

Report to the Joint Standing Committee on State and Local Government

Under the

Government Evaluation Act

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Introduction

The state Government Evaluation Act (3 M.R.S.A. §§951-963) provides for a system of periodic review of agencies and independent agencies of state government in order to evaluate their efficacy and performance. The authorizing legislation requires that the agency prepare and submit to the Legislature, through the committee of jurisdiction, a program evaluation report that includes a review of agency management and organization, program delivery, agency goals and objectives, statutory mandate and fiscal accountability. Additionally, the report must include:

- A. Enabling or authorizing law or other relevant mandate, including any federal mandates;
- B. A description of each program administered by the agency or independent agency, including the following for each program:
 - 1) Established priorities, including the goals and objectives in meeting each priority;
 - 2) Performance criteria, timetables or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and
 - 3) An assessment by the agency indicating the extent to which it has met its goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet the goals and objectives.
- C. Organizational structure, including position count, a job classification and an organizational flow chart indicating lines of responsibility;
- D. Compliance with federal and state health and safety laws, including the Americans with Disabilities Act, the federal Occupational Safety and Health Act, affirmative action requirements and workers' compensation;
- E. Financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 10 years;
- F. When applicable, the regulatory agenda and the summary of rules adopted;
- G. Identification of those areas where an agency has coordinated its efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements, including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements;

- H. Identification of the constituencies served by the agency or the program, noting any changes or projected changes;
- I. A summary of efforts by an agency or program regarding the use of alternate delivery systems, including privatization, in meeting its goals and objectives;
- J. Identification of emerging issues for the agency or program in the coming years;
- K. Any other information specifically requested by the committee of jurisdiction,
- L. A comparison of related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program;
- M. Agency policies for collecting, managing and using personal information over the Internet and non-electronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement; and
- N. A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:
 - 1) The statutory authority for each filing requirement;
 - 2) The date each filing requirement was adopted or last amended by the agency;
 - 3) The frequency that filing is required;
 - 4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and
 - 5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication.

A. Enabling or authorizing law or other relevant mandate, including any federal mandates

Enabling Legislation

Title 5, Chapter 311, STATE PLANNING OFFICE

Chapter 311: STATE PLANNING (HEADING: PL 1967, c. 533, §1 (new))

§3301. Title

This chapter shall be known and may be cited as the "Maine State Planning Act." [1967, c. 533, § 1 (new).]

§3302. Definitions

The following terms shall have the following meanings, unless a different meaning is plainly required by the context: [1967, c. 533, § 1 (new).]

1. Comprehensive planning. "Comprehensive planning" includes, but is not limited to:

A. Preparation of strategic and long-range plans and goals for human and physical resources development and utilization, but does not include preparation of an economic development strategy pursuant to chapter 383; [1987, c. 534, Pt. A, § 7,19 (rpr).]

B. Standards and procedures for programming and financing plans for capital improvements; [1987, c. 534, Pt. A, § 7,19 (rpr).]

C. Coordination of related departmental plans; [1987, c. 534, Pt. A, § 7,19 (rpr).]

D. Intergovernmental coordination of related planning activities; [1987, c. 534, Pt. A, § 7,19 (rpr).]

E. Preparation of regulatory and administrative measures in support of paragraphs A to D; and [1987, c. 534, Pt. A, § 7,19 (rpr).]

F. Continuing analysis of the economy of the State in conjunction with the Department of Economic and Community Development; and [1989, c. 501, Pt. DD, §3 (amd).]

G. Preparation of state energy resources plans. [1989, c. 501, Pt. DD, §4 (new).]

[1989, c. 501, Pt. DD, §3, 4 (amd).]

2. Council. 1977, c. 78, § 20 (rp).

3. Director. "Director" means the State Planning Director.

[1967, c. 533, § 1 (new).]

4. Office. "Office" means the State Planning Office as provided in section 3303. [1967, c. 533, § 1 (new).]

PL 1967, Ch. 533, §1 (NEW).

PL 1977, Ch. 78, §20,72 (AMD).

PL 1987, Ch. 534, §A7,A19 (AMD).

PL 1989, Ch. 501, §DD3,DD4 (AMD).

§3303. State Planning Office

There is established to carry out the purpose of this chapter a State Planning Office in the Executive Department, which is concerned with research, analysis and the formulation, coordination and management of policy. The State Planning Office is directly responsible to the Governor and serves as an advisory, consultative, coordinating, administrative, and research agency as specified in section 3305. The State Planning Office assists the Governor and other state agencies in the development of economic, energy, fiscal and regulatory policy; planning and policy development for the State's natural and physical resources; the identification of issues and problems of long-term significance to the State; and the coordination of state policy and its implementation on issues of interagency concern. [1991, c. 837, Pt. A, §10 (amd).]

PL 1967, Ch. 533, §1 (NEW).

PL 1989, Ch. 501, §DD5 (AMD).

PL 1991, Ch. 837, §A10 (AMD).

§3304. State Planning Director

1. Director. The executive head of the State Planning Office is the director and is appointed by the Governor to serve at the pleasure of the Governor.

[1999, c. 415, §2 (amd).]

2. Qualifications. The director shall be qualified by education, training and experience in planning or public administration.

[1989, c. 501, Pt. DD, §6 (amd).]

3. Powers and duties. The director shall exercise the powers of the State Planning Office and shall be responsible for the execution of its duties. The director shall:

A. Appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter. Professional employees authorized by this chapter shall be hired as unclassified employees. All other employees shall be subject to those civil service and personnel policies established for state employees generally and shall be paid salaries at rates of pay comparable to those of state employees with equivalent responsibilities in other state agencies.

(1) The State Planning Director is authorized to employ professional planning personnel competent by education, training and experience in fields such as economics, local and regional planning, public policy and natural resources.

(2) The director is authorized to employ such statistical, clerical and other office help as required and authorized by the budget;

[1989, c. 501, Pt. DD, §7 (amd); c. 571, Pt. A, §1 (amd).]

B. Supervise and administer the affairs of the State Planning Office and advise the Governor and the Legislature with respect to matters affecting the State; [1989, c. 501, Pt. DD, §7 (amd).]

C. [1977, c. 78, §§23, 72 (rp).]

D. [1977, c. 78, §§23, 72 (rp).]

E. Advise the Governor and other officials of the State Government on all matters of policy, statewide planning and public investment and consult with them in respect to planning matters and projects which affect the future plans of the State; [1989, c. 501, Pt. DD, §7 (amd).]

F. Be assisted by departments, agencies, authorities, boards, commissions, other instrumentalities of the State or other governmental units in the gathering of information, reports and data which relate to state planning. The State Planning Office shall designate staff members of the office who shall work with the several departments; [1989, c. 501, Pt. DD, §7 (amd).]

G. At the director's discretion, act for the State in the initiation of or participation in any multi-governmental agency program relative to the purposes of this chapter; [1989, c. 501, Pt. DD, §7 (amd) .]

H. Prepare and submit for executive and legislative action thereon the budget for the State Planning Office; [1989, c. 501, Pt. DD, §7 (amd) .]

I. Make reports at least annually to the Governor and to the joint standing committee of the Legislature having jurisdiction over state and local government matters detailing the activities of the office and, after consultation with and approval by the Governor, submit such recommendations for legislative action as determined necessary to further the purposes of this chapter; [1999, c. 415, §3 (amd) .]

I-1. Make reports annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters detailing the activities of the office regarding land issues and, after consultation with and approval of the Governor, submit recommendations for legislative action as determined necessary to further the purposes of this chapter; [1999, c. 415, §4 (new) .]

