

Governors Council on Maine's Quality of Place

Minutes of the Eleventh Meeting, January 15th, 2008¹
Public Utilities Commission Room, Augusta

Next Meeting(s) of the Council: Tuesday, February 26, 1-5:00 p.m. in the Cabinet Room of the State Capitol building; and (if needed) Tuesday, March 25, 1-5:00 at the PUC Hearing Room in Augusta

Present: Council members: Ed Barrett, John Marsh, Bruce Hazard, Hank Schmelzer, Richard Barringer (chair), Chuck Lawton, Eleanor Kinney, Ken Young, Mary Kate Reny, Hilary Basset and Martha Freeman. **Staff:** Jody Harris, Sue Inches, Kate Reilly, John Del Vecchio, Mike LeVert **Absent:** David Whitney, John Rohman, Barbara Trafton, Evan Richert, Tracy Michaud Stutzman, Kevin Mattson and Jay Espy. **Others Attending:** Susi Barbee, Jeff Romano, David Vail and Jeremy Caron.

Introductions & Greetings: Richard Barringer opened the meeting at 1:10 p.m. with introductions from Council members, staff, and guests. He reviewed the proposed agenda and meeting expectations and asked if there were any requests for additions or modifications. There were none. Richard reviewed the many meetings he and other Council members and staff have had with various boards and interest groups, and reported on two recent meetings with hospitality and leisure industry representatives.

1. Discussions of Quality of Place Related Bills Now Before the Legislature

Sue Inches reviewed LD 262, An Act to Amend the Credit for Rehabilitation of Historic Properties. The main sticking point is fiscal note that caused it to get "hung up" last session. Eleanor noted that the Governor mentioned this in his State of the State Address and that currently the Governor and leadership are having a lot of dialogue on how to fund the tax credit.

Sue informed the Council on progress made in recommending implementation of a statewide building code and building rehabilitation code. A progress report to the Legislative Committee on Business, Research and Development (BRED) will be submitted on Jan. 31. The committee developing implementation recommendations is comprised of state agency representatives (State Fire Marshall's Office, DECD, Professional and Financial Regulation, Historic Preservation, and SPO). Their preliminary recommendations propose uniform statewide building and energy codes, with

¹ Note: The minutes have been prepared by staff of the State Planning Office from notes taken throughout the day; they are intended to summarize a rich set of presentations and conversations, and do not necessarily represent accurately the thoughts and opinions of those cited here.

state training and technical assistance for towns. A model code for rehabilitation of existing buildings is part of this proposal, as well. A proposed Technical Code Board will tailor and “harmonize” the code with other state regulations.

The Committee has reached out to architects, builders, designers, code officers, and fire officials to gather comments. There is resistance to some of the details but general support for uniform codes. People see the logic of going through the building permit process just once. The BRED Committee is authorized to report out a bill this session. There will be some administrative costs that are expected to be covered by user fees.

Sue gave an overview of work accomplished by the Legislature’s Joint Select Committee on Future Maine Prosperity, whose report was released today. Richard Barringer had presented before the Committee in October, and its report has 4 pages on Maine’s quality of place. The Committee has sent a letter to the Governor, requesting that he submit this Council’s 15 recommendations to the Legislature in bill form, so they may be considered by the appropriate committees of the Legislature.

Eleanor observed that the Prosperity Committee’s package is very broad, and the media has emphasized the tax stuff; all other pieces got lost. We, the Quality of Place Council members, should highlight the other portions related to our work. Richard asked if the Prosperity Committee took any exceptions to our (Q of P) recommendations. No, Sue responded.

Sue noted that the Governor’s Council on Competitiveness and the Economy is concerned with several items that are relevant to our Quality of Place recommendations, which she will keep her eye on. Eleanor will keep track of historic tax credit, Sue the model building code, and John and TJ Tavares will track all other legislation; and will see to it that Council members are kept informed of progress on related items, especially the historic tax credit and the statewide building and rehabilitation codes.

2. Organizing for Follow-Through on Q of P Recommendations

Richard reviewed with Council members the list of 4 short and 9 longer-term tasks following from the Council’s recommendations, and the assignments of lead SPO staff responsibility for each of these, as follows:

Short-term Tasks (for final report, ~ April15)

1. Tracking Q of P-related bills: Sue Inches for Prosperity Committee and Building Codes, T.J. Tavares for Taxation and Appropriation matters, John DelVecchio for all other standing committees. Director’s Team will review bills as they come up and alert Council members to Q of P-related items.
2. Incentives for public access to private lands: Mike LeVert and Kate Reilly. Mike will have a draft report in February.

