

MAINE STATE LEGISLATURE

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1
2 Date: 6-5-09

L.D. 1389
(Filing No. S-306)

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4 STATE OF MAINE
5 SENATE
6 124TH LEGISLATURE
7 FIRST REGULAR SESSION

8 SENATE AMENDMENT "A" to S.P. 505, L.D. 1389, Bill, "An Act To Create
9 State and Regional Quality of Place Investment Strategies for High-value Jobs, Products
10 and Services in Maine"

11 Amend the bill by striking out everything after the enacting clause and before the
12 summary and inserting the following:

13 **PART A**

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

15 **CHAPTER 311-A**

16 **MAINE QUALITY OF PLACE INVESTMENT STRATEGY**

17 **§3308. Definitions**

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

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

23 **2. Council.** "Council" means the Land and Water Resources Council established
24 under section 3331.

25 **3. Regional quality of place investment strategy.** "Regional quality of place
26 investment strategy" means an asset-based investment strategy that builds upon local and
27 regional place-based assets through the means set forth in subsection 4 and toward the
28 goals set forth in section 3331, subsection 9, paragraph B.

29 **4. State quality of place investment strategy.** "State quality of place investment
30 strategy" means an asset-based investment strategy that builds upon the State's place-
31 based assets through the following means:

32 **A. Protecting the landscape, including working landscapes, and enhancing the**
33 **economy of farms, forests and working waterfronts;**

1 B. Revitalizing downtowns;

2 C. Preserving historic assets;

3 D. Supporting the arts, culture and creative economy;

4 E. Supporting the economy based on natural resources, including farming, fishing,
5 forestry, nature and heritage-based tourism and outdoor recreation and leisure,
6 including motorized and nonmotorized activities;

7 F. Providing access to outdoor recreation and leisure over public and private lands;
8 and

9 G. Leveraging the existing skills and knowledge of the state workforce that relate to
10 quality of place, including but not limited to those of workers in fishing, farming,
11 forestry, tourism and recreation, and increasing both the number of jobs and the
12 wages of this workforce.

13 **§3308-A. Maine Quality of Place Investment Fund**

14 **1. Fund established; purpose.** The Maine Quality of Place Investment Fund,
15 referred to in this section as "the fund," is established to encourage and support job
16 creation, stimulate the development of new products and services, enhance regional
17 incomes and public revenues and allow Maine to use its distinctive, place-based assets to
18 compete in a national and global economy.

19 **2. Fund; administration.** The fund is administered by the council. The fund
20 consists of any federal funds and funds received as contributions from private sources for
21 the purposes set forth in subsection 1. The fund must be held separate and apart from all
22 other money, funds and accounts. Eligible investment earnings credited to the assets of
23 the fund become part of the assets of the fund. Any balance remaining in the fund at the
24 end of any fiscal year must be carried forward for the next fiscal year.

25 **3. Fund available.** Upon authorization of the council, for the purposes identified in
26 subsection 4, the fund is available to regional planning and development districts
27 described in Title 30-A, section 2343 and to any other applicant when the application is
28 submitted as part of a regional quality of place investment strategy as described in this
29 chapter and Title 30-A, section 2343.

30 **4. Fund proceeds.** The proceeds of the fund may be applied and expended to
31 develop and implement regional quality of place investment strategies as described in
32 Title 30-A, section 2343 as follows:

33 A. To implement a regional quality of place investment strategy that builds upon
34 efforts under paragraphs B and C. Implementation grants may be made to regional
35 agencies, local and county governments, federally recognized tribes and public,
36 private and nonprofit organizations for projects submitted in accordance with an
37 approved regional quality of place investment strategy;

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

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

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

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

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

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

6 (3) Setting priorities among the investment plan's recommended quality of place
7 investments and initiatives;

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

10 (5) Creating a plan to achieve full implementation, monitoring and measurement
11 of the results of the strategy.

12 5. Request for proposals. When directed by the council, the Department of
13 Economic and Community Development and the Executive Department, State Planning
14 Office shall issue a request for proposals in accordance with the Department of
15 Administrative and Financial Services, Bureau of General Services' rules governing the
16 purchase of services and awarding of grants. A request for proposals must include the
17 schedules for submission and action on applications for grants under this chapter,
18 procedures for scoring and ranking those applications and procedures and information
19 requirements related to application submissions. The State Planning Office shall provide
20 reasonable notice to all eligible applicants about the availability of the fund and the
21 solicitation of grant proposals.