J. Be assisted by departments, agencies, authorities, boards, commissions and other instrumentalities of State Government in the gathering of information, reports and data which relate to state planning and development in the area of energy resources; [1989, c. 501, Pt. DD, §7 (new) .]

K. Formulate a biennial state energy resources plan; [1989, c. 501, Pt. DD, §7 (new) .]

L. Be empowered, in connection with the performance of duties, to apply to the Superior Court for a subpoena to compel the attendance of witnesses, the production of books, papers, records and documents of individuals, firms, associations and corporations and all officers, boards, commissions and departments of State Government. The court, before issuing the subpoena, shall provide adequate opportunity for the director and the party against whom the subpoena is requested to be heard. No such subpoena may be issued unless the court or judge certifies that the attendance of the witness or the production of the books, papers, records or documents is reasonably necessary to carry out the purposes of this section and that the director has made reasonable efforts to secure the attendance or the books, papers, records or documents without recourse to compulsory process. The director shall afford confidential treatment to any materials or information turned over to the director which is of a confidential or proprietary nature; [1989, c. 501, Pt. DD, §7 (new) .]

M. Have the authority to collect inventory and product delivery data from the State's primary storage facilities of petroleum products, as described in section 3307-C, and shall afford confidential treatment to that information; and [2005, c. 91, §1 (amd) .]

N. Oversee the implementation of any energy programs assigned to the State Planning Office under this chapter. [1989, c. 501, Pt. DD, §7 (new) .]

[2005, c. 91, §1 (amd) .]

PL 1967, Ch. 533, §1 (NEW) .
PL 1973, Ch. 679, § (AMD) .
PL 1975, Ch. 481, §1 (AMD) .
PL 1977, Ch. 78, §21-24 (AMD) .
PL 1977, Ch. 674, §7 (AMD) .
PL 1979, Ch. 127, §36 (AMD) .
PL 1989, Ch. 501, §DD6, DD7 (AMD) .
PL 1989, Ch. 571, §A1 (AMD) .
PL 1999, Ch. 415, §2-4 (AMD) .
PL 2005, Ch. 91, §1 (AMD) .

§3305. State Planning Office

1. Powers and duties. The State Planning Office shall:

A. Coordinate the preparation of policies to guide and carry forward the wise and coordinated development of the State's economy and its energy resources and the conservation of the State's

natural resources. These policies and recommendations for implementation shall be submitted to the Governor and Legislature for their approval. They shall be developed in such areas as: Land use, natural resource development and conservation, public investment and taxation, energy resources and state regulatory policy.

The State Planning Office shall give the public full opportunity to participate in the formulation of these policies and these policies shall not be in direct conflict with adopted local and regional plans; [1989, c. 501, Pt. DD, §8 (amd) .]

B. Provide technical assistance to the Governor and Legislature by undertaking special studies and plans, preparing or analyzing policy alternatives and identifying the immediate and long-range needs and resources to meet these needs in the areas of energy and natural resources and socioeconomics. The office shall prepare the plans and studies at the request of the Governor, the Legislature or interdepartmental committees, councils and task forces; [1989, c. 501, Pt. DD, §9 (amd) .]

C. Conduct, in conjunction with the Department of Economic and Community Development, continuing economic analysis of the economy and resources of the State, including economic forecasting, and collect and collate all pertinent data and statistics relating thereto and assist the Governor, the Legislature and the various state departments in formulating economic goals and programs and policies to achieve such goals. These data and statistics, including census information, shall be made available to the Legislature upon request.

(1) All state agencies shall cooperate with the State Planning Office with respect to the provisions of this paragraph.

(2) In implementing this paragraph, the State Planning Office may use secondary data made available to the office by other state agencies or other organizations;

[1989, c. 501, Pt. P, §18 (amd) .]

D. Upon request provide technical assistance to local and regional planning groups in the fields of planning, public housing and urban renewal. The office shall make available to municipalities and regional planning agencies existing information from state agencies to be used in the development of comprehensive plans and land use ordinances. The director shall oversee delivery of technical assistance and resources to municipalities for the purpose of flood plain management activities and enhancing and expanding parks, open spaces and recreational opportunities as a part of comprehensive community development. Within available resources, the director shall provide technical assistance to municipalities and regional planning organizations in the development and implementation of local comprehensive land use plans and local building codes and those local building rehabilitation codes that are consistent with any model building codes adopted by the State; [2003, c. 605, §1 (amd) .]

E. Participate with other states or subdivisions thereof in interstate planning, and assist cities, towns, municipal corporations, counties and regional councils to participate with other states or their subdivisions in planning; [1985, c. 765, §2 (amd) .]

F. At its discretion, assist in planning and executing any public or private project involving grants or loans; advise, confer and otherwise cooperate with municipal planning boards, agencies, officials, civic and other groups and citizens in matters relating to urban renewal, zoning and planning relating to schools, housing, health, land use controls and other objectives; [1979, c. 127, §37 (rpr) .]

G. As coordinating agency:

(1) Act as the coordinating agency between the several officers, authorities, boards, commissions, departments and divisions of the State in matters relative to the physical development of the State and review the proposals of those agencies in the light of their relationship to the adopted policies and incorporate such reviews in the reports of the office. Nothing in this section may be construed as limiting the powers and duties of any officer, authority, board, commission, department or political subdivision of the State; and

(2) Provide general coordination and review of plans in functional areas of State Government as

may be necessary for receipt of federal funds;

[1989, c. 501, Pt. DD, §10 (amd).]

H. Compile, analyze and maintain information useful to the development of industry in the State concerning resources, sites, space, equipment, adequate housing, contracts, materials, transportation, markets, labor supply, population trends and other economic considerations and shall measure and monitor economic distress and poverty in the State on an ongoing basis. The State Planning Office, in conjunction with the Department of Economic and Community Development, shall study problems peculiar to the industry and economy of this State with a view toward the broader utilization of our natural resources, which studies must be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations equipped to conduct the needed research. The State Planning Office shall, upon request from the Governor or any state department, assist in the preparation of reports regarding the responsibilities and duties provided by this subsection, including regular analysis of poverty and economic distress. The State Planning Office shall coordinate its activities pursuant to this paragraph with the Bureau of Child and Family Services to meet the annual reporting needs of the bureau; [1995, c. 625, Pt. A, §6 (rpr).]

I. [1987, c. 534, Pt. A, §§12, 19 (rp).]

J. [1991, c. 528, Pt. E, §7 (rp); Pt. RRR (aff); c. 591, Pt. E, §7 (rp).]

K. [1999, c. 336, §1 (rp).]

L. [1997, c. 393, Pt. B, §3 (rp).]

M. Administer a program of training and financial assistance for municipal code enforcement officers; [1995, c. 625, Pt. A, §9 (rpr).]

N. Coordinate the development of solid waste management policy including:

- (1) Collecting and analyzing solid waste management and recycling data from all available sources including commercial and municipal entities;
- (2) Preparing a solid waste management and recycling plan to be submitted to the Governor and the Legislature by January 1, 1998 and every 5 years thereafter; and
- (3) Providing technical and financial assistance to municipalities in waste reduction and recycling activities; and

[1997, c. 393, Pt. B, §4 (amd).]

O. Own, design, develop or operate, or contract with private parties to operate, a solid waste disposal facility, as provided in Title 38, chapter 24, subchapter IV. [1995, c. 625, Pt. A, §10 (new).]

[2003, c. 605, §1 (amd).]

2. Administrative responsibilities.

A. The State Planning Director is authorized to employ staff as described in section 3304, subsection 3. [1967, c. 533, §1 (new).]

