

METRO REGIONAL COALITION

Agenda

January 8, 2019

Noon to 1:30 pm

GPCOG, 970 Baxter Boulevard, Portland

1. Welcome and introductions

2. Acceptance of minutes from November 13, 2018 meeting (Attachment A)

3. MRC Roundtable: Expanding Housing Choices (75 min.)

Each Metro Regional Coalition Community will present on how it's working to diversify housing choices and expand housing production. The group will then discuss what's working, what's not, and best practices. To ground our discussion, please see Attachment B, which is a compilation of MRC communities' responses to the housing questionnaire.

Today's roundtable will be followed by another roundtable in the spring with developers and other potential partners focused on how municipalities can lay the groundwork for expanding housing choices.

4. Updates on Other 2018 Priorities (10 min.)

- Marijuana data collection
- Homelessness
- Opiate misuse

Next Meetings

- February 12: Fire Training Facility update & funding Housing First
- March 12

Attachment A

Metro Regional Coalition MINUTES

November 13, 2018

In Attendance:

| Name | Affiliation |
|---------------------|--|
| Bill Donovan, Chair | Scarborough |
| Nathan Poore | Falmouth |
| Caleb Hemphill | Falmouth |
| Jon Jennings | Portland |
| Ethan Strimling | Portland |
| Jerre Bryant | Westbrook |
| Jim Gailey | Cumberland County |
| Tom Hall | Scarborough |
| Kate Simpson | Senator Collins Office |
| Presenters: | Anne Torregrossa, Jeff Levine, Michael Sauschuck and Michael Russell, Fire Chief Keith Gautreau, City of Portland; Fire Chief Michael Thurlow, Scarborough |
| For GPCOG: | Kristina Egan Chris Hall Tony Plante |

Welcome

Bill Donovan called the meeting to order at 12:05 pm.

Acceptance of 10/9/18 minutes

Deferred until December meeting.

Marijuana ordinances, enforcement and data collection in Portland

Staff from various City of Portland departments presented an overview of Portland’s current and future efforts to design and implement local marijuana regulations to date, including ordinance implementation, priority factors for regulation, and the collection of data detailing the hidden costs of implementation and enforcement.

Assistant City Manager Michael Sauschuck described how Portland's staff has learned from the experience of Denver Colorado and the mistakes and unexpected consequences Denver went through after legalization of marijuana. Among the lessons learned was that the black market did not fade away after legalization – rather it tried to meld into the legal market, creating a 'gray' market of organized crime seeking the cover of legitimacy. One thing that Denver and Colorado got right was adequate state funding for local implementation and enforcement, something that Maine has yet to provide municipalities.

Michael Russell, Portland's Director of Permitting and Inspections, noted how vertical integration of the marijuana business from growing to production to retail created a set of regulatory challenges. Multiunit housing is a particular concern where fire risks are elevated and public health can be threatened.

Assistant City Counsel Anne Torregrossa shared that Denver advised Portland to start small, and recognize that it's much easier to go from strict to less strict, and harder to go in the opposite direction.

Torregrossa described Maine state law as an un-harmonized set of laws that leave gaps and questions for municipalities facing legalization. Particularly the medical marijuana law governing caregivers is not aligned with the adult-use recreational marijuana law. And while the caregiver law is well-detailed, the recreational law is not, despite the fact that both uses have overlapping impacts on the public.

Portland has begun drafting a regulatory approach that seeks to harmonize the medical caregiver and recreational marijuana laws as much as possible, filling in gaps where no state regulations currently exist. With Portland's medical marijuana moratorium expiring on 12/13/18, and the state 'opt-in' law starting on 12/14/18, the City hopes to have medical marijuana local regulations ready as soon as possible. When the state issues rules on medical marijuana next year the City will adjust their own regulations as necessary.

Portland is moving ahead on several fronts.

