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**A Report of the  
Joint Standing Committee  
on  
Audit & Program Review  
1983 Agency Reviews**

**Department of Conservation  
Department of Inland Fisheries & Wildlife  
Other Independent Agencies and Studies**



JOINT STANDING COMMITTEE ON AUDIT & PROGRAM REVIEW

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Rep. David Soule	Joint Standing Committee on Judiciary
Rep. Patrick Paradis	Joint Standing Committee on State Government

Subcommittees

This year the Audit Committee divided into three subcommittees and two study committees for the purpose of completing its work for this report. These were:

Conservation:

*Subcommittee on Forestry & Geological Survey*  
*Rep. Neil Rolde, Chair*  
*Subcommittee on Public Lands & Parks & Recreation*  
*Rep. Douglas Curtis, Chair*

Inland Fisheries & Wildlife:

*Subcommittee on Fisheries & Wildlife*  
*Sen. Michael Pearson, Chair*

Study Areas:

*Subcommittee on Uniform Accounting & Auditing Practices*  
*for Community Agencies*  
*Rep. Robert Norton, Chair*  
*Subcommittee on the Separation of Powers*  
*Rep. Ruth Joseph, Chair*

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STATE OF MAINE

ONE HUNDRED AND ELEVENTH LEGISLATURE

## COMMITTEE ON AUDIT AND PROGRAM REVIEW

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December 31, 1983

Members of the Legislative Council:

It is our pleasure to transmit to you the fifth annual report of the Joint Standing Committee on Audit and Program Review. This report marks the Committee's progress through half of the hundreds of agencies scheduled for review on a ten year cycle under the Maine Sunset Act. The recommendations contained in this report concern the Departments of Conservation and Inland Fisheries and Wildlife and independent agencies such as the Saco River Corridor Commission and the Baxter State Park Authority.

Our review was particularly challenging this year because of the complexities of the issues and the amount of material and public comment the Committee had to consider. This report summarizes a great deal of factual information and represents hundreds of hours of work on behalf of committee and adjunct committee members.

The Audit Committee is making well over 100 recommendations this year which is twice the number made in previous reports. These recommendations are intended to strengthen the management of the agencies under review and to increase legislative oversight. You will find contained in this report many constructive changes being recommended at no cost and some savings to the public.

Our process this year included legislative members from other joint standing committees. These individuals served as active committee members and brought their expertise to enrich and strengthen the review process. A public hearing will now be held on each of the Committee's recommendations. We urge the full Legislature to consider these proposals carefully, with the understanding that they reflect many hours of study and discussion. Further, we invite questions, comments, and input regarding any part of this report.

Lastly, we would like to note that the Committee has received excellent cooperation from the agencies which we reviewed this year. The timeliness of their responses to our requests for information facilitated the entire audit process. Throughout the entire process, our major objective has been to make state government more efficient and less costly while ensuring high levels of service to the citizens of Maine.

Sincerely,

G. William Diamond  
 Senate Chairman

Neil Rolde  
 House Chairman



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## Summary of Recommendations

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The Committee categorizes its changes into Statutory and Administrative Recommendations. The Committee's bill consists of the Statutory Recommendations. Administrative recommendations are implemented by the Agencies under review without statutory changes. In three instances, the Committee includes a finding which requires no further action but which highlights a particular situation. Recommendations include where possible the proposed change and the reason for this change. For more specific detail, refer to the body of the recommendation.

### CATEGORY

### RECOMMENDATION

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#### DEPARTMENT OF CONSERVATION

##### Central Administration

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|----------------|----|--|
| Statutory      | 1. | Change the title of the Director of Planning and Program Services to Deputy Commissioner in order to reflect more accurately the job responsibilities.   |
| Statutory      | 2. | Include in the statutes a statement of the Legislature's intent that the Department take appropriate steps to integrate planning and operations among its bureaus and that it propose legislation when necessary to assist this integration. |
| Administrative | 3. | The Committee recognizes and supports the Department's plans to develop a centralized purchasing system and recommends that the Director of Administrative Services implement a formal centralized purchasing system.                        |
| Administrative | 4. | Include in the Maine Conservation Corps a program that serves youth from all socioeconomic backgrounds to compensate for the anticipated loss of the Youth Conservation Corps.   |

##### Bureau of Public Lands

- |           |    |  |
|-----------|----|--|
| Statutory | 5. | Combine the Public Reserved Lands Management Fund and the Public Lands Management Fund into one account to reflect actual practices.           |
| Statutory | 6. | Allocate expenditures of Public Lands funds in the same manner as the Legislature appropriates General Funds to improve legislative oversight. |



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- Administrative 7. Reorganize the Bureau of Public Lands to improve administrative efficiency.
  - Administrative 8. Increase the information available on coastal islands and public lands to improve public knowledge of the resource.
  - Administrative 9. Ensure that each parcel formerly controlled by the Maine Forest Authority has a management plan.

#### Bureau of Public Lands/Submerged Lands

- Statutory 10. Change the uses of submerged lands for which leases are not required so that all users pay an equitable rate.
- Statutory 11. Require the Bureau to charge an administrative fee for issuing submerged lands easements and leases to cover administrative costs.
- Statutory 12. Clarify in the statutes that submerged lands are exempt from local property taxation.
- Statutory 13. Require submerged lands lessees to pay rent that reflects the fair market rent of the submerged land and the desirability of various uses to emphasize public ownership and to efficiently allocate valuable shoreline resources.
- Administrative 14. Coordinate submerged lands enforcement among all relevant state and local agencies to use all available resources.

#### Bureau of Parks and Recreation

- Statutory 15. Enable the Commissioner, under certain conditions and with the opportunity for public comment, to authorize wood harvesting on state park lands to improve the health of timber stands or to improve the recreational or aesthetic quality of the park land.
- Statutory 16. Issue rules outlining the process and formulas for application and disbursement of snowmobile trail grant funds to provide greater public awareness and fiscal accountability.
- Statutory 17. Transfer the positions and related expenses for personnel operating the Songo Lock from the

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General Fund to the Boating Facilities Fund so that revenues from the Lock pay for its operation.

- Statutory 18. Lapse unspent balances for completed projects financed by Parks and Recreation bond funds to the General Fund debt service account.
- Administrative 19. Continue to charge fees for use of state parks to cover approximately half of park operating costs.
- Administrative 20. Develop an inventory of and management plans for the undeveloped park lands to provide a comprehensive assessment of state park resources.

Bureau of Forestry

- Statutory 21. Eliminate the Regional Ranger from the Southern Fire Control Region because the position is no longer needed for the efficient operation of the Region.
- Administrative 22. Develop a method of calculating the true gross total for fire control costs and derive a formula for determining the cost figure for tax purposes to ensure that inappropriate costs are not charged to the Fire Control Account.
- Statutory 23. Transfer funding for the Bureau of Forestry Director, the clerk typist II in the Sebago district, and any related expenses from the Forest Fire Control Account into a central administration account to ensure that costs are allocated according to time spent working under each account.
- Administrative 24. Review and adjust for consistency the existing cooperative agreements between the Fire Control Division and municipalities. Coordinate agreements with additional towns when appropriate.
- Statutory 25. Retain and staff fire lookout towers during periods of fire danger. Notify the Energy and Natural Resources Committee and the Appropriations Committee in writing prior to implementing any major policy changes in the operation and staffing of the fire lookout tower system.

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- Administrative 26. Establish reasonable rates to be paid for emergency fire-fighting equipment and personnel and negotiate, before the fire season, rates to be paid to major landowners to promote better planning and cost control.
- Statutory 27. Deposit proceeds from the sale or lease of property purchased with Maine Forestry District Tax funds in the Forest Fire Control Account to reflect the origin and purpose of these funds.
- Statutory 28. All funds that have been deposited in the Budworm accounts that were generated by services funded from other accounts shall be credited back to the original source. In the case of the General Fund, these funds shall be credited to General Fund Undedicated Revenue. In the case where the original source cannot be determined, these funds shall be deposited in the General Fund. This recommendation shall apply to all funds generated since "1979" and to any such future amounts.
- Statutory 29. Require that public and private forest insect aerial spray programs hire spotter and monitor personnel and that these personnel be licensed by the Board of Pesticides Control.
- Statutory 30. Require that spotter personnel for public and private forest insect aerial spray programs submit to the Board of Pesticides Control regular application reports noting any potential violations of pesticide label directions.
- Finding 31. The Committee finds that the state's responsibility to adequately inspect forest insect aerial spray programs is hampered by the extremely limited availability of enforcement personnel. Accordingly, the Committee supports the addition of seasonal inspectors to carry out selective aerial spot checking of forest insect aerial spray programs.
- Statutory 32. Require the Bureau and private companies or individuals who conduct forest insect aerial spray programs to notify the Board of Pesticides Control prior to the commencement of the program to improve enforcement of pesticide regulations.
- Statutory 33. Require the Maine Forest Service and private companies or individuals who conduct forest

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- insect aerial spray programs to notify the public prior to the commencement of the program to reduce the risk of unexpected exposure.
- Statutory 34. Require that spray contracting firms conducting forest insect aerial spray programs be licensed by the Board of Pesticides Control to strengthen state oversight.
- Statutory 35. Require that spray contracting firms that conduct forest insect aerial spray programs be charged a licensing fee of \$100 by the Board of Pesticides Control.
- Statutory 36. Make participation in the Maine State Retirement System by spruce budworm spray project personnel optional to reduce the cost of the budworm program.
- Administrative 37. Prepare a planning document clearly stating the specific goals, objectives, and work assignments for the service forestry program.
- Administrative 38. End the Maine Forest Service's participation in the Agricultural Conservation Program unless a ten-acre minimum is established for landowner participation in order to efficiently use staff resources.
- Finding 39. The Committee finds that the Utilization and Marketing Program is notably important to Maine and deserves strengthening and support. Accordingly, the Committee firmly supports the appropriation request submitted by the Bureau to the Second Regular Session of the 111th Legislature for two General Fund positions for the Utilization and Marketing Program.
- Administrative 40. Pay Personal Services expenditures for the State Nursery Supervisor from dedicated nursery funds. Reimburse the General Fund for the amount of Personal Services the Nursery received since April 8, 1981 to the present for the current Supervisor, after the Nursery has repayed its capital advance or earlier if possible.
- Administrative 41. Enter into a Memorandum of Agreement among the Bureau, the Cooperative Extension Service, and the College of Forestry specifying responsibilities in providing forestry education to the public and woodland owners.

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- Administrative 42. Publicize the white pine blister rust program to increase public awareness.
- Statutory 43. Authorize the Maine State Nursery to grow Christmas tree planting stock for sale at competitive market prices to sustain the Christmas tree industry in Maine.

Land Use Regulation Commission (LURC)

- Statutory 44. Increase funding for Personal Services to hire three persons to improve enforcement of LURC standards, permit compliance, and educational efforts.
- Statutory 45. Eliminate the permit requirement of the Alteration of Rivers and Streams Act within LURC jurisdiction to reduce regulatory duplication.
- Statutory 46. Eliminate the permit requirement of the Great Ponds Act within LURC jurisdiction to reduce regulatory duplication.
- Statutory 47. Eliminate the subdivision permit requirement under the Site Location Law within LURC jurisdiction to reduce regulatory duplication.
- Administrative 48. Hold informal meetings, with representatives of the forest products industry and other interested parties as full participants, to discuss ways of resolving problems with LURC standards and procedures.
- Administrative 49. Form ad hoc committees to deal with technical issues such as standards in small stream, high mountain, and wildlife protection districts to provide a forum for discussion.
- Administrative 50. Actively seek out persons with forestry field experience when hiring staff for development review to expedite the review process.

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

Central Administration

- Statutory 51. Reorganize the Department of Inland Fisheries and Wildlife to improve management and increase fiscal accountability.

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- Statutory 52. Establish in statute the organization of the Department to clarify responsibilities and increase legislative oversight.
- Statutory 53. Continue the Advisory Council but amend the statutes to make the Council solely advisory in function to strengthen the Commissioner's authority.
- Statutory 54. Eliminate the position of Staff Attorney as legal services are available from the Attorney General's Office.
- Statutory 55. Require that any unencumbered allocated balance be carried forward into the next fiscal year for allocation by the Legislature.
- Statutory 56. Ensure that Fisheries and Wildlife funds be allocated by the Legislature in line-item form and that the transfer of funds within and between accounts receives legislative review.
- Statutory 57. Require that any proposed plans for future bond issues for the Department be reviewed by the Joint Standing Committee on Fisheries and Wildlife prior to the bond issue's submission to the full Legislature to increase legislative oversight.
- Statutory 58. Require the Department to be reimbursed by the General Fund for the full cost of search and rescue for those individuals who are not engaged in activities which require a license, permit, or registration from the Department.
- Statutory 59. Enable the Department to sell or lease buildings and associated property which are no longer used and deposit any proceeds into the Department's operating account.
- Administrative 60. Establish a clear plan for both short-term and long-term land acquisition and development for review by the Joint Standing Committee on Fisheries and Wildlife to improve management of state owned land resources.
- Administrative 61. Require the Department to submit a request for General Fund appropriations, as one measure to ensure fiscal solvency.
- Statutory 62. Require the Department to maintain as practical a cash reserve for the purpose of ensuring an adequate cash flow.

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- Administrative 63. Design a staff development plan to improve working relationships between wardens and biologists and report by September 30, 1984 to the Joint Standing Committee on Fisheries and Wildlife.
- Administrative 64. Develop and implement a formal replacement schedule for the communications system and make this plan known to the Legislature when requesting funds.

Division of Administrative Services

- Statutory 65. Institute a formal agreement and billing procedure regarding the transfer of funds from the Department to the State Police for the use of the State Police communication system. The Maine State Police should determine the true cost of its communications system for each user.
- Administrative 66. Extend the responsibilities of the Division so that it has an active role in improving fiscal management.
- Statutory 67. Compile and maintain a central inventory of all Department equipment to provide central oversight and increased accountability.
- Administrative 68. Reassess existing policy and establish new department-wide policies for the purchase, maintenance, and use of all equipment to ensure internal consistency.
- Administrative 69. Implement a centralized system of purchasing to improve fiscal accountability.
- Administrative 70. Implement the centralization of contract development to ensure the best use of available funds.
- Administrative 71. Assign the responsibility for administering the financial aspects of federally funded programs such as procuring, accounting and reporting to the Division to ensure central coordination, oversight, and expertise.
- Administrative 72. Assess the costs and benefits of automating the accounting and inventory maintenance systems.
- Administrative 73. Break down the expenditures for each division by region to provide increased fiscal accountability.

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Division of Licensing and Registration

- Statutory      74.    Up-date the statutory references to the Division of Licensing and Registration to reflect the Division's current functions.
- Statutory      75.    Charge private owners of watercraft a \$25 fee for researching the history of ownership in order to cover administrative costs of the service.
- Statutory      76.    Charge a \$25 fee for the right to sell non-resident licenses to control the costs of license distribution.
- Statutory      77.    Define "agent" to mean a single store location and require each new branch location to apply separately for designation as an agent to remove inequities.
- Statutory      78.    Designate as a licensing agent any business which applies, pays the \$25 license fee, is credit worthy, and can sell an annual minimum of 70 non-resident licenses to remove the existing inequity. The impact of this recommendation shall be reviewed by the Joint Standing Committee on Fisheries and Wildlife after a two-year implementation period.
- Statutory      79.    Levy a penalty fee against delinquent agent accounts to encourage prompt payment.
- Statutory      80.    Submit any major plans to change the present operation of snowmobile and watercraft registration to the Committee on Fisheries and Wildlife prior to implementation.

Division of Public Information

- Statutory      81.    Remove the restrictions that limit the promotion of Maine fisheries and wildlife resources to the New England and New York areas.
- Statutory      82.    Enable the Department to include commercial, but not political advertising in its publications to provide additional revenue.
- Statutory      83.    Allow the Department to sell or lease photographic negatives to respond to public requests.



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- Administrative 84. Develop a plan to promote and expand the Maine Fish and Wildlife Magazine to ensure that it is financially self-supporting.
- Administrative 85. Arrange with the Bureau of Purchases an optional two-year extension on the printing contract for the Maine Fish and Wildlife Magazine.
- Statutory 86. Develop a plan to promote, both within and outside of the state, Maine's fish and wildlife resources. Include an educational component to be available for Maine's public schools to increase public understanding of the resource.
- Administrative 87. Develop a recreation promotion program for snowmobiles in coordination with the Department of Conservation's Snowmobile Division and the Maine Publicity Bureau to promote tourism.

#### Division of Engineering and Realty

- Statutory 88. Adopt the Bureau of Public Improvement's procedure for selecting both short and long-range capital construction projects and ensure that the final plan is printed in the Budget Document to improve department-wide planning.
- Administrative 89. Cease purchasing heavy construction equipment and justify the cost effectiveness of the equipment to address legislative concern.

#### Division of Program Development and Coordination

- Administrative 90. Prepare a final report for the Joint Standing Committee on Fisheries and Wildlife comparing the final disposition of bond funds to the initial acquisition plan to determine the extent to which the Department followed its original plan.

#### Division of Fisheries and Hatcheries

- Statutory 91. Require that any employees hired after June 30, 1984 in the Hatcheries Section not automatically be scheduled a 45 hour work week because overtime or compensatory time should be earned as accrued.

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Administrative 92. Evaluate the need for routinely scheduling a 45-hour work week for existing Hatchery Workers and report to the Joint Standing Committee on Audit and Program Review and Fisheries and Wildlife by September 30, 1984 to justify the continuation of this practice.

Warden Service Division

Statutory 93. Clarify through rules the establishment of tagging stations and the designation of tagging agents to ensure consistency.

Administrative 94. Strengthen the current program on snowmobile safety to meet the needs of the snowmobile community.

INDEPENDENT AGENCIES

Statutory 95. Continue the following independent agencies with or without legislative or administrative change under the provisions of the Maine Sunset Laws:

(1) Board of Certification of Water Treatment Plant Operators; and

(2) Keep Maine Scenic Committee.

Baxter State Park Authority

Statutory 96. Replace the Director of Forestry with the Commissioner of the Department of Conservation on the Baxter State Park Authority because the Commissioner is the highest ranking officer of the Department with jurisdiction over forestry.

Statutory 97. Require the Authority to submit to the Legislature a summary report of its finance and activities every two years to improve legislative oversight.

Administrative 98. Discontinue the Baxter State Park Advisory Committee because state funds should not be expended without a clear purpose.

Statutory 99. Raise to \$60,000 the limit on spending by the Department of Transportation for road maintenance in Baxter State Park to reflect the increases in costs over the past 15 years.

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Administrative 100. Work with the Bureau of Purchases to ensure that the Park's needs are met at reasonable cost.

Administrative 101. Revise Park regulations to allow children under 12 years of age and Maine residents 70 years and older to use Park shelters and camping areas without charge to increase access for families and senior citizens.

Maine Forest Authority

Statutory 102. Discontinue the Maine Forest Authority because it is unnecessary, transfer the lands under its control to the Bureau of Public Lands, and require that the Legislature approve any future purchases of land with money from Governor Baxter's trust.

Coastal Island Trust Commission

Statutory 103. Allow the Coastal Island Trust Commission to sunset and repeal related Legislation because the Commission does not exist and no coastal island trusts have been established.

Board of Certification of  
Water Treatment Plant Operators

Statutory 104. Modify the statutes for the Board of Certification of Water Treatment Plant Operators to:

- . include a public member;
- . allow the Chair to vote only in event of a tie;
- . limit members to two consecutive three-year terms;
- . authorize the Board to issue biennial licenses;
- . clarify the fee schedule for licenses and exams; and
- . up-date the statutes.

Saco River Corridor Commission

Statutory 105. Extend the review of the Commission into the next review cycle and continue the Commission

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for one year pending the review by the Audit Committee.

- Statutory 106. Enable the Commission to retain any fees earned through the sale of permit applications, variance applications, and certificates of compliance to reflect current practice.

Inspection of Dams and Reservoirs

- Statutory 107. Continue into the next review cycle the review of the successor of the Inspector of Dams and Reservoirs because of time constraints.

Soil and Water Conservation Commission

- Statutory 108. Extend the review of the Soil and Water Conservation Commission into the next review cycle and continue the Commission for one year pending review by the Audit Committee.

Uniform State Accounting and Auditing Practices for Community Agencies

- Statutory 109. Replace the present legislation with legislation that ensures that the state develop and implement uniform accounting and auditing practices for funds contracted by the state with community agencies to reduce multiple audits of community agencies and streamline state requirements.

Separation of Powers

- Finding 110. Constitutional doctrine clearly specifies the separation of governmental powers between legislative, executive, and judicial branches and there is no need to restate it in statutory form. However, the Legislature should pursue additional study to examine all existing boards and commissions to determine any potential areas of conflict between the three branches of government.

- Statutory 111. Establish in statute guidelines for setting up Boards, Commissions, and Independent Agencies as well as reporting procedures to provide consistency.



## Report Highlights

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In this report, the Committee on Audit and Program Review is making well over 100 recommendations for change in the Departments of Conservation and Inland Fisheries and Wildlife, independent agencies such as the Saco River Corridor Commission and the Baxter State Park Authority, and two study areas: uniform accounting and auditing practices for community agencies and the separation of powers between the executive, legislative, and judicial branches of government. These recommendations are the result of hundreds of hours of study and deliberation by Committee and adjunct Committee members. The result is recommendations which will serve to tighten the management and fiscal accountability of the agencies, resolve a number of complex issues, save General Fund and dedicated revenues, and increase legislative oversight.

The goal of the Audit Committee is to increase governmental efficiency by recommending improvements in agency management, organization, program delivery, and fiscal accountability. The Audit process itself provides the Legislature with a particularly effective tool to increase legislative oversight of the Executive Branch and state owned resource management. The work of the Committee is highlighted below, organized according to five key categories.

### I. Increase Management and Organizational Efficiency

The Committee has carefully analyzed the management and organization of the agencies under review and is making a number of recommendations for improvements. These include some of the areas highlighted below.

#### Department of Conservation

The Committee stresses the need to integrate the operations of various bureaus within the Department of Conservation to create a consolidated, cohesive Department. (Rec. 2) To clarify administrative authority the Committee is recommending that the title of Director of Planning and Program Services be changed to Deputy Commissioner. (Rec. 1) Another recommendation directs the Department staff to reorganize the Bureau of Public Lands to reflect its organizational and staff responsibilities. (Rec. 7) In addition, the Committee recommends the elimination of the Regional Ranger position in the Southern Fire Control Region because this position, upon initial review, appears to be unnecessary. (Rec. 21)

#### Department of Inland Fisheries and Wildlife (IF&W)

The Committee is proposing at little to no cost major reorganization within IF&W which is intended to create a more cohesive Department. (Rec. 51) This reorganization will build a stronger management team, ensure central fiscal oversight, and work to break down divisional barriers. As part of this reorganization, the Committee proposes to remove the consent powers of the Advisory Council,

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strengthening the Commissioner's role, and to eliminate the position of Staff Attorney. (Recs. 53, 54) The establishment of three Bureaus under this proposed reorganization shall create a more efficient organization, clarify responsibilities, integrate programs, and increase accountability.

## II. Strengthen Fiscal Accountability

The Committee scrutinized the fiscal management and accountability of the agencies under review. Many recommendations are being made to strengthen, clarify, and rectify fiscal practices. Some of these recommendations are highlighted below.

### Department of Conservation

Two recommendations will work to contain forest fire control costs. These recommendations direct the Department to negotiate and establish rates for emergency fire-fighting equipment and personnel and to separate out those expenditures which are not fire-control related. (Recs. 26, 22) Still another recommendation directs the Department to develop a clear accounting of all related expenses. (Rec. 23)

A major finding of the Committee concerns a build-up of funds in the Budworm Program over the past five years; funds which were not redistributed to the original source of payment and which were expended without legislative oversight. The Committee's recommendation will ensure the proper accounting and return of up to one million dollars: \$776,600 to the General Fund and the balance to the dedicated accounts. (Rec. 28)

Further, the Committee intends that the Maine State Nursery be financially self-sufficient by enabling the Nursery to grow Christmas tree planting stock at competitive market prices. (Rec. 43)

### Department of Inland Fisheries and Wildlife (IF&W)

The Committee has been particularly aware of the fiscal problems confronted by the Department of Inland Fisheries and Wildlife. To resolve these, the Committee has recognized the need to make organizational changes to tighten the monitoring of departmental expenditures, address the problem of the Department's fixed revenue base, and strengthen legislative oversight. Recommendations to achieve these goals include the centralization of purchasing and contracting and placing the fiscal responsibility for federal funds within the present Division of Administrative Services. (Recs. 69-71) Other recommendations direct the Department to seek General Funds and recognize that the Department should be reimbursed by the General Fund for the cost of search and rescue of individuals outside the purview of departmentally-licensed activities. (Recs. 61, 58) Further, the Committee supports the Department's need for an adequate

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reserve balance for cash-flow purposes to prevent management by crisis. (Rec. 62)

### III. Increase Legislative Oversight

Throughout this report, the Committee makes a number of recommendations which will increase legislative oversight by joint standing committees as well as the full Legislature. This can only serve to ensure the public's interest. Examples of such recommendations are highlighted below.

#### Department of Conservation

Within the Bureau of Forestry, the Committee is recommending that a specific planning document be prepared to clearly state the goals, objectives, and work assignments of the service forestry program. (Rec. 37) For Fire Control, the Committee is establishing a mechanism to ensure legislative review of any major policy changes by the Department in the management and operation of fire towers. (Rec. 25) Further, the Committee is recommending that the Legislature allocate, for the first time, dedicated funds of the Bureau of Public Lands. (Rec. 6)

#### Department of Inland Fisheries and Wildlife (IF&W)

Strengthening legislative oversight of both program and fiscal areas within IF&W was a major objective of this review. The Committee is recommending the placement of the Department's organization in statute which will establish legislative authority. (Rec. 52) In addition to this, two other recommendations will tighten the Legislature's control over departmental expenditures. One ensures that funds are allocated by the Legislature in line-item form and provides for legislative review of all departmental funding transfers. (Rec. 56) Another recommendation will prevent the Commissioner from spending any allocated balances without reallocation by the Legislature. (Rec. 55) Further, in a number of instances, the Department is being directed by the Audit Committee to report to the Joint Standing Committees on Inland Fisheries and Wildlife and Audit and Program Review.

#### Independent Agencies

Here the Committee is recommending that the Baxter State Park Authority submit an annual summary of its financial activities to the Legislature. (Rec. 97)

### IV. Improve Regulatory Oversight

The Committee spent a good deal of time looking at the regulatory responsibility of the agencies under review. As regulation is a major responsibility of these agencies, this was an important area. Some recommendations which address concerns regarding regulatory oversight are highlighted below.



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## Department of Conservation

In considering forest insect aerial spray programs, particularly budworm, the Committee was impressed with the need to strengthen and clarify regulatory oversight. Recommendations here include a statutory requirement for the hiring and licensing of spotters and monitors and that the public be given adequate notification prior to the commencement of forest insect aerial spray programs. (Rec. 29, 33)

The Land Use Regulation Commission (LURC) within the Department is charged with extensive regulatory responsibility. The Committee recommends that additional LURC staff be hired to improve enforcement. (Rec. 44) In addition, the Committee recommends that informal meetings be held among LURC staff, industry representatives, and other parties to work out solutions to some areas of concern regarding regulation. (Rec. 48) Finally, the Committee recommends that the regulatory process be streamlined by eliminating the overlap of several of Maine's environmental laws. (Recs. 45-47)

## Department of Inland Fisheries and Wildlife (IF&W)

IF&W is charged with the responsibility of issuing and enforcing hundreds of regulations governing the use of fishery and wildlife resources. Several recommendations will resolve major areas of concern regarding the designation of licensing agents and deer registration stations. (Recs. 76-79)

## Independent Agencies

The Committee recommends that several changes be made to the statutes of the Board of Certification of Water Treatment Plant Operators to streamline the Board's regulatory procedures. (Rec. 104)

## V. Improve State-Owned Resource Management

The agencies under review this year are charged with the protection and management of the state's land, fish, and wildlife resources. A number of Committee recommendations, several highlighted below, are intended to improve the state's management of these natural resources.