B. The State Planning Office, with the consent of the Governor, may employ such expert and professional consultants, and contract for such research projects, as it deems necessary within the limits of the funds provided and consistent with the powers and duties of the office. [1967, c. 533, §1 (new).]

C. The State Planning Office is authorized and empowered to enter into such agreements with the Federal Government and other agencies and organizations as will promote the objectives of this chapter. [1967, c. 533, §1 (new).]

D. Funds from the Federal Government or from any individual, foundation or corporation may be accepted by the State Planning Office and expended for purposes consistent with this chapter. [1967, c. 533, §1 (new).]

The office may prepare and distribute printed and audio-visual materials on matters within its statutory jurisdiction. The director shall fix the prices at which publication of the office shall be sold or delivered. The office shall decide which publications shall be included and shall retain, without charge, an appropriate number of each publication for complimentary distribution. Income from the sale of publications shall be credited to the General Fund. [1985, c. 466 (amd).]

PL 1967, Ch. 533, §1 (NEW).
PL 1969, Ch. 382, §1 (AMD).
PL 1973, Ch. 721, § (AMD).
PL 1973, Ch. 788, §25 (AMD).
PL 1975, Ch. 481, §2 (AMD).
PL 1979, Ch. 127, §37 (AMD).
PL 1979, Ch. 672, §A4-6 (AMD).
PL 1981, Ch. 702, §Y,3 (AMD).
PL 1983, Ch. 477, §E,26-1 (AMD).
PL 1985, Ch. 466, § (AMD).
PL 1985, Ch. 765, §1,2 (AMD).
PL 1987, Ch. 534, §A8-A12,A19 (AMD).
PL 1987, Ch. 737, §C8,C106 (AMD).
PL 1987, Ch. 816, §P3 (AMD).
PL 1989, Ch. 6, § (AMD).
PL 1989, Ch. 9, §2 (AMD).
PL 1989, Ch. 104, §C8,C10 (AMD).
PL 1989, Ch. 501, §DD8-12,P18 (AMD).
PL 1989, Ch. 502, §A21 (AMD).
PL 1991, Ch. 528, §E7 (AMD).
PL 1991, Ch. 528, §RRR (AFF).
PL 1991, Ch. 591, §E7 (AMD).
PL 1991, Ch. 780, §DDD21 (AMD).
PL 1995, Ch. 345, §1-3 (AMD).
PL 1995, Ch. 395, §D1-4 (AMD).
PL 1995, Ch. 465, §B1-3 (AMD).
PL 1995, Ch. 465, §C2 (AFF).
PL 1995, Ch. 625, §A6-10 (AMD).
PL 1995, Ch. 656, §A1 (AMD).
PL 1997, Ch. 393, §B3,4 (AMD).
PL 1999, Ch. 336, §1 (AMD).
PL 2003, Ch. 605, §1 (AMD).

§3305-A. Authority to own and operate solid waste disposal facility

The office has all necessary power and authority to own, design, develop and operate a solid waste disposal facility or facilities as provided in Title 38, chapter 24, subchapter IV, including: [1995, c. 465, Pt. B, §4 (new); Pt. C, §2 (aff).]

1. Title to property. Authority to take and hold title to the facility;

[1995, c. 465, Pt. B, §4 (new); Pt. C, §2 (aff).]

2. Contracts. Authority to assume all rights and obligations under existing agreements related to the facility and to enter into contracts and agreements on behalf of the State as the office may consider necessary or appropriate in connection with the facility; and

[1995, c. 465, Pt. B, §4 (new); Pt. C, §2 (aff).]

3. Rules. Authority to adopt and amend rules in accordance with chapter 375, subchapter II.

[1995, c. 465, Pt. B, §4 (new); Pt. C, §2 (aff).]

PL 1995, Ch. 465, §B4 (NEW).

§3305-B. Additional powers; energy policy

1. Coordination of energy policy. The office shall coordinate the development of energy policy by:

A. Collecting and analyzing energy data from all available energy sources in the State. Upon request of a company engaged in the wholesale and retail trade of petroleum products in the State, the director may designate as confidential information documents and data dealing with sales of that company. Information designated confidential by the director under this paragraph is not a public record and is not subject to disclosure under Title 1, chapter 13, subchapter I; [1999, c. 336, §2 (new) .]

B. Preparing and submitting to the Governor and the Legislature every 2 years an energy resources plan that includes:

(1) A description of historical energy demand by end-use sector and energy resources used to meet that demand; and

(2) A forecast of energy demand, including electric and gas energy demand, by end-use sector for the next 5 years, 10 years and 20 years;

[1999, c. 336, §2 (new) .]

C. Encouraging and directing or sponsoring research, experiments and demonstration projects within the State to develop alternate energy sources, particularly, but not limited to, those sources that rely on renewable natural resources of the State, such as solar energy, water of tides and rivers, forests, winds and other sources that to date have not been fully explored or utilized; [1999, c. 336, §2 (new) .]

D. Providing conservation alternatives to proposed new electric power generating plants and transmission and distribution facilities and assessing the long-term and short-term energy savings realized by the conservation alternatives; and [1999, c. 336, §2 (new) .]

E. Coordinating the actions of state agencies that affect the consumption of energy with the objective of securing the environmental and economic benefits of electric industry restructuring occurring pursuant to Title 35-A, chapter 32. [1999, c. 336, §2 (new) .]

[1999, c. 336, §2 (new) .]

2. Conservation programs.

[2001, c. 624, §1 (rp) .]

3. Implementation.

[2001, c. 624, §1 (rp) .]

4. Fund.

[2001, c. 624, §1 (rp) .]

5. Report.

[2001, c. 624, §1 (rp) .]

PL 1999, Ch. 336, §2 (NEW) .

PL 2001, Ch. 624, §1 (AMD) .

§3306. State Planning Council (REPEALED)

PL 1967, Ch. 533, §1 (NEW) .

PL 1975, Ch. 755, §2 (RP) .

PL 1975, Ch. 771, §86 (AMD) .

PL 1977, Ch. 564, §35 (RP).

§3306-A. Housing data reports (REPEALED)

PL 1977, Ch. 415, § (NEW) .

PL 1983, Ch. 193, § (RP) .

§3307. Limitation (REPEALED)

PL 1967, Ch. 533, §1 (NEW) .

PL 1975, Ch. 755, §2 (RP) .

§3307-A. Community Development Revolving Loan Fund (REPEALED)

PL 1985, Ch. 457, §5 (NEW) .

PL 1987, Ch. 534, §A13,A19 (RP) .

§3307-B. Maine Energy Resources Development Program

The State Planning Office, as funding allows, shall administer a program of energy research and demonstration activities related to both the use of indigenous, renewable resources and more efficient use of energy. The Director of the State Planning Office may accept private money for the purpose of pursuing this program. [1989, c. 501, Pt. DD, §13 (new) .]

1. Report to Legislature. The director shall include, in the biennial comprehensive energy plan, a report which specifies, in regard to the Maine Energy Resources Development Program, the expenditure of the funds, the purposes for which the funds were used and the amount of as well as the sources from which the funds were derived.

[1989, c. 501, Pt. DD, §13 (new) .]

2. Expenditures requiring approval. For all programs involving expenditures of \$10,000 or more, the director shall recommend those expenditures to the Governor. If the Governor approves, the director shall recommend those expenditures to the Legislature under the procedures authorizing the transfer of funds set forth in section 1585.

[1989, c. 501, Pt. DD, §13 (new) .]

PL 1989, Ch. 501, §DD13 (NEW) .

