

PART FF WORKING GROUP  
SPO Reorganization  
Baxter Conference Room, 19 Union Street, Augusta  
10:00am to 2:00pm

November 16, 2011  
Minutes

Minutes

Members present: David Emery, Chair; Darryl Brown, SPO; Richard Swanson, SPO; Denise Garland, DECD; Betsy Fitzgerald, Washington County; Patrick Keliher, Department of Marine Resources; Jeanne Paquette, Department of Labor and

Staff: Tony Van Den Bossche, Jody Harris, Linda LaPlante

Governor's Office: Jonathan Nass

Public present: Stacy Benjamin, private Citizen; Jerry Reid, AG's Office; Bob Thompson, AVCOG; Mary-Anne LaMarre, Chair, MCCS; Tom Miragliuolo, Citizen; Lana LaPlant-Ellis, Citizen; Sam Morris, Citizen; Joel Russ, MCCS Commissioner; John Delahanty, Pierce Atwood; James Katsiaficas, City of Old Town; Maryalice Crofton, Citizen; Anna Broome, OPLA; Kate Dufour, Maine Municipal Association; Nick Bennett, NRCM; Susan Cover, KJ writer; Ruta Dzenis, Citizen.

David Emery, Chair, called the meeting to order at 10:05am. Mr. Emery said that the purpose of today's meeting was to vote on the plan the Working Group would submit to the Legislature by December 1, 2011. There are two (2) components of the plan:

1. The re-organization of the State Planning Office
2. The draft of a proposal for a new office of Policy and Management

This vote is by no means final. The recommendations will now go to the Legislature, Appropriations Committee and other Committees, will be public hearings, work sessions and a budget analysis.

He asked that the public comments be succinct as possible.

The essential points of the recommendations are as follows:

1. Eliminate the five (5) front office positions, Director, Deputy Director, 2 Public Service Executives and 1 Secretary Specialist; and the savings will be used to fund positions for the new Office of Policy and Management
2. Office of Energy will stay with the Governor's Office
3. Maine Commission on Community Service will go to the Department of Education
4. Code Enforcement will be housed at the Department of Economic and Community Development
5. Floodplain Management will go to MEMA
6. Land Use Planning will go to the Department of Conservation
7. Land for Maine's Future will go to the Department of Conservation, Bureau of Geological Services & Natural Areas
8. Economics and Demographics; the State Economist and Assistant State Economist will be in the new Office of Policy and Management
9. Maine Coastal Program will go to the Department of Conservation

10. Waste Management/Recycling will go to the Department of Environmental Protection

11. Ownership of the Landfills will go to the Bureau of General Services

Other Statutory Functions at SPO:

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| 1. Solid Waste Management Advisory Council;  | Repeal                                     |
| 2. Quality of Place Council                  | Repeal                                     |
| 3. Land and Water Resources Council          | Repeal                                     |
| 4. Community Preservation Advisory Committee | Repeal                                     |
| 5. Conservation Easement Registry            | Relocate to the Department of Conservation |
| 6. Consensus Economic Forecasting Commission | Office of Policy and Management            |
| 7. Broadband Capacity Building Project       | DECD                                       |
| 8. Census State Data Center                  | Department of Labor                        |

Other:

Regional Councils

Notes: Over a period of several decades, the Regional Councils have received funding from the General Fund as well as the Maine Coastal Program. It is proposed that a level of funding to the Regional Councils be continued in the amount of \$310,000 (total) from the following:

- General Fund - \$112,161.00
- Coastal Program - \$197,839.00

Grant Program will be administered by the Land Use team within the Department of Conservation.

This is the elimination of nine positions: six (6) General Fund positions and three (3) Special Revenue positions.

Bill Beardsley: Why would you eliminate an established group that meets regularly? Why repeal LWRC?

Darryl Brown: We looked into each council/Committee and found that not a lot of regular meetings took place. The recommendation is to eliminate the state councils.

At this time the Chair, David Emery went back in the agenda to the second item. He asked the Working Group if they had read and accepted the minutes of the September 28, 2011.

So moved: Patrick Keliher

Second: Betsy Fitzgerald

Darryl Brown wanted it noted that there were several SPO staff at the meeting and that they were there using vacation time, not on the State's time.

David Emery acknowledged that this is a difficult time for SPO staff because of the level of uncertainty of their future. He wanted SPO staff to know that the Working Group has respect and appreciation for their work in the past and to thank them for their service.

