or smell of tobacco; (2) used text or images, or both, on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a taste or smell other than tobacco; or (3) taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product imparts a taste or smell other than tobacco.

(c) The City of Portland's Public Health Division Director or his/her/their designee(s) shall have the primary responsibility for enforcement of this section and may conduct random, unannounced inspections at locations where tobacco products are sold to test and ensure compliance with this ordinance.

(d) A violation of this section shall be a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(e) This section shall become effective on [_____].

~~Sec. 17-98. Reserved.~~

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.