§3307-C. Definitions; reporting of petroleum inventories and deliveries

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Petroleum products" means propane; gasoline; unleaded gasoline; gasohol; kerosene; #2 heating oil; diesel fuel; kerosene-based jet fuel; aviation gasoline; #4, #5 and #6 residual oil for utility and nonutility uses; and Bunker C oil. [1989, c. 501, Pt. DD, §13 (new) .]

B. "Primary storage facilities" means any facility which receives petroleum products into the State either by pipeline or ship. [1989, c. 501, Pt. DD, §13 (new) .]

C. "Primary supplier" means any refiner, marketer, distributor, firm or person who makes the first sale of any petroleum product to resellers or consumers in this State. [1989, c. 501, Pt. DD, §13 (new)]

[1989, c. 501, Pt. DD, §13 (new) .]

2. Reporting of owners and lessees of primary storage facilities. Each owner or lessee of primary storage facilities in the State shall make an accurate report on the first and 3rd Monday of each month to the State Planning Office on a form provided by the director. The form must contain a conspicuous

statement of the penalties provided in subsection 4 and must require the following information:

A. The total inventory of each petroleum product stored in the State, as measured within not more than 3 working days prior to the reporting date; and [1989, c. 501, Pt. DD, §13 (new) .]

B. The quantities of each petroleum product delivery expected into the State within 15 days of the reporting date or within any longer period established by the director. [1999, c. 758, §1 (amd) .]

[2003, c. 452, Pt. A, §1 (amd); Pt. X, §2 (aff) .]

3. Reporting of primary suppliers. Each primary supplier of petroleum products shall make an accurate report on the 3rd Monday of each month to the State Planning Office on a form provided by the director, unless the report is already being submitted in accordance with federal regulations. The form must contain a conspicuous statement of the penalties provided in subsection 4 and must require the following information:

A. Actual deliveries of all petroleum products in this State during the preceding calendar month; [1989, c. 501, Pt. DD, §13 (new) .]

B. Anticipated deliveries of all petroleum products in this State during the following calendar month or during any longer period established by the director; and [1999, c. 758, §2 (amd) .]

C. Allocation fractions for all petroleum products for the following month or for any longer period established by the director. [1999, c. 758, §2 (amd) .]

[2003, c. 452, Pt. A, §2 (amd); Pt. X, §2 (aff) .]

4. Penalty provisions. A person who violates this section is subject to the following penalties.

A. An owner or lessee of a primary storage facility or a primary supplier covered by this section who fails to provide the information required by this section commits a Class D crime. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2003, c. 452, Pt. A, §3 (new); Pt. X, §2 (aff) .]

B. An owner or lessee of a primary storage facility or a primary supplier covered by this section who knowingly or recklessly supplies false or misleading information is guilty of a violation of Title 17-A, section 453. [2003, c. 452, Pt. A, §3 (new); Pt. X, §2 (aff) .]

C. An owner or lessee of a primary storage facility who supplies false or misleading information commits a civil violation for which a fine of \$2,500 may be adjudged. [2003, c. 452, Pt. A, §3 (new); Pt. X, §2 (aff) .]

[2003, c. 452, Pt. A, §3 (rpr); Pt. X, §2 (aff) .]

5. Reporting of State Planning Office. The State Planning Office shall provide reports to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters as follows:

A. [2005, c. 91, §2 (rp) .]

B. If the State Planning Office determines, based on available information, that there is or may be a significant shortfall in supply inventories or anticipated deliveries into the State of home heating oil or kerosene, a report including:

- (1) The information that suggests a supply shortfall;
- (2) Current and anticipated inventories of home heating oil and kerosene storage supplies; and
- (3) Any recommendations of the State Planning Office for actions by the State in response to the anticipated supply shortfall; and

[2005, c. 91, §3 (amd) .]

C. A report on inventories, deliveries, curtailments, shortfalls or other matters relating to the availability of petroleum products in this State, at the request of the joint standing committee of the

Legislature having jurisdiction over utilities and energy matters. [2005, c. 91, §4 (new) .]

[2005, c. 91, §§2-4 (amd) .]

PL 1989, Ch. 501, §DD13 (NEW) .
PL 1999, Ch. 758, §1-3 (AMD) .
PL 2001, Ch. 471, §A3 (AMD) .
PL 2003, Ch. 452, §A1-3 (AMD) .
PL 2003, Ch. 452, §X2 (AFF) .
PL 2005, Ch. 91, §2-4 (AMD) .

§3307-D. State petroleum set aside (REPEALED)

PL 1989, Ch. 501, §DD13 (NEW) .
PL 1997, Ch. 455, §31 (AMD) .
PL 2005, Ch. 91, §5 (RP) .

§3307-E. Task Force on Defense Realignment and the Economy (REPEALED)

PL 1991, Ch. 854, §B1 (NEW) .
PL 1993, Ch. 146, §1 (AMD) .
PL 1993, Ch. 146, §2 (AFF) .
PL 1993, Ch. 410, §PPP1 (AMD) .
PL 1995, Ch. 688, §1,2 (AMD) .
PL 1997, Ch. 15, §1 (RP) .

§3307-F. Maine Downtown Center

1. Establishment. The Maine Downtown Center, referred to in this section as the "center," is established to encourage downtown revitalization in the State.

[1999, c. 776, §3 (new) .]

2. Purpose. The center serves the following functions:

A. To advocate for downtown revitalization; [1999, c. 776, §3 (new) .]

B. To promote awareness about the importance of vital downtowns; [1999, c. 776, §3 (new) .]

C. To serve as a clearinghouse for information relating to downtown development; and [1999, c. 776, §3 (new) .]

D. To provide training and technical assistance to communities that demonstrate a willingness and ability to revitalize their downtowns. [1999, c. 776, §3 (new) .]

[1999, c. 776, §3 (new) .]

3. Collaboration. The State Planning Office within the Executive Department shall work collaboratively with the Commissioner of Economic and Community Development, the Maine Development Foundation and other state agencies to coordinate the programs of the center.

[1999, c. 776, §3 (new) .]

4. Funding. The center shall develop a plan for the ongoing funding of the center.

[1999, c. 776, §3 (new) .]

5. Definition. For the purposes of this section, "downtown" has the same meaning as in Title 30-A, section 4301, subsection 5-A. [1999, c. 776, §3 (new) .] PL 1999, Ch. 776, §3 (NEW) .

B. A description of each program administered by the agency or independent agency including the following for each program:

- 1. Established priorities, including the goals and objectives in meeting each priority;**
- 2. Performance criteria, timetables or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and**
- 3. An assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for meeting them and the corrective measures the agency has taken to meet the goals and objectives.**

Program Description

The State Planning Office has four core duties assigned to us by statute (5 MRSA § 3305):

- Coordinate the development of the state's economy and energy resources with the conservation of its natural resources;
- Provide technical assistance to the Governor and Legislature by undertaking special studies and plans and preparing policy alternatives;
- Conduct continuing economic analysis, including economic forecasting; and
- Provide technical assistance to towns and regions.

A. Legislative Oversight

The State and Local Government Committee provides legislative oversight of the State Planning Office. That committee plays an important role in developing SPO's priorities, ensuring goals and objectives are consistent with legislative mandates, and monitoring performance measures. In spring 2002, the State and Local Government Committee reviewed SPO's efficacy and performance under the state Government Evaluation Act. The committee found SPO to be operating within its statutory authority.

SPO also reports regularly to other committees of the Maine Legislature dealing with a variety of natural resource issues.

