

MAINE STATE LEGISLATURE

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

March 20, 2006

The Honorable Beth Edmonds
President of the Senate
The Honorable John Richardson
Speaker of the House of Representatives
122nd Legislature
State House
Augusta, ME 04333

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Department of Conservation under the State Government Evaluation Act. In its review, the Committee found that the Department is operating within its statutory authority.

Sincerely,

Handwritten signature of Senator John M. Nutting.

Senator John M. Nutting
Senate Chair

Handwritten signature of Representative John F. Piotti.

Representative John F. Piotti
House Chair

cc: Patrick K. McGowan, Commissioner, Department of Conservation
Patrick Norton, Director, Office of Policy and Legal Analysis

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March 20, 2006

To: The Honorable John Richardson, Chair
The Honorable Beth Edmonds, Vice-Chair
Legislative Council, 122nd Maine Legislature

From: Senator John M. Nutting, Senate Chair *J.M.N.*
Representative John F. Piotti, House Chair *J.F.P.*
Joint Standing Committee on Agriculture, Conservation and Forestry

Subject: Government Evaluation Act Review of the Department of Conservation

This memorandum is to inform you that the Joint Standing Committee on Agriculture, Conservation and Forestry has submitted its findings and recommendations from the review and evaluation of the Department of Conservation under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35.

cc: Members, Legislative Council
David Boulter, Executive Director, Legislative Council

Joint Standing Committee on Agriculture, Conservation and Forestry

Review of the Department of Conservation under the Government Evaluation Act March 2006

The Government Evaluation Act

The Government Evaluation Act provides for a system of periodic review of the efficacy and performance of state government agencies (3 MRSA §951 et seq). The keystone of the Act is the agency's program evaluation report that 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.

Review Process

On May 2, 2005, the Joint Standing Committee on Agriculture, Conservation and Forestry notified the Department of Conservation of its intent to review the department pursuant to the schedule established in 3 MRSA, §959. The Department submitted its program evaluation report as requested in November of 2005.

On January 11, 2006, Commissioner McGowan and departmental personnel gave an oral presentation of the report. The committee held 2 meetings to follow-up on information requests with a final meeting on March 8, 2006.

Findings and Recommendation

The Joint Standing Committee on Agriculture, Conservation and Forestry has reviewed the Department of Conservation and finds that it is operating within its statutory authority. Two recommendations emerged from review of the department. The committee has submitted legislation to implement these recommendations. Each recommendation is described below:

1. Extend the statutory provisions authorizing the Maine Forest Service to work with landowners in a voluntary process to evaluate the feasibility of achieving sustainability goals while allowing landowners flexibility in achieving the goals. Without legislative action, the statutes authorizing this experiment in "outcome-based forestry" will be repealed on July 1, 2006. The Maine Forest Service has asked for an extension of 1-year while it continues discussions with an interested landowner. The committee has agreed to this request and LR 3166 includes the necessary amendments to current law.

2. Direct the Bureau of Parks and Lands to review the rent structure for leases issued under the submerged lands leasing program. Included in the committee bill is a directive to the bureau to examine fair market rental values, maximum rents established in statute, and the potential to generate more revenue from the submerged land leases. The bureau will be reporting its findings and recommendations to the committee next session

Detailed information about the Department of Conservation can be found in the department's Program Evaluation Report, which meets the criteria set in statute (3 MRSA §956). The Joint Standing Committee on Agriculture, Conservation and Forestry is recommending that the Department of Conservation be reviewed again in 2011.

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