## Department of Conservation

The Bureau of Parks and Recreation is responsible for managing 44,000 acres of state-owned land (excluding the Allagash). In reviewing the management policies for these lands, the Committee made an interesting finding that in some narrowly defined cases, wood harvesting should occur and consequently is recommending that this be allowed within a limited scope. (Rec. 15) The Committee is also recommending that the Bureau compile an inventory of undeveloped park lands for public information. (Rec. 20)

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The Bureau of Public Lands manages the state's public and submerged lands. The Committee recommends innovations in these management areas by changing lease requirements and charging lessees fair market rent for the use of submerged lands. (Recs. 11,13)

#### Department of Inland Fisheries and Wildlife (IF&W)

To improve the management of approximately 48,800 acres of land owned and managed by the IF&W the Committee is recommending that state-wide short- and long-term plans be drafted to guide land acquisition and development. (Rec. 60) Further, the proposed reorganization of the Department is intended to strengthen the management of the resource.

#### Independent Agencies

In this report, the Committee recommends the termination of two agencies, the Maine Forest Authority and the Coastal Island Trust Commission. (Recs. 102, 103) These agencies are no longer necessary and their limited land management responsibilities can be easily transferred to other agencies.

In conclusion, the Committee's report contains these and many other recommendations. Some are simple house-keeping measures while others are more substantive. However, their combined impact, complemented by recommendations on Uniform Audit and Accounting Practices and the Separation of Powers (Recs. 109, 111), will work to significantly improve those areas under review.



## 1983 Audit Review

The Audit and Program Review Committee is more than a "Sunset" Committee. "Sunset" refers to the automatic termination provision that is generally understood to be a prominent feature of the Committee's work. However, the Committee reviews state agencies not only to decide if they should continue to operate, but also to assess how well they operate. The Committee's objectives in this year's review of the Departments of Conservation, Inland Fisheries and Wildlife, and seven independent agencies are:

1. to improve government performance by improving agency efficiency and accountability;
2. to improve legislative oversight of the Executive Branch;
3. to examine the agency as an entire entity; review particular problems or issues with a statewide or national perspective; and
4. to protect the public's interest.

These four objectives serve as guiding principles for the audit review of each set of agencies in every review cycle. In Maine, major departments are not subject to termination. The automatic termination provision applies only to independent agencies and boards.

Each agency in state government comes up for review every ten years and one complete agency review actually spans four calendar years. For example, the timetable for this set of agencies and activities is:

### 1982

- MARCH-OCTOBER
- Agencies prepared Program Justification Reports
  - Submitted Reports to Committee October 31

### 1983

- JANUARY-NOVEMBER
- Full Committee divided into three subcommittees
  - Committee added four adjunct subcommittee members from substantive committees
  - Held total of 50 subcommittee meetings and six full committee meetings
  - Conducted total of 13 site reviews

- 
- Held two advertised public hearings
  - Completed two studies and began the review of one of the agencies in the next review cycle
  - Met with numerous interested individuals, organizations, and industry representatives
  - More than doubled the number of recommendations of past reviews to over 100.

NOVEMBER-DECEMBER

- Final drafting and editing of report
- Bill drafted

1984

JANUARY-FEBRUARY

- Report and Bill printed
- Public hearings held
- Committee work sessions held

MARCH-APRIL

- Floor Action
- Bill enacted

1985

JUNE

- Compliance review questionnaire sent to Agencies

Finally, the absence of findings or recommendations about a departmental program does not necessarily mean that the Committee found that program to be operating at peak efficiency and effectiveness. Due to staff, time, and resource limitations the Committee was unable to conduct an in-depth comprehensive review for every program.

# Department of Conservation

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## Description

The Legislature created the Department of Conservation in 1973 by consolidating a number of existing natural resource agencies under one roof. The mission of the Department is to coordinate natural resource management statewide by encouraging not only the preservation and protection but also the wise use of the scenic, coastal, mineral, and forest resources of the state.

The Department consists of the Bureaus of Forestry, Public Lands, and Parks and Recreation, the Land Use Regulation Commission, and the Maine Geological Survey. The departmental organization also includes the Divisions of Administrative Services and Planning and Program Development.

The FY 1983 expenditures for the Department totaled approximately 19 million dollars: \$10,486,000 from the General Fund, \$7,557,000 from other special revenue funds, \$609,000 in bond funds, and \$209,000 from the Nursery. The Department had 347 full-time and 603 seasonal positions for a total of 950 positions. A summary of each of the Bureaus of the Department follows.

### Central Administration

The Central Administration of the Department is composed of the Division of Administration, Division of Planning and Program Services, and the office of the Commissioner. Its objectives are to coordinate the activities of the bureaus and to formulate and represent management policies regarding the state's natural resources. Central Administration had approximately 18 full-time positions in FY 1983 and a budget of \$470,000.

### Bureau of Public Lands

The Bureau of Public Lands manages lands owned by the state but not used by other agencies. These include: the 400,000 acres of public reserved lands held in trust for the public and managed for multiple use, other parcels managed for various purposes including agriculture and demonstration forestry, and numerous coastal islands, which the Bureau is still identifying. The Bureau operates on revenues generated from its lands, amounting to about \$830,000 in FY 1983 and has about 25 full-time positions.

The Bureau also administers the state's submerged lands, holding them in trust for the public. The state began to enforce the public's rights in the submerged lands in the late 1970's. Currently, the submerged lands produce roughly \$20,000 in revenue from leases to individuals and corporations, included in the above figure.

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## Bureau of Parks and Recreation

The Bureau of Parks and Recreation operates about 110 developed and undeveloped state parks and memorials, administers federal recreation grants, and assists municipalities in developing outdoor recreation facilities. The Bureau also operates 45 boat launching sites, maintains snowmobile trails, and assists municipalities in doing the same. It has 55 full-time and 314 seasonal positions and FY 1983 expenditures of \$2,990,000 from the General Fund, \$507,000 from the dedicated Boating Facilities Fund, and \$257,000 from the Snowmobile Trail Fund. It administered over \$2,100,000 in federal grants to municipalities.

## Bureau of Forestry

The Bureau's major areas of responsibility are to control forest fires statewide, to protect trees against insects and diseases, and to provide advice and assistance on forest management to small woodland owners and municipalities. The Bureau was organized into five divisions plus the Maine Forest Nursery in FY 1983 with a total budget of about 11.5 million dollars. The Bureau had about 219 full-time positions in FY 1983 and about 288 part-time positions of which 118 were seasonal budworm project positions and 46 were seasonal Nursery positions for a total of 507 positions.

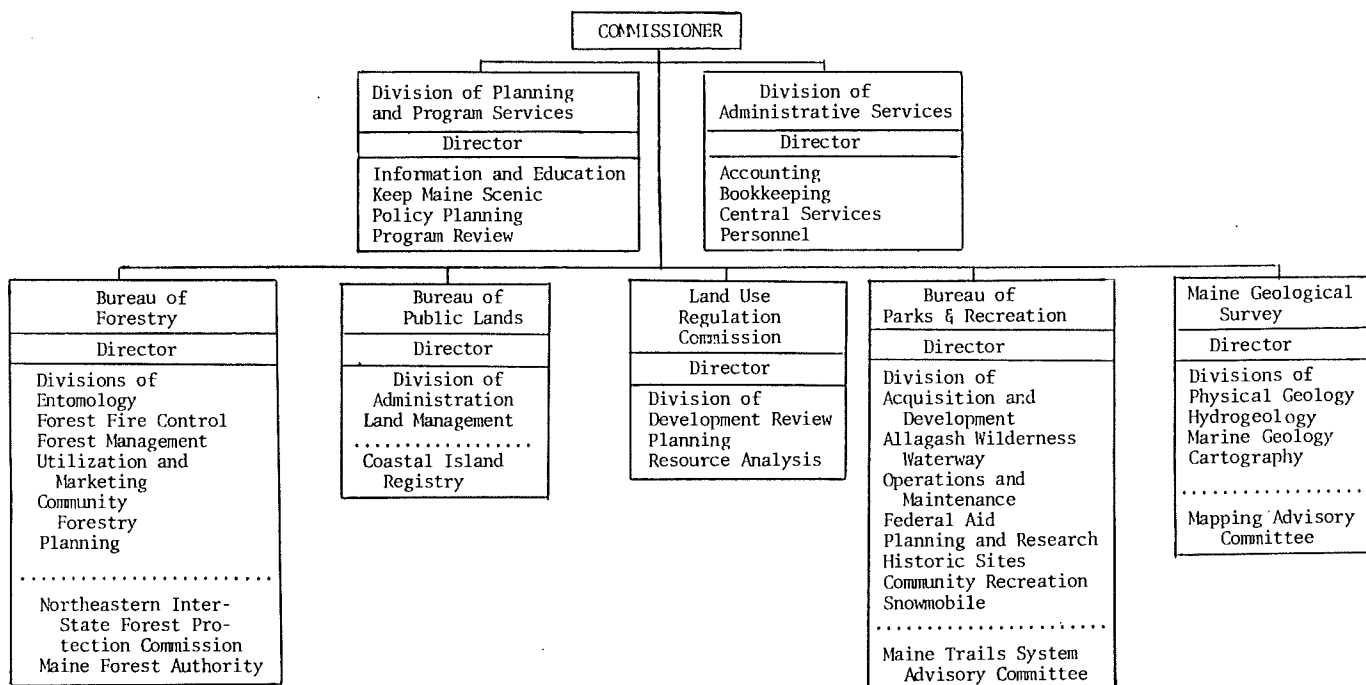
## Maine Geological Survey

The Maine Geological Survey inventories and evaluates Maine's bedrock, surficial hydrologic, marine, and economic geology to provide geologic information and technical advice to agencies, organizations, and the public. The Survey also is responsible for the orderly exploration and development of mineral resources on state lands, publishes geological maps, and maintains a geologic library. The Survey had an FY 1983 budget of approximately \$900,000 and 18 full-time and five part-time positions for a total of 23 positions.

## Land Use Regulation Commission (LURC)

LURC prepares the Comprehensive Land Use Plan for the unorganized portion of the state and enforces its zoning requirements for activities therein. It has divided its jurisdiction into development and management districts, primarily for forestry and agriculture, and protection districts for significant natural resources such as bodies of water, mountain tops, wildlife habitats, and unusually scenic areas. LURC employs 14 people and had FY 1983 expenditures of \$406,000.

ORGANIZATIONAL CHART  
DEPARTMENT OF CONSERVATION





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## Central Administration

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- Statutory            1.    Change the title of the Director of Planning and Program Services to Deputy Commissioner in order to reflect more accurately the job responsibilities.
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In 1977, the Legislature created the position of Director of Planning and Program Services to act as one of two staff people to the Commissioner of Conservation. (12 MRSA §5012).

According to the position description, the director "represents the Department at the Legislature and has autonomy on the many projects assigned. The key function of the position is to work with the Commissioner in formulating decisions on policy and organizational matters. Every decision of Department-wide or statewide policy comes through this office which is responsible for coordinating the decision internally, among Bureaus, externally with the private sector, and other state agencies."

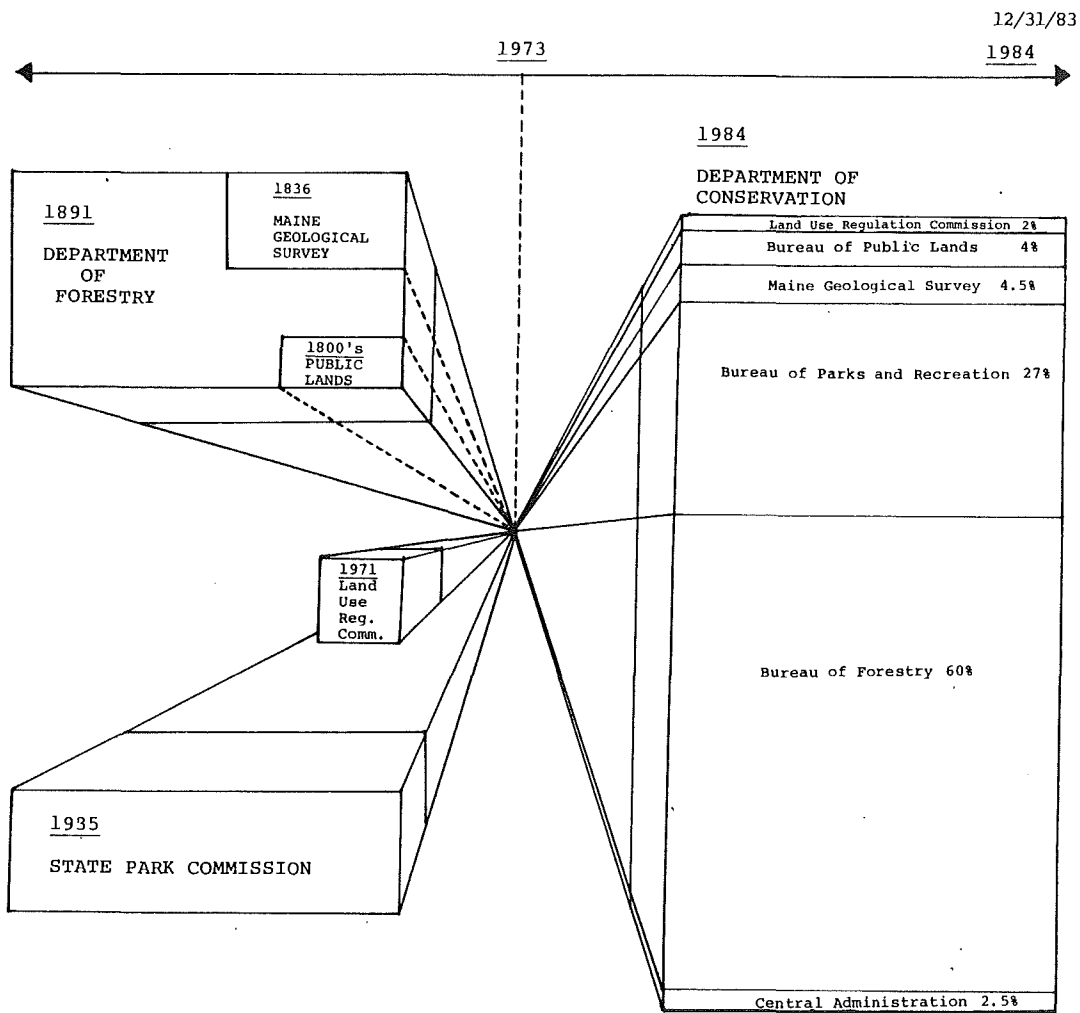
The Committee finds that the job responsibilities of the Director of Planning and Program Services are similar to those of deputy commissioners in other state agencies. Furthermore, the Committee notes the value of clearly establishing a hierarchy of authority within the Department.

Accordingly, the Committee recommends that the title of the Director be changed to Deputy Commissioner, a title that will more accurately reflect the job responsibilities of the position and clearly establish an administrative hierarchy.

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- Statutory            2.    Include in the statutes a statement of the Legislature's intent that the Department take appropriate steps to integrate planning and operations among its bureaus and that it propose legislation when necessary to assist this integration.
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The Legislature created the Department of Conservation in 1973 to consist of the Land Use Regulation Commission (LURC), the Bureaus of Forestry, Parks and Recreation, Public Lands, and the Maine Geological Survey. Public Lands and the Geological Survey were formerly part of the Forestry Department; the rest were independent agencies. (see illustration).

The Conservation Department was, and basically still is, a collection of these bureaus. The Central Administration Division has interpreted its role, defined in the statutes, as a coordinator of the bureaus. It has coordinated legislative and public relations, and is in the process of centralizing some administrative functions, but has not yet moved beyond these into centralizing program planning and operations.



The Committee finds that the gradual consolidation of conservation planning and operations would improve both service and economy. The Committee therefore recommends that the Legislature include in the Conservation statutes language indicating that the Department integrate bureau planning and operations where practical and that it propose legislation to assist this integration when necessary.

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This recommendation would give the Central Administration Division an affirmative statement of the Legislature's intent that the Department be unified.

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Administrative 3. The Committee recognizes and supports the Department's plans to develop a centralized purchasing system and recommends that the Director of Administrative Services implement a formal centralized purchasing system.

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The Central Administration Division of the Department of Conservation intends to develop a centralized purchasing system. The director of Administrative Services is "convinced that the Department can save money and reduce paperwork and time" if it installs such a centralized purchasing system. The State Purchasing Agent notes that a centralized purchasing system would allow the Bureau of Purchases to work with the agency to buy items at the lowest possible prices, resulting in savings to the Department.

Therefore, the Committee strongly supports the Department in its intentions to institute a centralized purchasing system and requests a departmental progress report by January, 1984.

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Administrative 4. Include in the Maine Conservation Corps a program that serves youth from all socioeconomic backgrounds to compensate for the anticipated loss of the Youth Conservation Corps.

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In the Sunset review cycle ending in the first session of the 111th Legislature, the Audit Committee reviewed the Division of Community Services (DCS) including the Youth Conservation Corps (YCC). Under the YCC, 40 youths, ages 15 to 18, spent seven weeks in Baxter Park maintaining trails and campsites and receiving education in environmental awareness. The Committee strongly endorsed the continuation of the YCC program, particularly because it served Maine youth of all socioeconomic groups and gave them a chance to interact. The Committee did, however, recommend that DCS make an effort to encourage less affluent youths to participate in the program.

Due to other legislative action, funding for the YCC program was eliminated in FY 1985 with the establishment of the Maine Conservation Corps (MCC) in the Department of Conservation. At this time, the Audit Committee understood that the MCC would operate a program similar to YCC. However, since that time questions have been raised concerning the composition of the MCC program.

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The Audit Committee continues to find that a program like YCC that serves Maine youth of all socioeconomic groups is desirable. It therefore recommends that the Department develop a program like YCC within MCC.

### Bureau of Public Lands

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Statutory            5.     Combine the Public Reserved Lands Management Fund and the Public Lands Management Fund into one account to reflect actual practices.

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Currently the Bureau of Public Lands operates primarily out of two dedicated accounts, the Public Reserved Lands Management Fund and the Public Lands Management Fund. The former receives revenues from the public reserved lands and the latter from submerged lands and other lands in the public domain. Although state statutes restrict the uses of revenue from reserved lands to those that benefit the reserved lands, the Bureau treats the accounts as one.

The Committee finds that revenues from one portion of the public holdings may properly be used to support other portions whose value as public holdings may not appear in the revenues they generate. However, the Committee sees no point in maintaining two separate accounts when the Bureau uses both accounts as needed. Therefore, the Committee recommends combining the two into a single public lands management fund.

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Statutory            6.     Allocate expenditures of public lands funds in the same manner as the Legislature appropriates General Funds to improve legislative oversight.

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Currently, spending by the Bureau of Public Lands receives little or no legislative scrutiny. The Bureau's expenditures (\$820,000 in FY 1983) are from dedicated accounts subject to no legislative allocation, unlike the dedicated accounts of the Public Utilities Commission and the Departments of Transportation and Inland Fisheries and Wildlife. The Part II Budget passed by the 111th Legislature (P.L. 1983 477) requires that budgets for all dedicated accounts be submitted to the Legislature in line item form but apparently does not require that agencies spend only allocated funds.

The Committee finds that monitoring how public money is spent is an important responsibility of the Legislature and that the Bureau's

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expenditures are large enough that legislative oversight of the Bureau should include allocation of its funds. Therefore the Committee recommends that the Legislature allocate expenditures of public lands funds in the same manner as it appropriates the General Fund. This allocation process will increase the Legislature's understanding of the Bureau's policies and programs. In addition, the Committee recommends that the Joint Standing Committee on Appropriations allocate these funds effective for the biennial budget for fiscal years 1986 and 1987.

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Administrative 7. Reorganize the Bureau of Public Lands to improve administrative efficiency.

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Currently the Bureau of Public Lands is organized into a line/staff system. It includes the line functions of forest management and three separate staff functions of administration, planning, and land management. However, the Committee finds that some planning personnel are assigned to the administrative staff; the planning staff carries out some administrative duties; the director of land management directs nothing, serving instead as a consultant to the line foresters; and one line forester spends over half of his time in a similar consulting role. The Committee finds that this lack of organizational coherence does not promote efficiency.

The Committee therefore recommends that the Bureau reorganize to address the above problems. In doing so, the Bureau should pay particular attention to ensuring that job titles reflect clearly the work done, that personnel are assigned to the appropriate functional area, that the allocation of the Bureau's resources among its regions is the most efficient, and that coordination among functional areas improves, particularly between planning and land management areas.

The Bureau shall report to the Committee on its progress by April 1, 1984.

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Administrative 8. Increase the information available on coastal islands and public lands to improve public knowledge of the resource.

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The public has the right to enter the public lands, but currently most parcels are not clearly marked as public lands nor does the Bureau have maps available to the public which allow it to locate the lots easily. The Bureau does have topographic maps of public lands available but not ones that clearly show access routes. Only the largest consolidated parcels appear on the Department's recreation maps. Generally, the same conditions apply to the coastal islands.

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The Committee finds that while encouraging the public to use every parcel of public land is neither practical nor desirable, the public should be able to find public lands, if it wishes. The Committee therefore recommends that the Bureau produce inexpensive maps showing the location of and access to public lots and make them available to the public to provide it with at least the opportunity to use the lands. Furthermore, the Bureau should clearly mark those public lands that are suitable for recreation and other public use. Likewise, the Bureau should identify coastal islands suitable for public use, mark them in an appropriate fashion, and make available inexpensive maps showing their locations.

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Administrative 9.      Ensure that each parcel formerly controlled by the Maine Forest Authority has a management plan.

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The Maine Forest Authority now controls two parcels of land managed for it by the Maine Bureau of Forestry. One parcel, in Harpswell, does not yet have a management plan. On the other parcel, in Mt. Chase Plantation, the Forest Service has begun to salvage budworm damaged trees and plans to replant some of the cut area.

The Committee has recommended the transfer of the Forest Authority lands to the Bureau of Public Lands (see Recommendation 102). The Committee wishes to insure that the intent of Baxter's trusts is carried out and that these parcels are actively managed.

Furthermore, the Committee recommends that the Bureau keep in mind the intent of Baxter's gifts and seek to acquire lands that could be set aside for scientific forestry. Naturally in doing so the Bureau and others who must approve such acquisitions should consider the financial state of the Baxter trust funds.

#### Bureau of Public Lands/Submerged Lands

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Statutory      10.      Change the uses of submerged lands for which leases are not required so that all users pay an equitable rate.

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The Bureau of Public Lands requires that each user of public submerged lands have a lease unless the use falls under one of several exceptions. When a use meets the conditions for one of these exceptions, the Bureau grants the user an easement at no charge. Under current law, these exceptions include non-commercial recreational or improvement uses, uses occupying not more than 100 square feet of

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submerged land, and marine resource uses occupying not more than 2,000 square feet. Since the beginning of the submerged lands program, the Bureau has issued fewer than 150 leases and over 1,000 easements, most of which fall under the first exception.

Requiring leases for submerged lands serves the important function of helping to allocate the state's valuable shoreline resources. The Committee finds that certain exceptions to this requirement assist uses that the Legislature deems desirable but also finds that the broader purposes of leasing would be served better by two changes in the exceptions.

Therefore, the Committee recommends that the Legislature exempt only charitable uses, rather than all non-commercial uses, and increase, from 100 square feet to 500 square feet, the minimum size necessary for a lease. The first change ensures that large non-commercial users will have to pay as much as other large users since they interfere as much as do other users with the public use of submerged lands. An upland owner would charge users of all types for the use of the land; the state should do likewise. Charitable users remain excepted.

The latter change expands the class of small users that are excepted because they interfere minimally with the public use. The exception for marine resource uses remains the same.

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Statutory	11. Require the Bureau to charge an administrative fee for issuing submerged lands easements and leases to cover administrative costs.
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The Bureau charges rent for leases of submerged lands but interprets its statute to prevent it from charging even an administrative fee for easements. However, the Bureau does incur costs for administering both types of interest in the state's lands. These costs must fall on the Bureau's other revenues.

The Committee finds that lessees should pay an administrative fee that covers the Bureau's cost of preparing a lease and that easement applicants should pay the cost of their application. Particularly for easement applicants, who will pay no rent, an administrative fee will emphasize that the state owns and manages the submerged lands in trust for the public.

The Bureau estimates that a routine, trouble-free easement application costs \$10 and that a lease application costs \$20 to process. Therefore, the Committee recommends that the Legislature require the Bureau to charge administrative fees of \$15 and \$25 for an easement and a lease respectively. The Bureau has been issuing roughly 100

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easements and a dozen leases annually; this should produce approximately \$1,800 per year in additional revenue.

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Statutory            12.    Clarify in the statutes that submerged lands are exempt from local property taxation.

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According to the public trust doctrine, the state holds the submerged lands in trust for the public. Furthermore, 36 MRSA §651, exempts state property from local taxation. However, in the past some municipalities have tried to tax users of submerged lands on the value of the land.

While no municipalities currently appear to be taxing submerged lands, the Committee recommends that the Legislature amend the statutes to clarify the tax status of the land. The statutes should clearly state that submerged lands, as the state's property, are exempt from local taxation and that lands to which the state has given up title, such as lands filled before 1975, are subject to taxation.

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Statutory            13.    Require submerged lands lessees to pay rent that reflects the fair market rent of the submerged land and the desirability of various uses to emphasize public ownership and to efficiently allocate valuable shoreline resources.

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State statutes give the Bureau of Public Lands the authority to charge rent for the use of submerged lands. Currently, in almost all cases the Bureau charges a flat rate of \$.03 per square foot of encumbered submerged land regardless of where the land is located or the use to which it is put.

Just as upland land values vary across the state, submerged land is worth more in some places than in others. The exclusive use of submerged land in Portland harbor is worth more than a similar use in an undeveloped cove Downeast. The current rate does not reflect this variation; nor does it reflect the variation in the desirability of different uses of submerged lands. Some uses, such as those that fill the submerged land, may impair the use of the land more, impose more costs on the public, or confer fewer benefits than other uses, such as a dock for a commercial fishing operation.

The Committee finds that rents that take these factors into account would better serve the public interest. The state holds the submerged lands in trust for the public and as trustee is obligated



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to obtain the best return it can. Doing so includes charging what the land is worth but also taking into account the costs and benefits to the public of different uses. Furthermore, by requiring users of submerged land to pay the full value of their use, the state is encouraging the most efficient allocation of Maine's shoreline resources.

The Committee therefore recommends that the Legislature require users of submerged land to pay the fair market value of the land's use, adjusted by a factor reflecting the desirability of the use. This recommendation immediately applies only to new leases but as old leases are renegotiated rents under them will rise by an amount limited by the increase in the Consumer Price Index. Some current rents may decrease.

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Administrative 14. Coordinate submerged lands enforcement among all relevant state and local agencies to use all available resources.

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Enforcement of the submerged lands law is not completely systematic. The application process and enforcement efforts of the Department of Environmental Protection's Wetlands and Great Ponds programs provide the Bureau with what systematic enforcement it has. Permit applications for these programs tell the Bureau the extent of the use of submerged lands the applicants claim and DEP's enforcement efforts detect some violations of submerged lands provisions. Beyond that, the Bureau uses other agencies with field personnel, such as the Department of Marine Resources when it learns of possible violations.

While the Committee recognizes that enforcement of submerged lands law is improving, it finds that the Bureau could improve the enforcement of submerged lands law by enlisting the cooperation of other agencies and educating their personnel in submerged lands concerns. These agencies may include municipal and regional planning units as well as state agencies with water jurisdiction. Therefore, the Committee recommends that the Bureau develop a plan for coordinating submerged lands enforcement among all relevant agencies.

#### Bureau of Parks and Recreation

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Statutory 15. Allow the Commissioner, under certain conditions and with the opportunity for public comment, to authorize wood har-

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vesting on state park lands to improve the health of timber stands or to improve the recreational or aesthetic quality of the park land.

