

# MAINE STATE LEGISLATURE

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OFFICE OF THE CLERK  
LEGISLATURE  
STATE OF MAINE

# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1389

S.P. 505

In Senate, April 2, 2009

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**An Act To Create State and Regional Quality of Place Investment  
Strategies for High-value Jobs, Products and Services in Maine**

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Reference to the Committee on Business, Research and Economic Development suggested  
and ordered printed.

Handwritten signature of Joy J. O'Brien in cursive.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAMON of Hancock. (GOVERNOR'S BILL)  
Cosponsored by Representative PIOTTI of Unity and  
Senators: COURTNEY of York, MILLS of Somerset, SCHNEIDER of Penobscot,  
Representatives: BERRY of Bowdoinham, DUCHESNE of Hudson, SMITH of Monmouth.

1 Be it enacted by the People of the State of Maine as follows:

2 PART A

3 Sec. A-1. 5 MRSA c. 311-A is enacted to read:

4 CHAPTER 311-A

5 MAINE QUALITY OF PLACE INVESTMENT STRATEGY

6 §3308. Definitions

7 As used in this chapter, unless the context otherwise indicates, the following terms  
8 have the following meanings.

9 1. Asset-based investment strategy. "Asset-based investment strategy" means a  
10 plan of action that builds on exceptional and marketable local and regional strengths,  
11 resources and advantages to create new high-value jobs, products and services.

12 2. Council. "Council" means the Maine Quality of Place Council established under  
13 Title 5, section 12004-G, subsection 29-C.

14 3. Regional quality of place investment strategy. "Regional quality of place  
15 investment strategy" means an asset-based investment strategy that builds upon local and  
16 regional place-based assets through the means set forth in subsection 4 and toward the  
17 goals set forth in section 3308-D, subsection 1.

18 4. State quality of place investment strategy. "State quality of place investment  
19 strategy" means an asset-based investment strategy that builds upon the State's place-  
20 based assets through the following means:

21 A. Landscape protection;

22 B. Downtown revitalization;

23 C. Historic preservation;

24 D. Support for the arts, culture and creative economy;

25 E. Tourism based on nature, adventure and heritage;

26 F. Outdoor recreation and leisure;

27 G. Access to outdoor recreation and leisure over public and private lands; and

28 H. Related infrastructure and workforce development.

29 §3308-A. Maine Quality of Place Council

30 The Maine Quality of Place Council is established within the Executive Department.  
31 The council consists of 11 members, 6 who are private citizens and 5 who are ex officio  
32 members.

1           **1. Ex officio members.** The ex officio members of the council are the  
2 Commissioner of Economic and Community Development, the Commissioner of  
3 Transportation, the Commissioner of Conservation, the Director of the State Planning  
4 Office within the Executive Department and the chair of the Maine State Cultural Affairs  
5 Council.

6           **2. Citizen members.** The 6 private citizen members of the council are appointed by  
7 the Governor, subject to review by the joint standing committee of the Legislature having  
8 jurisdiction over matters pertaining to economic and community development and to  
9 confirmation by the Legislature.

10           **3. Qualifications.** The 6 private citizen members of the council must be selected for  
11 their knowledge of and commitment to protecting, enhancing and building upon the  
12 State's natural, historic, cultural, recreational and downtown assets. One private citizen  
13 must be a representative of one of the State's regional planning and development districts  
14 designated under Title 30-A, section 2341.

15           **4. Terms.** The private citizen members of the council are appointed to staggered 4-  
16 year terms. Private citizen members may not serve more than 2 consecutive 4-year terms.

17           **5. Chair.** The Governor shall appoint the chair of the council from among its  
18 members.

19           **6. Assistance.** The Department of Economic and Community Development; the  
20 Department of Conservation; the Department of Transportation; the Cultural Affairs  
21 Council; the Department of Inland Fisheries and Wildlife; the Department of Agriculture,  
22 Food and Rural Resources; the Department of Marine Resources; the Executive  
23 Department, State Planning Office; and all other state agencies shall provide assistance  
24 considered necessary by the council to fulfill the objectives of this chapter. The State  
25 Planning Office shall provide staff support to the council as described in section 3307-G.

26           **§3308-B. Council meetings; rules and administrative proceedings**

27           **1. Meetings.** The council shall meet at least 4 times each year. The chair shall call  
28 the meetings of the council and establish its agenda.

