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JOINT STANDING COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

Review of the Department of Agriculture, Food and Rural Resources under the Government Evaluation Act

The Government Evaluation Act

The Government Evaluation Act ("Act") provides for a system of periodic review of the efficacy and performance of state government agencies. The review of an agency's finances and programs must include a review of agency management and organization, program delivery, goals and objectives, statutory mandates and fiscal accountability. (3 MRSA § 951 et seq.) The law was enacted in the 117th Legislature to replace the old Government Audit and Program Review Program and substituted a legislative audit of each agency on a rotating basis with an agency self assessment. The first reviews under the Act will be completed at the end of the 118th Legislature.

The keystone to the Act is the agency program evaluation report which consists of a number of components required by the statute. Essentially, the report is an agency self-assessment which the committee of jurisdiction uses as a starting point for its evaluation of the agency's effectiveness, efficiency and performance. The components that must be included in the report are: the agency's enabling state and federal legislation; program descriptions; organizational structure, position count and job classifications; compliance with federal and state health and safety laws; ten-year financial summaries; regulatory agenda; coordinated efforts with other state agencies; constituencies served by the agency; alternative delivery systems; and emerging issues for the agency.

Review Process

Pursuant to the requirements of the Act, the Joint Standing Committee on Agriculture Conservation and Forestry notified the Department of Agriculture, Food and Rural Resources (the department) of its intent to review the agency shortly after the end of the 118th Legislature's First Regular and First Special Sessions. The Department of Agriculture, Food and Rural Resources submitted its program evaluation report on October 30, 1997.

On January 20, 1998, the department presented its Program Evaluation Report to the committee at an advertised hearing. Members of the public and representatives of various agricultural interest groups were given time to comment after the presentation and at subsequent committee work sessions.. The Agriculture, Conservation and Forestry Committee held 4 meetings between January 20 and March 9 to conduct its review under the Act.

Findings of Review

The Joint Standing Committee on Agriculture, Conservation and Forestry has reviewed the Department of Agriculture, Food and Rural Resources and finds that the Department is operating within its statutory authority. Detailed information about the Department can be found in the department's Program Evaluation Report which meets the criteria set in statute. (3 MRSA §956)

Although the department is not exceeding its authority and programs are in place as required by statute, the committee has serious concerns regarding the department's performance in certain key areas. After careful consideration of testimony presented and the department's responses to committee members' inquiries, we make the following findings and recommendations.

1. Communications with community served

Finding. The department needs to improve ongoing communications with the farmers it serves. A number of opportunities should be developed for ongoing communications between the department and farm groups. While it has developed innovative electronic communications, farmers have lost the valuable weekly pricing newsletter known as "Mainely Agriculture." The department has an important role in providing information to farmers. It also needs to listen to the farmers and respond to their concerns and suggestions.

Recommendation. We recommend that the department meet with representatives from the Agriculture Council of Maine (AgCom), the Maine Farm Bureau and other interested parties to develop a proposal for an advisory council to the department. Establishing a council would formalize a process for improved communications. We recommend that this group look at models currently in place, for example those within the Department of Inland Fisheries and Wildlife and the Department of Marine Resources and develop a council with a membership and role most appropriate to the needs of agriculture in Maine.

2. Organizational structure of the department

Finding. The department's organizational structure has created many problems. A multi-tiered structure has been replaced with "policy-influencing" appointees serving as program managers. Having appointed officials at the program director level can present conflicts of interest in a regulatory agency. In addition, a program director with strong technical expertise will predictably be gone when administrations change. The current structure has inhibited efficient communication within the department and between front line staff and people outside of the department. It has created morale problems and frustration for many department employees.

Recommendation. The committee recommends that 5 of the 7 Director positions within the department become civil service positions. The committee is proposing legislation to implement this change as part of the committee's GEA report. (see Appendix A) The 2 positions to remain as "serving at the pleasure of the commissioner" under this proposal are the

Deputy Commissioner and the Director of the Office of Planning, Policy, Legislation and Information Services.

3. Advocacy

Finding. This committee sees advocacy for Maine agriculture as an important role of the department. We have been disappointed in the department's lack of leadership in speaking out for agricultural interests. This has been apparent during hearings regarding legislation before this committee and perhaps most notably throughout the GEA process. We, as a committee, are poised to advocate for more resources to strengthen the agricultural sector of our economy. The department has not chosen to assist in focusing our efforts to advocate for increased funding.

Recommendation. We recommend that the department assert its role as a strong advocate for Maine agriculture. The department needs to be attuned to the farming community and prepared to ask for resources. Another vital aspect of the advocacy role is to promote increased public awareness and understanding of agriculture. We recommend the department consider an initiative similar to the "Jobs from the Sea " initiative.

4. Marketing

Finding. Farmers' interest in marketing and promotion assistance is high. With the exception of the larger commodity groups, farmers do not have the expertise or resources to develop effective marketing programs. The department's staffing and funding of marketing programs indicates that marketing assistance has not been a priority.