B. Mission

SPO was established in 1968 as an agency of the Executive Department. It is responsible to the Governor, but is routinely called upon to assist the Legislature and other state agencies and departments. SPO's mission is:

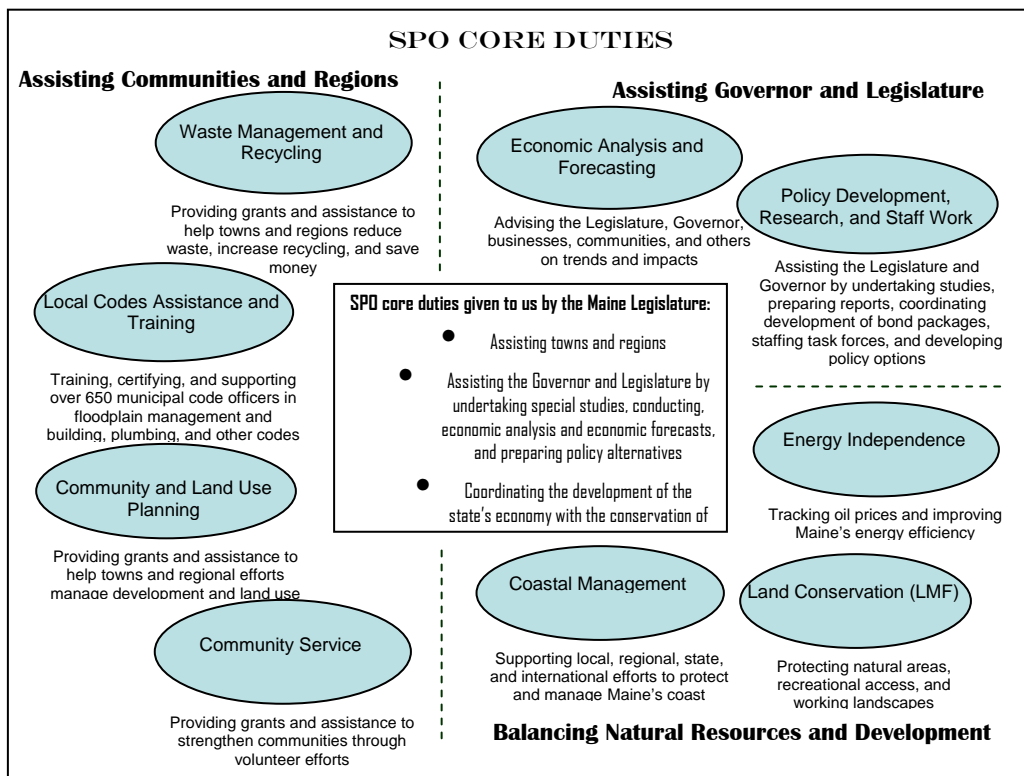
To help build a sustainable future for Maine's businesses, residents, and communities, the State Planning Office: 1) advises the Governor on

developing and implementing policy; 2) assists the Legislature with information and analyses; and 3) provides local and regional financial and technical assistance.

C. Role of the State Planning Office

The state’s economy and resources — its land, water, and energy — cross political boundaries. Policies regarding them also cross bureaucratic boundaries; they are not the domain of any single agency or interest. Departments and agencies are focused (rightly so) on their statutorily-defined, often single-purpose duties. At times their interests conflict. At times the interests of one agency are not fully known to or appreciated by the other. Agencies tend to be program-driven and, in their commitment to fulfill their day-to-day responsibilities, their view can be short-range, especially in periods of extreme budgetary limitations.

Recognition of the need for a coordinated, long-range view of state policies was one of the reasons SPO was established as an agency of the Executive Department, apart from mission-driven departments. The Legislature directs SPO to assist it, the Governor, and other state agencies with the development of economic, natural resource, energy, land use, and fiscal and regulatory policy; to identify issues and problems of long-term significance to the state; and to coordinate state policy and its implementation on issues of interagency concern. More specifically, these policies are to integrate the development of the state’s economy with the conservation of its natural resources.



1. Policy Development, Research, and Programs

Policy Development

SPO strives to be forward-looking; to analyze trends that have policy implications for the state and to develop innovative options for consideration by Maine's policymakers. SPO provides policy recommendations regarding tax policy, economic investments, solid waste disposal capacity, natural resources, and land use and sprawl issues, among others, to the Governor and Legislature.

Research

The Governor and Legislature want objective data and a long-term view of state issues. SPO's role is to be sufficiently detached from any one program or set of programs so that it can be the source of objective, long-range analyses and information. In its impartial role, SPO:

- Forecasts economic and demographic trends
- Tracks poverty indicators
- Monitors the tax burden reduction efforts
- Tracks the state's capacity to manage solid waste
- Prepares plans and reports
- Analyzes land use and management policies and data
- Conducts research and analyzes data

Programs

While planning and policy development is integral to what we do, seventy percent of our staff time is spent training local officials and volunteers, administering grants to third-parties, answering public inquiries for data and other information, or providing some other direct service. The Legislature has assigned specific programs to SPO to administer, including:

- Economic Analysis, Forecasting, and Census
- Community Assistance: Code Enforcement Officer Certification and Training, Floodplain Management, Waste Management and Recycling
- Maine Coastal Program
- Land for Maine's Future Program¹
- Land Use Planning
- Maine Commission for Community Service
- Office of Energy Independence and Security

2. Program Activities

Assistance to Governor and Legislature

A core duty assigned to SPO by the Legislature is to provide analysis and assistance to the Governor and Legislature. These include, for example: staffing the Intergovernmental Advisory Commission, Regulatory Fairness Board, Community Preservation Advisory

¹ While it is housed at SPO, the Land for Maine's Future Program submits a separate Government Evaluation report to the Joint Standing Committee on Agriculture, Conservation, and Forestry.

Commission, and Governor's Council on Maine's Quality of Place. SPO conducts research and analyses such as analyzing progress on meeting LD 1 spending limits. It also writes legislative reports such as the annual report card on poverty, an evaluation of growth management, and, in 2006, a report on municipal capacity to become Internet service providers, by way of examples. While these assignments are often one-time in nature, many of them are ongoing (see parts G and K for additional information on the projects undertaken by SPO for the Governor and Legislature).

Economic Analysis, Forecasting, and Census

The Economics and Demographics Team conducts ongoing analysis of Maine's economy to inform planning and policy decisions made throughout the state. The team assists the Governor, Legislature, and other state agencies in monitoring the Maine economy, formulating and evaluating economic initiatives, analyzing policy alternatives, and pursuing sustainable economic growth. The team also staffs the Consensus Economic Forecasting Commission; serves as the state's official liaison to the U.S. Census Bureau; and operates the State Data Center, which provides access to census data.

Community Assistance

The Office provides three programs of technical assistance to communities to help with codes administration, managing flood risk, and waste management and recycling.

a. Code Enforcement Officer Certification and Training

Training and certification for code enforcement officers was established by Maine law in 1987. Prior to passage of the legislation, Maine lacked a formal training program for municipal code officials, most of whom were enforcing state and local laws. The intent of the legislation was to promote professionalism, as well as consistency in administration and enforcement of environmental regulations and building standards. To a great extent that goal has been achieved, however, it is a never ending mission as new individuals continually enter the profession.

The Code Enforcement Training and Certification program has two primary functions:

- Provide professional training and continuing education to prepare individuals to work as municipal code officials.
- Conduct examinations for state certification in the areas of land use, shoreland zoning, internal plumbing, external plumbing, and building standards.

