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SPO



Maine State Planning Office

EXECUTIVE DIRECTOR'S
OFFICE
Executive Department

2011 DEC -8 A 11:42

PAUL R. LEPAGE
Governor

RICHARD SWANSON
Acting Director

December 7, 2011

The Honorable Paul R. LePage
Office of the Governor
1 State House Station
Augusta, ME 04333

RE: 2011 Report Regarding the Land Use Mediation Program

Dear Governor LePage:

This letter constitutes the report pursuant to 5 M.R.S.A. §3331, sub-§5 to the Governor, the Administrative Office of the Courts, the Executive Director of the Legislative Council, and the Director of the Court Alternative Dispute Resolution Service ("CADRES") on the operation and effectiveness on the Land Use Mediation Program ("Program"). 5 M.R.S.A. §3331, sub-§5 specifies that the report "list the number and types of mediation requests received, the number of mediation sessions conducted, the number of signed mediation agreements, a summary of the final disposition of mediation agreements, a narrative discussion of the effectiveness of the program as determined by the council, a summary of deposits and expenditures from the land use mediation fund created in Title 4, section 18-B, subsection 10 and any proposals by the council with respect to the operation, improvement or continuation of the mediation program." *Id.*

The Land and Water Resources Council, of which the State Planning Office ("SPO") is a member and which SPO's director has previously chaired, has not been active in 2011 and has been proposed for elimination in recommendations to the Legislature's Appropriations Committee pursuant to P.L. 2011 ch. 380, Part FF. Accordingly, SPO is providing the factual information called for by the above-noted provision so that is available for your consideration.

This biennial report covers 2010 and 2011 to date and is based on information provided to SPO by Diane Kenty, Director of CADRES, which administers the Program. During this period, the Program received no requests for mediation; no mediation sessions were conducted; and consequently there were no resulting signed mediation agreements. No funds were deposited in or expended from the land use mediation fund created in Title 4, section 18-B, subsection 10.

Ms. Kenty advises that her office periodically receives telephone inquiries regarding the Program and that, given the current, limited level of program activity, its on-going maintenance does not impose any appreciable administrative burden or cost. Ms. Kenty further advises that some land use disputes that are litigated in Superior Court are mediated pursuant to Rule 16B of

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the Maine Rules of Civil Procedure. CADRES continues to make information about the land use mediation option available at Superior Courts and on the Judicial Branch website at http://www.courts.state.me.us/maine_courts/adr/adrcases.html

Please let me know if you need additional information or would like to discuss this matter further. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "R Swanson". The signature is written in a cursive, somewhat stylized font.

Richard Swanson

cc: Members, LWRC
David E. Boulter
James T. Glessner
Diane E. Kenty, Esq.