

117TH CONGRESS
2D SESSION

S. 3932

To establish the Downeast Maine National Heritage Area in the State of
Maine, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2022

Mr. KING (for himself and Ms. COLLINS) introduced the following bill; which
was read twice and referred to the Committee on Energy and Natural
Resources

A BILL

To establish the Downeast Maine National Heritage Area
in the State of Maine, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Downeast Maine Na-
5 tional Heritage Area Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the area in Maine known as “Downeast
9 Maine” embodies a nationally important story of the

1 longstanding human dependence on natural re-
2 sources to survive and thrive;

3 (2) dramatic changes have occurred on many
4 levels over the last several centuries in Downeast
5 Maine, but even after 10,000 years—

6 (A) the economy and well-being of
7 Downeast Maine depends on the same natural
8 resources that have existed for centuries; and

9 (B) the culture of Downeast Maine con-
10 tinues to be shaped by those resources;

11 (3) dependence on the natural resources in
12 Downeast Maine for economic, community, and envi-
13 ronmental health has led to habitat conservation and
14 species restoration initiatives that allow natural sys-
15 tems and cultural associations to remain intact in
16 Downeast Maine;

17 (4) coastal fisheries, forest products, agri-
18 culture, wild blueberries, subsistence harvests, out-
19 door recreation, tourism, and habitat conservation
20 are the heart of the culture and economy of
21 Downeast Maine;

22 (5) traditions of trade and culture from the
23 past can be experienced firsthand in Downeast
24 Maine;

25 (6) the Downeast Maine way of life is visible—

1 (A) in historic districts, working water-
2 fronts, and community festivals in Downeast
3 Maine; and

4 (B) at the 51 historical societies and muse-
5 ums located in Downeast Maine;

6 (7) Passamaquoddy language and arts and tra-
7 ditions from the fishing, logging, maritime, and wild
8 blueberry industries are preserved in audio and pho-
9 tographic collections in Downeast Maine;

10 (8) markets and galleries in Downeast Maine
11 showcase arts, foods, and utilitarian products cre-
12 ated with the natural resources of the area that can
13 be purchased directly from the producer;

14 (9) community festivals in Downeast Maine cel-
15 ebrate the nature-based culture of Downeast Maine;

16 (10) lighthouses and watercraft dominate the
17 coastal scenery in Downeast Maine; and

18 (11) the scenic byways and network of land and
19 water trails in Downeast Maine provide a physical
20 experience of unique geologic features, waterways,
21 wildlife, and working landscapes, such as wild blue-
22 berry fields and forests.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) HERITAGE AREA.—The term “Heritage
2 Area” means the Downeast Maine National Heritage
3 Area established by section 4(a).

4 (2) LOCAL COORDINATING ENTITY.—The term
5 “local coordinating entity” means the local coordi-
6 nating entity for the Heritage Area designated by
7 section 5(a).

8 (3) MANAGEMENT PLAN.—The term “manage-
9 ment plan” means the plan developed by the local
10 coordinating entity under section 6(a).

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (5) STATE.—The term “State” means the State
14 of Maine.

15 **SEC. 4. DOWNEAST MAINE NATIONAL HERITAGE AREA.**

16 (a) ESTABLISHMENT.—There is established the
17 Downeast Maine National Heritage Area in the State.

18 (b) BOUNDARIES.—The Heritage Area shall consist
19 of Hancock and Washington Counties in the State.

20 **SEC. 5. DESIGNATION OF LOCAL COORDINATING ENTITY.**

21 (a) LOCAL COORDINATING ENTITY.—The Sunrise
22 County Economic Council shall be the local coordinating
23 entity for the Heritage Area.

24 (b) AUTHORITIES OF LOCAL COORDINATING ENTI-
25 TY.—The local coordinating entity may, for purposes of

1 preparing and implementing the management plan, use
2 Federal funds made available under this Act—

3 (1) to prepare reports, studies, interpretive ex-
4 hibits and programs, historic preservation projects,
5 and other activities recommended in the manage-
6 ment plan for the Heritage Area;

7 (2) to make grants to the State, political sub-
8 divisions of the State, nonprofit organizations, and
9 other persons;

10 (3) to enter into cooperative agreements with
11 the State, political subdivisions of the State, non-
12 profit organizations, and other organizations;

13 (4) to hire and compensate staff;

14 (5) to obtain funds or services from any source,
15 including funds and services provided under any
16 other Federal program or law; and

17 (6) to contract for goods and services.