Recommendation. We recommend that Howard Jones , the Director of the Division of Marketing and Production Development, review in detail the proposals presented to this committee on February 17th by John Harker . We suggest that Mr. Jones meet with Mr. Harker and representatives of the Farm Bureau and AgCom to discuss these proposals and request that Mr. Jones report back to this committee on areas of agreement and any actions to implement elements of the proposal.

In addition, this committee has proposed an additional \$300,000 in appropriations to the Division of Marketing and Production Development for enhanced services to agricultural producers, including the distribution of marketing information and agricultural products promotion.

5. Farmland Preservation

Finding. Farmland preservation programs offer many benefits to farmers and to sustaining a rural landscape and economy. This committee did not receive a written response to requests for information on the status of a farmland preservation program in Maine or a definitive answer on bond funds within the Land for Maine's Future Program that are earmarked for farmland.. It is our understanding that a Senior Planner within the department is charged with overseeing developments regarding farmland preservation and that the department has a list of federal and other sources of funds for farmland preservation.

Recommendation. This committee recommends that the department continue to explore funding sources for farmland preservation and compare elements of farmland preservation programs. We request that this committee receive a written report summarizing efforts for farmland preservation in Maine and briefly summarize farmland preservation approaches in other Northeastern states.

Although the findings and recommendations of this committee have been roughly categorized in this report, several of the issues are interrelated and communications is a common thread throughout. In concluding our review under the Government Evaluation Act, we are directing the Department of Agriculture, Food and Rural Resources to appear before the committee for a follow-up review in August or September. At that time we anticipate receiving a proposal detailing the preferred structure for an advisory council and the department's update on how it is responding to other recommendations made in this report.

Note: Copies of testimony, letters and memos received by the Joint Standing Committee on Agriculture, Conservation and Forestry regarding the Department of Agriculture, Food and Rural Resources are attached as Appendix B to the committee report on file with the Law and Legislative Reference Library.

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APPENDIX A

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Title: An Act to Implement Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA § 933 is amended to read:

§ 933. Department of Agriculture, Food and Rural Resources

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Agriculture, Food and Rural Resources. Notwithstanding any other provisions of law, these positions and their successor positions are subject to this chapter:

- A. Deputy Commissioner;
- B. Director, Office of Planning, Policy, Legislative and Information services;
- ~~C. Director, Office of Agricultural, Natural and Rural Resources;~~
- ~~D. Director, Division of Plant Industry;~~
- ~~E. Director, Division of Animal Health and Industry;~~
- ~~F. Director, Division of Marketing and Production Development; and~~
- ~~G. Director, Division of Quality Assurance and Regulations.~~

Sec. 2. 7 MRSA §5 is amended to read:

§ 5. Deputies; associates; directors

The commissioner may appoint and fix the compensation of positions within the department designated as major-policy-influencing positions in Title 5, section 933. ~~those deputies, associates, bureau directors, office directors and division directors that in the commissioner's judgment are required to assist and enable the commissioner to carry out all laws, the execution of which is entrusted to the commissioner. These deputies, associates, bureau directors, office directors and~~

~~division directors~~ The persons holding these positions hold office during the pleasure of the commissioner.

Sec. 3. Agricultural Marketing. During the 1st Regular Session of the 119th Legislature, the Commissioner of the Department of Agriculture, Food and Rural Resources shall submit a report to the joint standing committee of the Legislature having jurisdiction over agricultural matters regarding agricultural marketing initiatives. The report must describe enhanced services to agricultural producers and promotion of agricultural products attributable to funding provided in this Act. Upon receipt of the report, the joint standing committee of the Legislature having jurisdiction over agricultural matters shall review the operations of the Division of Market and Production Development within the Department of Agriculture, Food and Rural Resources and shall make a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding staffing and operations of the department.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1998-99

**AGRICULTURE, FOOD , AND RURAL RESOURCES
DEPARTMENT OF**

Division of Marketing and Production Development

All Other \$150,000

Appropriates funds to develop images and to develop and implement a media campaign to promote Maine Agriculture and Agricultural Products, to develop buyer's guides and promotional materials for distribution at trade shows, fairs, and other targeted avenues.

Division of Marketing and Production Development

All Other \$100,000

Appropriates funds to identify new marketing opportunities, including alternative crops and expanded food processing, to provide technical assistance for production, marketing and business planning.

Division of Marketing and Production Development

All Other **\$50,000**

Appropriates funds for the collection and distribution of information, including market pricing and other market information, input supplier lists and other trade support information.

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

TOTAL **\$300,000**

SUMMARY

This bill implements the recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry relating to its review of the Department of Agriculture, Food and Rural Resources. It eliminates the designation of 5 management positions within the Department of Agriculture, Food and Rural Resources as major policy-influencing positions. It appropriates funds to the Division of Marketing and Production within the Department of Agriculture Food and Rural Resources to enhance services to Maine's agricultural producers and to promote Maine agricultural products.

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