29           **2. Rules.** The council, acting in accordance with chapter 375, may adopt rules it  
30 considers necessary for the conduct of its business. Council rules are routine technical  
31 rules under chapter 375, subchapter 2-A.

32           **3. Compensation.** Private citizen members of the council are entitled to receive  
33 compensation equal to legislative per diem and travel expenses as allowed under section  
34 12004-G, subsection 29-C while engaged in council activities. The Executive  
35 Department, State Planning Office shall absorb these costs.

36           **4. Quorum.** A quorum of the council for the transaction of business is 7 members.

37           **5. Personal bias.** If a charge of bias or personal financial interest, direct or indirect,  
38 is asserted against a member of the council requesting that member to withdraw from a

1 proceeding of the council, that member shall determine whether or not to withdraw and  
2 make that determination part of the record of that proceeding.

3 **§3308-C. Council responsibilities**

4 **1. Biennial report; goals.** The council shall report to the Governor and Legislature  
5 prior to December 31st of each even-numbered year. In its report, the council shall  
6 describe whether and how the state quality of place investment strategy and regional  
7 quality of place investment strategies have achieved the following goals:

8 A. To create new, high-value jobs, products and services in the State that will  
9 succeed in national and global markets to the economic benefit of local, regional and  
10 state residents;

11 B. To make the State's several regions more economically competitive and  
12 prosperous through increased investment, job opportunities, regional incomes and  
13 public revenues; and

14 C. To preserve, enhance and market the State's quality of place assets, both natural  
15 and manufactured, as economic drivers.

16 In its report and in consultation with affected agencies, the council shall recommend,  
17 including any recommended legislation, how to align state agency laws, programs and  
18 funding with a state quality of place investment strategy. The council shall recommend  
19 initiatives to ensure that capital investment and program funding are aligned across all  
20 state agencies, levels of government and economic sectors to advance a state quality of  
21 place investment strategy, principally through support of regional quality of place  
22 investment strategies.

23 The council's report must include a description of the management and distribution of the  
24 fund established under section 3308-D.

25 **2. Regional strategies; coordination of strategies.** The council shall assess:

26 A. The alignment of regional quality of place investment strategies developed under  
27 Title 30-A, section 2343 with a state quality of place investment strategy; and

28 B. The coordination among state, regional and local agencies and governments, as  
29 well as with the private, nonprofit and philanthropic sectors involved in creation of an  
30 effective state quality of place investment strategy.

31 **3. Funds.** The council shall administer any funds appropriated, allocated or donated  
32 for the Maine Quality of Place Investment Fund established under section 3308-D. The  
33 council's report under subsection 1 must include a description of the distribution of any  
34 funds under this subsection.

35 **4. Measures.** The council shall develop standard and effective performance  
36 measures to assess the success of a state quality of place investment strategy and regional  
37 quality of place investment strategies in terms of the goals set forth in subsection 1.

38 **5. Awards.** The council shall develop and award annually Maine Quality of Place  
39 Prosperity Awards recognizing significant contributions that preserve, strengthen and

1 market the State's quality of place assets that stimulate job creation and economic  
2 prosperity.

3 **§3308-D. Maine Quality of Place Investment Fund**

4 **1. Fund established.** There is established the Maine Quality of Place Investment  
5 Fund administered by the council. The Maine Quality of Place Investment Fund consists  
6 of the proceeds from the sale of any bonds authorized for the purposes set forth in  
7 subsection 3 and any funds received as contributions from private and public sources for  
8 those purposes. The Maine Quality of Place Investment Fund must be held separate and  
9 apart from all other money, funds and accounts. Eligible investment earnings credited to  
10 the assets of the Maine Quality of Place Investment Fund become part of the assets of that  
11 fund. Any balance remaining in the Maine Quality of Place Investment Fund at the end  
12 of any fiscal year must be carried forward for the next fiscal year.

13 **2. Fund available.** Upon authorization of the council, for the purposes identified in  
14 subsection 3, the Maine Quality of Place Investment Fund is available to regional  
15 planning and development districts described in Title 30-A, section 2343 and to any other  
16 applicant when the application is submitted as part of a regional quality of place  
17 investment strategy as described in this chapter and Title 30-A, section 2343.