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Currently, state statutes prohibit the Bureau of Parks and Recreation from cutting timber on park land unless deed restrictions require it or unless the Bureau itself uses the timber. The Committee finds that the current law, designed to protect park land, is overly restrictive. Timber on some park land, particularly on undeveloped parcels, could be cut without disturbing the recreational qualities of the land. Careful cutting might even improve them in the long run or benefit the land in other ways.

Therefore, the Committee recommends that the Legislature authorize the Commissioner of Conservation to permit wood harvesting to improve the health of timber stands or to improve the recreational qualities of the land. The Committee recommends that provisions of the current law requiring management plans for cutting and opportunities for public comment remain in the statute and that such wood harvesting clearly be consistent with long-term management goals.

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Statutory            16.    Issue rules outlining the process and formulas for application and disbursement of snowmobile trail grant funds to provide greater public awareness and fiscal accountability.

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The Snowmobile Division in the Bureau of Parks and Recreation is responsible for marking and grooming snowmobile trails, establishing trails on state-owned lands, and encouraging the development and maintenance of snowmobile trails. By statute, the director is now allowed to issue rules governing the use of the system.

One of the major thrusts of the Division is to provide grants to the local towns and clubs for the purpose of trail maintenance. It provided \$193,626 in FY 82 and \$143,112 in FY 83. It awarded grants based on the following matching formulas.

1. 60% state/40% local when two or more municipalities apply jointly and at least one of them administers a trail outside of its boundaries, provided the trails are of regional significance;
2. 50% state/50% local if the trails are strictly within municipal boundaries; and
3. a maximum club grant of \$450.

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In July 1983, the Director of the Snowmobile Division and the Director of Parks and Recreation after considering the recommendations of an advisory group from the Snowmobile Association, changed the formulas for awarding grants to increase the level of state commitment. The formulas as adopted are now:

1. 70%/30%
2. 50%/50%
3. a maximum of \$750 for 30 miles

These changes plus additional plans will increase expenditures by roughly \$545,000 over past planned expenditures. The Snowmobile Trail Fund has consistently carried forward a sizeable balance (\$653,641 in FY 1983) and hence funds are available for the expansion of the grant program. This additional commitment, however, will mean that the Division will spend more than it takes in by \$258,000 in FY 1984 and \$286,000 in FY 1985 despite an additional projected annual increase in gas tax revenues of \$113,000.

The recent change in formula was subject to no regular legislative scrutiny, nor has the Division clearly publicized information on the grants in the past. The Department indicates that it will issue a brochure on the grant program. However, the Committee finds that the fiscal impact of this change warrants more oversight as well as the need for a public forum. Therefore, the Committee recommends that the Legislature require the Department of Conservation to publish rules and regulations outlining the grant process and formulas through the Administrative Procedures Act process.

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Statutory	17. Transfer the positions and related expenses for personnel operating the Songo Lock from the General Fund to the Boating Facilities Fund so that revenues from the Lock pay for its operation.
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Songo Lock is a manually operated lock between Sebago and Long Lakes. The Bureau charges boats to pass through the lock and until July 1, 1983 deposited the revenue in the General Fund. At that time, the Director changed the status of the lock from a park facility to a boating facility so that the Bureau could use \$25,000 from the Boating Facilities Fund to repair the lock. The Bureau now deposits the roughly \$10,000 in yearly revenue from the lock in the Boating Fund.

The Bureau has stated that it intends to move the positions operating the lock to the Boating Fund when it has paid back the money

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used to repair the lock. The Committee, however, finds that transferring the lock revenue to the Boating Fund without transferring the operating expenses was inappropriate, because expenses associated with generating user fees should be paid from those fees and may violate 38 M RSA §323 requiring that fees for the use of boating facilities be used to supervise the facilities.

Therefore, the Committee recommends that the Legislature transfer the expenses associated with operating the lock to the Boating Facilities Fund. This will save the General Fund roughly \$8,000 per year. Furthermore, the Committee recommends that the Boating Fund reimburse the General Fund for the \$8,000 expended on the lock in FY 1984.

The Committee also recommends that the Legislature amend the definition of boating facilities to include locks.

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Statutory            18.    Lapse unspent balances for completed projects financed by Parks and Recreation bond funds to the General Fund debt service account.

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The Legislature and voters approved in 1971 a bond issue to provide money for the development of various state parks. The authorizing legislation provides that balances remaining at the completion of the projects will lapse to the General Fund debt service account.

Three projects, with unspent balances totalling about \$3,000, are completed. The Committee recommends that the Legislature transfer these balances to the General Fund debt service account, resulting in an equivalent savings to the General Fund in FY 1985.

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Administrative    19.    Continue to charge fees for use of state parks to cover approximately half of park operating costs.

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The Bureau of Parks and Recreation operates its parks out of the General Fund and deposits fees it receives from users in the General Fund. The Bureau attempts to set user fees to meet approximately half of the operating expenses of the park system. (These expenses include park and regional headquarter operations, but not central office costs.) Naturally, inflation reduces over time the fraction of operating costs that user fees meet. In FY 1982, the system had nearly \$2,000,000 in expenses but only \$650,000 in fee income.

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The Committee finds that 50% is an appropriate target for the ratio of user fees to operating expenses. It represents a balance between generating revenue for the General Fund and keeping fees within reach of citizens of moderate means and, between using fees to influence consumer decisions about using parks and providing the state's share of what most people see as a state service. Therefore, the Committee recommends that the Bureau charge user fees that meet approximately half of park operating expenses.

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Administrative 20. Develop an inventory of and management plans for the undeveloped park lands to provide a comprehensive assessment of state park resources.

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The Bureau of Parks and Recreation controls approximately 30 parcels of parkland that it has not developed. Of these, other agencies or local governments use more than 20. While the Bureau has assessed statewide recreation needs and from time to time decides to use an undeveloped parcel, it does not have a plan for the use of any one parcel.

The Committee finds that the Legislature should be able to quickly obtain information on the state's land holdings. Therefore, it recommends that the Bureau compile an inventory of undeveloped park parcels including plans for their use. The state must be sure that it is not holding land that will never be used and that it can readily assess what land is available to meet its needs as they arise. Furthermore, this information will aid other Departments in their consideration of land purchases.

#### Bureau of Forestry

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Statutory 21. Eliminate the Regional Ranger from the Southern Fire Control Region because the position is no longer needed for the efficient operation of the Region.

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The Bureau's Fire Control Division provides forest fire protection for 21 million acres of forest land statewide. The Division has organized its fire control activities statewide into four administrative regions: a Northern, Eastern, Western, and Southern Fire Control Region. The Southern Region includes all or parts of York, Cumberland, Androscoggin, Lincoln, Knox, Oxford, Kennebec, and Waldo counties for a total of 3,948,080 acres. Each of the four Regions is divided into Districts which in turn are divided into Units. A

forest ranger is assigned to each Region, District, or Unit as follows:

Region	# Acres	# Regional Rangers	# District Rangers	# Unit Rangers
Northern	5,664,030	1	6	28
Eastern	5,664,030	1	3	17
Western	5,809,340	1	5	24
Southern	3,948,080	1	2	10
Total	<u>21,085,480</u>	<u>4</u>	<u>16</u>	<u>79</u>

The Unit Ranger is the basic ranger position in the organization with responsibility for regulating forest fire prevention, suppression, and suppression activities within the unit. The District Ranger supervises the Unit Rangers and is responsible for forest fire protection within the District, consisting of about one million acres. The Regional Ranger reports directly to the Supervisor of the Fire Control Division and is responsible for all regional operations, facilities, equipment, vehicles, personnel, and budget.

The Committee has found no evidence indicating that Regional Rangers are not needed in the Northern, Eastern, and Western Regions. However, the Committee finds that despite a nearly year-long vacancy in the Southern Regional Ranger position, the Region has been adequately managed and administered. Furthermore, the Southern Region includes the city of Augusta, location of the statewide headquarters of the Forest Fire Control Division. The Committee questions the need for another administrative locus for the Region which may serve only to duplicate the administrative services available at the Augusta state headquarters or the annex at nearby Bolton Hill.

Through its work, the Committee is clearly aware of and is concerned about apparent communication and administration problems in the Southern Region but remains unconvinced that hiring a Regional Ranger is an appropriate resolution, as the position is presently defined.

Accordingly, the Committee recommends that the position be eliminated and that alternative means for the efficient administration and management of the region be implemented. The elimination of the position will save approximately \$26,000 annually in personal services expenditures.

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Administrative 22. Develop a method of calculating the true gross total for fire control costs

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and derive a formula for determining the cost figure for tax purposes to ensure that inappropriate costs are not charged to the Fire Control Account.

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The present accounting procedures used by the Bureau of Forestry for fire control costs make it difficult to verify that all charges included in the fire control accounts are completely attributable to fire control and that costs irrelevant or marginally relevant to fire control have not been included. Furthermore, the Committee notes that clarifying the charges included in the fire control budget is critical to ensure that the tax collected to pay for fire control is justifiable.

Therefore, the Committee recommends that the Department develop a method of calculating the true gross total for fire control costs and derive a formula for determining the cost figure for tax purposes. Furthermore, the Committee recommends that the Department present this accounting method and taxing formula to the Joint Standing Committee on Audit and Program Review within a reasonable period of time and that, furthermore, in the course of developing this accounting method and taxing formula, the Forest Fire Control Division lists the programs it now includes in the fire control accounts for review by the Committee.

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Administrative 23. Transfer funding for the Bureau of Forestry Director, the Clerk Typist II in the Sebago district, and any related expenses from the Forest Fire Control Account into a central administration account to ensure that costs are allocated according to time spent working under each account.

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The salary of the Director of the Bureau of Forestry has traditionally been budgeted entirely in the Forest Fire Control Division. However, the Director's job responsibilities include not only forest fire control but also entomology, planning, information and education, and forest management. The Director reports that currently 80% of his time is devoted to fire control with the remaining time devoted to other areas.

Similarly, 10% of the Clerk Typist II in the Sebago district's time is spent in the area of fire control and the rest in the areas of forest management, and parks and recreation.

Therefore, the Committee recommends that these two positions and related expenses be removed from the Forest Fire Control Division and

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charged to a Bureau Administration account to reflect more clearly the charges to other accounts within the Bureau and to satisfy public and legislative sentiment in support of this change.

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Administrative 24. Review and adjust for consistency the existing cooperative agreements between the Fire Control Division and municipalities. Coordinate agreements with additional towns when appropriate.

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The State Forest Fire Plan states that the Bureau of Forestry maintains cooperative agreements with many towns regarding equipment loans, training, mutual aid, and the Rural Community Fire Protection Program.

The Committee finds that state fire control equipment should generally be made available to local fire fighting officials. However, it notes that the current cooperative agreements are inconsistent, resulting in some municipalities having adequate access to state equipment and some municipalities having no access.

Therefore, the Committee recommends that the Division review and adjust for consistency the existing cooperative agreements between the Division and municipalities and that additional agreements be coordinated when appropriate.

This recommendation is designed to make the cooperative agreements more consistent, especially in regard to equipment loans, in order to better meet the fire control needs of the towns.

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Statutory 25. Retain and staff fire lookout towers during periods of fire danger. Notify the Energy and Natural Resources Committee and the Appropriations Committee in writing prior to implementing any major policy changes in the operation and staffing of the fire lookout tower system.

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In FY 1983, 27 fire towers were operated in the state; four in the Eastern, five in the Western, four in the Northern, and 14 in the Southern Region. (Two additional towers were reactivated in the Eastern Region in FY 1983 on an as-needed basis.) Fire towers are staffed by seasonal watch people for an average of three days per week during the fire season.



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Fire towers came into use in 1905 as a cooperative effort with the M.G. Shaw Lumber Company. At one time, there were 103 towers in operation. Since 1957, aircraft have begun to be used for forest fire detection purposes. There are now 12 air patrol flights that work in cooperation with the tower watch people in the Northern, Western, and Eastern Regions.

When the towers are staffed, they provide continuous forest fire surveillance and serve as relay stations for the Division's extensive radio communications system. These functions are especially important in the developed areas of the state, explaining the heaviest concentration of towers in the Southern Region.

The Legislature has expressed its intent that fire lookout towers be retained and staffed, primarily through P.L.1983, c. 367, "An Act to Prevent the Closing of Fire Lookout Towers". However, in order to meet the target budget figure set by the Governor, the Bureau of Forestry chose to reduce the number of weeks that fire towers are staffed in FY 83-84 from generally 32 to 26 weeks.

Accordingly, the Committee recommends that fire lookout towers be retained and staffed during periods of fire danger and that the Committees on Energy and Natural Resources and Appropriations be notified in writing prior to the Department implementing any major policy changes in the operation and staffing of the fire lookout tower system. This recommendation expresses the Committee's intention to establish greater legislative oversight for actions and policies regarding fire lookout towers in order to ensure that legislative intent is upheld.

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Administrative 26. Establish reasonable rates to be paid for emergency fire-fighting equipment and personnel and negotiate, before the fire season, rates to be paid to major landowners to promote better planning and cost control.

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Currently, the Bureau publishes non-binding rates for its own use in predicting the cost of hiring non-state personnel and equipment from major landowners to assist in fighting forest fires. These rates appear to be substantially lower than market rates. Practically, the Bureau is now subject to any rates the landowners wish to charge.

Furthermore, the Bureau has never negotiated with the landowners to establish binding agreements on rates to be paid by the State for non-state employees and equipment hired to fight fires. Accordingly, the Committee recommends that the Bureau negotiate agreements with the major landowners before the fire season to allow for more precise

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planning for fire control costs and to avoid any excessive and unforeseen charges.

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Statutory            27.    Deposit proceeds from the sale or lease of property purchased with Maine Forestry District Tax funds in the Forest Fire Control Account to reflect the origin and purpose of these funds.

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The Bureau owns and maintains many fire control facilities that were originally purchased with Maine Forestry District tax funds. The Bureau has pointed out to the Committee that some of these facilities are no longer necessary for the effective operation of the Bureau. The law now authorizes the Director of the Forestry Bureau to sell or lease property under the jurisdiction of the Bureau with the consent of the Commissioner but also provides that the proceeds of these transactions be contributed to the General Fund by not specifying otherwise. The Committee supports the Bureau's intent to divest itself of unneeded property yet recognizes the MFD-taxpayers' right to realize some return on their original investment.

Accordingly, the Committee recommends that the Bureau retain the proceeds from the sale or lease of surplus property originally purchased with MFD tax monies to be used for fire control purposes. This recommendation should increase funds in the forest fire control accounts and decrease future requests to the General Fund.

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Statutory            28.    All funds that have been deposited in the Budworm accounts that were generated by services funded from other accounts shall be credited back to the original source. In the case of the General Fund, these funds shall be credited to General Fund Undedicated Revenue. In the case where the original source cannot be determined, these funds shall be deposited in the General Fund. This recommendation shall apply to all funds generated since "1979" and to any such future amounts.

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Since at least 1979, the Budworm Program has received services from other divisions within the Department of Conservation; primarily from the other programs within the Bureau of Forestry. These services have been funded from accounts other than the Budworm accounts. To recapture the cost of these services, the Department charged the participating landowners and the federal government for

their respective shares. However, the funds reimbursed were never journaled back to the account which originally paid for the loan of this service. These services were provided in two forms.

First, people from other divisions have been loaned to work on the Budworm Program. In 1983, personal services costs used by the Budworm Program from other divisions were as follows:

	General Fund	Dedicated Funds	Total
Forest Mgmt. Div. (General and fed. funds)	\$ 10,478	\$ 6,190	\$ 16,668
Entomology Div.	45,968	28,023	73,991
Fire Control Div.	59,863	478	60,341
Planning Div.	0	3,958	3,958
Forest Mgmt. Div. (ded. funds)	0	23,601	23,601
	<u>\$116,309</u>	<u>\$62,250</u>	<u>\$178,559</u>

Preliminary estimates for the years "1979" to "1983" indicate that the value of personal services contributed to the Budworm Program from other divisions and bureaus is \$756,368: \$568,593 in General Fund monies and \$187,775 in dedicated funds. The Committee recognizes that these figures are tentative and may be reduced.

Second, other divisions contributed "indirect costs" to the Budworm Program which are overhead costs such as heat, light, office space, etc. For the years "1979" up to and including "1983", the value of these indirect costs is estimated to be \$200,000.

Two major issues regarding the accounting of these funds are of concern to the Committee.

1. It appears that these Personal Services and indirect costs were routinely and correctly charged to the participating landowners through the Budworm Tax and to the federal government. However, once these funds were collected and deposited into the Budworm accounts, the funds were never journaled back to the various accounts from which the funds originally came. The funds were allowed to remain in the Budworm accounts to be either carried forward or spent on non-budworm related areas. In effect then, these accounting practices have given the Department supplemental funds for expenditures at their own discretion.
2. The balance in the Budworm accounts last year was theoretically \$900,000. Of this amount, the Department transferred approximately \$300,000 into various other dedicated revenue accounts. These transfers were made according to program priorities not based on the percent

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of contribution to the Budworm program. Approximately \$600,000 was left in the Budworm accounts to support the operations of the Budworm Program from October to March until the pre-spray tax revenues could be received. The Committee concludes that some portion of this \$300,000 amount recently deposited into various dedicated revenue accounts should be attributed to the General Fund and should therefore be returned to the General Fund Undedicated Revenue account. In addition, the Department used these funds to compensate for lost federal revenues which clearly circumvents legislative intent as specified in the Appropriation Act, P.L. ch. 110, §10. The intent of the section is to mandate that state government has no obligation to replace lost federal funds and that the legislature decides on program priorities. Therefore, the Committee finds that such an internal redistribution of funds circumvents legislative oversight and is not standard accounting practice.

The Committee recognizes and supports the efforts of the current Director of Administrative Services to accurately journal these funds for the future. However, given the immediate concerns, the Committee recommends that all funds that have been deposited in the Budworm accounts that were generated by services funded from other accounts shall be credited back to the original source. In the case of the General Fund, these funds shall be credited to the General Fund Undedicated Revenue. In the case where the original source cannot be determined, these funds shall be deposited in the General Fund. This recommendation shall apply to all funds generated since "1979" and to any such future amounts. This recommendation should result in the return of an estimated \$768,600 to the General Fund and redistribute an additional \$187,775 to the appropriate dedicated revenue accounts.

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Statutory	29. Require that public and private forest insect aerial spray programs hire spotter and monitor personnel and that these personnel be licensed by the Board of Pesticides Control.
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Currently, neither public nor private spray programs are required to hire monitor or spotter personnel. The Bureau does, however, employ monitors who not only voluntarily submit monitoring reports to the Board of Pesticides Control within 12 hours, but who also check weather conditions prior to and during the spray flight, give the "OK" for the flight to go, pre-fly spray blocks to double check the maps, and draw the buffers around water bodies visible at 1,000 feet. The Bureau also voluntarily employs spotters. In 1983, there were six privately conducted budworm aerial spray programs. (IP, Irving, Passamaquoddy, Baskahegan, Blanchette, and the town of Garfield).

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At least two of the private spray programs employed monitors and spotters during 1983. Neither submitted monitoring reports to enforcement personnel but reported that their monitor reports would have been submitted to the Board of Pesticides Control upon request. Private monitors and spotters presumably perform the same duties as public program monitors and spotters.

In short, monitors are hired by the landowner or spray program operator, are generally required to observe the release and deposition of the pesticide, and have been primarily responsible for noting compliance with the contract. Spotters are hired by the contractor and are generally responsible for ordering spray booms on or off over water bodies visible at 1000 feet.

The Committee finds that the mandatory use of these personnel would enhance the state's ability to uphold the public's interest in the "safe, scientific, and proper" operation of public and private forest insect aerial spray programs.

Accordingly, the Committee recommends that monitors and spotters be required for all public and private forest insect aerial spray programs and that they be licensed by the Board of Pesticides Control.

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Statutory	30. Require that spotter personnel for public and private forest insect aerial spray programs submit to the Board of Pesticides Control regular application reports noting any potential violations of pesticide label directions.
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At this time, neither public nor private forest insect aerial spray programs are required to submit pesticide application reports to enforcement personnel. Pesticide application reports would be used to investigate and enforce compliance with pesticide label requirements.

The Committee finds that:

- (1) the existing "monitor" position is now primarily responsible for contract compliance monitoring;
- (2) the existing "spotter" position is hired by the spray contractor and is primarily responsible for ordering spray booms on and off over water bodies;
- (3) the type of "monitor" plane now used in forest insect aerial spray programs is incapable of carrying any more passengers than the pilot, the spotter, and the monitor;

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- (4) voluntarily submitted "monitoring" reports have been used by Board of Pesticides Control staff as a tool to investigate alleged violations of pesticide label direction;
  - (5) monitoring for compliance with pesticide label directions must be more than voluntary for forest insect aerial spray programs;
  - (6) monitoring for contract compliance is equally as important as monitoring for compliance with pesticide label directions;
  - (7) both types of monitoring should not be performed by the same person; and
  - (8) requiring forest insect aerial spray programs to hire an additional person whose sole responsibility would be to monitor compliance with pesticide label directions would be prohibitively expensive and probably unsafe, as either larger monitoring planes or a separate plane would be needed.

Therefore, the Committee recommends that the existing spotter, hired by the contractor, be given the added responsibility of submitting application reports to Board of Pesticides Control enforcement personnel to be used to investigate alleged violations of pesticide label requirements.

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Finding            31.    The Committee finds that the state's responsibility to adequately inspect forest insect aerial spray programs is hampered by the extremely limited availability of enforcement personnel. Accordingly, the Committee supports the addition of seasonal inspectors to carry out selective aerial spot checking of forest insect aerial spray programs.

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Forest insect aerial spray programs currently occur on approximately a million acres of forestland each year and are conducted by both public and private entities. The public's interest in ensuring the "safe, scientific, and proper" operation of these programs is now the responsibility of 3 full-time and 3 part-time enforcement personnel. The Committee finds that this number is inadequate to properly monitor forest insect aerial spray programs for compliance with label requirements and supports the hiring of a number of additional seasonal inspectors with sufficient operating expenses.

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Statutory            32.    Require the Bureau and private companies or individuals who conduct forest insect aerial spray programs to notify the Board of Pesticides Control prior to the commencement of the program to improve enforcement of pesticide regulations.

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Currently, the Bureau and private commercial applicators who conduct forest insect aerial spray programs are only required to notify the Board of Pesticides Control within 15 days of the start of the spraying project and must continue to report at 15 day intervals until the project is completed. (Pesticide Regulations, Ch. 50, Reporting Requirements, July 6, 1979).

The Committee finds that adequate and timely enforcement of forest insect aerial pesticide applications is hampered by the lack of pre-spray notification requirements to the Board of Pesticides Control. Therefore, the Committee recommends that notification prior to the commencement of any forest insect aerial spray program be required. Notification shall be the responsibility of the landowner or the landowner's representative.

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Statutory            33.    Require the Maine Forest Service and private companies or individuals who conduct forest insect aerial spray programs to notify the public prior to the commencement of the program to reduce the risk of unexpected exposure.

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Current pesticide regulations do not require the Bureau of Forestry or private pesticide applicators to notify the public prior to conducting a forest insect aerial spray program. Although there are some public notification requirements imposed through the Maine Spruce Budworm Management Act, the matacil label, and voluntary guidelines, the Committee finds that the lack of mandatory public notification requirements for both public and private forest insect aerial spray programs results in unforeseen and unwelcome exposure of some members of the public to forest insect pesticides.

Therefore, the Committee recommends that the public be notified prior to public or private forest insect aerial spray programs. The notification requirements shall include and be limited to:

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Projects over 250 acres

1. Notification of intent to spray in a newspaper of general circulation prior to March 1;
2. Specific notification including spray blocks and materials to be used by May 1;
3. Update in a newspaper of general circulation and on local radio on or about 5 days before actual application;
4. Posters posted at key points of public ingress and egress. Information on posters will include but not be limited to information appearing on state posters; and

Projects under 250 acres

Announcement in a newspaper of general circulation on or about 5 days before actual application.

The landowner or landowner's representative shall be responsible for compliance.

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Statutory	34. Require that spray contracting firms conducting forest insect aerial spray programs be licensed by the Board of Pesticides Control to strengthen state oversight.
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In 1983, one public and six private budworm aerial spray programs were conducted. Each one hired a spray contracting firm to conduct the operation and set spraying policy for the spray applicators.

The Committee notes that even though pesticide spray applicators (i.e. pilots) are licensed by the Board of Pesticides Control, the firms that the applicators work for are not licensed. The Committee finds that this gap in licensing authority hampers enforcement and regulation of forest insect aerial spray programs. In the event of a violation, holding the spray contracting firm accountable is difficult. The firm may simply remove an individual spray applicator responsible for a violation and substitute another already licensed individual.

Therefore, the Committee recommends that spray contracting firms conducting forest insect aerial spray programs be licensed by the Board of Pesticides Control.



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Statutory            35.    Require that spray contracting firms that conduct forest insect aerial spray programs be charged a licensing fee of \$100 by the Board of Pesticides Control.

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The Committee has recommended that spray contracting firms which conduct forest insect aerial spray programs be licensed by the Board of Pesticides Control. Accordingly, the Committee recommends that the firm be charged a fee of \$100 for that license which will be deposited in an established account dedicated to enforcement, to pesticide research, to repairing damage to the resource caused by unlawful pesticide use or application, or for training and education.

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Statutory            36.    Make participation in the Maine State Retirement System by spruce budworm spray project personnel optional to reduce the cost of the budworm program.

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Spruce budworm spray project personnel are hired each summer for the six to eight week duration of the spray project. Currently, these personnel are required to pay into the Maine State Retirement System. The state must also contribute its matching share into the system, approximately \$45,000. This state contribution is a cost the state passes on to the landowners participating in the spruce budworm spray project through the landowner tax. At the end of the project, most project personnel withdraw their contribution to the retirement fund. By law, the state is unable to withdraw its contribution.

Accordingly, the Committee finds that mandatory participation of spruce budworm spray project personnel in the Maine State Retirement System may result in an unnecessary cost for conducting the spray project which is ultimately passed on to the landowner. Therefore, the Committee recommends that participation in the retirement system by spruce budworm spray project personnel be made optional. This recommendation should reduce the cost of the Budworm Program by approximately \$40,000.

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Administrative    37.    Prepare a planning document clearly stating the specific goals, objectives, and work assignments for the service forestry program.

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At this time, the Forest Management Division has a total of nine authorized service forester positions; three General Fund positions,

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five federally funded positions and one budworm funded position. Of these, four positions are currently unfunded due to federal fund cutbacks and the termination of two special projects.

The present number of service foresters is due not only to federal fund cutbacks but also to General Fund cutbacks in September 1981 when the number of field service foresters was reduced by 13 positions, from 24 to 11. At the time the General Fund cutbacks were made, the Commissioner advocated that the program be reviewed and new directions be established.

Since that time, the Bureau has written several planning documents regarding the service forestry program, one of which is the State Forest Resources Plan.

Despite the expenditure of considerable time and money, the Committee finds that existing planning and program direction documents regarding the service forestry program do not provide the kind of specific program goals, objectives, and work assignments necessary to clearly define the role and responsibility of the service forestry program. Furthermore, the Committee notes the importance of such a specific document in order to lay the foundation for future appropriation requests. Therefore, the Committee recommends that the Bureau prepare a specific planning document. In addition to other relevant issues, the document should:

- . succinctly analyze the present forestry management needs of private nonindustrial forests;
- . define the most productive approach or role for the Bureau;
- . describe specific proactive strategies for achieving the stated goals;
- . project the impact of these strategies over 20 years;
- . suggest coordination with other public and private entities; and
- . address the question of fees for services where appropriate.

The Department shall present its plan to the Audit Committee by June 1, 1984.

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Administrative 38. End the Maine Forest Service's participation in the Agricultural Conservation Program unless a ten-acre minimum is established for landowner participation in order to efficiently use staff resources.