18 (c) DUTIES OF LOCAL COORDINATING ENTITY.—To
19 further the purposes of the Heritage Area, the local co-
20 ordinating entity shall—

21 (1) prepare a management plan for the Herit-
22 age Area in accordance with section 6;

23 (2) give priority to the implementation of ac-
24 tions, goals, and strategies set forth in the manage-

1 ment plan, including assisting units of government
2 and other persons in—

3 (A) carrying out programs and projects
4 that recognize and protect important resource
5 values in the Heritage Area;

6 (B) encouraging economic viability in the
7 Heritage Area in accordance with the goals of
8 the management plan;

9 (C) establishing and maintaining interpre-
10 tive exhibits in the Heritage Area;

11 (D) developing heritage-based recreational
12 and educational opportunities for residents and
13 visitors in the Heritage Area;

14 (E) increasing public awareness of and ap-
15 preciation for the natural, historic, and cultural
16 resources of the Heritage Area;

17 (F) restoring historic buildings that are—

18 (i) located in the Heritage Area; and

19 (ii) related to the themes of the Herit-
20 age Area; and

21 (G) installing throughout the Heritage
22 Area clear, consistent, and appropriate signs
23 identifying public access points and sites of in-
24 terest;

1 (3) consider the interests of diverse units of
2 government, businesses, tourism officials, private
3 property owners, and nonprofit groups within the
4 Heritage Area in developing and implementing the
5 management plan;

6 (4) conduct public meetings at least semiannu-
7 ally regarding the development and implementation
8 of the management plan; and

9 (5) for any fiscal year for which Federal funds
10 are received under this Act—

11 (A) submit to the Secretary an annual re-
12 port that describes—

13 (i) the accomplishments of the local
14 coordinating entity;

15 (ii) the expenses and income of the
16 local coordinating entity; and

17 (iii) the entities to which the local co-
18 ordinating entity made any grants;

19 (B) make available for audit all records re-
20 lating to the expenditure of the Federal funds
21 and any matching funds; and

22 (C) require, with respect to all agreements
23 authorizing the expenditure of Federal funds by
24 other organizations, that the receiving organiza-

1 tions make available for audit all records relat-
2 ing to the expenditure of the Federal funds.

3 **SEC. 6. MANAGEMENT PLAN.**

4 (a) IN GENERAL.—Not later than 3 years after the
5 date on which funds are first made available to carry out
6 this Act, the local coordinating entity shall prepare and
7 submit to the Secretary a management plan for the Herit-
8 age Area.

9 (b) CONTENTS.—The management plan for the Her-
10 itage Area shall—

11 (1) include comprehensive policies, strategies,
12 and recommendations for the conservation, funding,
13 management, and development of the Heritage Area;

14 (2) take into consideration existing State and
15 local plans;

16 (3) specify the existing and potential sources of
17 funding to protect, manage, and develop the Herit-
18 age Area;

19 (4) include an inventory of the natural, historic,
20 cultural, educational, scenic, and recreational re-
21 sources of the Heritage Area relating to the themes
22 of the Heritage Area that should be preserved, re-
23 stored, managed, developed, or maintained; and

24 (5) include an analysis of, and recommenda-
25 tions for, ways in which Federal, State, and local

1 programs, may best be coordinated to further the
2 purposes of this Act, including recommendations for
3 the role of the National Park Service in the Heritage
4 Area.

5 (c) DISQUALIFICATION FROM FUNDING.—If a pro-
6 posed management plan is not submitted to the Secretary
7 by the date that is 3 years after the date on which funds
8 are first made available to carry out this Act, the local
9 coordinating entity may not receive additional funding
10 under this Act until the date on which the Secretary re-
11 ceives the proposed management plan.

12 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
13 PLAN.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date on which the local coordinating entity
16 submits the management plan to the Secretary, the
17 Secretary shall approve or disapprove the proposed
18 management plan.

19 (2) CONSIDERATIONS.—In determining whether
20 to approve or disapprove the management plan, the
21 Secretary shall consider whether—

22 (A) the local coordinating entity is rep-
23 resentative of the diverse interests of the Herit-
24 age Area, including governments, natural and
25 historic resource protection organizations, edu-

1 educational institutions, businesses, and rec-
2 reational organizations;

3 (B) the local coordinating entity has pro-
4 vided adequate opportunities (including public
5 meetings) for public and governmental involve-
6 ment in the preparation of the management
7 plan;

8 (C) the resource protection and interpreta-
9 tion strategies contained in the management
10 plan, if implemented, would adequately protect
11 the natural, historic, and cultural resources of
12 the Heritage Area; and

13 (D) the management plan is supported by
14 the appropriate State and local officials, the co-
15 operation of which is needed to ensure the ef-
16 fective implementation of the State and local
17 aspects of the management plan.

18 (3) DISAPPROVAL AND REVISIONS.—

19 (A) IN GENERAL.—If the Secretary dis-
20 approves a proposed management plan, the Sec-
21 retary shall—

22 (i) advise the local coordinating entity,
23 in writing, of the reasons for the dis-
24 approval; and

1 (ii) make recommendations for revision of the proposed management plan.

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3 (B) APPROVAL OR DISAPPROVAL.—The
4 Secretary shall approve or disapprove a revised
5 management plan not later than 180 days after
6 the date on which the revised management plan
7 is submitted.

8 (e) APPROVAL OF AMENDMENTS.—

9 (1) IN GENERAL.—The Secretary shall review
10 and approve or disapprove substantial amendments
11 to the management plan in accordance with sub-
12 section (d).