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

24 **§3308-B. Other state funds**

25 1. Quality of place investment. With the assistance of the Department of Economic
26 and Community Development and the Executive Department, State Planning Office, the
27 council shall consult with state agencies to develop an inventory of state grant programs
28 that relate to the state quality of place investment strategies.

29 2. Implement quality of place investment strategies. The Department of
30 Economic and Community Development and the Executive Department, State Planning
31 Office shall consult with relevant state agencies to evaluate grant programs and develop
32 preference points for grant applications that implement quality of place investment
33 strategies and, where necessary, make recommendations to the council on statutory
34 changes to grant criteria to support regional quality of place investment strategies.

35 3. Preference points. In accordance with guidelines developed by the Department
36 of Economic and Community Development and the Executive Department, State
37 Planning Office, and where allowed by state and federal requirements, preference points
38 must be given to grant applications for state program funding when the application is
39 submitted as part of a regional quality of place investment strategy as described in this
40 chapter and Title 30-A, section 2343. Except as provided in this section, nothing in this
41 chapter is intended to change the criteria for eligibility and award of funds for state

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1 programs. The council's report under section 3331, subsection 9 must include a
2 description of the state grant programs to which preference points apply.

3 **Sec. A-2. 5 MRSA §3331, sub-§1**, as amended by PL 1995, c. 688, §3 and PL
4 2003, c. 689, Pt. B, §7, is further amended to read:

5 **1. Council established; membership.** In order to facilitate more effective
6 interagency coordination of the State's activities regarding natural resource and land use
7 management and the State's quality of place, the Land and Water Resources Council,
8 referred to in this chapter as the "council," is established. The chair of the council is
9 appointed ~~by and serves at the pleasure of the Governor~~ from among and by council
10 members. The membership of the council is as follows:

- 11 A. The Commissioner of Agriculture, Food and Rural Resources or the
12 commissioner's designee;
- 13 B. The Commissioner of Conservation or the commissioner's designee;
- 14 C. The Commissioner of Environmental Protection or the commissioner's designee;
- 15 D. The Commissioner of Health and Human Services;
- 16 E. The Commissioner of Inland Fisheries and Wildlife or the commissioner's
17 designee;
- 18 F. The Commissioner of Marine Resources or the commissioner's designee;
- 19 G. The Commissioner of Transportation;
- 20 H. The Commissioner of Economic and Community Development or the
21 commissioner's designee; ~~and~~
- 22 I. The Director of the State Planning Office;
- 23 J. The Commissioner of Labor; and
- 24 K. The Commissioner of Education.

25 **Sec. A-3. 5 MRSA §3331, sub-§2, ¶A-1** is enacted to read:

26 A-1. Recommend coordinated state and regional policy regarding the State's quality
27 of place to achieve environmental, economic and social goals pursuant to chapter
28 311-A and subsection 9.

29 **Sec. A-4. 5 MRSA §3331, sub-§9** is enacted to read:

30 **9. Quality of place responsibilities.** The council shall facilitate effective
31 interagency coordination of state and regional activities regarding the State's quality of
32 place as set out in chapter 311-A. The council shall meet at least 4 times each year to
33 fulfill its responsibilities under this subsection. The chair shall call the meetings of the
34 council and establish its agenda. The council has the following responsibilities:

- 35 A. The council shall form the Quality of Place Advisory Committee to advise the
36 council that includes the chair of the Maine State Cultural Affairs Council, the
37 president of the Maine Development Foundation or the chair of the Maine Economic
38 Growth Council, the Director of the Maine State Housing Authority, the Chancellor
39 of the University of Maine System, the President of the Maine Community College

1 System, representatives of the State's regional planning and development districts
2 designated under Title 30-A, section 2341 and a private citizen with knowledge of
3 and commitment to protecting, enhancing and building upon the State's natural,
4 historic, cultural, recreational and downtown assets. The council chair shall request
5 that the President of the Senate and the Speaker of the House of Representatives each
6 appoint a Legislator with a demonstrated interest in economic development to serve
7 as a member of the Quality of Place Advisory Committee. The council may use
8 subcommittees to carry out its responsibilities under this subsection.

9 B. The council shall report to the Governor and seek input from and report to the
10 joint standing committee of the Legislature having jurisdiction over business,
11 research and economic development matters prior to December 31st of each year. In
12 its report, the council shall describe whether and how the state quality of place
13 investment strategy and regional quality of place investment strategies set out in
14 chapter 311-A have achieved the following goals:

15 (1) To create new, high-value jobs, products and services in the State that will
16 succeed in national and global markets to the economic benefit of local, regional
17 and state residents;

18 (2) To make the State's several regions more economically competitive and
19 prosperous through increased investment, job opportunities, regional incomes and
20 public revenues; and

21 (3) To preserve, enhance and market the State's quality of place assets, both
22 natural and manufactured, as economic drivers.