## PUBLIC COMMENT

### Jerry Reid – AG’s Office

Mr. Reid submitted a letter to the Working Group yesterday and the Members received the letter at the meeting. He gave the members time to read the letter. The letter was about the Coastal Zone Management Grant Funding to the Attorney General’s Office. The letter states “an objection to the proposal pending that would divert funding from the Coastal Zone Management Grant that has long supported a position in the Attorney General’s Office”. Mr. Reid would recommend that there is no need to cut funding for this position under the Coastal Program and he hopes the position will go on as before.

David Emery said that the DEP Director, Patricia Aho, feels that DEP could absorb all the functions of the Coastal Program within her department. Should another means of funding be needed, that was good to know.

Darryl Brown: Conversations with Commissioner Aho and Director Keliher have stated that they have sufficient capacity to handle all aspects with one position being eliminated.

Another big concern is Regional Councils. We are proposing to take the savings from that position to fund the Regional Councils at almost the level they are already being funded and that level of support will continue.

Jerry Reid – has spoken with Commissioner Aho and she stated that additional cuts may be made even if revenue is in statute. There is only 1 person responsible for the grant money now and that funding may be eliminated. The DEP does not have the legal capacity if this cut of a position is approved.

### Mary-Ann LaMarre – MCCA Chair

Ms. LaMarre stated that if the Maine Commission on Community Service is put in the Department of Education, the federal grant they receive will be defunded, and if the Department of Education chose to apply for Americore, they will no longer be able to apply for these grants.

Bill Beardsley – Where do you propose MCCA go?

Mary- Ann LaMarre – Would recommend the Secretary of State’s office or that they become an independent office under the Governor’s office.

David Emery – The Secretary of State is not able to pick up this function.

Tony Van Den Bossche: The MCCA is already a 94 Agency. SPO provides administrative and financial support. If moved the other Department would have to provide that support. If MCCA would remain independent, like Human Rights, they would have to provide their own administrative and financial support.

Lana LaPlant-Ellis: On Waste Management/Recycling: Where is the savings if special revenue funds positions and program monies go to DEP, but without the people?

Jonathan Nass: The savings is that the monies will be spent on programs, not personnel. The DEP can absorb the functions and use their current people to carry on the program. The special revenue fund will be used to push for new movement and a new approach on waste management and recycling.

Lana LaPlant-Ellis: Will the department be held responsible to meet that bar?

Jonathan Nass: Yes

Tom Miragliuolo: So that money will not be banked?

Jonathan Nass: No, it will be used for the recycling program.

David Emery: This will put more money into the program to raise the percent above 38%, not put the money into people.

Tom Miragliuolo: Does DEP realize the scope of the jobs? They must follow all towns/cities in State with only one person?

David Emery: Commissioner Aho said yes.

Sam Morris: DEP is an enforcement agency. How can they create policy and enforce those policies? Isn't there a conflict?

David Emery: The Working Group does not feel there would be a conflict.

Tom Miragliuolo: There is a conflict in the way funds have been disbursed; distribution of funds/regulatory program

Sam Morris: Waste Policy and Enforcement – Commissioner Aho will have a conflict.

Ruta Dzenis: I am confused about their ability to absorb three full time positions; how can they absorb the work of 3 people? What are those people at DEP doing now? You will be taking people out of these positions with experience and a good track record, with connections and giving them to inexperienced people.

David Emery: There has been belt tightening in every department. All decisions are difficult about positions; this is not a sign of unusual traits.

Chris \_\_\_\_\_, Maine Association of Planners; The dismantling of SPO and further cuts to the Land Use Team is short-sighted and will make it harder for municipalities to get answers. What about legislation? What about the Coastal Program. You need to rebuild

Darryl Brown: This process was not taken lightly; it has been collaboration between SPO and the Governor's Office and the functions defined in the SPO Legislation will continue. There will be a General Fund savings of ¼ of a million dollars and still continue the functions. Additionally, the third floor office space will be vacant and another department could move here, that is a \$200,000 savings. As far as the Land Use Team, we are taking the General Funded position and will blend the rest of the team to the Department of Conservation.

Bill Beardsley: LURC will have 10 planners and Geological Science and Natural Areas is large and trying to expand the scientific base. This will give us more broad-based information. They will all be complimentary to each other and we will have the Coastal Program oversee. Blend for long-range environmental protection and economic development, has tremendous potential.

David Emery: Take the money amounts with a grain of salt; we will let the Legislature go over the figures.

Beth DellaValle: Combining Land Use with LURC is not my concern; housing in the Department of Conservation is the concern. Economic Development area in a line agency. SPO was neutral. With reduced staff to do the job and assume new responsibilities, eliminate the director and 1 planner, what about research and technical assistance?

