

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

PORTLAND REGIONAL CHAMBER OF)
COMMERCE; ALLIANCE FOR ADDICTION)
AND MENTAL HEALTH SERVICES, MAINE;)
SLAB, LLC; NOSH, LLC; GRITTY)
MCDUFF’S; and PLAY IT AGAIN SPORTS)

Plaintiffs)

v.)

CITY OF PORTLAND; and)
JON JENNINGS, in his official capacity as City)
Manager for the City of Portland,)

Defendants)

**AFFIDAVIT OF PORTLAND
REGIONAL CHAMBER OF
COMMERCE IN SUPPORT OF
JOINT MOTION FOR RELIEF
FROM COURT ORDERS
RELATED TO COVID-19, FOR
AN EXPEDITED SCHEDULE,
AND FOR RELIEF FROM
MANDATORY ADR PURSUANT
TO M.R. CIV. P. 16B(b)(9)**

I, Quincy H. Hentzel, being first duly sworn, state as follows:

1. I am the Chief Executive Officer of Portland Regional Chamber of Commerce (the “Chamber”). The Chamber is a not for profit membership organization with a principal place of business at 443 Congress Street, Portland, County of Cumberland, State of Maine.

2. I make this affidavit based on my own personal knowledge, including based on my review of the Chamber’s business records.

3. As Chief Executive Officer of the Chamber, I have custody of or access to such records. It is the Chamber’s regular practice to make such records, and such records are kept in the regular course of the Chamber’s business. The records are made at or near the time of the acts, events, or conditions referenced therein by persons with actual knowledge or from information transmitted by persons who have actual knowledge, kept in the course of the Chamber’s regularly conducted business, and it is the Chamber’s regular practice to keep such records.

4. The Chamber employs eight employees who perform work for the Chamber within the municipal limits of the City of Portland.

5. The Chamber is an “Employer” that employs “Employees” as those terms are defined in the Ordinance.

6. The Chamber employs two Employees who will be subject to the Ordinance as amended by the Initiative once it becomes effective. One of them is working under a telework arrangement and works away from the Chamber’s office 100% of the time. The other has job duties that require her to be physically present in the Chamber’s office on Congress Street in Portland for a portion of every work week.

7. As a direct result of the increase in hourly compensation required by the Emergency Provision of the Ordinance as amended by the Initiative, the Chamber will incur the extra cost of the hourly compensation of the one Employee who is required by a partial telework arrangement to be physically present at the Chamber’s place of business for certain hours during the work week to perform the duties of her position, as well as the added burden of keeping track of how many hours per week the Employee spends at the office, and paying a different hourly rate depending on the location where the Employee has worked.

8. Absent a court order declaring the Emergency Provision of the Initiative in violation of the Maine Constitution or that it is otherwise invalid, or, alternatively, that the Emergency Provision of the Initiative is not effective until January 1, 2022, the Chamber may lay off some of its employees because of the City-imposed added cost of operating its business at a time when membership and sponsorship dollars have decreased significantly as a result of the COVID-19 pandemic.

9. The Chamber further conducted a survey of its member constituents after the Initiative was voted upon on November 3, 2020. Over eighty-nine percent (89%) of respondents said that the Emergency Provision of the Initiative would have a “negative” or “extremely negative” impact on their business or organizations, including responses that such businesses would have to permanently or temporarily close, lay off their employees, reduce hours for their employees, reduce other benefits that they have been providing to their employees, or move out of Portland entirely.

10. Both the Chamber’s and its member constituents’ decisions about how to respond to the Emergency Provision of the Initiative may result in financial hardship to their employees and will inflict further economic harm on the regional economy already severely impacted by the COVID-19 pandemic.

Dated: 11/30/20



Quincy H. Hentzel
Chief Executive Officer
Portland Regional Chamber of Commerce

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Personally appeared before me the above-named Quincy H. Hentzel, Chief Executive Officer of the Portland Regional Chamber of Commerce, and made oath that the above-stated facts are true based upon her personal knowledge as described above.

Dated: 11/30/2020



Notary Public
My commission expires:

DENISE M. PLOURDE
Notary Public, Maine
My Commission Expires April 1, 2021