23 In its report to the Legislature and in consultation with affected agencies, the council
24 shall recommend, including any necessary statutory changes, how to align state
25 agency rules, programs and funding with a state quality of place investment strategy.
26 The council shall recommend initiatives to ensure that capital investment and
27 program funding are aligned across all state agencies, levels of government and
28 economic sectors to advance a state quality of place investment strategy, principally
29 through support of regional quality of place investment strategies.

30 The council's report must include an inventory of quality of place-related state grant
31 programs with findings on how preference points may be given to grant proposals
32 that implement quality of place investment strategies, and any recommendations for
33 amending statutory grant criteria to support regional quality of place investment
34 strategies. The joint standing committee of the Legislature having jurisdiction over
35 business, research and economic development matters may submit legislation related
36 to the recommendations in the council's reports.

37 C. The council shall assess:

38 (1) The alignment of regional quality of place investment strategies developed
39 under Title 30-A, section 2343 with a state quality of place investment strategy;

40 (2) The coordination among state, regional and local agencies and governments,
41 as well as with the private, nonprofit and philanthropic sectors involved in
42 creation of an effective state quality of place investment strategy; and

(3) The alignment of quality of place strategies with other state economic development strategies and long-term economic plans.

D. The council shall administer any funds appropriated, allocated or donated under section 3308-A. The council's report under paragraph B must include a description of the distribution of any funds under that section.

E. The council shall develop standard and effective performance measures to assess the success of a state quality of place investment strategy and regional quality of place investment strategies in terms of the goals set forth in paragraph B.

PART B

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

§2343. Regional quality of place investment strategies

In order to qualify for funds from the Maine Quality of Place Investment Fund established in Title 5, section 3308-A or to be eligible for other state funds' preference points pursuant to section 3308-B, regional planning and development districts designated under section 2341 and having a comprehensive economic development strategy under 42 United States Code, Section 3162 shall inventory regional quality of place assets as described in subsection 1 and create a regional quality of place investment strategy as described in Title 5, chapter 311-A. In executing this inventory and strategy creation, a regional planning and development district shall actively engage and involve leading representatives of natural resource-based business, tourism, recreation, land conservation, arts and culture, historic preservation, downtown revitalization, municipal, transportation and workforce development interests within the region. A regional quality of place investment strategy must identify:

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

2. Market opportunities. Sustainable market opportunities that build upon a region's quality of place assets, including but not limited to investment in new sustainable agricultural, fisheries or forest products; investment in sustainable businesses that build on existing workforce skills and existing natural or built assets; redevelopment of historic and cultural assets; investments that preserve and enhance downtowns, coastline, islands or undeveloped lands; and investments that may increase recreational opportunities or tourism activity;

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

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

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

1 6. Implementation. A plan to achieve full implementation, monitoring and
2 measurement of the results of the strategy.

3 PART C

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

5 §3307-G. Support for Land and Water Resources Council for quality of place

6 1. Definitions. As used in this section, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Asset-based investment strategy" has the meaning set forth in section 3308.

9 B. "Council" means the Land and Water Resources Council established under
10 section 3331.

11 C. "Regional quality of place investment strategy" has the meaning set forth in
12 section 3308.

13 D. "State quality of place investment strategy" has the meaning set forth in section
14 3308.

15 2. Support. To support the work of the council under section 3331, subsection 9,
16 the office shall:

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

18 B. In consultation with the council, develop and publish educational materials
19 elaborating the state quality of place investment strategy and the goals set forth in
20 section 3331, subsection 9, paragraph B and publish educational materials regarding
21 asset-based investment strategies and quality of place assets;

22 C. In consultation with the council and affected agencies, develop tools, surveys and
23 guides to help state agencies align their rules, programs and funding with a state
24 quality of place investment strategy; help assess alignment of regional quality of
25 place investment strategies developed under Title 30-A, section 2343 with a state
26 quality of place investment strategy; and create standard and effective performance
27 measures to assess the success of a state quality of place investment strategy and
28 regional quality of place investment strategies;

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

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

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

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PART D

Sec. D-1. Appropriations and allocations. The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Planning Office 0082

Initiative: Provides a base allocation for the Maine Quality of Place Investment Fund in the event funds are received.