3. Flesh out asset-based development strategy and standards: Jody Harris, Tim Glidden, Kate Reilly, with a working group.
4. State community/downtown revitalization policy statement: Jody Harris

Longer-term Tasks (for 2009 Legislature)

5. Continuing funding stream for LMF: Tim Glidden in spring/summer
6. Community Preservation bond language: Jody Harris in summer
7. Align state land use laws: Sue Inches (with pertinent SPO, DOT, DEP, LURC staff) in spring/summer
8. Evaluate downtown programs, make recommendations: Jody Harris (with MDF and DECD) in summer
9. Regional conservation project best practices-Tim (with DOC) in spring/summer
10. LURC (2 in 5 provision, statute, and resources; plan to strengthen service centers): Sue Inches (with SPO and LURC staff) in spring/summer
11. Statewide trail network: Sue Inches (with SPO, DOC, DOT, outside trail groups) in spring/summer
12. Model form-based zoning ordinance: Stacy Benjamin and SPO Land Use Team in summer
13. Workforce development matters: Kate Reilly in spring/summer

Discussion of each task followed, and interest among Council members, solicited. Ken offered to work with Jody on #8, the evaluation of downtown programs; Ed offered to assist with #4, community/downtown revitalization policy, together with members of the Council “focus area” group that worked on this previously. Ken, Hilary, Ed, and Bruce offered to help with #3, the regional asset-based development effort.

Note: Council members not present for this discussion are asked to contact the lead staff person for any of these tasks in which you may have a special interest.

3. Discussion of Public Access to Public Lands

Mike LeVert gave a presentation on access to public lands which included a handout summarizing his findings. Mike reviewed what other states are doing regarding this issue.

Mike identified several key points:

1. landowner relations: Maine Dept. of Conservation recently created a Director of Recreational Access and Landowner Relations funded 60/40 by the depts. of Conservation and Inland Fisheries & Wildlife, to expire in 2009
2. Public education programs exist in other states. Mike is collecting some of these states’ practices to see if suitable models exist.
3. Access leasing programs: These are used in roughly a dozen states, including Oregon, Montana, and Colorado. They are incentive based programs that compensate owners who provide improved or expanded access. Short term

leases--as short as one year—are used. Compensation varies from free licenses to tax abatements. Some states use surcharges on licenses to cover some of the costs. Generally the landowner applies and is selected in a competitive process.

Ed asked how a program like this would work in our situation of having such large acreages available at no charge? The key for designing compensation in Maine would be for it to be competitive and based on characteristics/qualities of the access opportunities. Eleanor noted the many “hassles” related to access and access programs including landowner relations, illegal dumping on lands and deciding who should pay for removal, etc.. It was also raised that it is desirable for there to be some help for landowners currently allowing public access who are hassled by allowing public use on their lands.

Bruce mentioned a study headed up by Lisa Chase and John Daigle who extensively surveyed landowners on this access issue. Eleanor noted that there is a new North Woods working group put together by the Governor that includes industry, conservation, and other interested parties. This group has just started up and will last two years. It was noted that Tom Doak of SWOAM feels that public access should not be applicable to land in tree growth. Wildlife habitat is in trouble in southern Maine—habitat protection there is most important.

Ed noted that we in Maine take this access for granted; don't set up a program to get access we don't have now, and then tick off those who now allow access without charge. Chuck recalled Alec Giffen's presentation last fall highlighting the north woods as being unique and under threat. Increasing land prices will eventually result in a situation where the only rationale for investment ownership will be for speculation and development. “It's either going to be kingdom lots and Plum Creek in-between, or generally what we have today.” Ed observed that, if that's the direction things are headed in, maybe we need to look at a different model/plan, such as the Adirondack State Park. Some plan that keeps some large areas open and accessible, like Baxter Park, etc..., assuring there are at least some island preserves so that we can maintain some sort of wilderness.

It was observed that the majority people in Maine are operating under the traditional model: as long as you don't do anything different, things will stay pretty much as they've always been...that paradigm is going to have to change! Chuck suggested that this Council stay informed about and take positions on what Eleanor's group (North Woods working group) is recommending. John Marsh noted that if it's important enough to have a 2 year study for wildlands, it's important enough to have a similar two-year study in southern lands!