The CEO program staff evaluates training needs, develop training programs, coordinate training delivery, conduct certification exams, and maintain code officers' certification records. Program staff frequently provides consultation to municipal officials on code-related issues, assist development professionals and trades people, and answer questions of private citizens who have code enforcement problems.

b. Floodplain Management

The Maine Floodplain Management program (MFMP) provides technical information, floodplain maps, and model ordinances to communities participating and interested in joining the National Flood Insurance Program (NFIP). Program staff also provides information about flooding or the NFIP to: homeowners, businesses, lenders, realtors, surveyors, engineers, and others. The program offers workshops on how to read and use flood maps, interpret ordinances, and administer floodplain management efforts. Staff also reviews local ordinances for compliance with the NFIP standards. Assistance is also provided to those communities in the NFIP that exceed the minimum floodplain management standards and that seek to lower their flood insurance premiums through the Community Rating System (CRS).

The Maine Floodplain Management program works with other state agencies to ensure that development that undergoes state permit review is designed to reduce future flood damages. For example, the MFMP works with the Department of Economic and Community Development by reviewing Community Development Block Grants projects and the departments of Conservation and Environmental Protection in reviewing development under the provisions of the Site Location of Development and Natural Resources Protection acts.

In 2003, Congress authorized funding to remap all of the flood prone areas in the U.S. The Federal Emergency Management Agency's goal for the project is to use federal, state, and local partnerships to create more accurate digital maps that will improve floodplain management across the country. The map modernization program, administered through the Maine Floodplain Management program, will update, remap, and digitize the state's flood hazard areas.

c. Waste Management and Recycling

The Waste Management and Recycling program provides technical assistance to help the state achieve its 50% recycling goal. The Maine Legislature established a goal of recycling 50% of the state's municipal solid waste by 2009. In 2005, the state achieved a 36.4% statewide recycling rate through the combined efforts of Maine residents and businesses; one of the highest rates in the nation.

The program has three core duties: 1) provide recycling and solid waste technical and financial assistance to municipalities; 2) collect and analyze data to assist in planning for the future of solid waste management, including ensuring adequate disposal capacity within the state; and 3) oversee the state interests in the operation of the state-owned Juniper Ridge landfill, and maintain the Carpenter Ridge greenfield site.

The program oversees the state-owned landfill, located in Old Town, known as Juniper Ridge. It oversees the operating services agreement between the State Planning Office and the contractor selected to operate landfill. In addition, staff assists the local landfill advisory committee. The Office also monitors disposal

capacity for the state and reports annually to the Legislature's natural resources committee on the available and projected disposal capacity and how that capacity affects disposal prices. New in 2008, the Office will convene and staff a statutorily-created waste management advisory committee.

Maine Coastal Program

Maine's coastal area includes 5,300 miles of coastline and encompasses 136 towns, a small portion of unorganized territory, tribal lands, and thousands of islands. This area is home to more than 50% of Maine's population and the region plays a huge role in our state's economy. In 1972, the US Congress recognized the national interest in sustaining federal, state, and local coastal resources and enhancing the marine-related economy by passing the Coastal Zone Management Act. Since 1978 Maine has had a federally approved coastal management program and the State Planning Office has been the designated lead state agency for Maine's Coastal program. It "networks" the activities of various state agencies to form an integrated approach to protecting and enhancing coastal resources.

As lead agency, SPO: 1) conducts periodic assessments of the status of coastal resources and designs multi-agency initiatives to improve coastal conditions and address special problems; 2) distributes and oversees an annual appropriation to state, local and nongovernmental organization partners, 3) tracks and reports on indicators of coastal natural and community health; 4) manages major initiatives in the areas of working waterfronts, coastal access, habitat restoration, beaches/dunes, and public outreach and 5) represents Maine in regional initiatives such as the Gulf of Maine Council on the Marine Environment and the Northeast Regional Ocean Council.

In addition to core staff assigned to the above activities, Coastal program funds provide resources for SPO's land use and code enforcement initiatives, discussed below, as well as selected activities at three other state agencies (departments of Conservation, Environmental Protection, and Marine Resources), grants to regional planning commissions, towns and nongovernmental organizations.

Land for Maine's Future Program²

The Land for Maine's Future Fund was established in 1987 when Maine voters overwhelmingly approved a \$35 million bond for purchasing lands of state significance for recreation and conservation. An 11-member board of six private citizens and five commissioners manages the fund. The program is housed and administered through the State Planning Office.

The concept behind the Land for Maine's Future (LMF) program is simple; certain lands rise above the rest because of the exceptional natural values they possess and they deserve permanent protection through public acquisition or through conservation easements. As Maine grows, the use of land changes and there is a very real risk that Maine will lose these "special places" forever. The role of LMF is to identify these

² While it is housed at SPO, the Land for Maine's Future Program submits a separate Government Evaluation report to the Joint Standing Committee on Agriculture, Conservation, and Forestry.

“special places,” working with the departments of Agriculture, Conservation, Inland Fisheries and Wildlife, and Marine Resources, Atlantic Salmon Commission, and many other conservation partners in the private sector.

LMF requires at least a one-third match of private funds for the public funds expended. The program has successfully leveraged millions from other sources, including private and federal dollars. Key funding partners have included nonprofit organizations, foundations, cooperating landowners, and federal agencies. Since 2000, the program has secured a match of \$3 for every dollar expended.

The Land for Maine’s Future program is one of Maine’s most significant conservation achievements. Following in the tradition of Governor Percival V. Baxter, LMF has assembled an array of public lands for recreational use, farm and forest production, and for their open space and conservation value.

Land Use Planning

The Land Use program provides technical and financial assistance to municipalities with community planning, growth management, and smart growth, advises the legislature, coordinates with other state agencies, and, in general, advocates for sound land use planning.

The program offers grants to municipalities on a competitive basis to assist with the development and implementation of comprehensive plans. Other types of grant programs are also offered periodically, such as the regional challenge grants or comprehensive plan update grants.

The program also reviews local comprehensive plans for consistency with the Growth Management Act (30-A MSRA §4301 et seq). When requested by the town, and for towns that receive a comprehensive plan or update grant, the Land Use Team determines consistency and advises communities on how specific elements of their plans and programs can be brought into compliance with the Act. Staff will also periodically review land use ordinances for consistency with local plans. In 2006, the Office streamlined its consistency review process to focus on helping a town decide how and where it wants to grow. New rules provide greater clarity on the standards for achieving consistency and have a community self-assess its plan for completeness.

The Land Use Team provides technical assistance to municipalities through collection and sharing of state data needed for comprehensive planning and provides a wide array of technical assistance manuals and bulletins. New in 2007, the Office launched its annotated comprehensive plan Web-based tool, with live links that define terms, provide tips or helpful information, and points users to data sources and example ordinance language. The team also makes formal presentations and host workshops and training sessions for communities or other organizations when possible.

Maine Commission for Community Service

The Maine Commission for Community Service (MCCS) fosters community service and volunteerism to meet human and environmental needs in the state of Maine. Commission staff works closely with the 25-member commission, appointed by the Governor. MCCS staff provides training and technical assistance that addresses capacity, operations, and staff development to both national service programs operating in Maine and community-based volunteer programs. The Commission identifies resources that could support capacity-building in Maine's volunteer sector and helps articulate Maine's needs to federal agencies with funds to grant to volunteer organizations. The Commission has four major initiatives:

- **Maine Citizen Corps:** A joint initiative of the MCCS and the Maine Emergency Management Agency. Since July 2002, the partners have collaborated on implementing this federal effort to connect volunteers with first responders and emergency managers in order to support community preparation, mitigation, response, and recovery from natural or man-made emergencies.
- **The Governor's Service Awards:** A program that has celebrated and recognized the exemplary work of Maine's volunteer community for 20 years. Sponsored by the Governor, it highlights the many examples of commitment, impact on local issues or needs, leadership, innovation, and active citizenship. The awards have a dual effect: recognizing the invaluable contributions of the recipients and inspiring others to follow their examples.
- **Maine AmeriCorps:** The Commission administers \$1 million in grant funds for AmeriCorps crew programs across the state. AmeriCorps members provide community service in exchange for educational grants. Each program is selected and approved through a competitive grant process.
- **Volunteer Maine:** A virtual "marketplace" of information, resources, and connections for Maine's public and private volunteer programs. Citizens who want to volunteer time can locate opportunities to be volunteers. Agencies and staff who are responsible for operating volunteer programs can find data, tools, "how to" information and more.