18 **3. Fund proceeds.** The proceeds of the Maine Quality of Place Investment Fund  
19 may be applied and expended to develop and implement regional quality of place  
20 investment strategies as described in subsection 2 as follows:

21 A. To implement a regional quality of place investment strategy that builds upon  
22 efforts under paragraphs B and C;

23 B. To inventory marketable regional quality of place natural and built assets,  
24 including distinctive and exceptional:

25 (1) Natural resources, landscape, downtown, historical and cultural assets; and

26 (2) Recreational, educational, transportation and renewable energy assets; and

27 C. To create a regional quality of place investment strategy by:

28 (1) Identifying sustainable market opportunities that build upon a region's quality  
29 of place assets identified under paragraph B;

30 (2) Developing an investment plan and initiatives to realize these identified  
31 market opportunities;

32 (3) Setting priorities among the plan's recommended quality of place investments  
33 and initiatives;

34 (4) Taking advantage of available private, philanthropic and public sources of  
35 funding for the investments and initiatives; and

36 (5) Offering a plan to achieve full implementation, monitoring and measurement  
37 of the results of the strategy.

1 **§3308-E. Request for proposals**

2 When directed by the council, the Executive Department, State Planning Office shall  
3 issue a request for proposals in accordance with the Department of Administrative and  
4 Financial Services, Bureau of General Services' rules governing the purchase of services  
5 and awarding of grants. A request for proposals must include the schedules for  
6 submission and action on applications for grants under this chapter, procedures for  
7 scoring and ranking those applications and procedures and information requirements  
8 related to application submissions. The State Planning Office shall provide reasonable  
9 notice to all eligible applicants about the availability of the fund and the solicitation of  
10 grant proposals.

11 Prior to issuing a request for proposals, the Executive Department, State Planning  
12 Office shall consult with the council to develop criteria for inclusion in the request for  
13 proposals.

14 **§3308-F. Other state funds**

15 In accordance with guidelines developed by the Executive Department, State  
16 Planning Office, preference points must be given to grant applications for other state  
17 program funding when the application is submitted as part of a regional quality of place  
18 investment strategy as described in this chapter and Title 30-A, section 2343. Except as  
19 provided in this section, nothing in this chapter is intended to change the criteria for  
20 eligibility and award of funds under other state programs.

21 With the assistance of the State Planning Office and in consultation with affected  
22 state agencies, the council shall develop an inventory of other state programs that might  
23 fund regional quality of place investment strategies and develop appropriate preference  
24 points to be used in the administration of those program funds.

25 **Sec. A-2. 5 MRSA §12004-G, sub-§29-C is enacted to read:**

26 **29-C.**

27 Natural and Built Maine Quality of Legislative Per 5 MRSA §3308-A  
28 Assets Place Council Diem and Expenses  
29 for Private Citizen  
30 Members

31 **Sec. A-3. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 5,  
32 section 3308-A, subsection 4, the initial appointments of the private citizen members of  
33 the Maine Quality of Place Council are 2 members for 2-year terms, 2 members for 3-  
34 year terms and 2 members for 4-year terms.

35 **PART B**

36 **Sec. B-1. 30-A MRSA §2343 is enacted to read:**

1       **§2343. Regional quality of place investment strategies**

2       Regional planning and development districts designated under section 2341 and  
3       having a comprehensive economic development strategy under 42 United States Code,  
4       Section 3162 shall inventory regional quality of place assets as described in subsection 1  
5       and create a regional quality of place investment strategy as described in Title 5, chapter  
6       311-A. In executing this inventory and strategy creation, a regional planning and  
7       development district shall actively engage and involve leading representatives of natural  
8       resource-based business, tourism, recreation, land conservation, arts and culture, historic  
9       preservation, downtown revitalization, municipal, transportation and workforce  
10       development interests within the region. A regional quality of place investment strategy  
11       must identify:

12       1. **Assets.** The region's distinctive and exceptional quality of place natural and built  
13       assets including natural resource, landscape, downtown, historical and cultural assets;  
14       distinct and exceptional recreational, educational and transportation assets; and related  
15       workforce development assets;

16       2. **Market opportunities.** Sustainable market opportunities that build upon a  
17       region's quality of place assets;

18       3. **Investments.** An investment plan and initiatives to realize identified market  
19       opportunities;

20       4. **Priorities.** Priorities among the region's recommended quality of place  
21       investments and initiatives;

22       5. **Other support.** Opportunities and approaches for leveraging other public and  
23       private development activities and funds to support the requirements of this section; and

24       6. **Implementation.** A plan to achieve full implementation, monitoring and  
25       measurement of the results of the strategy.