FEDERAL EXPENDITURES FUND	2009-10	2010-11
All Other	\$500	\$500
FEDERAL EXPENDITURES FUND TOTAL	<u>\$500</u>	<u>\$500</u>

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$500</u>	<u>\$500</u>

EXECUTIVE DEPARTMENT		
DEPARTMENT TOTALS	2009-10	2010-11
FEDERAL EXPENDITURES FUND	\$500	\$500
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
DEPARTMENT TOTAL - ALL FUNDS	<u>\$1,000</u>	<u>\$1,000</u>

SUMMARY

This amendment:

1. Adds language that includes traditional industries and jobs as part of quality of place;
2. Assigns responsibility for overseeing quality of place investment activities to the Land and Water Resources Council;
3. Adds the Department of Labor and the Department of Education to the council;
4. Adds the Quality of Place Advisory Committee to advise the council on all decisions;
5. Limits the Maine Quality of Place Investment Fund to federal funds or funds from private sources;

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6. Enhances the role of the Department of Economic and Community Development in developing guidelines and recommendations for state grant funds;

7. Changes reporting by the council from a biennial to an annual report to the Joint Standing Committee on Business, Research and Economic Development;

8. Clarifies that an inventory and findings on grant preference points and statutory recommendations on grant eligibility are part of the annual report of the council to the Joint Standing Committee on Business, Research and Economic Development;

9. Provides the Joint Standing Committee on Business, Research and Economic Development with authority to report out bills related to the council's reporting;

10. Clarifies that the process for determining preference points for grant applications that implement regional quality of place investment strategies will be transparent and will not supersede existing state or federal statutes;

11. Adds language that clears away any possible mandate for the Economic Development Districts;

12. Eliminates from the bill the Maine Quality of Place Prosperity Award;

13. Adds language that describes quality of place investments to include investment in new sustainable agricultural, fisheries or forest products; investment in sustainable businesses that build on existing workforce skills and natural or built assets; redevelopment of historic and cultural assets; investments that preserve and enhance downtowns, coastline, islands or undeveloped lands; and investments that may increase recreational opportunities and tourism activity;

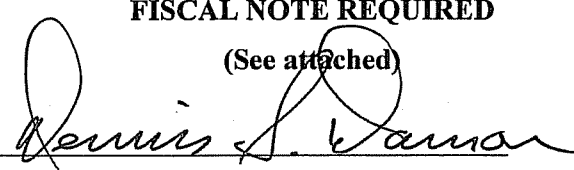
14. Changes reference to tribes to read "federally recognized tribes"; and

15. Adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY:



(Senator DAMON)

COUNTY: Hancock



124th MAINE LEGISLATURE

LD 1389

LR 707(04)

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

Fiscal Note for Senate Amendment "A"

Sponsor: Sen. Damon of Hancock

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations				
Federal Expenditures Fund	\$500	\$500	\$500	\$500
Other Special Revenue Funds	\$500	\$500	\$500	\$500

Legislative Cost/Study

This amendment includes 2 Legislators on the Quality of Place Advisory Committee. The costs associated with the per diem and expenses for these Legislators are projected to be \$840 annually beginning in fiscal year 2009-10. The Legislature's budget includes \$10,000 annually in fiscal year 2009-10 and in fiscal year 2010-11 for legislative studies. Whether the amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

Fiscal Detail and Notes

This amendment creates the Maine Quality of Place Investment Fund established to receive federal or private funds to encourage and support job creation, stimulate the development of new products and services, enhance regional incomes and public revenues and allow Maine to compete in a national and global economy. Ongoing base allocations of \$500 in Other Special Revenue Funds and \$500 in the Federal Expenditures Fund have been established to receive any monies.

Additional costs to the Department of Economic and Community Development and the State Planning Office to work jointly on issuing the request for proposals, developing the required inventory of state grant programs, conducting the required evaluations and developing the required guidelines can be absorbed within existing budgeted resources.

Additional costs to the State Planning Office to provide staff assistance, other administrative duties and to work with the Natural and Economic Resources Council can be absorbed within existing budgeted resources.

Additional costs to the Department of Environmental Protection, the Department of Education and the Department of Labor to serve on the council can be absorbed within existing budgeted resources.

Additional costs to the Maine Cultural Affairs Council, the Maine Development Foundation, the Maine State Housing Authority, the University of Maine System and the Maine Community College System to serve on the advisory committee can be absorbed within existing budgeted resources.