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The Agricultural Conservation Program is a federally assisted cooperative forestry management program. The federal Agricultural Stabilization and Conservation Service (ASCS) provides funds for this program through the U.S. Forest Service. Landowners owning from one to 1,000 acres are eligible to apply for cost-sharing assistance up to \$3500/year. These federal funds are also used to reimburse the Bureau for about half of its costs of administering this program.

The Committee finds that the lack of a minimum acreage figure results in a number of problems such as inefficient fragmentation of the service forester's time and effort, a focus on individual landowners rather than the resource as a whole, an unacceptably high per acre cost of providing these services due to the very small parcel size, limited effectiveness of the Agricultural Conservation Program service, and a high administrative cost to the state which is not reimbursed by federal funds. Furthermore, the Committee finds that a 10 acre minimum should help to resolve these problems and that the state should not continue to commit its resources to this program unless the Bureau reaches an agreement with the Agricultural Stabilization and Conservation Service to establish a ten acre minimum participation level.

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Finding 39. The Committee finds that the Utilization and Marketing Program is notably important to Maine and deserves strengthening and support. Accordingly, the Committee firmly supports the appropriation request submitted by the Bureau to the Second Regular Session of the 111th Legislature for two General Fund positions for the Utilization and Marketing Program.

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The goal of the Utilization and Marketing Program is to gather and analyze information about the Maine forest resource and to improve the utilization and marketing of Maine wood. This goal is met through six activities: 1) providing technical assistance, 2) preparing an annual timber cut report, 3) improving the utilization of spruce budworm damaged timber, 4) developing an improved harvesting program, 5) administering the commercial standard for Maine white cedar shingles, and 6) administering the Christmas tree transportation law.

The Committee is concerned that federal support for this program is due to be eliminated, particularly in light of the projected shortfall in the spruce-fir resource and the importance of the forest products industry in Maine. The Department has indicated its intention to request General Fund support for two positions in the Utilization and Marketing area. Accordingly, the Committee supports the

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use of additional state dollars to maintain and strengthen the Utilization and Marketing program.

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Administrative 40. Pay Personal Services expenditures for the State Nursery Supervisor from dedicated nursery funds. Reimburse the General Fund for the amount of Personal Services the Nursery received since April 8, 1981 to the present for the current Supervisor, after the Nursery has repayed its capital advance or earlier if possible.

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In 1979, the Legislature mandated that the State Forest Nursery should operate as a dedicated revenue account and gave it a \$250,000 capital advance repayable in \$25,000 annual installments. Since that time, the account has supported all Nursery employees except for the Nursery Supervisor. The Supervisor's position is located in the Forest Management Division and has been supported by the General Fund since April 28, 1981. From April 28, 1981 to October 8, 1983, the General Fund paid his salary and benefits for a total of \$68,331. During this time period, virtually 100% of the Supervisor's time has been spent on Nursery business.

Therefore, the Committee recommends that the salary and benefits of the current Supervisor should be reimbursed to the General Fund since the Legislature declared in 1979 that all expenditures for the Nursery be paid for by the dedicated revenue nursery account. Furthermore, the Committee recomemnds that the General Fund be reimbursed for the Supervisor's salary after the Nursery has repayed the capital advance or earier if possible. This recommendation will eventually result in a savings to the General Fund of \$68,331 over a number of years.

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Administrative 41. Enter into a Memorandum of Agreement among the Bureau, the Cooperative Extension Service, and the College of Forestry specifying responsibilities in providing forestry education to the public and woodland owners.

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Traditionally, the Maine Forest Service has been considered the public agency responsible for providing technical forestry services to the public and woodlot owners. The Cooperative Extension Service has been considered the public agency responsible for providing forestry education to the public. The College of Forestry at the University of Maine has educated and trained foresters for decades.

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The Committee finds that the traditional divisions of responsibility for providing technical and educational services to the public and woodlot owners are no longer functional. The need for more education, for productive long-term woodlot management, and the importance of the resource necessitates a new approach.

Therefore, the Committee recommends that these three public agencies reach an agreement to increase dissemination of technical and educational forestry assistance. The Memorandum should emphasize the need for a renewed effort in forestry education and that all parties should work toward dedicating more resources to such an effort.

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Administrative 42. Publicize the white pine blister rust program to increase public awareness.

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There are approximately 954,000 acres of commercial white pine in Maine. Each year since 1915, wild currants and gooseberries (Ribes spp.) have been scouted and eradicated from some portion of this area since they are alternate hosts with white pine for the blister rust disease.

The Committee finds that the state's white pine blister rust program is valuable but that the public's awareness about the program and its accomplishments appears to be low. Accordingly, the Committee recommends that the Bureau of Forestry increase its efforts to adequately inform the public about the merits of the program.

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Statutory 43. Authorize the Maine State Nursery to grow Christmas tree planting stock for sale at competitive market prices to sustain the Christmas tree industry in Maine.

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The Maine State Nursery is now prohibited by statute from growing Christmas tree planting stock. The Committee finds that authorizing the Nursery to grow stock may 1) fulfill the state's responsibility to ease the present shortage of Christmas tree planting stock now substantiated by some growers, 2) help promote financial self-sufficiency at the Nursery due to the higher profit margin of planting stock relative to existing product lines, and 3) not require any additional allocation. In addition, the Committee is sensitive to the concern about competition with private enterprise and that the duration and severity of the projected shortage is debatable among Christmas tree growers. Accordingly, the Committee recommends that the growing of Christmas tree planting stock be authorized, not mandated, and that if stock is grown, that it be sold at competitive market prices.

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Land Use Regulation Commission (LURC)

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- Statutory            44.    Increase funding for Personal Services to hire three persons to improve enforcement of LURC standards, permit compliance, and educational efforts.
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Consistently during the course of the review, the Committee has heard of the need for a larger enforcement staff for LURC. Currently, the Enforcement Division has two persons to enforce LURC regulations over its ten million acre jurisdiction. Of the 700 potential violations reported to LURC since 1980 only 120 have been fully resolved. In addition, LURC has no system of routine checks on compliance with its permit process.

The two people who enforce LURC regulations also provide education in LURC requirements to the forest industry and others. The Committee received testimony that such education was valuable to both the landowner and to LURC in preventing violations from occurring.

The Committee finds that education, compliance, and enforcement are necessary if LURC is to function at all and that the current staff level cannot adequately provide these. Therefore, the Committee recommends that the Legislature increase the LURC staff by three positions to be used for improving enforcement and compliance and providing education in LURC requirements for the public, landowners, and others involved with development including realtors, bankers, and forest and construction contractors.

The Audit Committee is submitting legislation for this recommendation in a bill separate from the rest of the Audit bill. It requires a net appropriation from the General Fund of \$37,000 and a transfer of another \$21,000 from LURC's All Other account.

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- Statutory            45.    Eliminate the permit requirement of the Alteration of Rivers and Streams Act within LURC jurisdiction to reduce regulatory duplication.
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Within LURC jurisdiction, all rivers and streams fall into protection districts where LURC controls development including forestry and road building. Under the Alteration of Rivers, Streams and Brooks Act (ARSBA) (12 MRSA §7776) anyone who wishes to alter a river or stream must obtain a permit from the Department of Inland Fisheries and Wildlife, with certain exceptions for public works and crossings that alter less than 100 feet of bank. Hence, for all but

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small projects someone who wishes to alter a stream in LURC jurisdiction is subject both to LURC standards and permit requirements and to the requirements of ARSBA.

The Committee finds that such duplication is unnecessary. The general goals of LURC and ARSBA are the same: to protect recreational uses, water quality, and wildlife habitat. All development controlled by ARSBA is also controlled by LURC.

The Committee therefore recommends that the Legislature eliminate the permit requirement of the ARSBA within LURC jurisdiction. The Committee also encourages LURC to continue to use the expertise of Inland Fisheries and Wildlife in reviewing permits and notifications. This recommendation maintains the environmental protection now in place, but eliminates the need for an ARSBA permit in many cases.

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Statutory	46.	Eliminate the permit requirement of the <u>Great Ponds Act</u> within LURC jurisdiction to reduce regulatory duplication.
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Ponds and other bodies of water and land adjacent to them in LURC jurisdiction fall into protection districts. The Great Ponds Act (38 MRSA §386) administered by DEP regulates alteration in and around inland lakes of ten acres or more if naturally formed or 30 acres or more if artificially formed. Hence, someone who wishes to alter a great pond in LURC jurisdiction is subject both to LURC's requirements and to the Great Ponds Act.

The Committee finds this duplication unnecessary. The goals of the Great Ponds Act and LURC are the same: to protect aesthetic and recreation uses, water quality, and wildlife habitat. Alterations controlled by the Great Ponds Act are also controlled by LURC.

The Committee therefore recommends that the Legislature eliminate the permit requirement of the Great Ponds Act within LURC jurisdiction. This eliminates the need for a Great Ponds permit in many cases. The Committee encourages LURC to continue to use the expertise of the Department of Environmental Protection in reviewing permits and notifications.

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Statutory	47.	Eliminate the subdivision permit requirement under the <u>Site Location Law</u> within LURC jurisdiction to reduce regulatory duplication.
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LURC controls development, including the subdivision of parcels of land, within its jurisdiction. The Site Location of Development Law, 38 MRSA §481 et. seq., administered by the Department of Environmental Protection controls development which may substantially affect the environment, including subdivisions. LURC regulations apply to a greater number of subdivisions than does the Site Location Law, hence all subdivisions in LURC jurisdiction subject to the Site Location Law are also subject to LURC standards.

The Committee finds this duplication unnecessary and therefore recommends that the Legislature eliminate the subdivision permit requirements in the Site Location Law within LURC jurisdiction. LURC is already the lead agency in subdivision decisions and its stricter standards remain in place, but one fewer permit will be necessary.

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Administrative 48. Hold informal meetings, with representatives of the forest products industry and other interested parties as full participants, to discuss ways of resolving problems with LURC standards and procedures.

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In reviewing the Land Use Regulation Commission, the Committee held a public hearing and met informally with interested individuals. Testimony presented to the Committee from representatives of the forest products industry highlighted areas of difference between the industry and LURC staff. It was also noted that though LURC held informal meetings in 1982 where industry representatives could testify as to their concerns, no such meetings have been held since. Industry representatives, therefore, have not had the same opportunity to comment on differences and work toward some resolution.

The Committee finds that enforcement of LURC standards ultimately depends on the cooperation of landowners and other interested groups as well as on LURC's own diligence. Giving them a chance to express their views is more likely to induce that cooperation and improve the standards than not doing so.

To this end, the Committee recommends that members or staff of the Commission should hold informal meetings to discuss problems as they arise with representatives of the forest products industry and other interested parties. These meetings should include the interested parties as full participants to facilitate a free exchange of views.

The Committee is not asking the Commission to give special consideration to any group or to discuss pending regulatory actions. It is merely interested in opening the channels of communication. The Commission should report to the Committee on its progress in using these meetings by March 1, 1984.



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Administrative 49. Form ad hoc committees to deal with technical issues such as standards in small stream, high mountain, and wild-life protection districts to provide a forum for discussion.

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In reviewing LURC, the Committee has heard several times about particular matters over which landowners and the Commission differed. These include cutting and road building standards in small stream protection districts, the development of standards for cutting and road building in mountain area protection districts, and procedures for establishing deer wintering areas.

While the Committee fully appreciates the importance and difficulty of resolving disputes in these areas, it finds that LURC and the landowners have not exhausted all possibilities for working them out without coming to the Legislature. The Committee therefore recommends that LURC and other affected parties use informal meetings to try to resolve these problems. In each area, they may be able to find a solution that protects natural resources and allows landowners to operate more efficiently.

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Administrative 50. Actively seek out persons with forestry field experience when hiring staff for development review to expedite the review process.

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LURC's Development Review Division reviews zoning and permit applications and notifications and assists the Commission in its deliberations on non-routine matters. The Division includes four project analysts who perform most of the review work. The state personnel system officially classifies three analysts as Planning and Research Associates I and one as an Environmental Services Specialist II. The positions have various general education and experience requirements, but do not require field experience in natural resource management, specifically forestry.

The Committee finds that field experience would be valuable in reviewing permits, applications, and notifications for forestry operations. Reviewers with forestry field experience would improve the application process because they could more readily understand forestry operations and technical terms. The Committee therefore recommends that LURC actively seek out forestry field experience in hiring project analysts.

# Department of Inland Fisheries and Wildlife

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The Department of Inland Fisheries and Wildlife (IF&W) is charged with ensuring that inland fisheries and wildlife resources in the State of Maine are maintained and perpetuated for their intrinsic and ecological value, for their economic contribution, and for their recreation, scientific, and educational use by the people. The Department's resource management responsibility includes species and habitat management, the propagation and stocking of fish, acquisition and development of wildlife areas, issuance of licenses, permits, and registrations, and the enforcement of all rules and regulations governing fishing, hunting, trapping, and the use of snowmobiles, watercraft, and all-terrain vehicles. In addition, the Department works with other state agencies in the identification and enforcement of violations of environmental laws and regulations, such as the Stream Alteration Act, Great Ponds Act and Land Use Regulation Commission standards.

The organization of the Department presently includes the Commissioner's Office, the Advisory Council, the Atlantic Sea Run Salmon Commission, the Junior Maine Guide and Trip Leaders' Curriculum Board and the Board of Examiners for the Licensing of Guides plus eight divisions: The Division of Administrative Services, Division of Licensing and Registration, Division of Public Information, Division of Engineering and Realty, Division of Program Development and Coordination, Division of Fisheries and Hatcheries, Division of Wildlife Management, and the Warden Service. In Fiscal Year 1983, the Department of Inland Fisheries and Wildlife's total expenditures were \$11,283,930 including the Atlantic Sea Run Salmon Commission but excluding the Land Acquisition Fund. In FY 1983, the Department's expenditures on land acquisition and improvements from the Acquisition Fund totaled \$447,000. Of all expenditures, approximately 46% was expended by the Warden Service Division, 17% by the Division of Wildlife Management, 14% by the Division of Fisheries and Hatcheries, and the balance by the rest of the Department.

The Department now employs 285 individuals and has various regional offices throughout the State. Department revenues are derived primarily from the sale of licenses and permits. In FY 1983 the Department's income totaled \$10,559,500; of this, 81% was from the sale of licenses, permits, and registrations plus miscellaneous funds. The Department received \$10,000 in General Fund support during FY 83 for Search and Rescue. The Commissioner's Office and the eight divisions are briefly described below.

## Commissioner's Office

The Commissioner is responsible for the administration and management of the Department of Inland Fisheries and Wildlife. The Commissioner, Deputy Commissioner, Staff Attorney, a person charged with handling the mechanics of all rules and regulations, and clerical support comprise the central office of the Department. Expenditures in FY 1983 were approximately \$235,500.

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### Division of Administrative Services

The Division of Administrative Services is responsible for the financial accounting of Department revenues and expenditures, the coordination of the Department's annual and biennial budget, and the maintenance of Department payroll and personnel records. In addition, this Division operates a central storehouse for the purchase and inventory control of Department supplies and equipment. In FY 1983, this Division, excluding the garages, had 15 filled staff positions and expended approximately \$326,160.

### Division of Licensing and Registration

The Division of Licensing and Registration is responsible for the administration and issuance of 54 different Department licenses, stamps, and permits. These are issued through over-the-counter sales, through the mail and by licensing agents located throughout the state. Also, this Division handles the registration of snowmobiles, watercraft, and all-terrain vehicles. In FY 1983 the Division registered about 47,000 snowmobiles and about 40,000 boats. Expenditures for the Division totaled approximately \$430,000 and there were 18 filled positions.

### Division of Public Information

The Division of Public Information is responsible for ensuring public education regarding the Department's programs and objectives and the management of the fisheries and wildlife resources. This Division has developed over the past two years an active role in the production of material for use on the television and for radio announcements. Further, the Division is responsible for the coordination of exhibits and displays, dissemination of much written material to the public, operation of a small film library, and publication of the Maine Fish and Wildlife Magazine. In FY 1983, the Division had seven filled staff positions which included a Director, two Public Relations Specialists, a photographer (who also does evidence photography for the Warden Service) and three clerical positions. Total FY 1983 expenditures for this Division were approximately \$268,000.

### Division of Engineering and Realty

The Division of Engineering and Realty is responsible for the design, maintenance, and repair of all Department-owned facilities. These facilities include regional headquarters, dams, and hatchery facilities such as rearing pools and raceways. The Division in its Realty section handles the technical aspects of land acquisition. This Division also plays an active role in the development of wildlife management areas. For these purposes mentioned above the Department owns and operates through this Division heavy construction equipment. In the past two years projects undertaken by the Division

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include: the design and building of the Gray Headquarters, dam repairs at Embden, Patten Pond, and Hodgdon; Hatchery repairs at Grand Lake Stream, Governor Hill, Dry Mills, and Phillips; lumbering and wood-harvesting operations for Department use; and development of a road system at Frye Mountain. In addition, the Division operates two garages. In FY 1983, the Division including the garages had 13 filled positions and expenditures totaled \$272,700.

#### Division of Program Development and Coordination

The Division of Program Development and Coordination is responsible for developing plans for the preservation, protection, and enhancement of inland fisheries and wildlife resources. Two major five-year plans with annual up-dates are prepared by this Division in addition to any other Department planning documents. The Division is also responsible for coordinating between divisions and with other state and federal agencies. Through its computer support section the Division compiles and analyzes data. Further, the Division now administers the Stream Alteration Act and coordinates input concerning other areas such as the Great Ponds Act and the Land Use Regulation Commission's environmental regulations. During 1982, 150 applications under the Stream Alteration Act were processed. In FY 1983, the Division had approximately 16 filled positions and expended approximately \$388,500.

#### Division of Fisheries and Hatcheries

The Division of Fisheries and Hatcheries is responsible for ensuring the protection, perpetuation, and development of the inland fisheries resource. This includes researching, surveying and inventorying the resource; monitoring and issuing rules and regulations for proper use management; undertaking environmental assessments, and the propagation and stocking of fish. The Division is now organized into a Fishery Research and Management Section and a Hatchery Section, and operates from a central office, seven regional offices, seven hatcheries, two rearing stations, and a research laboratory. In FY 1982, the Hatcheries Division raised and stocked 139,086 pounds of fish which included landlocked salmon, brown trout, lake trout, brook trout, Sunapee trout, and splake. Further, the Division has been working over the past years to meet the increased pressure on the resource.

In FY 1983, the Division had 56 filled positions and expenditures totaled approximately \$1,667,000.

#### Division of Wildlife Management

The Division of Wildlife Management is responsible for ensuring the viability of the wildlife resource. Divisional activities include the compilation of data related to the wildlife resource, other research, targeted species management, the promulgation of rules and

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regulations for hunting and trapping, the development of wildlife management areas, and the monitoring of habitat use and conditions. The Division's responsibilities also include the operation of the Game Farm in Gray which serves as a visitor's center, providing public education of the resource.

This Division operates from two research offices, one central office, seven regional offices and is organized into wildlife management and wildlife research sections. Special areas of focus by this Division include the Migratory Bird Project, the Bear Project, and Moose Project. Further, the Division issues several licenses and permits.

In FY 1983, the number of filled positions was 47 and expenditures totaled \$1,925,300.

#### Warden Service

The Warden Service Division is responsible for the enforcement of all Department rules and regulations and relevant state and federal laws. This includes the enforcement of the Maine boat laws and the coordination of search and rescue for lost persons. Further, the Division operates as the umbrella for the administration of the hunter, snowmobile, and watercraft safety programs, the Junior Maine Guide and Trip Leaders Curriculum Board, and the Board of Examiners for the Licensing of Guides. The Warden Services operates from a central office, five regional headquarters, and is divided into 98 districts.

In FY 1983, the Division checked 37,700 hunters, 77,000 anglers, 2,770 trappers, 20,360 boaters, and 12,100 snow sleds, handled 7,591 complaint investigations, brought 4,570 prosecutions, and issued 2,300 warnings. Staffing for the Division presently includes one Colonel, one Major, five Game Warden Lieutenants, seventeen Game Warden Sergeants, nine Game Warden Specialists, five Game Warden pilots, eighty-two Game Wardens, twenty-three part-time Assistant Game Wardens, a Safety Officer, eight part-time safety positions, and about ten clerical positions.

Expenditures in FY 1983 totaled approximately \$5,209,890.

#### Central Administration

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Statutory	51.	Reorganize the Department of Inland Fisheries and Wildlife to improve management and increase fiscal accountability.
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The present organization of the Department of Inland Fisheries and Wildlife consists of the Advisory Council, the Commissioner, a Deputy Commissioner, a Staff Attorney, and eight divisions each with a Division Director. Each division as described above varies substantially in terms of staffing and expenditures and operates to a great degree independently of the other divisions.

For the past ten years, with some shifting of divisional responsibilities and name changes, the organization has been relatively constant. Within recent years, the safety functions were removed from the Division of Recreational Safety and Registration and licensing functions were added. This new unit is now called the Division of Licensing and Registration. In addition, the Divisions of Hatcheries and Division of Fisheries were merged into one Division as were the Division of Engineering and Division of Realty.

The Committee finds that the present organizational structure of at least eleven individual and independent managers makes decision-making difficult. The present organization interferes with strong fiscal and management control in the central office and perpetuates historical divisions. Further, it is the Committee's finding that the Department's responsibility and growth require a more consolidated management structure. Therefore, the Committee recommends that the Department's present organization be restructured into a more efficient unit by:

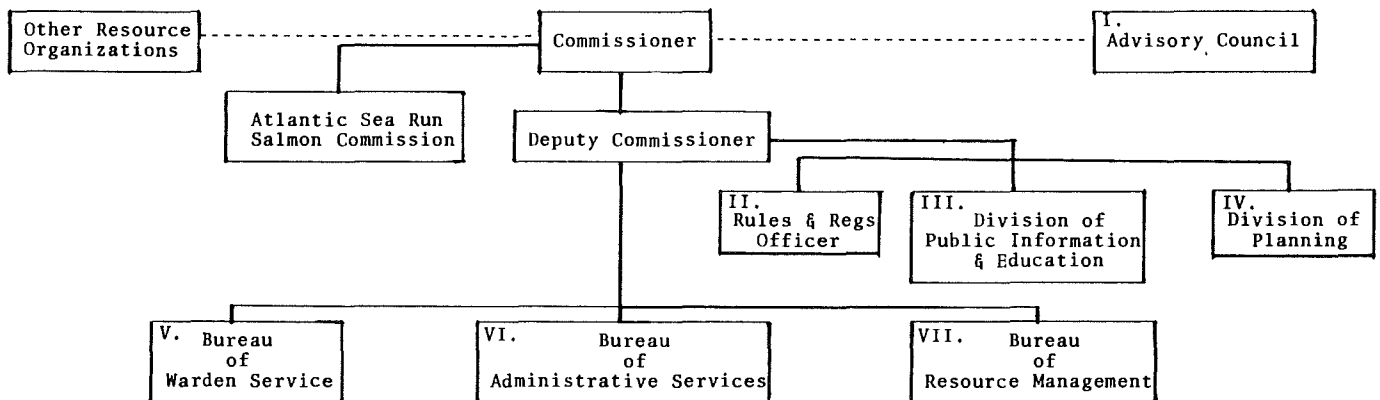
1. Streamlining the existing Divisions into three Bureaus, each with its own Bureau Director as follows:
  - . the Bureau of Warden Service;
  - . the Bureau of Administrative Services; and
  - . the Bureau of Resource Management;
2. Clearly identifying those advisory resources to the Department and Commissioner, by realigning staff positions and responsibilities;
3. Developing a core management team consisting of five individuals: the Commissioner, the Deputy Commissioner, and the three Bureau Directors;
4. Strengthening the Commissioner's management role by removing the veto power of the Advisory Council;
5. Increasing fiscal accountability through the establishment of a strong Bureau of Administrative Services;
6. Consolidating the Division of Fisheries and Hatcheries with the Division of Wildlife Management to ensure consistency and promote cooperative resource management, and make efficient use of staff and dollar resources;

7. Equalizing the parts of the Department that report directly to the Commissioner and Deputy Commissioner to promote balanced decision-making; and by
8. Breaking away from historical trends which have perpetuated separation along divisional lines.

To achieve these objectives, the Committee recommends the following reorganization.

12/31/83

PROPOSED REORGANIZATION  
DEPARTMENT OF INLAND FISHERIES & WILDLIFE



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PROPOSED REORGANIZATION

Department of Inland Fisheries and Wildlife

This proposed reorganization will consolidate existing Divisions into three Bureaus to streamline management decisions and strengthen fiscal accountability.

I. Advisory Council

Proposed change:

Remove the Council's consent power over the final establishment of Department Rules and Regulations to strengthen the Commissioner's management authority. On the organization chart this change places the Advisory Council to the side of the Commissioner with a dotted line as opposed to being above him with a solid line.

Commissioner ----- Advisory Council

II. Staff Attorney/Rules and Regulations Officer

Proposed change:

Eliminate the position of Staff Attorney but leave the position of Rules and Regulations Officer.

III. Division of Public Information and Education

Proposed change:

Shift the Division out of line position to clarify the distinction between its advisory functions and the operational functions of the other divisions. Increase the Division's responsibility to include an educational component as reflected in the title change from the Division of Public Information to Division of Public Information and Education.

IV. Division of Planning

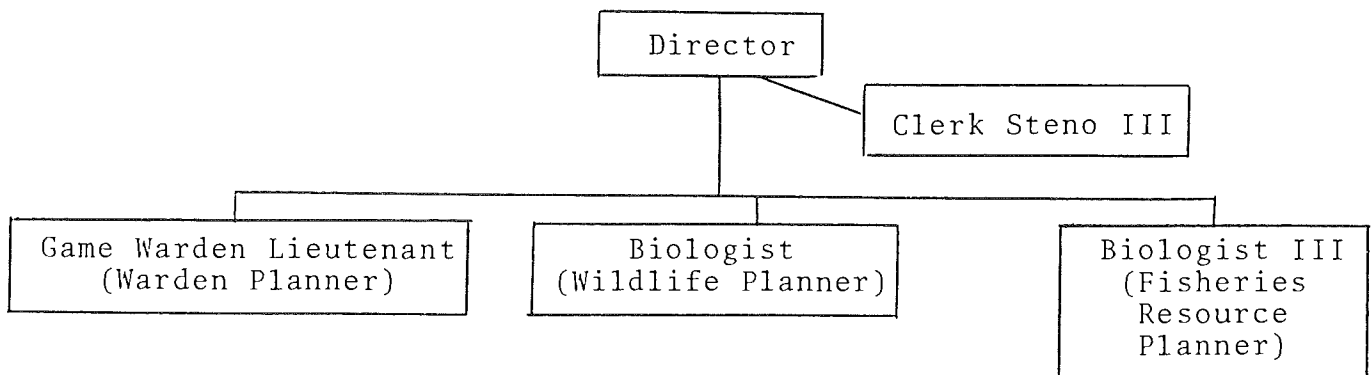
Proposed change:

Change the title from Division of Program Development and Coordination to Division of Planning and realign the scope of this Division by:

1. Shifting the computer-related activities from the Division into the Bureau of Resource Management to emphasize their daily use as a resource management tool;



2. Shifting the Environmental Coordinator to the Bureau of Resource Management because the functions of this position corresponds with the Bureau's charge over the management of resources;
3. Shifting the Division out of direct line location to emphasize its department-wide planning function;
4. Proposing that the position of Division Director be reclassified downward as job responsibilities have decreased due to organizational changes; the present Director, however, should be grandfathered;
5. Ensuring that the final organization which reflects a decrease of about 11 staff positions within the Division, is:



#### V. Bureau of Warden Service

Proposed change:

Change the name from Division to Bureau to emphasize both the size and importance of this unit within the Department. Also, the position of Chief Warden would be comparable to Bureau Directors in the other two Bureaus.