- Fire Chief Keith Gautreau explained how the City has adopted the 2018 national life safety code that contains a chapter on marijuana legalization's implications for fire safety. He reiterated the concern for public safety in apartment buildings where marijuana production activities are ongoing.
- The City's planning staff has drafted proposed zoning ordinances for marijuana related land uses. Planning Director Jeff Levine spoke to the considerations underlying zoning approaches, including the need to establish zones before claims of grandfathered uses arise. Options as to the number of facilities and their spacing in the community were discussed. Levine also noted the value of imposing conditional use requirements on marijuana activities in support of public health and safety objectives. And most importantly Levine emphasized that zoning can best control where marijuana uses are allowed to exist, with licensing stepping in to regulate the impacts of these activities on the community.
- Staff has begun work on gathering data on the costs on implementation and enforcement. Torregrossa detailed the efforts to establish baselines for anticipated growth in things like EMS

calls. She also spoke to the need to amend incident reporting to include marijuana related occurrences, something that is not currently captured in all instances. With baselines in place the City will track changes as legalization becomes more widespread, and hopes to leverage that data as the basis for state funding to offset the municipal costs associated with legalization. Ultimately Portland hopes that surrounding communities will consider similar data collection efforts so that the region can speak collectively at the state house on the need for sufficient state funding.

Torregrossa concluded by summarizing that Portland is developing a toolkit for municipal management of medical and recreational marijuana legalization. From odor regulations and standards to zoning to business licensing, and including data baselines for costs and impacts of enforcement, the City is preparing a host of new ordinances, regulations and collection methodologies.

She emphasized that in addition to state funding, the legislature will need to better align the two laws on the books (caregiver and recreational marijuana legalization), and help all municipalities avoid costly litigation around unclear legal terms like municipal 'opt-in' (what specifically constitutes an opt-in?), and 'retail store' (a term Portland intends to read narrowly, but others may claim allows a wide range of sales unrelated to marijuana).

City Manager Jon Jennings offered to help any other MRC community navigate these complex regulatory waters and invited inquires to him and his staff.

In Q & A the following points were made:

- Federal law still prohibits marijuana sale and use, but federal action against a municipality wasn't seen as a high risk, and local liability remains governed by the Maine Tort Claims Act.
- Regarding potency regulations, Portland is likely to adopt the adult use Maine law standards and stay away from separate City-specific regulations.
- Law enforcement still has no way to field test for marijuana impairment for OUI – the science hasn't overcome the fact that THC stays in the body for 30 days or more.
- Portland is still working on its data collection plan, but it will cover many things, from EMS responses and car crashes to homelessness, and from social service referrals to fires and break-in's. Anne Torregrossa promised to share Portland's metrics and methodologies with GPCOG so the MRC communities can have access and use them.

Regional Fire Training Facility Update

Members received an update from Scarborough Fire Chief Michael Thurlow on the Metro Fire Chiefs' efforts to date to establish a regional fire training facility located at Ecomaine.

Chief Thurlow provided a timeline and recounted efforts going back to 2005, including a 2008 agreement with ecomaine and a 2016 Camoin study.

More recently Thurlow explained the search for start-up funding for the proposed ecomaine training facility, discussions with the Coastal Mutual Aid group who seek funding for their Yarmouth training facility, and the successful passage of state funding for fire training facilities all around Maine.

Thurlow indicated that the ecomaine site remains viable and management is still open to hosting a new training facility. However no engineering has been done and cost estimates of \$2.5 million to build out completely are not verified.

Cumberland County Manager Jim Gaily shared his thoughts on the project, relating that the County remains supportive of the concept but feels the effort needs greater countywide support to gain the backing of the County Commissioners and unlock any prospect of financial contributions from the County.

After discussion Jerre Bryant suggested that Chief Thurlow and his colleagues put together a detailed request for funding to individual municipalities in the hope that several communities would unite to fund preliminary work on the new training facility. Governance and usage costs would be a function of which municipalities invested in the facility, which would be open to all. Using the crime lab model an inter-local agreement was suggested as the preferred vehicle for making the financial commitments necessary to move ahead.

Chief Thurlow agreed that he would put together a scope of work for consideration at an upcoming MRC meeting.

Adjourn. Chairman Donovan adjourned the meeting at 1:40 pm.