Darryl Brown: The Land Use Team will not be reduced by two members, the General Fund positions will go to being federally funded. There are no firm plans to eliminate anyone.

Bill Beardsley: How can LURC balance all jobs – see it as an addition to give balance.

Sam Morris: Waste Management reduction savings – even though the group is not big, they have saved municipalities tens of thousands of dollars. This group has not failed –move the funds and resources to another program; you must keep the people and keep the program.

David Emery: There will be an assessment. We are in favor of recycling and waste management, but there is not only one way to do this program and the priority is to save money and help communities. We will use these resources to make the program continue and make the program better, the services will not diminish.

Nick Bennett: The Natural Resources Council of Maine feels chaotic. DEP will be losing a lot of staff, how can they absorb three positions of work?

Stacy Benjamin: I would like to echo my concerns; you have not gone deep enough to understand.

1. How many positions total are you eliminating? How many positions are there now at SPO?

Darryl Brown: There are 38 current positions at SPO. We will eliminate six additional general fund positions.

2. The Growth Management Act: It is important to have resource data package that is on the website. This information is critical to work municipalities are doing on their comp plans. The help SPO provides will be missed.
3. LWRC – functions – What will happen to those functions?
4. Cutting the legal position in the AG's office will NOAA say we are not providing enough legal support and take the federal funds away?

Darryl Brown: We have been keeping NOAA updated with this plan. The latest recommendations of the funds saves would go to enhance the 11 Regional Councils and will fund grants directed toward the Regional Councils.

LWRC? This committee has not met in some time. The functions will not be lost, but can reappear in many places like conservation and other departments. If the council is not functioning as set up, why keep funding it?

Bill Beardsley: We will develop the group to work together, will not drop. Capacity is increasing to help and we will continue with existing staff.

Representative Brad Moulton: I share many of the stated concerns. In addition to the comments I would like to add. Do not lose the important role in Land Use and Planning. Through the Department of Conservation I hope you will not leave out other resource the Land Use Team is responsible for like: Sprawl; economics, local and regional; Transportation; solid waste disposal and waste water disposal to name a few. You will need to retain within the state agency and have a respect for the coordination of these responsibilities. Some duties will have to be assumed by the regions in combination with DECD. Land Use Planning is important and you need to make sure these functions are in the state government challenge.

I would encourage the group to come up with written descriptions of the new office of Policy and Management.

- How can you have Land Use enforcement through Conservation?
- The Maine Commission for Community Services is very useful to the state.

- The transfer of CEO training to DECD – encourage a hard look at state building code and move it to DECD in combination with Code Enforcement.

How will the shifting of responsibilities deliver functions at lower cost?

Representative Dennis Keschl: Before making changes, we need to look at the economic climate. We need to reorganize State Government but should do it in a way that reduces costs and still provides essential services.

Jim Katsiaficas: I support sending the Landfills to BGS but, is there going to be someone there able to review them? You should put this into the legislation.

David Emery: Are there any more public comments? Seeing none I will close the public comment section of this meeting: 11:25am.

The final decision will be vetted through the Legislature, various Committees, Appropriations, and the budget office. They will all review the proposal and the savings. I would urge you all to participate in the ongoing process. We hope the vision of the new Office of Policy and Management will be an effective tool for Governor LePage.

Are there any amendments from the Working Group?

Betsy Fitzgerald: Concerns that DEP will not be able to absorb some of the functions. Need to have someone well acquainted with all problems attached to these programs.

Bill Beardsley: Some issues will come up with LWRC. How can we get a broad input before this comes before the Legislature?

Pat Keliher: Share concerns about LWRC. They stopped meeting and the Natural Resources Sub-Cabinet met and dealt with the problems. Natural Resource agencies will have to handle problems now.

Concerns with the letter from the AG's office. We need further discussion on the budget of the position at the AG's office.

David Emery: We will now vote on the plan as described. All those in favor:

David Emery, Bill Beardsley, Darryl Brown, Betsy Fitzgerald, Denise Garland, Patrick Keliher, Jeanne Paquette, Patricia Aho by proxy and Greg Couture for DOL

9 in favor with one absent (Hon. David Bowles)

David Emery then thanked Darryl Brown for all the work he has done, he thanked the Working Group and he thanked the public for participating.

**The work of the Part FF Working Group is now complete**

Meeting Adjourned at 11:35am

Respectfully submitted

Linda C. LaPlante, SPO