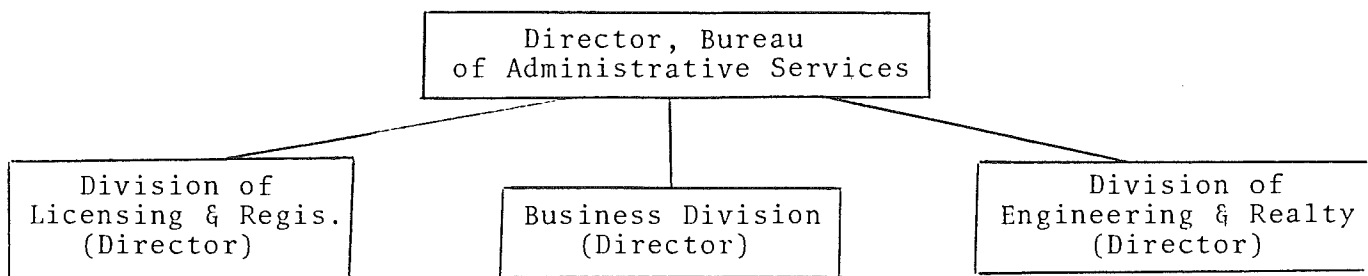
#### VI. Bureau of Administrative Services

Proposed Change:

- . Consolidate three Divisions: the Division of Licensing and Registration, the Division of Administrative Services, and the Division of Engineering and Realty into one Bureau. This will work to coordinate all divisional activities;

- . Eliminate the position of Business Manager, reassign this job responsibility for all Divisional activities, and establish the position of Bureau Director;
- . Retain divisional structures within the Bureau;
- . Charge the Bureau with the increased responsibility of centrally coordinating all financial aspects related to federal funds to ensure central coordination, oversight, and expertise;
- . Transfer the position of Clerk Typist from the Division of Recreational Safety to the Bureau of Administrative Services to consolidate all Department accounting and provide additional support for the Bureau given the increased charge over all federal funds;
- . Reassign some responsibilities formerly held by the Business Manager to the present Accountant II position and therefore reassess the need to up-grade the position to an Accountant III and change the job title to Division Director; and
- . Change the job title of Supervisor of the Division of Engineering and Realty to Division Director to ensure consistency.

This new organization would look like:



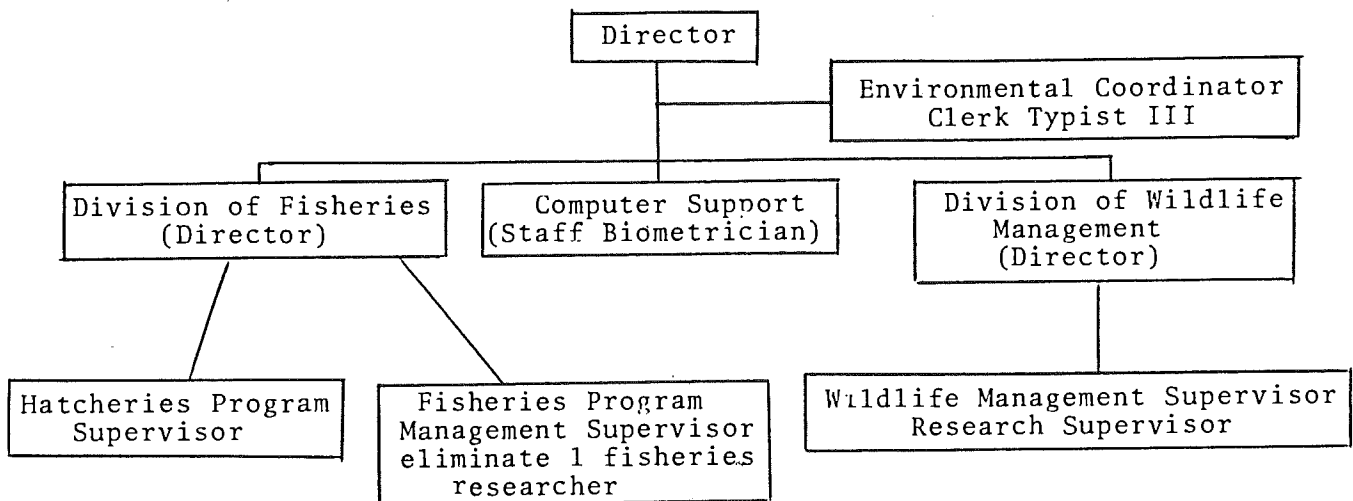
## VII. Bureau of Resource Management

Proposed Change:

- . Consolidate the Division of Fisheries and Hatcheries and Division of Wildlife Management into one Bureau to strengthen management of fisheries and wildlife resources;

- . Eliminate the job positions of Division Directors as presently classified and create the position of Bureau Director to provide coordinated central management;
- . Retain the present Divisions as structured within the Bureau framework;
- . Change the job titles of Assistant Division Directors to Division Directors to ensure divisional supervision and consistency;
- . Shift the fiscal responsibilities of the federal aid coordinators to the Bureau of Administrative Services;
- . Shift in from the former Division of Program Development and Coordination the positions of Environmental Coordinator and Clerk Typist III to strengthen the resource management function;
- . Shift in from the former Division of Program Development and Planning its computer related functions because the data collection is an important tool in resource management; and
- . Eliminate the position of Fisheries Biologist III within the Division of Fisheries and Hatcheries and establish the position of Fisheries Program Management Supervisor to parallel the organizational structure in the Division of Wildlife Management which ensures oversight of divisional field operations.

The new organizational structure is as follows:



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Statutory            52.    Establish in statute the organization of the Department to clarify responsibilities and increase legislative oversight.

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The statutes that currently govern the operation of the Department of Inland Fisheries and Wildlife do not contain any reference to the organization of the Department other than outlining the powers of the Commissioner, the Advisory Council, and the appointment of the Deputy. The organization of other state departments is established by statute.

The Committee finds that the lack of statutory organization for the Department decreases legislative oversight as the Commissioner can reorganize without legislative review under the current situation. This is in contrast to the legislature's intent to ensure a closer scrutiny of Department operations and expenditures. Aside from the question of legislative oversight, the statutes provide no description of divisional responsibilities.

The Committee recommends that an outline of the organization of IF&W be established in statute. This will improve legislative oversight of budgetary and program areas and provide a reference for departmental organization.

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Statutory            53.    Continue the Advisory Council but amend the statutes to make the Council solely advisory in function to strengthen the Commissioner's authority.

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The Inland Fisheries and Wildlife Advisory Council was established by PL 1929 c. 331, §4 and consisted initially of seven members to be appointed by the Governor. One member was chosen from each of the then-existing Governor's Council or districts for a term of six years.

This structure was altered by PL 1979, C. 255, which substituted the Wildlife Management Units for the old Executive Council or districts and provided that new Advisory Council members could be appointed to no more than two consecutive three-year terms. Present Council members number eight. Members are appointed by the Governor, subject to review by the Joint Standing Committee on Fisheries and Wildlife and to confirmation by the Senate. The Commissioner is an ex-officio, non-voting member of the Council but may vote to break a tie.

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The Council is required by statute to hold a meeting in December and May of each year. All regular and special meetings are required to be public and held in a place convenient to the public. In 1982-83, between July through May (10 months), the Council held eight regular meetings and one executive session. In addition to these meetings, Council members attend, when possible, hearings in their management areas.

The Council duties are defined by two sections in statute:

The Council shall render to the Commissioner information and advice concerning the administration of the Department and carry out other duties specifically delegated by chapter 701 to 721 (12 MRSA §7032 sub-§4); and

The Commissioner may, with the advice and consent of the Advisory Council and in conformity with the Administrative Procedure Act, Title 5, Part 18 and except as otherwise provided, adopt, amend, and repeal reasonable rules, including emergency rules necessary for the proper administration, enforcement, and interpretation of any provision of law that he is charged with the duty of administering. (12 MRSA §7035 sub-§1)

This in effect means that the Advisory Council has veto power over the Commissioner regarding the adoption or change of Department rules and regulations. Therefore, it is not solely advisory in function.

The Committee finds that the Advisory Council serves as a valuable channel for public input and that the advisory function is important to the Commissioner. However, the Committee also finds that the consent power given to the Advisory Council regarding rules and regulations interferes with the Commissioner's ability to effectively manage and administer. It also brings the final determination of rules and regulations into the political arena. The Committee, therefore recommends that the Advisory Council be continued but that the statutes be amended to make the Council solely advisory in function. This recommendation should serve to strengthen the role of the Commissioner regarding the administration of the Department.

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Statutory	54.	Eliminate the position of Staff Attorney as legal services are available from the Attorney General's Office.
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The Staff Attorney provides legal guidance concerning rules promulgated by the Department as well as operational issues. Prior to the establishment of this position last year, the Department relied solely on the Attorney General's Office (AG's Office) and used five to ten percent of one Assistant Attorney General's time. The Depart-

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ment is still required to work with the AG's Office as an AG must sign off on all rules and regulations.

The Committee finds that the Staff Attorney in IF&W serves primarily an advisory function and thus differs from attorneys on staff in other state agencies. These staff attorneys perform functions integral to meeting the agencies' statutory mandates. In addition, some state departments have attorneys which may be physically located within the department but who are paid, hired, and supervised as staff of the Attorney General's Office.

Although the Commissioner's Office considers the Staff Attorney essential, the Committee finds that the Department's legal needs do not warrant a full-time attorney on staff because services are available through the AG's office, which must approve all rules and regulations, and the Department should devote its limited financial resources to greater priorities. Therefore, the Committee recommends that the position of Staff Attorney be eliminated, saving an annual expenditure of approximately \$31,000 in salary and related costs.

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Statutory            55.    Require that any unencumbered allocated balance be carried forward into the next fiscal year for allocation by the Legislature.

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The acts that allocate funds to the Department have historically included the statement: "At the end of each year of the biennium, all unencumbered allocated balances, including existing balances, representing fisheries and wildlife moneys shall be set aside in a separate account and may be used for other current programs when recommended by the Commissioner and the allotment of these funds is approved by the Governor."

The Committee finds that this language circumvents legislative oversight of a portion of the Department's fiscal activities by enabling the Commissioner to transfer funds between current program areas without legislative review. Increasingly, the Legislature has made clear its intentions to strengthen oversight of the Department's expenditures because of apparent fiscal problems. Therefore, the Committee recommends that statements in the Department's allocation acts which are now contrary to existing legislative intent be repealed and replaced by a statutory requirement that any unencumbered allocated balance at the end of each fiscal year be carried forward into the next fiscal year to be allocated by the Legislature.

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Statutory            56.    Ensure that Fisheries and Wildlife funds be allocated by the Legislature in line-item form and that the transfer

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of funds within and between accounts receives legislative review.

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The Department of Inland Fisheries and Wildlife operates almost entirely on dedicated revenues which totaled approximately \$10.3 million dollars in Fiscal Year 83. Historically, these dedicated funds have been allocated by the Legislature in one lump sum entitled "unallocated." This has allowed the Commissioner, with approval from the Governor, to transfer and expend funds within the Department with minimal legislative review. In contrast, General Funds are appropriated in line-item form. This means that funds are appropriated according to Personal Services, All Other, and Capital providing for more precise legislative control, review, and information concerning agency expenditures.

During the First Regular Session of the 111th Legislature, the Legislature enacted a provision requiring that dedicated funds be submitted in line-item form. Though legislative intent is clear, this statutory language does not specify that these funds shall be allocated in line-item form nor provide for any legislative review of intra-departmental transfers of funds.

Given the size of the Department's dedicated funds, the fact that the Department operates solely on these funds, the fiscal problems confronting the Department, and the Legislature's commitment to strengthening oversight, the Committee recommends that legislative intent regarding line-item budget allocations be clearly defined in statute. In addition, to further strengthen legislative intent, the Committee recommends that any transfers within and between Department accounts be reviewed by the Legislature. These provisions parallel those governing the appropriation and transfer of General Funds.

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Statutory	57.	Require that any proposed plans for future bond issues for the Department be reviewed by the Joint Standing Committee on Fisheries and Wildlife prior to the bond issue's submission to the full Legislature to increase legislative oversight.
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In 1973 the voters ratified a bond issue not to exceed \$4,000,000 for the establishment of the Maine Inland Fisheries and Game Acquisition Fund. The bonds enabled the Commissioner to acquire on behalf of the State land and water for the preservation of wildlife. In addition, the Commissioner was given the authority to carry on any necessary development work with the proceeds of the fund.

By the end of this Fiscal Year 1984, the entire bond issue will be expended or encumbered. For the most part the Department has used

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these funds for land acquisition and recently for the development of wildlife management areas.

The Department is now beginning to discuss the need to obtain authorization for additional bonds for land acquisition and perhaps development. The Committee finds that given the limited legislative oversight regarding past bond expenditures, the questions raised concerning some expenditures, and the need to provide for the public interest, the Legislature should be involved early in any plans for a new request. Therefore, the Committee recommends that any proposed plans for future bond issues for the Department of Inland Fisheries and Wildlife be reviewed by the Joint Standing Committee on Fisheries and Wildlife prior to submission to the full Legislature. This review should ensure that the Committee has the opportunity to closely assess and clarify the need for additional bond funds as well as comment on the parameters within which these funds will be spent.

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Statutory            58.    Require the Department to be reimbursed by the General Fund for the full cost of search and rescue for those individuals who are not engaged in activities which require a license, permit, or registration from the Department.

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The Commissioner of the Department of Inland Fisheries and Wildlife is charged by statute with the responsibility for the search and rescue of lost persons. In addition, it is specified in statute that "The expenses of the Commissioner in attempting to find lost persons shall be charged to the General Fund." (12 MRSA §7035 sub-§4 par. B) In practice, however, over the past years, the appropriation for search and rescue has been less than the cost to the Department. For example, in Fiscal Years 81, 82, and 83 the Department received \$10,000 for each year whereas the total cost of search and rescue was approximately \$54,000 in FY 1981, \$38,000 in FY 1982, and \$89,000 in FY 1983.

In reviewing this discrepancy the Committee has looked at the types of individuals lost and the costs incurred by the Department and other agencies. The only other agency which appears to incur any recognizable cost is the Department of Conservation which found that in FY 1983 the identified cost to them was around \$9,000.

The Committee finds that the Department of Inland Fisheries and Wildlife's dedicated funds should pay for the cost of search and rescue for those individuals who are engaged in activities for which a license, permit, or registration from the Department is required. Search and rescue cost for these individuals can be considered a part of the services funded through these dedicated revenues. However, the Committee also finds that for others, not involved in activities



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licensed by the department such as campers or hikers, it is unreasonable to ask the Department to pay the cost of search and rescue. Furthermore, the cost of search and rescue is not a budget item that the Department or Legislature can precisely predict. Accordingly, the Committee recommends that the Department be reimbursed for its expenditures for the search and rescue of those individuals who are not engaged in activities for which a license, permit, or registration is required by the Department. To obtain this reimbursement, the Department shall submit to the Appropriations Committee an itemized list of expenses related to search and rescue. This recommendation should work to provide the Department with additional revenues in the future.

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Statutory            59.    Enable the Department to sell or lease buildings and associated property which are no longer used and deposit any proceeds into the Department's operating account.

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At present, the Department of Inland Fisheries and Wildlife has indicated that there are several pieces of property which are no longer needed or fully used by the Department. The statutes governing the Department do not provide the flexibility for the Department's sale or lease of these properties. Therefore, buildings are sitting unused but in need of regular maintenance and protection from vandalism.

The Committee recommends that the Department have the authority to sell or lease buildings and associated property when they are no longer needed. However, in granting this authority to the Department, it is not the Committee's intent to circumvent any existing administrative authority of the Governor. The proceeds from the sale or lease of such property shall be deposited in the Department's main account. This recommendation should provide the Department with additional future revenues.

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Administrative    60.    Establish a clear plan for both short-term and long-term land acquisition and development for review by the Joint Standing Committee on Fisheries and Wildlife to improve management of state owned land resources.

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The Department of Inland Fisheries and Wildlife presently owns land and flowage rights of approximately 48,414 acres. Of this amount, 47,334 acres are related to wildlife management. Discussion with Department staff has indicated that an increased emphasis is

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being put on the development of existing areas in lieu of actual land acquisition. In addition, when acquiring land, the Department has worked to build up existing wildlife management areas when feasible to 5,000 acre parcels. Informal criteria for land acquisition includes location, population demand, land type, and wildlife needs.

Though some management plans have been developed, there is no overall state-wide short and long-term plan for land acquisition and development. The Committee finds that it is important for state departments to have such short and long-range plans to facilitate state-wide planning and coordination among all state departments. The Committee, therefore, recommends that the Department of Inland Fisheries and Wildlife establish a clear plan for both short-term and long-term land acquisition and development. The Committee also recommends that the Department clarify the criteria it uses in determining land acquisition and that this plan be presented for review by the Joint Standing Committee on Fisheries and Wildlife.

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Administrative 61. Require the Department to submit a request for General Fund appropriations, as one measure to ensure fiscal solvency.

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(For detail, see Recommendation 62)

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Statutory 62. Require the Department to maintain as practical a cash reserve for the purpose of ensuring an adequate cash flow.

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The Problem The Maine Department of Inland Fisheries and Wildlife is confronted with severe fiscal problems. Maine's fiscal problems are not unique as other States confront the same fiscal circumstances due to several common denominators. These common denominators, as they apply to Maine's Department, are discussed below.

Fixed Revenue Base The Department's revenues are tied to a fixed revenue base which does not automatically adjust for inflation. In Fiscal Year 83, approximately 81% of the Department's total revenues (including the Sea Run Salmon Commission) was from the sale of licenses, permits, registrations, and miscellaneous income. Federal funds represented about 16% of Department revenues with General Funds contributing the remaining 3%. To obtain a sizeable revenue increase, license fees for residents and non-residents must be increased by legislation as was the case during the special session of the 111th Legislature. This solution, however, can only be regarded as temporary since license fees must stay competitive with those of other states to attract the user and each fee increase is offset to

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some degree by a corresponding decrease in sales. In Fiscal Year 1982, 51% of license revenues was from the sale of non-resident licenses.

In contrast, Department expenditures are directly subject to inflationary increases. The largest category of Department expenditures is in Personal Services. This represented 66% of total Department expenditures in FY 83. Such expenditures can be controlled only by decreasing staff, leaving positions vacant, or curtailing benefits.

Consequently, tension exists between inflatable expenditures and a non-inflatable revenue base.

Resource Pressure The demand by both consumptive and non-consumptive users on the State's fish and wildlife resources is increasing. The pressures of development, and problems such as budworm and acid rain are also contributing to the complexity of monitoring the resource. As environmental concerns increase, the Department is working to monitor and enforce violations, where applicable.

The pressures on the resource are being reflected in the need for more localized regulations. In turn, this requires closer monitoring and enforcement. These essential resource management tools necessitate increased staff and expenditures both in the field and centrally. Again, a tension exists between the need for increased expenditures to meet growing demands for the preservation of the resource and shrinking revenue dollars.

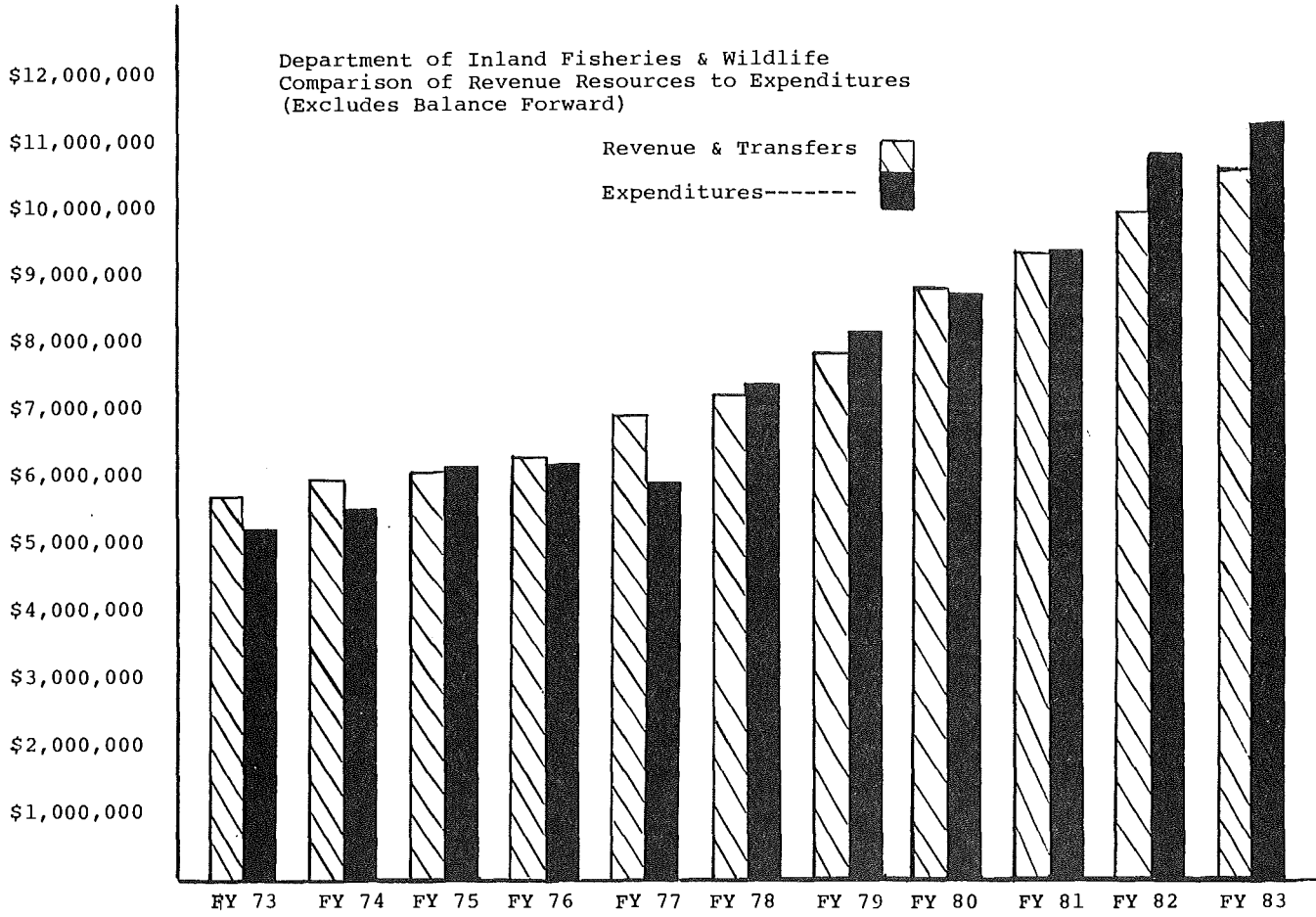
Cash-Flow For the past three fiscal years, Department expenditures have exceeded revenues. Chart I shows that in FY 1981, expenditures exceeded revenues by approximately \$44,000, in FY 1982 by \$868,000, and in FY 1983 by \$724,440. This, in turn has decreased the Department's cash reserve from an adjusted balance forward in FY 82 of 3 million dollars to an adjusted balance forward in FY 1984 of approximately 1.4 million dollars.

The Department's cash-flow is dependent upon the relationship among revenues, expenditures, and the size of a cash reserve. The latter provides a cushion (when expenditures which are constant year-round) exceed revenues which come in on an uneven basis (due to the dependence on the seasonal sales of licenses). The Department's cash-flow problem has become so serious in recent months that the payment of some bills has been delayed in order to meet the payroll. At one point in time, the Department had less than \$100,000 in cash reserve and more than that in outstanding bills.

Conclusion The Committee on Audit and Program Review in its study, reviewed the feasibility of funding alternatives for the Department. This included discussion of alternatives such as the undedication of the funds, dedicating a percent of the sales tax, and levying a tax on particular goods and services. Legislation recently enacted, which raises license fees effective 1/1/84 is projected to provide

Chart I

12/31/83



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the Department with approximately 1.7 million dollars over the biennium. However, a quick analysis shows that if Department expenditures remain constant this amount will serve only to provide a break-even point. It will not allow for cost-of-living increases, nor the replacement of existing equipment, the addition of staff, nor build back an adequate cash reserve for cash flow purposes. Therefore, the current fiscal situation will remain unresolved and worsen unless the Department cuts back on services and staff, obtains another license fee increase, or receives alternative sources of revenues. The Committee recommends that the Department seek funds from the General Fund because of the broad public nature of its service. In addition, to highlight the cash-flow situation confronted by the Department, and to support the need for a reserve cash balance, the Committee recommends that the statutes be amended to require the Department to maintain as practical a cash reserve for the purpose of ensuring an adequate cash-flow.

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Administrative 63. Design a staff development plan to improve working relationships between wardens and biologists and report by September 30, 1984 to the Joint Standing Committee on Fisheries and Wildlife.

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The employees of the Department include two main groups, the wardens and the staff biologists. Historically there has been some conflict between the two groups though in fact their work is complementary. Through discussion with Department employees the Committee finds that the relationship between wardens and biologists has improved over the past years and that individuals are committed to resolving differences brought about by job function, training, salary, and perception. However, the Committee finds that the Department should address any remaining differences more directly and recommends that the Department develop within the area of staff development a plan with the specific purpose of improving the positive working relationship between wardens and biologists. The plan should be included as part of staff development. The Department should report to the Committee on Audit and Program Review by September 30, 1984 with its suggested plan.

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Administrative 64. Develop and implement a formal replacement schedule for the communications system and make this plan known to the Legislature when requesting funds.

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The Department relies on an extensive radio communications system for its efficient operation. The System consists of 15 Motorola Micore 8-channel radios and 126 hand held Motorola 4-channel radios

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which are 9 years old and in need of replacement. However, a formal replacement schedule has never been developed and implemented, primarily due to financial constraints. In contrast, the Department of Conservation which has a communications system used by both Forestry and Park Rangers has in place a formal replacement policy. Each year Conservation receives an appropriation specifically to replace a percentage of its system.

Given the importance of the radio communication system to the efficient operations of IF&W the Committee recommends that a replacement schedule be developed and implemented in order to avoid a burdensome one-time funding request to overhaul the entire system.

#### Division of Administrative Services

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Administrative 65. Institute a formal agreement and billing procedure regarding the transfer of funds from the Department to the State Police for the use of the State Police communication system. The Maine State Police should determine the true cost of its communications system for each user.

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The Warden Service uses the state-wide State Police communications system for the following purposes:

- . to report the status of each warden unit;
- . to receive complaints from the public;
- . for all necessary traffic as needed between Inland Fisheries and Wildlife units;
- . for all necessary traffic with other law enforcement agencies; and
- . for coverage after 5:00 p.m., before 8 a.m., and during weekends and holidays when Warden offices are not staffed.

In FY 1983, the Warden Service transferred approximately \$90,000 to the State Police. This amount paid for the salaries of one Radio Communications Supervisor, one Communications Technician, and two Police Communications Operators. This agreement has evolved historically, has been negotiated primarily through verbal agreement, and has had minimal written documentation. The Committee recommends that the Department institute a formal written agreement and billing procedure with the State Police regarding the Department's use of the radio communications system. In addition, the Committee recommends that the Department receive an exact accounting from the State Police as to the true cost of the Department's use of the radio communi-

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cations system. This accounting is essential to prevent over or under charging in that other state and municipal agencies also tie into the State Police radio communications system.

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Statutory            66.    Extend the responsibilities of the Division so that it has an active role in improving fiscal management.

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The Division of Administrative Services is administered by a director and has about 15 employees. The Division's responsibilities include personnel, bookkeeping, payroll functions, and the operation of the Department Storehouse. The Division presently has a limited role regarding Department budgeting and fiscal oversight over other Department divisions. The decentralization of fiscal management areas such as purchasing, contracting, and federal funds serve as examples of the inactive role this Division has regarding Department operations.

The Committee has received information that the Department does not provide consistently accurate and timely fiscal information; demonstrating the need for coordinated fiscal management. The Committee finds that the responsibility of the Division should be expanded so that all Department information which has fiscal implications is accessed and reviewed. Furthermore, the Division should be involved in an ongoing analysis of expenditures both across and between divisions. In summary, the Committee recommends that the responsibilities of the Division be expanded so that the Division has a proactive role regarding fiscal management to strengthen departmental oversight of both revenues and expenditures. The proposed reorganization will work toward this end by moving the Divisions of Engineering and Realty, Licensing and Registration, and Administrative Services into one Bureau entitled the Bureau of Administrative Services.