Ken pointed out that the access focus should be statewide. We need regional open space plans and resources. Ed offered that communities should be engaged in access at the local level... “my concern is to not forget that what makes Maine different is that huge, relatively open area we call ‘private land.’” Mary Kate noted that there are liability issues for private property owners and recounted an experience her family had with a

beach that was eventually given to the town. Ed suggested that if people in an area want open space, they need to rethink their local comprehensive plan ... start at the local level.

Mike LeVert indicated that he will continue his research and provide a further report to the Council at its next meeting.

4. Panel on Workforce Development Supporting Maine's Quality of Place

Panelists: Rich Pattenau, Chancellor, University of Maine System; John Fitzsimmons, President, Maine Community College System; Laura Fortman, Commissioner, Maine Department of Labor.

The Council had invited the leaders of Maine's public workforce development system to share their best thoughts and recommendations with respect to:

1. How may your institutions most effectively meet Quality of Place workforce development challenges through teaching, research, and outreach;
2. How may Maine best to transition from our traditional post-secondary programs to a strategy that focuses on Quality of Place, tourism, and the technology sectors; and
3. How may the Council best support and advance these efforts in its final report to the Governor, in April?

In his 10-minute presentation, Chancellor Pattenau referred to the new "UMS Agenda for Action" approved the previous day by the BOT and emphasized the R&D initiative, what he termed "the critical disciplines" (the State's seven R&D strategic areas, health professions, and teacher certification), and his goal of "greening" the UMS. President Fitzsimmons presented his recent "Rural Initiative" with emphasis on extending training to rural places, and his goal to achieve "prospective training" capability in critical skill areas. Commissioner Fortman emphasized the inadequacy of resources to achieve the state workforce plan, and the need to upgrade skills in "livable wage" jobs. All agreed that we are not doing enough to anticipate the skilled workforce needed to realize the State's R&D strategy, and to capitalize on Maine's Quality of Place.

A rich conversation followed. Hilary commented on the presence in Maine of, and the growing demand nationally, for skills and training in historic building restoration. President Fitzsimmons offered the idea that restoration could be added as a concentration within the construction curriculum offered by the Community College System.

Ken asked President Fitzsimmons about current and future anticipated Community College enrollment in Maine. President Fitzsimmons noted that current Maine enrollment is at 13,200 students, and that he would like to raise that within 6-7 years to 20,000 students enrolled, with 5,000 students graduating annually. To achieve the national average, 30,000 students would have to be enrolled.

Richard reminded the Chancellor of Charlie Colgan's recent statement that "the major job

growth opportunities for Maine in the years ahead are education and health, professional and business services, and leisure and hospitality;" that Commissioner Fortman's goal of more livable wage jobs in tourism, now Maine's largest employer, would only be achieved by upgrading the capacities of the industry as a whole; that the list of "critical disciplines" for the UMS addressed neither of the Council's critical concerns -- the areas of hospitality and leisure, and community planning and design; and that the System's only professional degree in community planning, at the Muskie School, was now being decimated. He asked how we might help move the UMS in the directions we believe needed, given its conservative disposition.

The Chancellor responded by asking the Council's help for him and the BOT in defining the "critical disciplines" needed for the UMS. He cited CentTRO as evidence of the System's interest in tourism matters, to which David Vail responded that its present, limited research role is inadequate to the need and opportunity, especially in the area of outreach to businesses.

Eleanor asked about looking 5 to 10 years ahead at training and education needs for Maine. Chancellor Pattenaude noted that there is "robust conversation" going on at the University in this regard. President Fitzsimmons acknowledged the importance of such long range planning and the need to do more of it. David Vail noted that this (long range planning) "is the hole" and asked what would help to address this need. The panelists cited resources (money) as a key limiting factor.

David Vail also pointed out how outreach is a core part of addressing needed tourism development, and that the Community College system, in addition to the Muskie School, can play an important role. He offered as a model the Tourism Center at the U. of Minnesota, which offers weekend seminars and courses during tourism's "off" seasons, when business owners are most likely to have time to attend. Johnston State College had an agreement with the Hotel Association and offered spring training programs, during the seasonal lull. "Front line" worker training to upgrade service quality is essential to achieve "world class" service.

Adjourn. Richard thanked the panelists, Council members, staff and guests for their time and commitment, and closed the meeting at 4:30 p.m. He reminded Council members of the date set for the next meeting(s): Tuesday, February 26, 1-5:00 p.m. in the Cabinet Room at the State Capitol; and (if needed) Tuesday, March 25, 1-5:00 at the PUC Hearing Room in Augusta.