Office of Energy Independence and Security

The Governor's Office of Energy Independence and Security (OEIS) is housed at SPO. It provides state leadership by example with respect to energy purchases and use, energy information for consumers, energy assistance to Maine businesses, efficient and effective state energy programs and regulatory processes, energy related economic development opportunities, alternative energy, and energy security. These priorities are reflected in a variety of interagency cooperative projects and policy development activities. OEIS also serves in an advisory capacity to the Governor on statewide energy planning and policy matters, including proposed energy legislation, development of state energy programs, and comment on specific proposed energy related projects.

OEIS identified many opportunities for action, including increased priority of government leadership by example with energy efficiency and renewable energy use,

more comprehensive and updated energy standards for residential construction, minimum energy efficiency standards for selected appliances, promotion of Maine renewable energy, attention to the energy impacts of sprawl and increased attention to transportation energy efficiency and alternative transportation.

The Office also tracks home heating oil prices weekly during the heating season and serves as the state liaison to FERC on hydropower licensing procedures.

Performance Criteria and Assessment

A. State Planning Office Goal and Objective

The State Planning Office is directed by the Legislature to develop state policies that foster a balance between the development of our natural resources and our protection of them. SPO adopts a goal and objective consistent with our core statutory duties.

Goal: To be a catalyst for a resilient economy and a robust natural environment.

Objective: To improve Mainers' economic well-being with no deterioration in the state's natural resources.

B. Performance Measures

SPO has developed a series of seven program-specific performance measures that reflect activities and assignments completed:

1. *Assist the Governor and Legislature*: This measures the number of special projects assigned to us by the Governor and Legislature and is a reflection of the quality of our work.
2. *Project Economic Trends with Accuracy*: This measures the accuracy of our economic projections.
3. *Assist Communities and Regions*: This is a measure of the effectiveness of our technical assistance programs to help towns increase recycling, protect against flooding, and provide effective codes administration.
4. *Balance Conservation and Development*: This measures our effectiveness in assisting policymakers who are dealing with the conservation and development of Maine's natural resources.
5. *Conserve Special Lands*: This measures the number of acres of lands conserved through the Land for Maine's Future program and is a reflection of the effectiveness of that program.³

³ While it is housed at SPO, the Land for Maine's Future Program submits a separate Government Evaluation report to the Joint Standing Committee on Agriculture, Conservation, and Forestry.

6. *Enhance Maine's Service Center Communities:* This measures the population of Maine's service center communities as compared to the rest of the state and is a reflection of the vitality of those service centers.
7. *Strengthen Community Service:* This is a measure of the number of Maine citizens who volunteer community service time and is a reflection of the effectiveness of the Maine Commission for Community Service.

1. Assist the Governor and Legislature

Significance

A measure of SPO's quality of work is the frequency we are asked to undertake special projects by the Governor or Legislature.

Methodology

This measure attempts to capture projects or work that may be outside of our mission or our normal duties. We define a special project as one that: 1) has a fiscal note on a legislative bill, 2) receives a legislative mandate, 3) where SPO is designated lead by the Governor, 4) produces a report, plan, economic model, or other major product, 5) where SPO is given primary responsibility for leading a policy process such as chair or principle staff to a task force.

Target

SPO will conduct an average of 18 special studies or projects for the Governor or Legislature per year.

Strategies

SPO will continue to assist the Governor and Legislature when called upon by: undertaking studies, preparing reports, coordinating development of bond packages, staffing task forces, and developing policy options.

Performance

In 2007, the State Planning Office was assigned by the Governor to be lead on 94 pieces of legislation. The number of lead assignments has steadily increased each year. SPO also had 32 separate special projects assigned to its staff in 2007. The number of special projects also continues to grown on a yearly basis.

2. Project Economic Trends with Accuracy

Significance

SPO forecasts three key economic indicators: population, personal income, and wage/salary employment. These are the major indicators of the state's economic health and are relied upon by the Governor and Legislature and many other public and private entities for budgeting and economic planning.

Methodology

SPO makes periodic projections in the growth rate for each of the three indicators. The federal government provides data on actual performance one year following the year being measured. For each indicator, we calculate a percentage point variance between projected and actual. The three variances are averaged to identify an average variance.

Target

The average variance between SPO's projections and actual economic performance will be 1 percentage point or less in three out of four years.

Strategies

SPO will continue to advise the Legislature, Governor, businesses, communities, and others on economic trends and impacts. Efforts of SPO include:

- Track, interpret, and disseminate information about economic indicators and trends
- Analyze economic trends and report their implications
- Develop economic forecasts
- Prepare economic impact studies
- Assist the Revenue Forecasting Committee (RFC) with projecting revenues for use by state budgeters
- Assist the Consensus Economic Forecasting Commission (CEFC) with projecting economic trends for use by the RFC
- Coordinate the state's census data center

Performance

Through 2005, the State Planning Office has maintained a consistently small average variance (less than 1 percentage point) between its projections for specific economic trends and their actual performance.

3. Assist Communities and Regions

Significance

SPO is charged by statute to assist municipalities and regions in three areas: code enforcement training and certification, floodplain management, and waste management and recycling. These programs help local governments to reduce costs and to protect the health and safety of residents. This measure is an indicator of our effectiveness in administering these programs.

Methodology

SPO measures the number of municipalities that attain each program's standards: 1) maintaining a floodplain ordinance that meets state standards; 2) recycling at a rate of 35% or more annually; 3) and maintaining a certified code officer. We then create an index of the combined performance of the three programs.

Target

The index will grow each year by .02 points.

Strategies

The Code Enforcement Officer Training and Certification program trains, certifies, and supports municipal code enforcement officers at no cost in building, plumbing, and other codes administration and in floodplain management. Certified code officers that have the training and skills to enforce land use laws and other codes reduce costs for communities and ensure health and safety codes are met.

The Floodplain Management program provides training and technical assistance to communities and other professionals in flood areas. It also serves as the state coordinating agency for the National Flood Insurance Program. Municipalities with ordinances that restrict building in the floodplain and that require building standards to help withstand flood waters will have a lower risk of property loss and personal injury from flooding.

The Waste Management and Recycling program provides some pilot grant funding as well as technical assistance to help towns and regions reduce waste and increase recycling. A reduction in the amount of waste disposed at the local level will improve air and water quality and reduce solid waste tipping fees, saving money for the towns.

Performance

According to the last index of municipal attainment, municipalities have maintained a steady trend over time. In recent years, there has been a drop in local recycling rates, not because towns are recycling less, but because waste generation has increased.

4. Balance Conservation and Development

Significance

Maine needs stable, well-paying jobs. But economic growth puts development pressures on our air, water, and lands. One of the duties assigned to SPO by the Legislature is to facilitate competing state interests with an eye toward fostering development in a way that does not detract from our natural amenities.