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Statutory            67.    Compile and maintain a central inventory of all Department equipment to provide central oversight and increased accountability.

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The Department of Inland Fisheries and Wildlife presently owns and operates various types of equipment. (See Table I) Presently, each division maintains an inventory of its own equipment. There is no maintained central inventory of department-owned equipment.

The Committee finds that the lack of an updated central inventory of Department equipment interferes with the Department's ability to maintain a close accountability of the use, the need for, and the

Table I

INLAND FISHERIES AND WILDLIFE EQUIPMENT\*

(as of 8/83)

TYPE	WARDEN'S SERVICE	FISHERIES	HATCHERIES	WILDLIFE	ENGINEERING AND REALTY	OTHER	TOTAL
Vehicles	136	20	26	37	12	5	236
Snowmobiles	124	19	--	43	--		186
ATV's	8	--	--	7	--		15
Outboard Motors	210	44	--	38	--	--	292
Boats	179	37	4	} 50	} 7	} 5	} 470
Canoes	171	17	--				
Aircraft	6	--	--	--	--		6
Trailers	---	47	--	25	4	1	77
Other	---	--	--		Heavy Construction Equipment		---

\*Does not include Atlantic Sea-Run Salmon Commission

purchasing of equipment. Therefore, the Committee recommends that the Division of Administrative Services be responsible for compiling and maintaining a central inventory of all Department equipment.

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Administrative 68. Reassess existing policy and establish new department-wide policies for the purchase, maintenance, and use of all equipment to ensure internal consistency.

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Review of the Department's policies showed that there are inconsistencies across divisions regarding the purchase, maintenance, and use of equipment. In some situations, such as the use of boats, the Department has no formal policy regarding use and maintenance. The Committee, therefore, recommends that the Department reassess existing policy and establish new department-wide policies for the purchase, maintenance, and use of all equipment to ensure internal consistency.



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Administrative 69. Implement a centralized system of purchasing to improve fiscal accountability.

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The present system of purchasing within the Department of Inland Fisheries and Wildlife allows each division to purchase its own commodities, supplies, and equipment under \$250. In addition, the Division operates a storehouse which presently has three employees and costs approximately \$56,000 to operate annually. The initial intent for the storehouse was to have a centralized location for department purchasing and for maintaining supplies. Over the years, the storehouse's role regarding purchasing has decreased to the point where, according to Department estimates, the storehouse now places only 25% of all the Department's purchases. The divisions have increased their purchases where buying occurs in the field under the authority of a division director but without a central signature. The Department no longer has a strong centralized purchasing system though it is taking some measures now to improve the system.

The State Purchasing Agent strongly supports the establishment of centralized purchasing systems in all state departments. Currently, the Departments of Agriculture, Human Services, and Transportation have centralized purchasing systems. The Purchasing Agent notes that potentially substantial sums of money could be saved by increasing bulk purchases. Specifically, a centralized purchasing system would allow the Bureau of Purchases to work within the Agency to buy certain items at that time of year when the prices were lowest, manufacturers could be given adequate time to deliver, and cost savings would occur through more efficient use of processing personnel.

With the installation of a centralized purchasing system one person will be assigned the responsibility for establishing purchasing schedules for all items. Orders for particular items would be submitted on specified dates several times per year, instead of buying these items on a piecemeal basis. Provisions would be made for special items.

The present decentralized purchasing system within the Department negates the ongoing need for the storehouse. In addition, fragmented buying has resulted in limited central accountability and lost opportunities for savings. The Committee, therefore, recommends that the Department fully implement a centralized system of purchasing to be administered by the Division of Administrative Services to ensure greater buying efficiencies and justify the retention of the Department's storehouse. This recommendation should work to decrease future Department expenditures.

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Administrative 70. Implement the centralization of contract development to ensure the best use of available funds.

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Under the present system of contracting for services in the Department of Inland Fisheries and Wildlife, each division enters into its own contractual agreement. The contracting process involves an initial Request for Proposal (RFP) where specifications are drawn up and then put out to bid by the Bureau of Purchases, Contract Division. In FY 1983, the Department had around 200 different contracts for service. Of these, 15 were contracted for by the Warden Service, 153 by the Wildlife Division, and 19 by the Division of Land Acquisition and Development. At this point, there exists little to no oversight in Central Administration regarding the contracting process.

The Division of Administrative Services has responsibility for the accounting, payroll, and personnel functions of the Department. However, this Division has had limited involvement in reviewing any contractual service until after the negotiations are completed. Because the cost of contractual services in FY 1983 represented a significant percentage of the Department's expenditures, the Committee finds that there should be increased central oversight to ensure uniformity between divisions and to cut down on any duplication while providing for greater economies of scale. Therefore, the Committee recommends that the Division of Administrative Services be involved in the development of the Request for Proposals and have the final signature as the authorized agent for the Commissioner on any Department contracts for the purpose of providing fiscal oversight and accountability.

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Administrative 71. Assign the responsibility for administering the financial aspects such as procuring, accounting, and reporting of federally funded programs to the Division to ensure central coordination, oversight, and expertise.

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The Department of Inland Fisheries and Wildlife received a total of about \$1,708,700 in FY 1983 in federal funds. This was 16% of the Department's total revenue of \$10,560,000. There are two major sources for federal funds, the Pittman-Robertson and Dingell-Johnson Acts, which are used for wildlife management and for fisheries management, respectively.

The Division of Wildlife Management and the Division of Fisheries and Hatcheries both have assistant directors who serve the function

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of federal-aid coordinators. These positions of federal-aid coordinators involve all program and financial negotiations and administration related to federal funds. Under the current system, each division operates independently and the use of federal funds and fiscal accountability varies. As one example, though federal requirements allow the use of in-kind match, one division uses an in-kind match while the other matches directly with state dollars. The Division of Administrative Services which is responsible for the financial accounting of the Department has very little involvement regarding the fiscal oversight of these funds. The Division of Administrative Services has only recently obtained a copy of project agreements. The Division has limited involvement in the establishment of these agreements, and the federal-aid coordinators determine what is billable and non-billable.

The Committee finds that there is no single central oversight or coordination of the fiscal accountability associated with all federal funds received by the Department. Furthermore, the Committee finds that the business office should be actively involved in the financial planning and coordination of these federal funds; serving more than just a bill paying function. Therefore, the Committee recommends that the Division of Administrative Services be responsible for the fiscal management to include procuring, accounting, and reporting of federally funded programs to ensure central coordination, oversight, and expertise.

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Administrative 72. Assess the costs and benefits of automating the accounting and inventory maintenance systems.

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Currently, the Department relies primarily upon a manual bookkeeping system. Although the Department has begun to use the Department of Human Services' (DHS) computerized accounting control system, data cannot be retrieved in a way that reflects the unique needs of Inland Fisheries and Wildlife because the system was designed for DHS's own use. The Committee finds that an automated bookkeeping system could reduce manual labor and enable the immediate and accurate retrieval of departmental and bureau financial information at any point in time.

The Committee supports the Department's intent to explore further automation of its bookkeeping system and recognizes the importance of daily centralized monitoring of Department finances. Therefore, the Committee recommends that the Department formally explore the alternatives available and the gains to be acquired through the use of automation for its accounting system and for maintaining inventories. The Department shall report to the Joint Standing Committees on Fisheries and Wildlife and Audit and Program Review no later than June 30, 1984.

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Administrative 73. Break down the expenditures for each division by region to provide increased fiscal accountability.

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Several divisions within the Department operate out of central and regional offices. These regional offices include: seven regional office locations within the Division of Fisheries excluding Hatcheries, seven regional sites plus several research sections for the Division of Wildlife Management, and five regional headquarters for the Warden Service.

At present, expenditures for the Department are broken down according to division. Within each divisional activity, where applicable, there is no breakdown according to regional expenditures.

Though the field staff is not large in any single area, the Committee notes the difficulty of making cost comparisons between regional operations because of the absence of a regional accounting breakdown of expenditures. The Committee, therefore, recommends that the expenditures for each division be broken down by region to provide increased fiscal accountability.

#### Division of Licensing and Registration

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Statutory 74. Up-date the statutory references to the Division of Licensing and Registration to reflect the Division's current functions.

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The current Division of Licensing and Registration is the product of a number of organizational changes over the past 20 years. The function of the Division has evolved as these organizational changes have occurred. In 1963 the Division of Watercraft Registration and Safety was established as a separate administrative agency headed by the Commissioners of Inland Fisheries and Game and Marine Resources bringing all boating interests and matters under one agency. Under state government reorganization legislation in 1973, the Division was placed within the Department of Inland Fisheries and Game as a division of that agency.

The Division of Snowmobile Registration was established in 1969 as a division of the Department of Inland Fisheries and Game and was administratively combined with the safety section in 1973. At that time this expanded Division was renamed the Division of Snowmobile Safety and Registration.

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In 1976, the Division of Watercraft Registration and Safety was combined with the Division of Snowmobile Safety and Registration and became the Division of Recreational Safety and Registration. In 1981 the safety functions were removed from the Division and licensing functions were added, creating the current Division of Licensing and Registration. The function of the Division of Licensing and Registration as it is now organized is to administer and coordinate the issuance of 54 different types of licenses, stamps, and permits and to process all watercraft and snowmobile registrations and renewals.

Present statutes still refer to the Division of Licensing and Registration as the Division of Recreational Safety and Registration. Such references are outdated as the Division no longer handles safety related enforcement and now handles licensing. Therefore, the Committee recommends that the statutory references to the Division of Licensing and Registration be up-dated to reflect the current Division's functions.

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Statutory	75.	Charge private owners of watercraft a \$25 fee for researching the history of ownership in order to cover administrative costs of the service.
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The Division of Licensing and Registration is responsible for the registration of watercraft. As part of this charge, the Division maintains records regarding ownership and the transfer of titles. Presently, 115,000 watercraft are on file. Upon request, the Division will research the history of ownership for private individuals or for public agencies such as the Coast Guard. The Division handles about 200 such requests per year. Approximately 150 were done at the request of private owners in FY 1982. The amount of staff time spent on any particular search varies according to the age and ownership of the boat. There is no charge for this service.

The Committee finds that researching the history of ownership is a service which is done at the request of private individuals which consumes staff time. Accordingly, the Committee recommends that the Department establish a \$25 fee for researching the history of ownership for private owners of watercraft. This recommendation should result in about \$3,750 in additional revenues if requests are made at the same level as in FY 1982.

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Statutory	76.	Charge a \$25 fee for the right to sell non-resident licenses to control the costs of license distribution.
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The Division of Licensing and Registration is responsible for designating licensing agents. There are presently 23 out-of-state

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licensing agents and around 1,075 in-state licensing agents. Of these, 500 are resident licensing agents and 575 are non-resident licensing agents. The vast majority of resident agents are town clerks.

Agents are designated on a "first come, first served" basis. The process for licensing an agent involves application to the Department. The Department then checks to see what other agents are serving the area to determine the need for a new agent. There is an Agent Board comprised of three department staff who review each application.

Presently, there is no charge in Maine for designation as a licensing agent. A survey of New Hampshire, Pennsylvania, Vermont, and Massachusetts shows that these states vary somewhat from Maine in their approach toward licensing agents. In all four states the credit of the proposed agent is checked and in three states the applicant is required to submit a bond ranging from \$6,000 in Pennsylvania to \$8,000 in Vermont. New Hampshire charges a \$50 registration fee and \$20 per year for in-state agents as well as out-of-state agents selling non-resident licenses.

The Committee finds that the right to sell non-resident licenses brings in business for the agent and that there are always individuals vying for that privilege. Furthermore, the Committee finds that a \$25 fee will serve to eliminate those individuals who are not serious licensing agents. Accordingly, the Committee recommends that the Division charge a \$25 fee for the right to sell non-resident licenses. This fee will cover some of the costs to the Department in administering the agent licensing program and should result annually in increased departmental revenues of at least \$13,250.

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Statutory            77.    Define "agent" to mean a single store location and require each new branch location to apply separately for designation as an agent to remove inequities.

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(For detail, see Recommendation 78)

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Statutory            78.    Designate as a licensing agent any business which applies, pays the \$25 license fee, is credit worthy, and can sell an annual minimum of 70 non-resident licenses to remove the existing inequity. The impact of this recommendation shall be reviewed by the Joint Standing Committee on Fisheries

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and Wildlife after a two-year implementation period.

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The present statutes governing the licensing of agents do not clearly define the word "agent" nor specify the conditions of appointment. The statutory authority for appointment is given to the Commissioner and reads "The Commissioner may appoint clerks of towns or such other agents as he deems necessary to issue licenses and permits." (12 MRSA §7072). The process which the Department has adopted for the appointment of agents first involves the submission of an application. The Department then checks to see what other agents are servicing the area to determine the need for a new agent. An Agent Board which now consists of the Deputy Commissioner, Director of Licensing, and an individual from Warden Service reviews each application. The Department, however, has never clearly articulated the criteria it uses for designating agents. The absence of clear criteria has resulted in an inconsistent, inequitable, and unjustifiable appointment process.

For example, as the Department considers the number of out-of-state agents to be sufficient, no new agents in this category have been approved in recent years. Out of approximately 150 annual in-state requests, about 15 will be designated for life until a problem emerges or, as in the case of a town clerk, until he or she is replaced. Whenever a business transfers hands, usually the right to be an agent transfers with it, though a new application must be made.

To address these problems and to curtail the number of non-resident licensing agents, the Department has recently proposed that no new agents shall be designated in a municipality which already has two or more agents, except when a business transfers hands. The Committee finds that this policy will serve to compound the existing inequity by severely restricting the number of new agencies while continuing existing ones. In addition, as a convenience to the public the Committee finds that more, not fewer, agencies are needed.

Again, under the present situation when a main store operation is licensed as an agent, because "agency" is not clearly defined, the right to sell licenses is conveyed to each branch location. The result has been that in some towns where an individual business has waited years to be an agent, a chain store has come in and automatically begun selling licenses. The Committee finds this practice to be unfair.

To counter these inequities and others the Committee recommends that "agent" be defined in statute to mean a single store location. In addition, the Committee finds that any business which is credit worthy, pays an application fee of \$25, and can sell an annual minimum of 70 non-resident licenses should be designated as an agency. The 70 license minimum is that number which the Department considers as necessary to cover the administrative costs.

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The Committee also recommends that because of the far ranging impact of this recommendation on the current system, it should be reviewed two years after implementation by the Joint Standing Committee on Fisheries and Wildlife. Further, it is the Committee's intent that an exception be made so that if no non-resident agent in a given municipality sells more than 70 licenses, the agent who sells the most licenses be given an agency.

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Statutory            79.    Levy a penalty fee against delinquent agent accounts to encourage prompt payment.

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Current statutes require that all license fees collected by agents, minus their agent fees, be remitted to the Department by the 15th of each month. (12 MRSA §7074, sub-§1) As the bulk of licenses are accounted for on a calendar year, the Department tries to balance out its agents' account by December 31st. On a monthly basis, the Department estimates that about \$50,000 is due in delinquent payments because agents do not remit by the due date of the 15th. However, at the end of the year usually less than \$10,000 is uncollected due to defaults.

At present, the Department does not rigorously enforce the law and fails to assess penalty for delinquent payments. For example, an agent may fail to remit monthly payments for an entire year without incurring a penalty. The Department may refuse to send out licenses to a delinquent agent for the coming year if the year-end account is not balanced.

The Committee finds that the Department should be stricter about requiring licensing agents to submit payment on time. Therefore, the Committee recommends that the Department assess a penalty fee consisting of an 18% interest charge, coupled with a flat penalty of 5% after 60 days, to deter agent delinquency.

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Statutory            80.    Submit any major plans to change the present operation of snowmobile and watercraft registration to the Committee on Fisheries and Wildlife prior to implementation.

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The Division of Licensing and Registration within the Department of Inland Fisheries and Wildlife is responsible for the registration of all watercraft, snowmobiles, and all-terrain vehicles. In 1982 the Department registered 40,000 boats, and about 47,000 snowmobiles. The Committee finds that registrations and renewals are now handled efficiently by the Department. The turn-around time for a renewal



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can be as little as three days. However, the Committee is aware of a proposal to change the current method of registration and renewal by allowing registration and renewal to be done by local town offices rather than the Department. From the Department's perspective, transferring registration and renewal to municipalities would save both time and money. However, concern about decentralization has been expressed by some towns and users, particularly regarding the ability of municipalities to handle large volumes of registrations, uneven enforcement, and ability to maintain a central roster of all registrations.

Recent legislation clearly enables the Commissioner of the Department to "delegate to municipalities the authority to issue watercraft and snowmobile registrations." In recognition of the complexity of the issue, the Committee recommends that the Commissioner submit any major plans to change the present operation of watercraft or snowmobile registration to the Committee on Fisheries and Wildlife prior to implementation because of the potential impact on municipalities.

#### Division of Public Information

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Statutory	81.	Remove the restrictions that limit the promotion of Maine fisheries and wildlife resources to the New England and New York areas.
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The Commissioner of the Department has the authority to implement a program for the promotion of Maine fisheries and wildlife resources that "may include coordination of activities between the public and private sectors and the utilization of promotional missions throughout New England and New York, ..." (12 MRSA §7035). The Committee finds these regional restrictions unreasonable and that the Department may find it necessary to engage in promotional missions outside of this area. Therefore, the Committee recommends that the statutes be amended to enable the Department to promote Maine's fish and wildlife resources outside of the New England and New York area.

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Statutory	82.	Enable the Department to include commercial, but not political advertising in its publications to provide additional revenue.
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Presently 12 MRSA §7035 sub §8, contains language which prohibits the department from carrying any commercial advertising in its publications. This statute makes no reference to political advertisements.

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The Department publishes a quarterly magazine entitled Maine Fish and Wildlife which has a circulation of around 13,000 and costs about \$94,000 annually. Revenues generated from the sale of this publication in FY '82 totaled about \$41,000.

The Committee finds that the Department should be allowed the flexibility to carry commercial advertising in the magazine as means to increase revenues and promote the magazine's self-sufficiency. However, due to a potential conflict of interest, at the same time the Department should not be allowed to carry any political advertisements in its publications. Therefore, the Committee recommends that the Department be allowed to include commercial but not political advertisements in departmental publications. Furthermore, the Department shall establish fair market rates for these advertisements to avoid under-cutting private enterprise. This recommendation coupled with Recommendation 84 should provide for an increase to departmental revenues of at least \$25,000 in FY 85 due to these promotional efforts aimed at making the magazine self-supporting.

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Statutory            83.    Allow the Department to sell or lease photographic negatives to respond to public requests.

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The Department occasionally allows the public to purchase photographs that have appeared in Departmental publications for a nominal fee. According to the Department, this informal policy has been an attempt to maintain good public relations; the fees are not an attempt to make a profit, but to discourage casual requests for photographs and to avoid undercutting commercial photographers.

Recently, the Department received a request for the loan of a transparency in order to produce a high quality poster depicting the natural beauty of Maine. The poster was to have been sold by the producer commercially, for profit. Although it had been the policy to lend negatives without charge, it was determined that in this case, a \$75 fee was a reasonable charge for this service.

An informal ruling of the Department's attorney and an Assistant Attorney General has indicated that charging such a fee is "in excess of the Commissioner's authority." The Committee finds that there may be occasions when the Department may wish to sell or lease a photographic negative but avoid undercutting commercial photographers. Accordingly, the Committee recommends the Department be allowed to sell or lease negatives at fair market value or to cover expenses.

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Administrative    84.    Develop a plan to promote and expand the Maine Fish and Wildlife Magazine to ensure that it is financially self-supporting.

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The Maine Fish and Wildlife Magazine was first printed in 1959 and was free until 1965 at which time the circulation reached 16,000 to 18,000. In 1965, a fee was implemented and subscriptions decreased by about one half, then fluctuated and stabilized somewhere around 10,000. At this time, there was very little promotion of the magazine and a large number of complementary copies were sent out.

About two years ago, the Department set aside \$4,000 to be used for promotion. Since that time, circulation has increased to 13,350 despite a raise in the magazine's cost from \$3.50 to \$4.95.

The Division of Public Information publishes the magazine quarterly and it is about 35 pages in length. The annual cost of publishing the magazine is approximately \$94,000, while the revenues brought in through subscriptions is approximately \$41,000.

The magazine provides a vehicle to educate the public about the Department's activities, programs, and species management. Of the 13,350 individuals who subscribe, 7,350 are residents, while the balance of 6,000 are non-residents.

The Committee finds that the magazine does serve an important public relations and educational function and should therefore be continued. However, the Committee also finds that the Department should increase its efforts toward upgrading and making the magazine self-supporting. To move in this direction, the Committee notes that the following areas should be addressed by the Department:

Promotion and Circulation. The Committee finds that the current level of promotion for the magazine is inadequate and that increased resources should be mobilized. The lack of adequate promotion is evidenced by the close split between resident and non-resident subscribers and the magazine's lack of visibility. To address these problems, the Committee recommends that the magazine receive a wider sales distribution to include visitor information centers and that the Department advertise the availability of this publication at key points during the year; i.e., before Father's Day or Christmas;

Content. The Committee finds that more attention should be given to broadening the content of the magazine to include articles from other state departments on areas related to the environment and natural history. In doing this, however, the main focus of the magazine should not be lost. It is the Committee's finding that such increased diversity may help to broaden the magazine's audience.

Frequency of Publication. The Committee also finds that the Department should explore the possibility of increasing the frequency of publication and simultaneously raising the subscription rate. Here the Committee notes that the majority of states which have similar publications publish them on a more frequent basis.

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In summary, the Committee recommends that the Department develop a plan for the increased promotion and expansion of the Maine Fish and Wildlife Magazine for the purpose of raising the level of use and visibility of the magazine which in turn should work toward making the magazine self-supporting. The Department should give particular attention to the areas noted by the Committee and should report with such a plan and analysis to the Joint Standing Committees on Fisheries and Wildlife and Audit and Program Review by June 30, 1984.

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Administrative 85. Arrange with the Bureau of Purchases an optional two-year extension on the printing contract for the Maine Fish and Wildlife Magazine.

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Presently the Bureau of Purchases contracts the printing for the Maine Fish and Wildlife Magazine annually with the possibility of a one-year extension. This allows for the negotiation of a two-year contract while giving the Bureau of Purchases the right to renegotiate annually.

The Department has indicated that going out to bid annually disrupts the publication of the magazine and taxes department staff by having to acquaint a new vendor (the lowest bidder) with the desired product.

The Bureau of Purchases, however, has indicated several reasons for their present policy. Two reasons offered are (1) that contracting out for a longer period (beyond two years) might result in a situation where commercial vendors would be cautious and build in pricing cushions to hedge unknown inflationary increases and (2) that the flexibility of switching to a lower cost vendor would be lost. For example, this past year the change in vendors saved \$2,000 per issue over the price of the old vendor.

The Committee finds that if the Bureau of Purchases allows for a two-year extension on the printing contract while retaining the right to renegotiate annually, this should provide some middle ground for the resolution of the problems faced by both the Bureau of Purchases and the Department. A two-year extension would allow for the possibility of a three-year printing contract. Also, by retaining the right to renegotiate, the Bureau of Purchases can monitor the expense. The Committee, therefore recommends that the Bureau of Purchases allow for a two-year extension on the printing contract for the Maine Fish and Wildlife Magazine and that if the Bureau wants to renegotiate annually, the Department must be informed prior to that time.

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Statutory 86. Develop a plan to promote, both within and outside of the state, Maine's fish

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and wildlife resources. Include an educational component to be available for Maine's public schools to increase public understanding of the resource.

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The current statutes enable the Commissioner of the Department "to implement a program designed to promote fisheries and wildlife resources and attract hunters and fishermen to the state." (12 MRSA §7035 sub §11). At present, though the Department undertakes through its Division of Public Information some promotional activity, promotion is not a priority to the extent that a specific promotional plan or program has been developed. The Committee finds that formal planning to attract sportsmen to Maine is important for the enhancement of the recreation industry and the stabilization of departmental revenues. The Committee recommends that a formal long-range plan be developed in this area.

In addition to promoting the fish and wildlife resources of Maine, the Committee also notes that the Department should increase its efforts to educate school age children and teens who are potential users of these resources. The Department's present efforts include circulating its magazine to school libraries and providing a speaker or use of a film within the classroom when requested. The Committee finds that public education, understanding and appreciation of Maine's fish and wildlife resources is important. Therefore, the Committee also recommends that the Department include in its promotional effort plans for increased public school education. This plan should be prepared for review by the Joint Standing Committees on Fisheries and Wildlife and Audit and Program Review by September 30, 1984.

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Administrative 87. Develop a recreation promotion program for snowmobiles in coordination with the Department of Conservation's Snowmobile Division and the Maine Publicity Bureau to promote tourism.

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At present, both the Departments of Inland Fisheries and Wildlife and Conservation have responsibility for various services concerning snowmobiles. The Department of Inland Fisheries and Wildlife is responsible for:

- . registering and assigning a registration number to all snowmobiles upon application and payment of an annual fee by the owner;
- . licensing dealers and assigning dealer plates;

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- . issuing rules necessary for proper administration, implementation, and enforcement, and interpreting any provision of snowmobile law that the Commissioner is charged with the duty of administering; and
  - . enforcing snowmobile laws and regulations and teaching snowmobile safety.

The Department has three organizational units with some responsibilities for snowmobiles; the Division of Licensing and Registration, the Warden Service, and the Recreational Safety Division. However, none of these Divisions, nor the Division of Public Information, has the responsibility for promoting snowmobiles as a recreational sport in Maine.

The Department of Conservation also has a charge related to snowmobiles. This Department's Bureau of Parks and Recreation is authorized to:

- . mark and clear snowmobile trails and to provide educational information materials for use by operators of snowmobiles;
- . establish trails on state-owned lands and encourage the establishment of trails on private lands by governmental agencies and private organizations;
- . enter into agreements to provide for the maintenance of established trails and to encourage the establishment and administration of local trails;
- . allow the director to issue rules governing the use of the system;
- . allow the director to exercise the power of eminent domain; and
- . to undertake some enforcement.

The Department of Conservation snowmobile activities have not directly included any recreational promotion programs, although the Department has been involved in the development of a state-wide trail system. The Maine Publicity Bureau has also not concentrated energy in this area.

The Committee finds that snowmobiling is a popular past-time and if encouraged, could benefit Maine's economy as documented by a 1981 economic assessment. The Committee therefore, recommends that the Department of Inland Fisheries and Wildlife's Division of Public Information develop a plan in coordination with the Snowmobile Division of the Bureau of Parks and Recreation and the Maine Publicity Bureau to promote tourism.

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Divison of Engineering and Realty

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Statutory            88.    Adopt the Bureau of Public Improvement's procedure for selecting both short and long-range capital construction projects and ensure that the final plan is printed in the Budget Document to improve department-wide planning.

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The Division of Engineering and Realty is responsible for the capital construction and maintenance of Department owned facilities. Each departmental division submits periodically to the Division a list of construction or improvement projects and then each division informally targets its own priorities and budget constraints. The Division then must consolidate these requests and assign priorities to projects based on availability of staff and funds. The process now used to set these priorities is informal.

The Bureau of Public Improvements (BPI) has a parallel process in that it is authorized to review, coordinate, and set priorities for the development of long-range public improvement programs for state departments and agencies. The Bureau recommends project priorities to the Governor, the State Budget Office, and the Legislature.

Under the BPI process, the agency submits its requests for capital improvements according to an established order of priority. The Bureau then reviews, analyzes, and organizes these requests according to four project categories: Mandatory Projects, Essential Projects, Desirable Projects, and Deferrable Projects. Funds are then requested based on identified need, state-wide assessment, and long-range planning. Recommended priorities are made to the Legislature showing both BPI's assessment and the individual department's priorities. These priority listings appear in the Budget Document.

