

PART FF WORKING GROUP
SPO Reorganization
Baxter Conference Room, 19 Union Street, Augusta

August 23, 2011
Minutes

Members present: David Emery, Chair; Hon. David Bowles, Darryl Brown, SPO; Bill Beardsley, Department of Conservation; Richard Swanson, SPO; Deb Neuman, DECD; Jim Ducsh, DEP; , Patrick Fleming, Dept of Public Safety; Betsy Fitzgerald, Washington County; Bruce Fitzgerald, MEMA; Patrick Keliher, Dept of Marine Resources; and Jeanne Paquette, Dept of Labor

Staff: Tony VanDenBossche, Jody Harris, Carrie Dunbar

Governor's Office: Jonathan Nass

Public present: Avery Day, Pierce Atwood; Ed Barrett, Quality of Place Council; George MacDonald from Belgrade; Don Marean, LMF Board; Mary-Anne LaMarre, MCCS; Joel Russ, MCCS; Kate Dufour, MMA; Tom Abello, The Nature Conservancy; Rebekah Metzler, Kennebec Journal; Nancy Smith, Grow Smart Maine; Pete Didisheim, NRCM; Deirdre Gilbert, DMR; Jen Gray, Maine Audubon; Representative Brad Moulton; Representative Dennis Keschl.

- I. David Emery, Chair, opened the meeting and had the members and public introduce themselves.
- II. Darryl Brown introduced SPO's new Deputy Director, Richard Swanson, and explained that this reorganization staff work will be his primary focus the next few months.
- III. The minutes from the July 26th meeting were reviewed and approved by the working group.
- IV. Darryl Brown reviewed Part FF of the FY 2012-13 budget, explaining we were looking for better homes for the programs if they exist. He reminded the group that they will have to submit its recommendations no later than December 1, 2011 to the Joint Standing Committee on Appropriations and Financial Affairs and that he would like a report before then because the budget planning process has begun and the new homes of the programs will need to start their planning process. Darryl mentioned how he is keeping this process as transparent as possible and has had staff meetings with SPO staff.
 - a. Darryl talked about how we have had small group meeting with the staff of each program to get their input on where their program will be moving. We all referred to the handout "Schedule of small group meetings". These meetings will be completed by September 7th. The small group meetings are just for SPO staff and the management team. Three teams have already made their recommendations.
 - b. David Emery, chair, reminded everyone that the intent of the working group is for them to make suggestions as well as hear public comment.

- V. David moved the group on to the next handout “Preliminary Considerations” and “Group Discussion.” As we reviewed through it some comments were made.
- a. Regional Issues - David Bowles wanted to make sure that the coastal and land use programs kept a communication channel open with the regional planning councils where they end up. He suggested that that there should be a general discussion of moving SPO programs to the regions, so long as funds are transferred with the responsibilities; and that we look at removing programs from state government entirely. Darryl assured him we have not lost sight of these questions and are looking for input.
 - b. OEIS – The group agreed OEIS could continue as structured and remove from umbrella of SPO. David Emery mentioned DAFS has a strong interest in energy conservation.
 - c. MCCA – Two options for MCCA include the Secretary of State’s Office or creating a non-profit organization. Bill Beardsley asked what they do. David Bowles asked why this was a government function. Mary-Anne LaMarre from the public was allowed to speak and gave a brief overview and talked about the 4 core values and how they manage \$1.7 million in federal funds going to Maine entities. She said the value of volunteers’ unpaid time to the Maine economy is \$1.1 billion and she feels it would serve the entire state better if left in state government versus going as a nonprofit. She is afraid that some regions would be underserved. Bill Beardsley suggested looking into whether this could be an autonomous nonprofit?
 - d. Code Enforcement Training – The CEO program could stay with the land use program and go to DECD’s office of community development or it go to the Fire Marshall’s Office. Jim Dusch made a comment on how private entities provide certification and they receive state funding for it. Betsy Fitzgerald thought DECD, rather than the Fire Marshall’s Office (FMO) since CEO is not a badge-carrying, enforcement program. David Bowles mentioned that we look outside of state government and treat it like fire and EMT trainings.
 - e. Floodplain – MEMA seems a good fit, they are a small group and it would be best not to break them up.
 - f. Land Use – Land use might go to Conservation or DECD. Bill Beardsley mentioned land use and LURC have missions that are somewhat similar. Darryl brought up that we have very little interaction with them right now; LURC oversees and permits development in unorganized territory; SPO’s land use team provides planning assistance to organized municipalities. Bill mentioned that the state has two separate animals dealing with land use planning and how do we want to view it?
 - g. Land for Maine’s Future - Bill Beardsley talked about how LMF has its own mission – own entity. Its purpose is preserving land. He recognized the question of conflict of putting LMF at the Dept of Conservation where DOC is a large recipient of LMF funds;

and suggests the Bureau of Geological Services and Natural Areas, separate from the land bureau. Tom Abello from the Nature Conservancy spoke up and he thought the proposal made a lot of sense and was the right approach to take. Don Marean, LMF chair, said that he was happy with the solution.

