

SENATE

ROGER L. SHERMAN, DISTRICT 34, CHAIR  
MICHAEL D. THIBODEAU, DISTRICT 23  
ELIZABETH M. SCHNEIDER, DISTRICT 30

JILL IPPOLITI, LEGISLATIVE ANALYST  
MEGAN RICKER, COMMITTEE CLERK



O.F.P.R.

MAR 27 PM 4:14

HOUSE

PETER E. EDGECOMB, CARIBOU, CHAIR  
DEAN A. CRAY, PALMYRA  
JEFFERY A. GIFFORD, LINCOLN  
RUSSELL J. BLACK, WILTON  
KAREN D. FOSTER, AUGUSTA  
JEFFREY L. TIMBERLAKE, TURNER  
JEFF M. McCABE, SKOWHEGAN  
ANDREW R. O'BRIEN, LINCOLNVILLE  
PETER S. KENT, WOOLWICH  
JAMES F. DILL, OLD TOWN

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

To: Richard W. Rosen, Senate Chair  
Patrick S. Flood, House Chair  
Joint Standing Committee on Appropriations and Financial Affairs

From: Roger L. Sherman, Senate Chair *RLS*  
Peter E. Edgecomb, House Chair *PEE*  
Joint Standing Committee on Agriculture, Conservation and Forestry

Re: LR 2847- Second Supplemental Budget Bill

Date: March 27, 2012

The Joint Standing Committee on Agriculture, Conservation and Forestry met on March 26<sup>th</sup> to discuss items in the second supplemental budget that pertain to programs under the jurisdiction of ACF. Commissioner Whitcomb, Department of Agriculture, Food, and Rural Resources, and Deputy Commissioner Jack Nicholas, Department of Conservation, were with us for this discussion. We considered items impacting Other Special Revenue Funds as well as the General Fund.

In this memo we comment on items where there was disagreement or where we would like to bring a concern to your attention. Our votes on items are recorded below and on the attached information sheets provided by each commissioner. There were 8 or 9 members present and voting on most items. Senator Thibodeau, Rep. O'Brien and Rep. Kent were absent for all votes.

| Page # | Description of initiative and ACF comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A- 8   | Eliminates one Intermittent Entomologist Position within the Division of Plant Industry and reallocates savings to fund part of an existing Entomologist II position.<br><br>ACF voted 8-0 to accept this initiative after considerable discussion with Commissioner Whitcomb. The intermittent position is needed to assist the department's apiarist but has not been filled in years when no qualified applicants applied. The number of people keeping bees for honey production is growing rapidly. Trucking hives to pollinate crops continues to be an integral part of agricultural operations including wild blueberry production. ACF accepted this position loss only after reassurance from the Commissioner that the department has |

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | <p>the ability to hire seasonal labor to assist the apiarist during critical periods. ACF understands the need to reallocate funds arises from an anticipated changes in federal funds available.</p> <p>Missing from vote: Sen. Sherman, Sen. Thibodeau, Rep. Kent, Rep. O'Brien and Rep. Timberlake</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Page L-159<br>Sec. YY-2 | <p>ACF voted 9-0 to reject the proposal in Sec. YY-2 to lapse \$300,000 of unencumbered balance in the Maine Farms for the Future account in the Department of Agriculture, Food, and Rural Resources to the General Fund. This money should stay with the department to support Maine agriculture.</p> <p>Present and voting to reject YY-2: Sen. Schneider, Rep. Gifford, Rep. McCabe, Rep. Foster, Rep. Edgecomb, Rep. Timberlake, Rep. Cray, Rep. Black and Rep. Dill</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Page A-16<br>and A-35   | <p>ACF voted 6-3 in favor of accepting the transfer of 1 Senior Planner from the Land for Maine's Future Program within the State Planning Office and 2 Senior Planners from the State Planning Office to the Land for Maine's Future Program within the Department of Conservation.</p> <p>Sen. Schneider, Rep. McCabe and Rep. Dill do not oppose LMF being transferred to the Department but oppose the associated loss of 1.5 positions, including the LMF Director's position.</p> <p>Present and voting in favor: Rep. Gifford, Rep. Foster, Rep. Edgecomb, Rep. Timberlake, Rep. Cray and Rep. Black</p> <p>Correction: Jack Nichols advised ACF that a separate program account has been established for LMF and transfers in the Supplemental Budget should be to the LMF program rather than to Natural Areas. Attached is a sheet from DOC detailing other transfers from SPO to the correct program account in DOC.</p> |

## Joint Standing Committee on Agriculture Conservation &amp; Forestry

Department of Agriculture, Food &amp; Rural Resources

Commissioner Walter Whitcomb

March 26, 2012

**Page A-6 Certified Seed Fund**

9-0 accept

The first initiative continues one intermittent Agricultural Worker II position and reduces All Other to fund the position. This position was previously authorized by Financial Order 005933 F0

The second initiative provides funding to increase the hours of one Office Associate II position from 64 hours to 80 hours biweekly and reduces All Other to fund the increased hours and reallocates the cost of the position to 50% Certified Seed Fund program, Other Special Revenue Funds and 50% Division of Quality Assurance and Regulation program, Federal Expenditures Fund. This position will now be shared between the two divisions.

**Page A-7 Division of Agricultural Resource Development**

9-0 accept

The first and second initiatives are essentially housekeeping items moving positions within the department to better align with position and program responsibilities.