13 (2) FUNDING.—Funds appropriated under this
14 Act may not be expended to implement any changes
15 made by an amendment to the management plan
16 until the Secretary approves the amendment.

17 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

18 (a) IN GENERAL.—Nothing in this Act affects the au-
19 thority of a Federal agency to provide technical or finan-
20 cial assistance under any other law.

21 (b) CONSULTATION AND COORDINATION.—The head
22 of any Federal agency planning to conduct activities that
23 may have an impact on the Heritage Area is encouraged
24 to consult and coordinate the activities with the Secretary
25 and the local coordinating entity to the extent practicable.

1 (c) OTHER FEDERAL AGENCIES.—Nothing in this
2 Act—

3 (1) modifies, alters, or amends any law or regu-
4 lation authorizing a Federal agency to manage Fed-
5 eral land under the jurisdiction of the Federal agen-
6 cy;

7 (2) limits the discretion of a Federal land man-
8 ager to implement an approved land use plan within
9 the boundaries of the Heritage Area; or

10 (3) modifies, alters, or amends any authorized
11 use of Federal land under the jurisdiction of a Fed-
12 eral agency.

13 **SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTEC-**
14 **TIONS.**

15 Nothing in this Act—

16 (1) abridges the rights of any property owner
17 (whether public or private), including the right to re-
18 frain from participating in any plan, project, pro-
19 gram, or activity conducted within the Heritage
20 Area;

21 (2) requires any property owner to permit pub-
22 lic access (including access by Federal, State, or
23 local agencies) to the property of the property
24 owner, or to modify public access or use of property

1 of the property owner under any other Federal,
2 State, or local law;

3 (3) alters any duly adopted land use regulation,
4 approved land use plan, or other regulatory author-
5 ity of any Federal, State, or local agency, or conveys
6 any land use or other regulatory authority to the
7 local coordinating entity;

8 (4) authorizes or implies the reservation or ap-
9 propriation of water or water rights;

10 (5) diminishes the authority of the State to
11 manage fish and wildlife, including the regulation of
12 fishing and hunting within the Heritage Area; or

13 (6) creates any liability, or affects any liability
14 under any other law, of any private property owner
15 with respect to any person injured on the private
16 property.

17 **SEC. 9. EVALUATION; REPORT.**

18 (a) IN GENERAL.—Not later than 3 years before the
19 date on which authority for Federal funding terminates
20 for the Heritage Area, the Secretary shall—

21 (1) conduct an evaluation of the accomplish-
22 ments of the Heritage Area; and

23 (2) prepare a report in accordance with sub-
24 section (c).

1 (b) EVALUATION.—An evaluation conducted under
2 subsection (a)(1) shall—

3 (1) assess the progress of the local coordinating
4 entity with respect to—

5 (A) accomplishing the purposes of this Act
6 for the Heritage Area; and

7 (B) achieving the goals and objectives of
8 the approved management plan for the Heritage
9 Area;

10 (2) analyze the Federal, State, local, and pri-
11 vate investments in the Heritage Area to determine
12 the leverage and impact of the investments; and

13 (3) review the management structure, partner-
14 ship relationships, and funding of the Heritage Area
15 for purposes of identifying the critical components
16 for sustainability of the Heritage Area.

17 (c) REPORT.—

18 (1) IN GENERAL.—Based on the evaluation con-
19 ducted under subsection (a)(1), the Secretary shall
20 prepare a report that includes recommendations for
21 the future role of the National Park Service, if any,
22 with respect to the Heritage Area.

23 (2) REQUIRED ANALYSIS.—If the report pre-
24 pared under paragraph (1) recommends that Fed-

1 eral funding for the Heritage Area be reauthorized,
2 the report shall include an analysis of—

3 (A) ways in which Federal funding for the
4 Heritage Area may be reduced or eliminated;
5 and

6 (B) the appropriate time period necessary
7 to achieve the recommended reduction or elimi-
8 nation.

9 (3) SUBMISSION TO CONGRESS.—On completion
10 of the report, the Secretary shall submit the report
11 to—

12 (A) the Committee on Energy and Natural
13 Resources of the Senate; and

14 (B) the Committee on Natural Resources
15 of the House of Representatives.

16 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated for the Heritage Area \$10,000,000, of which not
19 more than \$1,000,000 is authorized to be appropriated for
20 any fiscal year.

21 (b) AVAILABILITY.—Amounts made available under
22 subsection (a) shall remain available until expended.

23 (c) COST-SHARING REQUIREMENT.—

24 (1) IN GENERAL.—The Federal share of the
25 total cost of any activity carried out using funds

1 made available under this Act shall be not more
2 than 50 percent.

3 (2) FORM.—The non-Federal share of the total
4 cost of any activity carried out using funds made
5 available under this Act may be in the form of in-
6 kind contributions of goods or services fairly valued.

7 **SEC. 11. TERMINATION OF AUTHORITY.**

8 The authority of the Secretary to provide financial
9 assistance under this Act terminates on the date that is
10 15 years after the date of enactment of this Act.

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