- h. Economics – The State Economist could go to the newly-created Office of Policy and Management. The second economist could go to Conservation or Labor. Bill Beardsley has use for the economist that could concentrate on natural resource issues. Jean Paquette from DOL was also very interested in the economics team especially if all their other statutory duties were going to DOL. The group agreed that the economists' positions are very multipurpose and valuable and we don't want to lose any benefits that they provide. Everyone agreed that the revenue and economic forecasting they provide is important on many levels and their functionality should be enhanced. Bill Beardsley suggested it might go under the new OMB rather than a line agency. David Emery said he would like to see an enhanced structure that gives it more voice and greater availability to state government. David Emery decided to create a subcommittee with the interested parties to make sure nothing was missed and we could find the correct fit. DECD, DOC, DOL, David Bowles, Brad Moulton, Jen Smith and State Economist Amanda Rector will get together before the next meeting and then report back to us.
- i. Maine Coastal Program - Darryl mentioned when that the commissioners have an upcoming meeting with NOAA, the federal funding agency. Tony clarified that coastal match \$1.9 million, mostly comes from LMF land purchases on the coast. David Bowles expressed concern with the coastal grant application if the program gets split into 3 different departments and how the grant process will become more complicated for the regions. Tony talked about the process how it is now and how one central administrative office (SPO) gives money to different departments currently. Bill Beardsley mentioned that the coastal program has people all over and should we bring them all together. He said many coastal issues are managed by DOC such as submerged lands, islands, LURC zoning. Pat Keliher said some of the coastal program fits at DMR, but that there are a lot of pieces that are not a natural fit there. He also said there was a wind energy component. The group decided it would be best to have one entity to apply for the grants and then distribute the money. The match will have to be spread around and the LMF bonds have some uncertainty. Darryl would like to have a subcommittee to discuss the coastal program. That team would include Kathleen Leyden, OEIS, DMR, DEP, and DOC.
- j. Waste Management – The waste management technical assistance and outreach function could go DEP. Darryl talked about the 2 functions of the recycling program; recycling and then the ownership of the landfill. David Bowles questioned whether the recycling piece had to be done on a state level or if it could be done by the RPCs. Representative Dennis Keschl expressed concern about the cost of solid waste for

municipalities. There needs to be a statewide function that looks at Maine as a whole and how to reduce solid waste costs.

- k. Landfills – The Bureau of General Services (BGS) could take over the ownership and oversight of the state-owned landfills. David Emery said he would have to talk to BGS to see if this would be something they would want to own. Also if a position would have to move or just the ownership of the landfill.
- l. Policy and Management - The question was asked why the current director of SPO wouldn't stay as the director of the new OMB office. Darryl answered that by saying that is why Richard was hired. He has experience and it is all part of a cost saving measure. Tony stated that depending on where the office ended up would determine whether a director or deputy director was needed for the new office. John Nass talked about how this group left would be like the OMB at the federal level with no B. The new office would be like an inspector to investigate fraud.
- m. When talking about the other functions of SPO on the handout "Additional Statutory Functions of SPO" including a number of statutory boards and commissions. He recommends that the following boards be repealed: Solid Waste Management Advisory Committee, Regulatory Fairness Board, Land and Water Resources Council, Community Preservation Advisory Council. Quality of Place Council could be moved to DECD. John Nass brought up the point that we need to take a look at the boards and they need to justify themselves. We need to take a look at how long they have been around and what have they accomplished? In addition, the Conservation Easement Registry could be moved to Dept of Conservation and the broadband capacity building project (a grant from ConnectME to SPO) could be moved to DECD.

Darryl mentioned that Todd Burrowes would be writing legislation to implement the Part FF recommendations.

VI. Comments from the public

- a. Ed Barrett, City Administrator, Lewiston and Quality of Place Council Chair stated that the QOP council has been appointed late last year and has not been up and running that long. Its work centers around three elements: 1) to include a quality of place element in the regional economic development districts' federal planning for economic development and how we can leverage quality of place assets for economic gain, 2) work with state agencies to align state grants with regional economic development plans; and 3) to attract and retain a skilled workforce. We know that trained workers have a choice of where they want to locate and those location decisions are influenced by quality of place. He stated that the council is open to working with the group to find a home that fits with the goals of the working group.

- b. Mary Anne LaMarre, MCCA; the commission board is all volunteers and MCCA is not nonprofit material. Two of their main events are the Governor's service awards and the Blaine House conference. They would love to move to the Secretary of State office as this office was built on civic commitment.
 - c. Don Marean, LMF Board; the board is concerned where the program will end up and likes the public transparency.
 - d. Nancy Smith, Grow Smart Maine, said it would be nice to have an economist focused on natural resources if the state can afford a dedicated position. She said since the building code training coordinator position was not going to be filled, it doesn't make sense to send the CEO program to the Fire Marshall's Office. She said it makes sense for the land use program to go to DECD and really make that a community development office. She also asked to have minutes and the group's handouts posted to the web site.
 - e. Representative Brad Moulton; Land use planning is vital and will require funding. He plans to talk with the RPC, MMA, Maine Association of Planners, and Grow Smart and bring their recommendations back to the working group. He said it is important to have a core group of land use planners at the state level to provide a formal mechanism for communicating with municipalities. We need them to preserve quality of place, to keep our kids here, to strengthen Maine communities.
 - f. Pete Didisheim, NRCM; he worries that these moves are just moving boxes around and that there will be a loss of service. The census data was at DOL moved to SPO and then back to DOL. Why are we moving things back to where they came from? He was grateful for focusing on coastal money and wants the report back from NOAA. Maybe see how other states administer their coastal programs. He would like a lot more discussion on the OMB. He cannot understand how 3-4 people will be able to pull this office off. How will this office be different than OPEGA that we already have?
- VII. Next meeting will be after the two subcommittee's meet and SPO will coordinate the set up of those meetings. It will also be after the NOAA meeting. Darryl will communicate the date.

Respectfully submitted,

Carrie Dunbar