The third initiative establishes one Consumer Protection Inspector position in the Division of Quality Assurance and Regulation program funded 50% General Fund and 50% Federal Expenditures Fund by eliminating one Planning and Research Associate II position in the Division of Agricultural Resource Development program funded 50% General Fund and 50% Federal Expenditures Fund to partially fund this action. This new Consumer Protection Inspector will be assigned to the Red Meat program which will allow the Department to respond and support new and/or expansions of current business facilities requiring inspection to operate or expand.

**Page A-8 Division of Plant Industry**

8-0 accept

The only initiative reallocates the cost of one Entomologist II position from 100% Federal Expenditures Fund to 74% Federal Expenditures Fund and 26% General Fund within the same program. Eliminates one vacant intermittent Entomologist I position and uses a portion of the General Fund savings to fund the reallocation.

**Page A-9 Division of Quality Assurance and Regulation**

Both initiatives on this page were addressed above and can be found on page A-6 and A-7.

**Page A-10 Harness Racing Commission**

The first initiative was addressed above and can be found on page A-7. The remaining two initiatives are adjustments based upon changes accepted December 2011 by Revenue Forecasting Committee.

**Page A-10 Office of the Commissioner**

This initiative was addressed above and can be found on page A-7

**Language – Page L-159 Part YY**

9-0 accept YY-1

9-0 reject YY-2

Lapses carrying account funds from Agricultural Vitality and Maine Farms for the Future program totaling \$306,072. These funds were identified as a one-time reduction that would not diminish the program's effectiveness. Eligible farms will continue to be able to apply for business plan development, grants and a reduced interest rate loan from Agricultural Marketing Loan Fund.

LR 2847

Information in Lieu of Testimony

Joint Standing Committee on Appropriations and Financial Affairs  
Joint Standing Committee on Agriculture, Conservation and Forestry

*Department of Conservation*  
*William Beardsley, Commissioner*  
*3/20/2012*

**Page A-16 Natural Areas Program**

*8-0 accept transfer, 5-3 accept*

The first initiative on this page provides for the transfer of land use planning functions from the State Planning Office to the Department of Conservation. The second initiative provides for the transfer of the Land for Maine's Future Program from the State Planning Office to the Department of Conservation.

*position  
loss*

**Language – Part II**

Part II is the language portion for the transfer of the Land for Maine's Future Program from the State Planning Office to the Department of Conservation referenced in the previous initiative.

**Language – Part JJ**

*8-0 accept*

Part JJ is the language portion for the transfer of the Growth Management Act and related land use policy-matters from the State Planning Office to the Department of Conservation as referenced in the previous initiative.

**Language – Part KK**

*8-0 accept*

Part KK transfers the State Planning Office's duties and responsibilities as lead agency for the Maine Coastal Program to the Department of Conservation's Bureau of Geology and Natural Areas. It also changes the name of the Bureau to the Bureau of Geology, Natural Areas and Coastal Resources.

**Subject: SPO proposed position transfers to DOC in FY 13**

| <u>From</u>                                                                                                                                                                     | <u>To</u>                                                           | <u>Comments</u>                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Land for Maine's Future</b>                                                                                                                                                  |                                                                     |                                                                                                                  |
| <b>General Fund</b>                                                                                                                                                             |                                                                     |                                                                                                                  |
| Land for Maine's Future Fund 0060<br>One Senior Planner position                                                                                                                | Natural Areas 0821                                                  | Change to "Land for Maine's Future " program                                                                     |
| Planning Office 0082<br>One Senior Planner position                                                                                                                             | Natural Areas 0821                                                  | Change to "Land for Maine's Future " program                                                                     |
| <b>Federal Expenditures Fund</b>                                                                                                                                                |                                                                     |                                                                                                                  |
| Planning Office 0082<br>One Senior Planner position                                                                                                                             | Natural Areas (new account Natural Areas LMF)                       | Change to "Land for Maine's Future " program                                                                     |
| <b>Growth Management</b>                                                                                                                                                        |                                                                     |                                                                                                                  |
| <b>Federal Expenditures Fund</b>                                                                                                                                                |                                                                     |                                                                                                                  |
| Planning Office 0082<br>Three Senior Planner positions                                                                                                                          | Natural Areas 0821 (need new account)                               | Change to "Land Use Planning" program                                                                            |
| <b>Other Special Revenue Fund</b>                                                                                                                                               |                                                                     |                                                                                                                  |
| Planning Office 0082<br>One Public Service Manager I position                                                                                                                   | Office of the Commissioner 0222 (Decamp - Indirect cost allocation) | Change to "Land Use Planning" program with budgeted transfers from the "Office of the Commissioner" program OSRF |
| <b>Coastal Management</b>                                                                                                                                                       |                                                                     |                                                                                                                  |
| <b>Federal Expenditures Fund</b>                                                                                                                                                |                                                                     |                                                                                                                  |
| Planning Office 0082<br>One Public Service Manager II position<br>One Public Service Coordinator I position<br>Two Senior Planner positions<br>One Secretary Associate position | Maine Geological Survey 0237 (new account Coastal Program)          | Okay                                                                                                             |
| <b>Other Special Revenue Fund</b>                                                                                                                                               |                                                                     |                                                                                                                  |
| Planning Office 0082<br>One Business Manager I position                                                                                                                         | Office of the Commissioner 0222 (Decamp - Indirect cost allocation) | Okay                                                                                                             |

**Total positions = 13 positions**