The Committee finds that the informality of the process within the Department of Inland Fisheries and Wildlife can result in poor planning. Establishing a system such as that used by BPI would result in an organized approach for determining priorities for capital construction, repair, and maintenance on a department-wide basis. The Committee finds that establishing a system such as that used by BPI would:

- . result in an organized approach for determining priorities;
- . provide a viable tool for departmental and legislative budgeting;

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- . improve cost efficiencies;
  - . place the Division of Engineering and Realty in a position to actively determine priorities and make recommendations to the Commissioner; and
  - . require the Department to undertake long range planning.

Such a system can be established at no additional cost. Therefore, the Committee recommends that the Department's Division of Engineering and Realty adopt the Bureau of Public Improvement's procedure for determining both immediate and long-range capital construction projects and that these priority listings be printed in the Budget Document.

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Administrative 89. Cease purchasing heavy construction equipment and justify the cost effectiveness of the equipment to address legislative concern.

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The Division of Engineering and Realty is responsible for the repair and maintenance of all Department owned facilities such as regional headquarters, hatcheries, and dams. In addition the Division is responsible for cutting wood to meet the heating needs of those Department buildings equipped to burn wood.

To undertake the many projects required for maintenance, repair, and new construction, the Department has purchased some major heavy construction equipment including a backhoe, a portable sawmill, a skidder, a tractor, a loader, and several trucks since 1980.

Though the equipment purchased was used, the expenditures totaled approximately \$53,000.

The Committee questions the cost-effectiveness of the Department's heavy equipment. Therefore, the Committee recommends that the Department cease any additional purchases of heavy construction equipment and justify the cost-effectiveness of its existing equipment in terms of its use, purchase, maintenance, and operation.

#### Division of Program Development and Coordination

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Administrative 90. Prepare a report for the Joint Standing Committee on Fisheries and Wildlife comparing the disposition of bond funds to the initial acquisition plan to de-



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termine the extent to which the Department followed its original plan.

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The Department presently owns land and flowage rights of approximately 48,400 acres. Of this amount, 47,334 acres are related to wildlife management. The Department has used bond funds to acquire 22,000 of these acres since the initial bond issue in 1973.

Currently, the bond issue has been for the most part expended or encumbered. There is little left for either acquisition or development.

In 1973, the Department developed a plan outlining the type of habitat to be acquired with bond funds. There was at that time some identification of specific acreage to be purchased. Since that period, however, there has apparently been no formal assessment between the initial plans for acquisition and what actually has been acquired.

The Committee finds that a comparison should be made between the initial development plans for land acquisition and the final expenditure of these bond funds and that legislative oversight is important to ensure the public's interest. Therefore, the Committee recommends that the Department develop a final report for the Joint Standing Committee on Fisheries and Wildlife regarding the final disposition of bond funds as compared to the initial acquisition plan.

#### Division of Fisheries and Hatcheries

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Statutory 91. Require that any employees hired after June 30, 1984 in the Hatcheries Section not automatically be scheduled a 45 hour work week because overtime or compensatory time should be earned as accrued.

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(For detail, see Recommendation 92)

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Administrative 92. Evaluate the need for routinely scheduling a 45-hour work week for existing Hatchery Workers and report to the Joint Standing Committees on Audit and Program Review and Fisheries and Wildlife by September 30, 1984 because this practice may no longer be justifiable.

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The Division of Fisheries and Hatcheries operates seven hatcheries and two rearing stations located throughout the state. As of October 1983, these stations employed 31 full-time positions and three seasonal positions.

Prior to 1973 Hatchery Workers were on a six-day, 48 hour work week. Two factors contributed to reducing the Hatchery Worker's work week to its current 45 hours. First, the Department was required to pay time and one-half for any hours accumulated over 40. Second, a request for an up-grading in the worker's job classification was made and denied. Apparently, a 45-hour work week was established in order to give the workers a salary increase and to compensate for reducing their hours.

The 45 hour schedule is still in place with the extra five hours being paid as premium overtime. In FY 83, this practice cost the Department approximately \$83,000. In addition to the five hours of routine overtime, many hatchery workers receive housing as a condition of employment and all workers earn compensatory time. This compensatory time is taken off usually during slower months. Hatchery workers work a nine hour day which usually runs from 7:00 A.M. to 4:30 P.M. with a half-hour lunch and two breaks. When vacation time is taken, they are paid for a nine-hour day, at straight time. However, they can elect to add an additional two hours on from their compensatory time bringing the total up to the same salary level as if they were being paid for a 45 hour work week. During the spring from mid-April to mid-June (2 months) and in the fall from mid-September to late-November (2 1/2 months), the hatchery workers put in some overtime over the 45 hours for which they are, of course, compensated. They also must work weekends and stagger holidays--as the hatcheries receive 24 hour coverage.

The Committee finds that this practice of automatically scheduling a 45 hour work week on a year-round basis plus allowing for compensatory time is both questionable and costly. In addition, the system for tracking employee work hours, time accrued, or time taken is unnecessarily complex. Furthermore, these benefits may result in an internal inequity among Department staff.

The Committee, therefore, makes two recommendations regarding this issue. First, the Committee recommends that any employees hired under this Division after June 30, 1984 not automatically be scheduled a 45 hour work week. This recommendation would grandfather existing employees but establish a system for the future where overtime is not guaranteed but paid as earned. Secondly, the Committee recommends that the Department evaluate the need for the existing 45-hour work schedule, explore potential alternatives to the system which could include for example, the use of a floating staff position or a better rotation of work schedules. A report of the Department's findings should be made to the Joint Standing Committees on Audit and Program Review and Fisheries and Wildlife no later than September 30, 1984.

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## Warden Service

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Statutory 93. Clarify through rules the establishment of tagging stations and the designation of tagging agents to ensure consistency.

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According to 12 MRSA §7457 sub-§2 the Commissioner is responsible for the establishment of stations for the purpose of registering all deer killed. Registration agents for these stations are designated by the Commissioner and they are responsible for registering every deer presented for registration. In doing this a metal seal is attached to the deer at a \$1.00 charge which is retained by the agent.

Prior to each hunting season, stations are supplied with tags and new stations are established. Wardens must inspect all deer that are registered. Once a week, the warden collects the totals that are tagged.

At present the Department has no formal policies or rules regarding the establishment of tagging stations. The designation of agents is left up to each District Warden. The lack of consistent criteria for designation has resulted in a number of problems. For example, five tagging stations were established in Greenville which was more than necessary.

The Committee finds that a consistent statewide approach regarding the determination and designation of tagging stations should be established. This would serve to resolve an inequitable situation and make better use of warden's time. Therefore, the Committee recommends that the Department promulgate rules and regulations regarding the establishment of tagging stations and the designation of agents. To maintain central oversight, the Committee recommends that the Commissioner retain the authority to make the final designation of agents.

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Administrative 94. Strengthen the current program on snowmobile safety to meet the needs of the snowmobile community.

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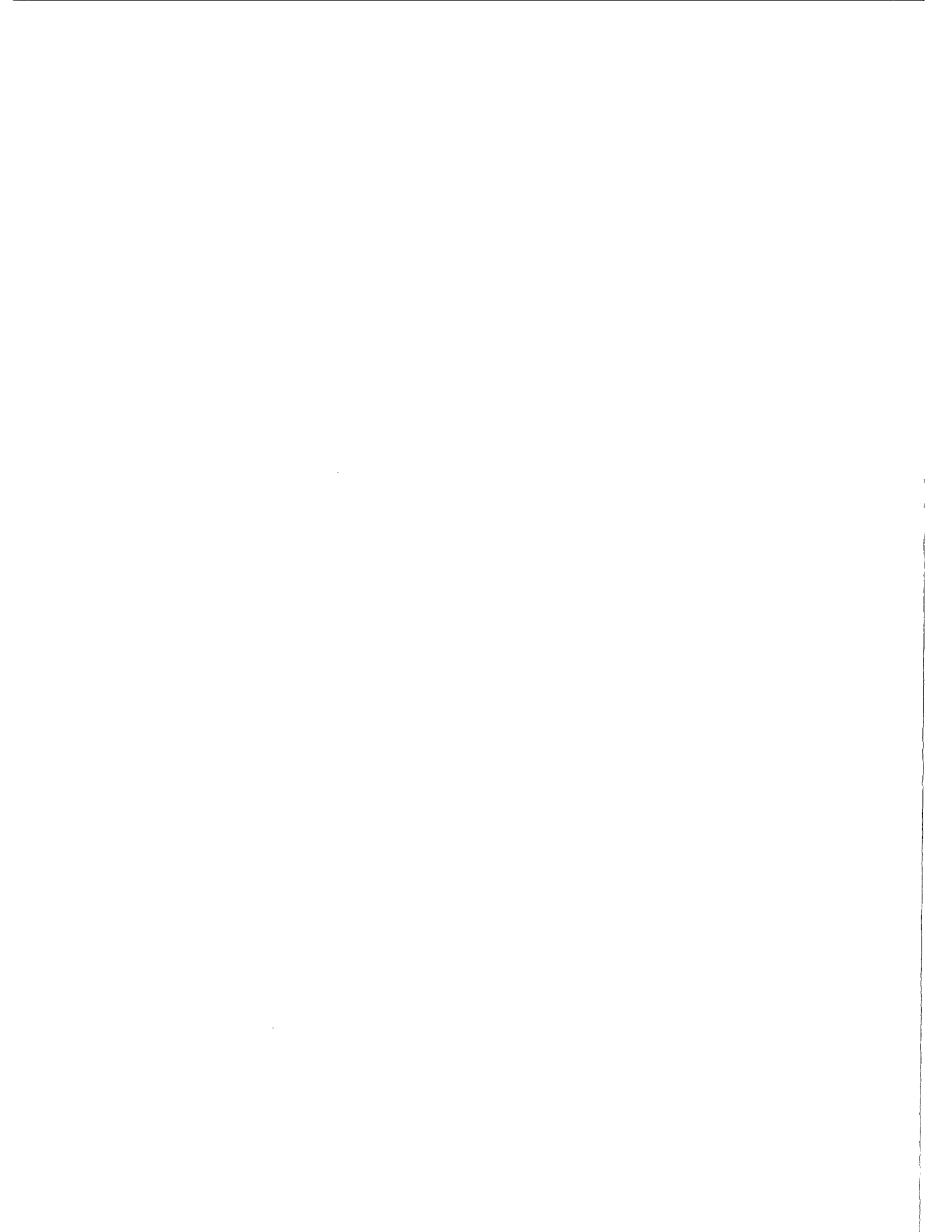
The Department of Inland Fisheries and Wildlife is responsible for teaching safety as it relates to the use and operation of snowmobiles. This includes proper vehicle operation, a review of the laws and regulations, survival, ethical issues, landowner related concerns, and self-help first aid. The Division of Recreation and Safety within the Warden Service operates this program. In FY 83 total expenditures were \$10,585.

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Eight part-time Recreational Safety Coordinators spend a portion of their time on snowmobile safety. They have a combined responsibility for boating, hunting, and snowmobile safety. These individuals make presentations at snowmobile clubs, train instructors, and give examinations. In FY 83, 400-500 snowmobile safety operators were certified as a result of the program's efforts.

It has come to the Committee's attention that snowmobilers see the need for a stronger emphasis on the safety program. To achieve this, increased coordination between this Division and the Division of Public Information is desirable.

The Committee recommends that the Department strengthen the current safety program to better meet the needs of the snowmobile community.



## Independent Agencies

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- Statutory            95.    Continue the following independent agencies with or without legislative or administrative change under the provisions of the Maine Sunset Laws:
- (1) Board of Certification of Water Treatment Plant Operators; and
  - (2) Keep Maine Scenic Committee.
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The Maine Sunset Law provides that specified independent state agencies will automatically terminate according to a set schedule unless continued by the Legislature. The agencies listed above are scheduled to terminate June 30, 1984.

The Committee has received justification reports and supporting information from both of the above agencies describing their operations. It has reviewed this information and finds that each agency meets a public need that is not duplicated by any other agency. Therefore, the Committee recommends that each agency be continued.

### Baxter State Park Authority

Baxter State Park is a 200,000 acre parcel of land given to the people of Maine by former Governor Percival Baxter. The Governor conveyed the land to the state in several parcels from 1931 to 1963, specifying with each gift that the land must remain as nearly as possible in its wild state. The Park provides wilderness recreation, preserves wildlife habitat, and provides a place to carry on Baxter's interest in forestry, the Scientific Forestry Management Area in the northern part of the Park.

Baxter provided financial assistance to the Park until his death, when he left a large amount of money in trust for the maintenance of the Park. Soon after his death the Park stopped receiving General Fund appropriations and now operates solely on income from the trust fund and from user fees. The Park spent \$905,000 in FY 1983. It employs 16 people full time, 33 part time.

The Authority, formally established by the Legislature in 1965, is the governing body of Baxter Park. Its decisions are guided both by the actions of the Legislature and the provisions of Baxter's trust.

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- Statutory            96.    Replace the Director of Forestry with the Commissioner of the Department of

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Conservation on the Baxter State Park Authority because the Commissioner is the highest ranking officer of the Department with jurisdiction over forestry.

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Governor Baxter did not specify in his will or trust documents the governing body of Baxter State Park or the membership thereof. During his lifetime, however, the Legislature established a body with a membership of which he approved: the Attorney General, the Commissioner of Inland Fisheries and Wildlife, and the Forest Commissioner. After Baxter died the Forestry Department became part of the Department of Conservation and the Legislature put the Director of the Bureau of Forestry in the place of the Forest Commissioner.

The Committee finds that the Commissioner of Conservation is equally as capable of representing concerns about forestry in the park as is the Director of Forestry. The Commissioner has access to the same expertise in the Department. Furthermore, the Commissioner now has elements of the old Forestry Department, particularly oversight of state forest lands, under his jurisdiction that are not under the jurisdiction of the Forestry Director. (12 MRSA §900 identifies Baxter Park as a "public forest".) Hence the Commissioner's responsibilities fully encompass those of the old Forest Commissioner while the Director's do not.

Governor Baxter expressed his wish that Baxter Park not be administered by the old Park Commission because of the political nature of that body. Baxter Park remains today administered separately from the Bureau of Parks and Recreation. The Committee finds that replacing the Forestry Director with the person who supervises him will not substantially affect this separation. Furthermore, among the purposes of the Committee's recommendations to strengthen the central authority of the Department of Conservation is to ensure that the Department speaks with one voice on conservation policy.

Governor Baxter fully appreciated the importance of his gift to the state and clearly wanted high ranking officials to serve on the governing body. (In fact, the membership of the first governing body, the Baxter Park Commission, included the Governor.) The Commissioner of Conservation is now the "forest commissioner", i.e., he is the person of cabinet rank with jurisdiction over forestry matters. Placing him on the Authority would strengthen it by providing another direct line to the Governor and the Legislature. The Forestry Director is now the only member of the Authority not chosen or confirmed by the Legislature.

Finally, the state should follow Baxter's wishes whenever possible, but ultimately the Authority is an agency of the state, created by the Legislature, and therefore subject to legislative con-

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trol. Accordingly, the Committee recommends that the Legislature replace the Director of Forestry with the Commissioner of Conservation on the Authority.

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Statutory 97. Require the Authority to submit to the Legislature a summary report of its finances and activities every two years to improve legislative oversight.

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The Baxter State Park Authority is a state agency with an annual budget that exceeds \$900,000, yet it operates without any legislative oversight. Except for funds for road maintenance, revenues to operate the Park come from user fees and income from the Baxter trust. Naturally, without the need for decisions on allocating funds the Legislature rarely turns its attention to the Park.

The Committee finds that by providing regular information to the Legislature the Authority could keep the Legislature better informed and so guard both its own and the public's interests. The Committee therefore recommends that the Legislature require the Authority to submit to the Legislature a summary report of its finances and activities by the beginning of the first regular session of each Legislature. The report should contain summary financial data including revenues broken down by source and major categories of expense. It should also include summary use data, a report on major projects, activities, or problems in the Park, and a cover letter.

The Committee emphasizes that it is not recommending that the Authority prepare anything very long or complex. The total length of the report should not exceed 10 pages including all accompanying materials. The purpose of the report is to keep the Legislature aware of the activities of the Park and to provide a starting point for any detailed inquiry.

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Administrative 98. Discontinue the Baxter State Park Advisory Committee because state funds should not be expended without a clear purpose.

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The Baxter Park Advisory Committee was formed at the direction of Governor Curtis to advise the Authority. The Advisory Committee has 14 members, including government officials, Baxter heirs, and long-time park visitors. The Authority chooses the members but does so by no set formula. Members are reimbursed for their expenses for attending Committee meetings.

The Audit and Program Review Committee finds that the Authority has access to advice and expertise through channels other than the



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Advisory Committee. The Advisory Committee membership includes a representative of snowmobiling concerns but not other specialized groups that may wish representation. The body is too large to be effective, attendance is irregular, and no minutes of meetings are kept. In addition, the Authority has areas on which it can better spend the \$4,000 per year it now spends on the Advisory Committee, such as Park maintenance.

Therefore, the Committee questions the need for the Advisory Committee and recommends that it be discontinued pending justification of its purpose.

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Statutory 99. Raise to \$60,000 the limit on spending by the Department of Transportation for road maintenance in Baxter State Park to reflect the increases in costs over the past 15 years.

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The Perimeter Road in Baxter Park is about 50 miles long. It is not a state road nor is the Park eligible for DOT grants to local governments; hence DOT would not normally be responsible for road maintenance in the park. However, P & SL 1955 c. 186, as amended by P & SL 1969, c. 161, provides that DOT shall expend on the Perimeter Road as much as shall be necessary for maintenance, but not to exceed \$32,000 per year. In addition, the Legislature has, from time to time, allocated money from the Highway Fund for specific repair work.

The Committee finds that \$32,000 is no longer adequate to maintain the Perimeter Road. General price levels have more than doubled since 1970 and recent estimates place current maintenance costs at about \$60,000 per year. The Committee therefore recommends that the Legislature raise the limit to \$60,000 per year.

The Committee also recognizes that the Park has an obligation not to rely entirely on DOT for road maintenance. The Committee further recommends that the Park spend its own funds when necessary for proper maintenance.

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Administrative 100. Work with the Bureau of Purchases to ensure that the Park's needs are met at reasonable cost.

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In 1982, Baxter Park requested permission to buy a new car primarily for the use of the Director who must travel frequently on major highways as well as on the rough roads of the Park. The Park requested a sedan and then negotiated with the Bureau of Purchases to get a car larger than the standard subcompact. It got a somewhat

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larger vehicle but one which nonetheless was inadequate for the rough Park roads. Since then the Park has acquired a vehicle more suited to its needs.

The Committee recognizes that the Park has unique needs but also recognizes the function of the Bureau of Purchases to make sure that it fills those needs at reasonable cost. The Committee finds that the Park's needs were not adequately communicated to the Bureau and therefore recommends that in the future the Park work more closely with the Bureau to see that its needs are met.

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Administrative 101. Revise Park regulations to allow children under 12 years of age and Maine residents 70 years and older to use Park shelters and camping areas without charge to increase access for families and senior citizens.

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The rules and regulations of Baxter State Park allow Maine residents free admission to the Park but require people who use campsites, bunkhouses, cabins, or lean-tos to pay a fee. For example, for tenting space the Park charges \$3.00 per person, per night with a minimum of \$6.00 per tent site per night. The only exception is that the Park imposes no per person charge for children under six years of age; an age limit that has been in place for several years when it was lowered from 12.

The Committee finds that the state should encourage the use of Baxter Park by families and by Maine people of all ages even if their disposable income is limited. Family trips include children aged 6 to 12 as well as younger ones; lowering the cost of a trip to Baxter for families will make the Park more accessible to them. Also, lowering the cost of using the Park for Maine senior citizens will make it more accessible to them.

Therefore, the Committee recommends that the Park revise the age below which it imposes no per person charge to 12 years and that it impose no charge on Maine residents aged 70 years and older. The Park should make whatever other adjustments in its fee schedule as necessary to meet its revenue needs.

#### Maine Forest Authority

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Statutory 102. Discontinue the Maine Forest Authority because it is unnecessary, transfer the lands under its control to the Bureau

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of Public Lands, and require that the Legislature approve any future purchases of land with money from Governor Baxter's trust.

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The Legislature established the Maine Forest Authority in 1971 as the agency to receive money paid to the state by the trustees of funds Governor Baxter left for the use of the state and of Baxter Park. Using money from the trust fund, the Authority purchased two parcels, in Mt. Chase plantation and Harpswell, for the demonstration of scientific forestry. The Forest Authority, Baxter Park, and the Forest Service have each managed the parcels in the ten years the state has owned them. In that time, the Forest Service began to salvage budworm damaged trees in Mt. Chase but the limited availability of service foresters has prevented even drafting of a preliminary management plan for the Harpswell lot.

Since the creation of the Forest Authority, the Legislature has created the Bureau of Public Lands (BPL) as the repository and manager of the state forest lands. BPL harvests state timberlands, conducts some forestry demonstration projects, and has more resources to devote to the Lands. The Committee finds that BPL is better suited to manage Forest Authority lands. These reasons negate the need for the Authority.

Therefore, the Committee recommends that the Legislature discontinue the Maine Forest Authority and transfer the lands under its control to the Bureau of Public Lands. This would eliminate what is now an unnecessary agency.

The Committee is also concerned that Baxter trust money was spent to purchase lands which have been so little used. These purchases have reduced the income available to Baxter Park. Therefore, the Committee also recommends that the Legislature require that it approve any further purchases of land with Baxter trust funds.

#### Coastal Island Trust Commission

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Statutory	103. Allow the Coastal Island Trust Commission to sunset and repeal related Legislation because the Commission does not exist and no coastal island trusts have been established.
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In 1971, the Legislature provided for the establishment of coastal island trusts and trust commissions to control development of

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coastal islands. The statute charged a commission with drawing up and carrying out development plans to preserve recreational, natural and historic values as well as promote the commercial use of islands placed in an island trust.

The Committee has no evidence that a coastal island trust or trust commission was even established under this legislation and has receive no justification for the program from any party. In addition, the Committee finds that there are other agencies in the State that carry out these same primary goals.

The Sunset statute lists the Coastal Island Trust Commission as an agency that will terminate if not continued by the Legislature. This same statute provides for a one-year wind down for any such agency terminated. As the Audit Committee has not found any evidence of the existence of the Trust Commission, nor any justification for maintaining the related legislation, the Committee recommends that the Coastal Island Trust Commission sunset and the legislation be repealed.

**Board of Certification of  
Water Treatment Plant Operators**

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| Statutory | 104. Modify the statutes for the Board of Certification of Water Treatment Plant Operators to: <ul style="list-style-type: none"><li>. include a public member;</li><li>. allow the Chair to vote only in event of a tie;</li><li>. limit members to two consecutive three-year terms;</li><li>. authorize the Board to issue biennial licenses;</li><li>. clarify the fee schedule for licenses and exams; and</li><li>. up-date the statutes.</li></ul> |
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The Board of Certification of Water Treatment Plant Operators was established to determine the competence of individuals to supervise the operation of a public water system. To this end, the Board, with the advice of the Commissioner of the Department of Human Services, establishes by regulation the qualifications, licensing standards and procedures for the certification of individuals to act as operators. These requirements include a one-year on-the-job training experience and passage of an examination. There are four certified classes of operators, to parallel the four classification of public water

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systems, water treatment plants, and treatment of storage facilities. In FY 82, the Board certified approximately 330 individuals and gives about 40 examinations annually.

The Board consists of five persons: two certified operators, (with one of these holding a certificate of the highest classification) one person from the Department of Human Services, one person who is a water utility management representative, and one person who is an educator whose field or interest is related to water supply. The Board has no paid staff although the Department of Human Services provides staff support through the Division of Health Engineering. Board members receive reimbursement for reasonable expenditures. The revenues for the Board have in recent years exceeded expenditures. For example, revenues from exams amounted to \$2,835 in FY 82 and \$4,314 in FY 83 and total expenditures were \$2,970 in both fiscal years.

The Committee recommends that the Board be continued as it provides a necessary service to the public by certifying operators of water treatment systems. Further, the Committee finds that the need for this Board will be more critical in the future as the treatment of water becomes more complex and essential to the public's health. In renewing the Board, the Committee makes the following changes in the Board's statutes.

- . Expand the current membership from five to six by adding a public member to provide for public participation;
- . Limit membership to two consecutive three year terms to allow for rotation;
- . Change the present annual certificate to a biennial license for increased administrative efficiency;
- . Set the passing grade on any portion of the examination in statute as "not less than 70%" as well as the re-examination for an individual who fails having an average grade of not less than 50%" to reflect present practice;
- . Require the board to notify licensed individuals thirty days prior to the expiration of their licenses to provide adequate renewal notice; and
- . Reorganize the statutes to include a clearer definition of the fees to be charged (giving the Board some flexibility) and change the word "certify" to "license".

The Committee finds that these statutory changes, coupled with the administrative changes the Board is presently making in its application and examination process, will serve to improve the Board's operations.

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## Saco River Corridor Commission

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Statutory            105.    Extend the review of the Commission into the next review cycle and continue the Commission for one year pending the review by the Audit Committee.

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The Saco River Corridor Commission was first established in Private and Special Law in 1973 and then enacted in Public Law in 1979. The Corridor Commission provides regulatory protection to the Saco River and its two major tributaries, the Ossipee and Little Ossipee Rivers. About 130 miles of river and an estimated 9000 acres of land are protected through the Saco River Corridor Act. The water in these rivers passes through 20 municipalities which are included in the Corridor region.

The Commission consists of one member and one alternate from each municipality whose jurisdiction includes lands or bodies of water encompassed by the Saco River corridor. This numbers 40 individuals. Members and alternates serve staggered three-year terms. The Commission meets about ten times each year and holds public hearings on vacancies when applicable.

The Commission has one full-time staff who serves as Executive Director and one part-time administrative assistant. Estimated expenditures total approximately \$33,000 for FY 84. Of this amount, \$20,000 is in salaries and benefits. Revenues are expected at the same level and include a \$10,400 appropriation from the General Fund.

For the past few years, the continued appropriation from the General Fund to the Saco River Corridor Commission has been questioned because of the Commission's quasi-state agency status. In addition, a very quick review of the Commission has surfaced several questions including the Commission's inability to meet its statutory charge regarding Certificates of Compliance. Because of present time constraints for both the Audit Committee and the Commission and the need to put to rest some of the on-going questions regarding the Commission, the Committee recommends that the review of the Saco River Corridor Commission be extended into the coming year and that the Commission be continued for one year pending the outcome of the Audit Review.

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Statutory            106.    Enable the Commission to retain any fees earned through the sale of permit applications, variance applications, and Certificates of Compliance to reflect current practice.

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The statutes presently require that the fees for permit applications, variance applications, and certificates of compliance shall be deposited into the General Fund. For the past four to five years the Commission has not complied with this section because the amount of revenue to be deposited was so small (\$450).

To insure that the practices of the Commission are consistent with its statutes, the Committee recommends that the statutes be amended to enable the Commission to legally retain these funds.

### Inspection of Dams and Reservoirs

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Statutory            107. Continue into the next review cycle the review of the successor of the Inspector of Dams and Reservoirs because of time constraints.

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Under the present Sunset schedule, a review of the Inspection of Dams and Reservoirs was required. These statutes, however, were recently repealed and replaced this past session by Public Law Chp. 417, "AN ACT Concerning Inspection, Registration and Abandonment of Dams." Time constraints have prevented any review by the Audit Committee of the old and new legislation. Therefore, the Committee recommends that the review of this area be continued for another year.

### Soil and Water Conservation Commission

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Statutory            108. Extend the review of the Soil and Water Conservation Commission into the next review cycle and continue the Commission for one year pending review by the the Audit Committee.

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The primary goal of the Maine Soil and Water Conservation Commission is to protect Maine's soil and water resources. The Commission's mission is to develop programs to address agricultural erosion, urban sprawl, sedimentation of surface water, and pollution by animal waste, sewage, and agricultural chemicals.