26                                   **PART C**

27       **Sec. C-1. 5 MRSA §3307-G is enacted to read:**

28       **§3307-G. Maine Quality of Place Council support**

29       1. **Definitions.** As used in this section, unless the context otherwise indicates, the  
30       following terms have the following meanings.

31       A. "Asset-based investment strategy" has the meaning set forth in Title 30-A, section  
32       3308, subsection 1.

33       B. "Council" means the Maine Quality of Place Council established in section  
34       12004-G, subsection 29-C.

35       C. "Regional quality of place investment strategy" has the meaning set forth in Title  
36       30-A, section 3308, subsection 3.



1 D. "State quality of place investment strategy" has the meaning set forth in Title  
2 30-A, section 3308, subsection 4.

3 **2. Support.** To support the work of the council, the office shall:

4 A. Provide staff assistance to the council as assigned by the director;

5 B. In consultation with the council, develop and publish educational materials  
6 elaborating the state quality of place investment strategy and the goals set forth in  
7 Title 30-A, section 3308-C, subsection 1 and publish educational materials regarding  
8 asset-based investment strategies and quality of place assets;

9 C. In consultation with the council and affected agencies, develop tools, surveys and  
10 guides to help state agencies align their laws, programs and funding with a state  
11 quality of place investment strategy; to help assess alignment of regional quality of  
12 place investment strategies developed under Title 30-A, section 2343 with a state  
13 quality of place investment strategy; and to create standard and effective performance  
14 measures to assess the success of a state quality of place investment strategy and  
15 regional quality of place investment strategies;

16 D. Develop and publish guides, best practices and agreements under Title 30-A,  
17 section 2343 for designated regional planning and development districts for the  
18 inventory of regional quality of place assets and creation of regional quality of place  
19 investment strategies required under Title 30-A, section 2343;

20 E. Create and maintain an inventory of state grant programs that might support  
21 implementation of regional quality of place investment strategies developed under  
22 Title 30-A, section 2343;

23 F. In consultation with the council, develop and publish criteria for grants under the  
24 Maine Quality of Place Investment Fund established in section 3308-D. The criteria  
25 must give preference to projects identified as priorities in the regional quality of place  
26 investment strategies developed under Title 30-A, section 2343; and

27 G. Publish criteria for Maine Quality of Place Prosperity Awards developed under  
28 section 3308-C, subsection 5.

29 **SUMMARY**

30 Part A establishes the Maine Quality of Place Council to act as a coordinating body  
31 for state and regional quality of place investment strategies. The council consists of state  
32 and regional public agency representatives and private citizens. Its responsibilities  
33 include working with other state agencies to recommend how state agencies may align  
34 their laws, programs and funding with a state quality of place investment strategy to  
35 support regional efforts and assessing how regional quality of place investment strategies  
36 align with state efforts. The council will also create performance measures to assess state  
37 and regional quality of place investment strategies. It will also award annually Maine  
38 Quality of Place Prosperity Awards recognizing the preservation, enhancing and  
39 marketing of Maine's quality of place assets to stimulate job creation and economic  
40 prosperity.

1 Part A also provides definitions for both state and regional quality of place  
2 investment strategies. It establishes a fund for implementing regional quality of place  
3 investment strategies. The fund will consist of any bond proceeds and any public and  
4 private contributions received for its purpose. This Part also requires applications for  
5 other state program funds to receive preference points if they are submitted as part of a  
6 regional quality of place investment strategy.

7 Part B requires regional planning and development districts that have in place a  
8 United States Department of Commerce, Economic Development Administration  
9 comprehensive economic development strategy to develop a regional quality of place  
10 investment strategy by engaging regional sector leaders, setting priorities and leveraging  
11 public and private development activities and funds.

12 Part C requires the Executive Department, State Planning Office to provide assistance  
13 to the Maine Quality of Place Council, engage in public education regarding asset-based  
14 investment strategies and a state quality of place investment strategy and work with  
15 regional planning and development districts to aid them in development of regional  
16 quality of place investment strategies.