The Committee finds that the Soil and Water Conservation Commission requires more in-depth review than was possible to give it during the course of this audit and review cycle. Accordingly, the Committee recommends that the review of the Commission be extended and included in the scope of the next review period.

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Uniform Accounting and Auditing  
Practices Act for Community Agencies

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Statutory            109.    Replace the present legislation with legislation that ensures that the state develop and implement uniform accounting and auditing practices for funds contracted by the state with community agencies to reduce multiple audits and streamline state requirements.

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Background of Study

Approximately 400 community agencies receive funds through contracts with state departments including the Departments of Human Services, Mental Health and Mental Retardation, Transportation, and the Division of Community Services. Often a community agency may contract with more than one state agency and is subject to multiple audits of the funds contracted with the state as well as required to maintain various reporting forms and accounting records.

In 1977, the Legislature enacted the Human Services Community Agency Accounting Practices Act, 5 M.R.S.A., Chapter 148, to ensure that under normal circumstances, community agencies contracting with the state would be subject to uniform standard accounting practices and to a single audit of all contracted funds. When reviewing the Departments of Human Services and Mental Health and Mental Retardation, the Audit Committee found that state agencies have never fully complied with this legislation. To date, community agencies contracting with the state are required to maintain various records which often overlap, are inconsistent, and untimely. Further, these community agencies are still subject to numerous routine audits by state agencies within one fiscal year.

Committee Study Process

To address this problem, the Audit Committee appointed a subcommittee charged with reviewing the present situation and possible alternatives. This subcommittee and the full committee met repeatedly to develop its final recommendation. Committee members met with state agency personnel, representatives from several community agencies, and individuals representing coalitions formed by some of the community agencies involved. In addition, correspondence and draft legislation were exchanged with a number of individuals to obtain further comments. Based upon the full committee vote, legislation has been submitted for public hearing during the Second Regular Session of the 111th Legislature.



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## Study Findings

The study confirmed the need for legislation which clearly provides for the implementation of uniform accounting and auditing practices. Therefore, the Committee recommends that beginning July 1, 1984, the State Auditor will ensure the development and implementation of standard accounting practices and the provision of a single audit for community agencies. The State Auditor will work with a transition committee. All rules promulgated shall be subject to the Administrative Procedures Act to ensure maximum public participation. The system will be in place by July 1, 1987. In addition, the Committee recommends that the State Auditor report periodically to the Audit Committee on both the problems and progress associated with the Act's implementation.

This system will include the designation of a lead agency within the State which will be responsible for directing and conducting the single state audit. Uniform accounting standards will include the development of a uniform contract fiscal year, uniform contract and grant forms, uniform bill forms, uniform financial reports, uniform line items, and uniform contract administration policies and procedures.

The Committee recognizes that this issue is very complex and therefore warrants a three-year implementation period to enable the state to successfully accomplish the transition to uniform auditing and accounting practices. However, to resolve the immediate needs of some community agencies, the Committee is providing that community agencies be granted the option of requesting a single audit effective July 1, 1984, provided these agencies meet certain minimum criteria. In summary, the Committee's purpose is to ensure that the state implement uniform accounting and administrative practices for contracts and perform a single annual audit to reduce the administrative demands now made on community agencies.

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The Separation of Powers and  
Policy and Guidelines for State Boards,  
Commissions and Independent Agencies

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Finding            110.    Constitutional doctrine clearly specifies the separation of governmental powers between legislative, executive, and judicial branches and there is no need to restate it in statutory form. However, the Legislature should pursue additional study to examine all existing boards and commissions to determine any potential areas of conflict between the three branches of government.

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Statutory           111.    Establish in statute guidelines for setting up boards, commissions, and independent agencies as well as reporting procedures to provide consistency.

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Background of Study

The Legislative Council of the 111th Legislature directed the Joint Standing Committee on Audit and Program Review to study the effect of the doctrine of separation of powers on the membership of state boards and commissions. This study is the result of concerns which emerged during the First Regular Session of the 111th Legislature when the inclusion of legislators on boards and commissions was challenged on two grounds: the separation of powers doctrine and dual office holding prohibitions. For example, because of the constitutional doctrine of separation of powers, legislators could not be appointed to the Governor's Committee on Employment of the Handicapped.

Committee Study Process

The Audit Committee appointed a subcommittee to review this question. Members included a member of the Joint Standing Committee on State Government and one member of the Joint Standing Committee on Judiciary. The subcommittee met four times and presented its finding to the full Audit Committee for review. For the purpose of the study, the subcommittee met with the staff of the Attorney General's Office, the Governor's Office, and the Office of the Secretary of State. In addition, the Committee has coordinated its efforts with

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another study by the Joint Standing Committee on State Government concerning compensation for members on boards, commissions, and councils.

### Study Findings

After study and discussion, the Committee finds that the separation of power doctrine itself is clear and that to restate any portion of it in statutory form will serve no useful purpose. In theory, the separation of governmental powers into legislative, executive, and judicial branches is an established fundamental principle that one branch cannot interfere with, or encroach upon either of the other branches. The constitutional distribution of powers into three departments was not designed to promote haste or efficiency but was to head off autocratic power and to insure more careful deliberation in the promulgation of government policy.

Although the rule concerning the absolute separation of powers of government has been held to prevail without qualification, in practice some jurisdictions in the country have held that a modified doctrine is required in modern times in recognition that no pure separation of power exists except in political theory. In practice, the State of Maine, like a majority of states which strictly apply this doctrine, has not modified its application to any noticeable extent except that a member of one branch of government may serve as a consultant or an advisor on a board or commission of another under certain conditions.

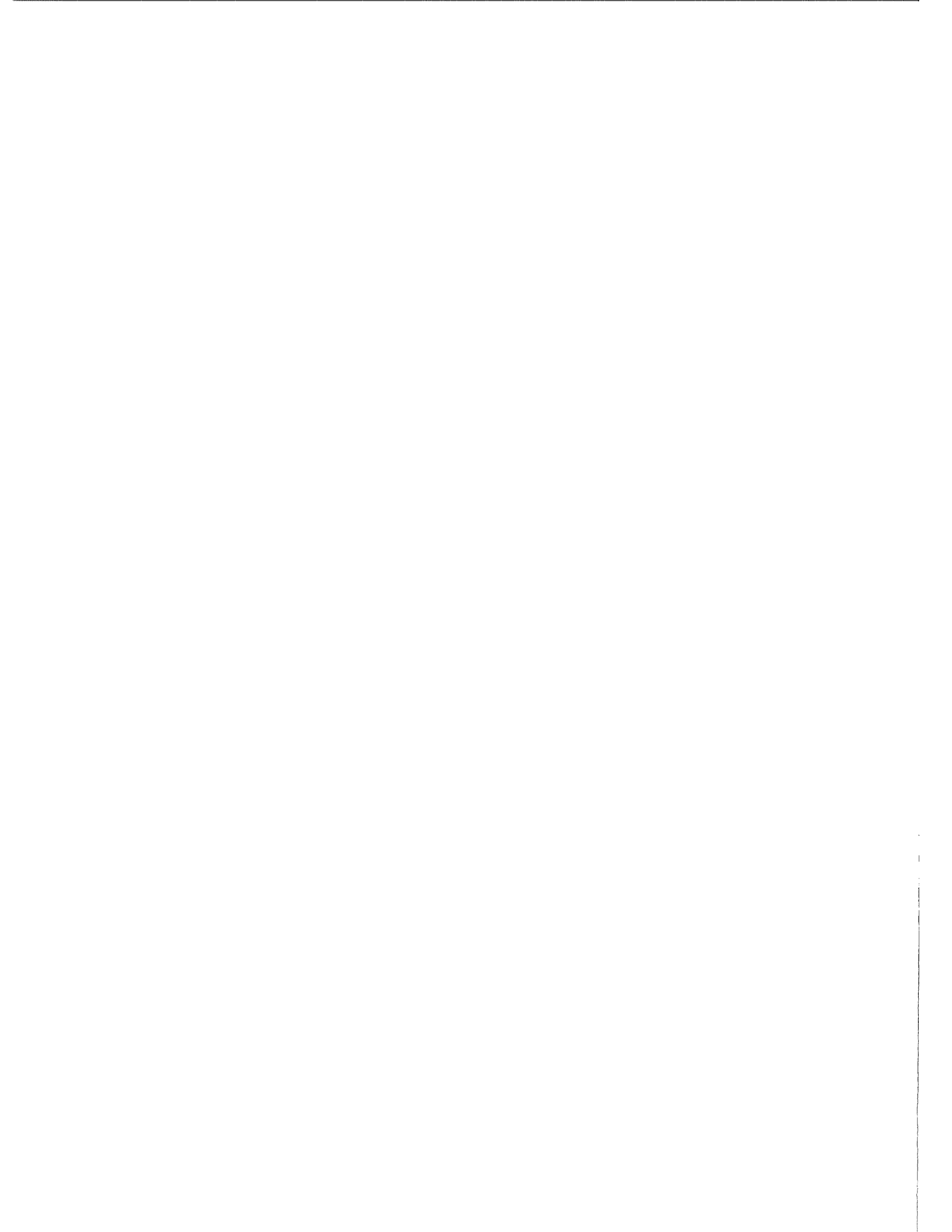
Beyond this, the Committee found that no accurate, up-to-date inventory of state boards and commissions exists. The lack of such a listing makes determining the current membership or other pertinent information on any board or commission difficult. The Committee is of the opinion that a better inventory system should be kept through the Secretary of State. The Committee, therefore, recommends that a reporting procedure be established by statute which will allow the Secretary of State to track boards and commissions and their activities from start to finish. The recommended statute has been incorporated within other legislation to follow and is consistent with proposed legislation from the Joint Standing Committee on State Government.

In addition to taking an accurate inventory, the Committee recognizes value in establishing policies and guidelines which would aid in the establishment, operation, and termination of boards and commissions. If for no other reason, the Committee felt uniformity in basic areas common to all boards and commissions would be helpful, not only in the early stages of preparing legislation to establish them, but in organization, operation, handling of finances, and the like throughout the entire life of a board or commission. In this area, the Committee has again proposed legislation.

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The legislation also provides for the sunset of all boards and commissions which includes a review of their activities by the Audit and Program Review Committee. As new boards and commissions have been established, sunset dates have not always been automatically assigned. The legislation will serve to rectify that problem.

In conclusion, the Committee strongly recommends the adoption of legislation along these lines to provide better information to all concerned with boards and commissions. Many legal questions concerning separation of powers may have been averted had adequate information in some of the areas previously mentioned been readily available. For this reason, further study by the Legislature should be pursued to examine all existing boards and commissions to determine any potential areas of conflict among governmental branches.



# Fiscal Impact of Committee Recommendations

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## I. Sunset Bill

A. General Fund: The Committee has made recommendations which will save the General Fund \$37,770 in FY 1985. Increased undedicated revenues to the General Fund should amount to \$301,200 in FY 1984 and \$457,580 in FY 1985. Table A shows the total impact on the General Fund.

Recommendation 40 transfers \$68,331 to the General Fund from the State Nursery Fund when the money becomes available.

B. Inland Fisheries and Wildlife Fund: The Committee has made recommendations which will save the IF&W Fund \$4,640 in FY 1984 and \$31,100 in FY 1985. Increased revenues to the fund should amount to \$42,000 in FY 1985. Table B shows the total impact on the IF&W Fund.

C. Unallocated Dedicated Funds: The Committee's recommendations reduce the expenses of various unallocated dedicated funds by \$32,000 in FY 1985, increase revenues by \$ 1,800, and transfer \$301,200 in FY 1984 and \$475,400 in FY 1985 to the General Fund. Table C illustrates. In addition, requiring the Budworm program to reimburse other accounts transfers \$62,000 in FY 1984 and \$125,800 in FY 1985.

## II. LURC Enforcement Bill

The Committee has recommended an appropriation of \$36,844 to improve enforcement of LURC standards. (Rec. 44) This includes a reduction of LURC's All Other appropriation of \$20,819 and an increase in Personal Services of \$57,663.

## III. Single Audit Bill

The Committee has recommended an appropriation of \$22,000 to fund a position in the State Auditor's office to administer the single audit legislation (Rec. 109)

TABLE A  
GENERAL FUND IMPACT

<u>Rec. #</u>		<u>FY 1984</u>	<u>FY 1985</u>
	<u>Deappropriations</u>		
17	Transfer Songo Lock to Boating Facilities Fund		\$ 8,000
18	Lapse unspent Parks & Recreation bond balances for completed projects		3,040
21	Eliminate ranger in Southern Fire Control Region		26,730
			<u>\$ 37,770</u>
	<u>Revenue Increases</u>		
17	Reimbursement for FY 1984 expense for Songo Lock		8,000
28	* Budworm Program accounting	\$301,200	467,400
		<u>\$301,200</u>	<u>\$475,400</u>
	<u>Revenue Decreases</u>		
21	Eliminate ranger in Southern Fire Control Region		17,820
NET SAVINGS		\$301,200	\$495,350

\* Preliminary estimates.

TABLE B  
IF&W FUND IMPACT

<u>Rec. #</u>		<u>FY 1984</u>	<u>FY 1985</u>
	<u>Net Deallocations</u>		
51	Department Reorganization	\$4,640	\$31,100
	<u>Net Revenue Increases</u>		
75	Fee for watercraft title searches		3,750
76, 77	Fee for non-resident license agencies		13,250
82-84	New revenue from Department magazine		25,000
			<u>\$42,000</u>
NET SAVINGS		\$4,640	\$73,100



TABLE C  
IMPACT ON UNALLOCATED DEDICATED FUNDS

<u>Rec. #</u>		<u>FY 1984</u>	<u>FY 1985</u>
	<u>Reduction in Expenses</u>		
36	Voluntary retirement contribution in Budworm Program		\$ 40,000
	<u>Increased Expenses</u>		
17	Transfer Songo Lock to Boating Facilities Fund		\$ 8,000
	<u>Increased revenues</u>		
11	Fee for submerged lands leases and easements		\$ 1,800
	<u>Transfers to General Fund</u>		
17	Reimbursement for FY 1984 expense for Songo Lock		\$ 8,000
28	Budworm Program accounting	\$301,200	467,400
		<u>\$301,200</u>	<u>\$475,400</u>

STATE LAW LIBRARY  
AUGUSTA, MAINE

ADDENDUM TO AUDIT REPORT

SUMMARY OF FINAL COMMITTEE ACTION

Recommendation # 1 - passed as is  
Recommendation # 2 - passed as is  
Recommendation # 3 - passed as is  
Recommendation # 4 - deleted  
Recommendation # 5 - deleted  
Recommendation # 6 - passed as is  
Recommendation # 7 - passed as is  
Recommendation # 8 - passed as is  
Recommendation # 9 - passed as is  
Recommendation #10 - passed as is  
Recommendation #11 - passed as is  
Recommendation #12 - deleted in final bill  
Recommendation #13 - passed as is  
Recommendation #14 - passed as is  
Recommendation #15 - passed as amended (see attachment)  
Recommendation #16 - passed as is with legislative  
clarification  
Recommendation #17 - passed as is  
Recommendation #18 - passed as is  
Recommendation #19 - passed as is  
Recommendation #20 - passed as is  
Recommendation #21 - deleted  
Recommendation #22 - passed as is  
Recommendation #23 - passed as is  
Recommendation #24 - passed as is  
Recommendation #25 - passed as is  
Recommendation #26 - passed as is  
Recommendation #27 - passed as is  
Recommendation #28 - passed with revised dollar total  
Recommendation #29 - passed as amended (see attachment)  
Recommendation #30 - passed as amended (see attachment)  
Recommendation #31 - passed as is  
Recommendation #32 - passed as legislatively amended  
Recommendation #33 - passed as legislatively amended (see  
attachment)  
Recommendation #34 - passed as is  
Recommendation #35 - deleted  
Recommendation #36 - deleted  
Recommendation #37 - passed as is  
Recommendation #38 - passed as amended to a 2-acre minimum  
Recommendation #39 - passed as is  
Recommendation #40 - passed as statutory not administrative  
Recommendation #41 - passed as is with wording change -  
"College of Forestry" to "College of  
Forest Resources"  
Recommendation #42 - passed as is

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- Recommendation #43 - passed with clear indication that the nursery is authorized, not mandated to sell Christmas trees, that trees are sold at competitive prices.
- Recommendation #44 - referred to Appropriations
- Recommendation #45 - passed as amended to retain Fisheries & Wildlife jurisdiction
- Recommendation #46 - passed as is
- Recommendation #47 - passed as amended to include gravel pits
- Recommendation #48 - passed as is
- Recommendation #49 - passed as is
- Recommendation #50 - passed as is
- Recommendation #51 - passed as is
- Recommendation #52 - passed as it
- Recommendation #53 - deleted
- Recommendation #54 - passed as amended to return funds to Department
- Recommendation #55 - passed as is
- Recommendation #56 - passed as is
- Recommendation #57 - passed as is
- Recommendation #58 - passed as amended (see attachment)
- Recommendation #59 - passed as is
- Recommendation #60 - passed as is
- Recommendation #61 - passed as is
- Recommendation #62 - passed as is
- Recommendation #63 - passed as is
- Recommendation #64 - passed as amended to make statutory
- Recommendation #65 - deleted
- Recommendation #66 - passed as is
- Recommendation #67 - passed as is
- Recommendation #68 - passed as is
- Recommendation #69 - passed as is
- Recommendation #70 - passed as is
- Recommendation #71 - passed as is
- Recommendation #72 - passed as is
- Recommendation #73 - passed as is
- Recommendation #74 - passed as is
- Recommendation #75 - passed as is
- Recommendation #76 - passed as amended to \$30
- Recommendation #77 - passed as amended to include clarification that a central office can submit the paperwork.
- Recommendation #78 - passed as amended to leave out license fee and limit of 70
- Recommendation #79 - passed with legislative amendment-write-up in report still correct
- Recommendation #80 - passed as is
- Recommendation #81 - passed as is
- Recommendation #82 - passed as is
- Recommendation #83 - passed as is

Recommendation # 84 - passed as is  
 Recommendation # 85 - passed as is  
 Recommendation # 86 - passed as is  
 Recommendation # 87 - deleted  
 Recommendation # 88 - passed as is  
 Recommendation # 89 - passed as amended to add that purchase  
 of heavy equipment shall be reviewed  
 the Fisheries & Wildlife Committee  
  
 Recommendation # 90 - passed as is  
 Recommendation # 91 - deleted  
 Recommendation # 92 - passed as is  
 Recommendation # 93 - passed as amended to provide also  
 for rules governing the closure of  
 tagging stations  
  
 Recommendation # 94 - passed as is  
 Recommendation # 95 - passed as is  
 Recommendation # 96 - deleted  
 Recommendation # 97 - passed as amended to be administrative  
 Recommendation # 98 - deleted  
 Recommendation # 99 - deleted  
 Recommendation #100 - passed as amended with letter to AG  
 Recommendation #101 - deleted  
 Recommendation #102 - passed as is  
 Recommendation #103 - passed as is  
 Recommendation #104 - passed as amended to delete "two  
 consecutive terms"  
  
 Recommendation #105 - passed as is  
 Recommendation #106 - passed as is  
 Recommendation #107 - passed as is  
 Recommendation #108 - passed as is  
 Recommendation #109 - passed in new draft  
 Recommendation #110 - passed in new draft  
 Recommendation #111 - passed in new draft  
 Recommendation #112 - new  
  
 Other --  
  
 LD 2077 -  
     Sections 1 - 5 - passed as amended to move up Oil & Solid  
                     Fuel Board  
     Section 60 - passed as is  
  
Other changes - add in policy statement supporting  
                     direct field service position and  
                     review of Service Forester plan in June  
  
                     - add in Administrative Recommendation 112  
                     concerning use of aircraft (see attach-  
                     ment)

BUREAU OF PARKS AND PUBLIC LANDS

Wood Harvesting

#15 Revised  
STATUTORY  
RECOMMENDATIONS

Allow the Director, under certain conditions and with the opportunity for public comment, to authorize wood harvesting on state park lands to protect park lands from damage, demonstrate exemplary forestry techniques, or improve the recreational or aesthetic quality of the park land.

Currently, state statutes prohibit the Bureau of Parks and Recreation from cutting timber on park land unless deed restrictions require it or unless the Bureau itself uses the timber. The Committee finds that the current law, designed to protect park land, is overly restrictive. Timber on some park land, particularly on undeveloped parcels, could be cut without disturbing the recreational qualities of the land. Careful cutting might even improve them in the long run or benefit the land in other ways.

Therefore, the Committee recommends that the Legislature authorize the Director of the Bureau to permit wood harvesting on park lands for a broader, but still limited, range of purposes. The additional purposes include improving wildlife habitat, controlling insect infestation and disease, reducing the risk of fire or other hazards, improving the recreational and aesthetic quality of park lands, and operating demonstration forests. The Committee recommends that provisions of the current law requiring management plans for cutting and opportunities for public comment remain in the statute and that such wood harvesting clearly be consistent with long-term management goals.

DEPARTMENT OF CONSERVATION

Spray Programs

#29 Revised  
STATUTORY  
RECOMMENDATION

Require that public and private forest insect aerial spray programs hire spotter and monitor personnel and that these personnel be licensed by the Board of Pesticides Control. The Board of Pesticides Control shall establish minimal proficiency requirements for spotters and monitors and shall be authorized to grant exemptions to this recommendation if the exemption will not result in any unreasonable risk to the public's health, safety, or welfare.

Currently, neither public nor private spray programs are required to hire monitor or spotter personnel. The Bureau does, however, employ monitors who not only voluntarily submit monitoring reports to the Board of Pesticides Control within 12 hours, but who also check weather conditions prior to and during the spray flight, give the "OK" for the flight to go, pre-fly spray blocks to double check the maps, and draw the buffers around water bodies visible at 1,000 feet. The Bureau also voluntarily employs spotters. In 1983, there were six privately conducted budworm aerial spray programs. (IP, Irving, Passamaquoddy, Baskahegan, Blanchetter, and the town of Garfield).

At least two of the private spray programs employed monitors and spotters during 1983. Neither submitted monitoring reports to enforcement personnel but reported that their monitor reports would have been submitted to the Board of Pesticides Control upon request. Private monitors and spotters presumably perform the same duties as public program monitors and spotters.

In short, monitors are hired by the landowner or spray program operator, are generally required to observe the release and deposition of the pesticide, and have been primarily responsible for noting compliance with the contract. Spotters are hired by the contractor and are generally responsible for ordering spray booms on or off over water bodies visible at 1000 feet.

The Committee finds that the mandatory use of these personnel would enhance the state's ability to uphold the public's interest in the "safe, scientific, and proper" operation of public and private forest insect aerial spray programs and that all spotters and monitors should meet standardized and minimal proficiency requirements.

Furthermore, the Committee declares that the use of less toxic pesticides should be encouraged by authorizing the Board of Pesticides Control to ease the spotter and monitor requirements for projects using less toxic materials.

Accordingly, the Committee recommends that monitors and spotters be required for all public and private forest insect aerial spray programs and that they be licensed by the Board of Pesticides Control.

#30 Revised  
STATUTORY  
RECOMMENDATION

Require that three reports be submitted for public and private forest insect aerial spray programs to improve monitoring and enforcement.

At this time, neither public nor private forest insect aerial spray programs are required to submit pesticide application reports to enforcement personnel.

However, the Committee has determined that the following three reports should be submitted for public and private forest insect aerial spray programs:

- (1) following the completion of each spray period, a written Spray Period Report prepared by the monitor shall be made available to the Board of Pesticides Control (BPC) within a reasonable time period established by the BPC.
- (2) in the event that a reportable spray incident occurs, a Spray Incident Report shall be telephoned to the BPC immediately following the completion of each spray period. The spray contracting firm or applicator shall be specifically responsible for submitting the Spray Incident Report.
- (3) a Project Report shall be filed in accordance with the procedure described by the BPC.

Therefore, the Committee recommends that three reports be submitted for public and private forest insect aerial spray programs to improve monitoring and enforcement.



#33 Revised  
STATUTORY  
RECOMMENDATION

Require the Maine Forest Service and private companies or individuals who conduct forest insect aerial spray programs to notify the public prior to the commencement of the program to reduce the risk of unexpected exposure.

Current pesticide regulations do not require the Bureau of Forestry or private pesticide applicators to notify the public prior to conducting a forest insect aerial spray program. Although there are some public notification requirements imposed through the Maine Spruce Budworm Management Act, the matacil label, and voluntary guidelines, the Committee finds that the lack of mandatory public notification requirements for both public and private forest insect aerial spray programs results in unforeseen and unwelcome exposure of some members of the public to forest insect pesticides.

Therefore, the Committee recommends that the public be notified prior to public or private forest insect aerial spray programs. The notification requirements shall include and be limited to:

Projects over 1000 acres

1. At least 14 days, but not more than 30 days, prior to spray application, notice shall be published in a newspaper of general circulation in the area affected.
2. Any additions of spray blocks or changes in the choice of insecticides from the first notification shall be published in a newspaper of general circulation in the area affected at least 24 hours before the change is affected
3. Notice shall be conspicuously posted at each point of major ingress or egress of the public into the area to be sprayed.

Projects under 1000 acres

At least 4 days, but not more than 10 days, before the commencement of spray application, notice shall be published in a newspaper of general circulation in the area affected.

DEPARTMENT OF INLAND FISHERIES & WILDLIFE

Search and Rescue

#58 Revised  
STATUTORY  
RECOMMENDATION

Establish in statute that the Committee on Fisheries and Wildlife shall report out a bill annually reflecting the full cost of Search and Rescue for appropriation from the General Fund.

The Commissioner of the Department of Inland Fisheries and Wildlife is charged by statute with the responsibility for the search and rescue of lost persons. In addition, it is specified in statute that "The expenses of the Commissioner in attempting to find lost persons shall be charged to the General Fund." (12 MRSA §7035 sub-§4 par. B) In practice, however, over the past years, the appropriation for search and rescue has been less than the cost to the Department. For example, in Fiscal Years 81, 82, and 83 the Department received \$10,000 for each year whereas the total cost of search and rescue was approximately \$54,000 in FY 1981, \$38,000 in FY 1982, and \$89,000 in FY 1983.

In reviewing this discrepancy the Committee has looked at the types of individuals lost and the costs incurred by the Department and other agencies. The only other agency which appears to incur any recognizable cost is the Department of Conservation which found that in FY 1983 the identified cost to them was around \$9,000.

Upon closer review, the Committee finds that the Department of Inland Fisheries and Wildlife's costs for Search and Rescue should be examined by the Joint Standing Committee on Appropriations and Financial Affairs annually to establish a clear mechanism for consideration of this funding. The Audit Committee therefore recommends that the Fisheries and Wildlife Committee should report out a bill annually reflecting the full cost of Search and Rescue for appropriation from the General Fund.

DEPARTMENT OF CONSERVATION  
Interagency Use of DOC Aircraft

#112 New  
ADMINISTRATIVE  
RECOMMENDATION:

The Department of Conservation should make its aircraft available to the Department of Inland Fisheries and Wildlife whenever possible under existing guidelines.

The Bureau of Forestry in the Department of Conservation currently owns 2 Cessna aircraft and leases 9 other fixed and rotary wing aircraft from the federal General Services Administration. The Department permits other agencies of state government to rent its aircraft within federal guidelines. These guidelines mandate that not more than 10% of the aircraft's flight time be spent on activities unrelated to the aircraft's primary purpose. In addition to this general policy, the Department has a specific policy on using its aircraft for transporting lost and injured people.

The Department of Inland Fisheries and Wildlife has plans to reduce its air fleet by selling three aircraft.

The Committee finds that the Department of Conservation should make every effort within existing guidelines to meet the Department of Inland Fisheries and Wildlife's request to rent aircraft in order to help supplement Inland Fisheries and Wildlife's reduced air fleet. Accordingly, the Committee recommends that the Department of Conservation make its aircraft available to the Department of Inland Fisheries and Wildlife whenever possible within existing guidelines.