Methodology

SPO surveys decision-makers including legislators, the Governor's policy staff, commissioners and deputy commissioners, and task force members who deal with natural resource issues. We ask them if they have the information they need when faced with decisions concerning the development and conservation of natural resources.

Target

The percent of decision-makers who indicate they have the natural resource information they need will be 70% or more.

Strategies

SPO assists decision-makers with developing policy recommendations, coordinating interagency policy development, supplying data and information, writing statewide plans and reports, and providing staffing to task forces, boards, and committees, including:

- *Land and Water Resources* – SPO chairs and staffs the Land and Water Resources Council, a Cabinet-level, interagency council that makes policy recommendations to the Governor and Legislature regarding managing the state’s land and water resources.
- *Coastal Resources* – The Maine Coastal program is housed at SPO; a federal-state partnership that supports towns, conservation organizations, and economic development groups in their work to sustain coastal resources and enhance the state’s marine economy.
- *Community Assistance* – SPO’s community assistance programs work to address local natural resource concerns including reducing the amount of solid waste needing disposal, preserving working landscapes through community planning, and reducing the impact of development on floodplains, wild lands, shoreland zones, and coastal areas.
- *Energy Resources* – The Governor’s Office of Energy Independence and Security is housed at SPO. The office monitors oil prices and inventories, staffs the Energy Resources Councils, advises the Governor on energy policy, and promotes energy conservation.

Performance

According to the 2005 survey of policymakers, 67 percent stated they had the natural resource information they needed. This measure shows a relatively stable, improving level of performance.

5. Conserve Special Lands⁴

Significance

Maine is losing farm and forest lands and prime recreation lands to development. Loss of access to recreational waters is also a concern. The Land for Maine’s Future program was created in 1987 to acquire for conservation and public use irreplaceable natural lands. According to the 2004 report, *Increasing the Return on a Sound Investment*, an evaluation of the LMF program, “Maine land conservation especially under LMF is rightly to be viewed as a basic infrastructure investment in the future of Maine’s environment, economy, and cultural heritage.”

Methodology

SPO tracks acres acquired through LMF. This is a measure of acres at the point when they are actually acquired, which could be a year or more after the funds are committed.

⁴ While it is housed at SPO, the Land for Maine’s Future Program submits a separate Government Evaluation report to the Joint Standing Committee on Agriculture, Conservation, and Forestry.

Target

Assuming additional bond funds are approved, SPO will protect an average of 15,000 acres per year.

Strategies

The Land for Maine's Future program is designed to protect the quality and availability of natural resources important to the interests of Maine people. It acquires land or easements on land to protect and preserve lands that have exceptional natural or recreational value.

SPO administers the Land for Maine's Future program. All LMF funds are allocated to a dedicated fund overseen by an 11-member board appointed by the Governor and approved by the Senate. The LMF program works successfully with a wide array of partners. Key funding partners include nonprofit organizations, foundations, cooperating landowners, and federal agencies. Anyone may submit a proposal for consideration. A proposal workbook outlines the application process and staff can assist applicants. Once the board commits funds to a project, SPO carries out the "due diligence" –title work, environmental impact assessments, historical and archeological surveys, etc.

Performance

Over the past 20 years, the Land for Maine's Future program has preserved access for hunting, fishing, snowmobiling, boating and swimming. It has conserved lands for tourism, supported rural communities by stabilizing productive natural resource lands, and protected Maine's heritage for future generations. Its successes include:

- 445,000 acres of land conserved
- Over 973 miles of shoreline conserved
- 158 miles of vital snowmobile routes protected
- 30 water access sites acquired
- 15 working farms conserved
- 5 state and regional parks expanded

6. Enhance Maine's Service Center Communities

Significance

Service centers are where the bulk of the state's employment and commerce occur. Healthy service centers are important because they provide for efficient location of infrastructure and compact, and therefore more affordable, housing. When populations shift to rural areas and small towns, costs increase, community character changes, and working lands are lost.

Methodology

Using decennial census data, we measure the percent of service communities whose population rate grew over the past 10 years. We compare this to the average rate of population growth of all communities.

Target

Population decline in Maine's service centers will slow, and then hold steady by 2010.

Strategies

SPO administers the Planning and Land Use Regulation Act (also known as the Growth Management Act) to support communities with land use management. Good local land use management will lower costs, protect traditional working lands and natural resource areas from development, and allow communities to guide growth to where they want it to occur.

- *Grants*: SPO provides an average \$150,000 per year to 10-14 municipalities to: 1) develop comprehensive plans, 2) develop land use ordinances, 3) update comprehensive plans, and 4) support regional initiatives.
- *Regional Planning*: SPO funds 11 regional planning agencies to assist towns with comprehensive planning and other land use planning issues, including fostering regional efforts.
- *Technical Assistance*: SPO provides technical assistance and educational materials to towns such as: a "how to" manual for comprehensive planning, model ordinances, and other manuals, guides, and handbooks. SPO also provides data for towns' comprehensive plans.
- *Consistency*: SPO reviews comprehensive plans for consistency with the Growth Management Act.
- *Community Preservation Advisory Committee*: SPO is a member of and provides staff support to CPAC.

Performance

In 2005, 25 percent of service center communities had growing populations. That number had held constant since 2000. There appears to be a trend of a population shift away from service centers to suburban and rural areas but more reliable, annual data is needed.

7. Strengthen Community Service

Significance

In 1995, the Legislature established the Maine Commission for Community Service to promote community service and volunteerism, as a means of meeting critical human, environmental, educational, and public safety needs throughout the state. The Maine Economic Growth Council's 2002 *Measures of Growth* report states, "[Participation in community activities] is a fundamental indicator of community vitality and it bodes well for supporting a sustainable and vibrant economy."

Methodology

Data from the US Department of Labor, Bureau of Labor Statistics annual reports, "Volunteering in the United States" has been collected annually (since 2002) through a supplement to the Current Population Survey (CPS). The supplement is sponsored by the Corporation for National and Community Service. Volunteers are defined as persons who did unpaid work (except for expenses) through or for an organization. Beginning in

2005, the federal agency also started measuring the level of civic engagement in each state, a measure of how involved citizens are in community life.

Target

Through 2009, no less than 35% of Maine adults will devote time outside of regular family and work responsibilities to community service or civic activities.

Strategies

The federally-funded Maine Commission for Community Service fosters the state's ethic of community service. It is the state's coordinating body for national and community service and volunteer activities. The commission strives to build capacity in community service by:

- Pursuing the state's vision for high impact, sustainable volunteer community service.
- Identifying and monitoring the capacity, challenges, and emerging issues of volunteer community service programs.
- Developing and implementing a 3-year strategic plan that addresses volunteer service issues related to capacity, sustainability, and impact.
- Fostering collaboration among public, private, and non-profit volunteer service programs.
- Providing training and technical assistance to Maine volunteer community service programs.
- Carrying out fund-raising efforts to supplement federal support of volunteer service.
- Educating all sectors of Maine about the issues, opportunities, and challenges faced by Maine's volunteer sector.
- Serving as a clearinghouse for people interested in service and agencies recruiting volunteers.
- Setting Maine funding priorities for programs supported by the Corporation for National and Community Service.
- Preparing the state application for national service funds (most often AmeriCorps monies), selects programs to receive grant awards, and then administers the subgranted funds;

Performance

According to the Corporation for National and Community Service 2006 report, Maine ranked 16th in the nation for its volunteer rate.

C. Organizational structure, including position count, a job classification and an organizational flow chart indicating lines of responsibility

Organization

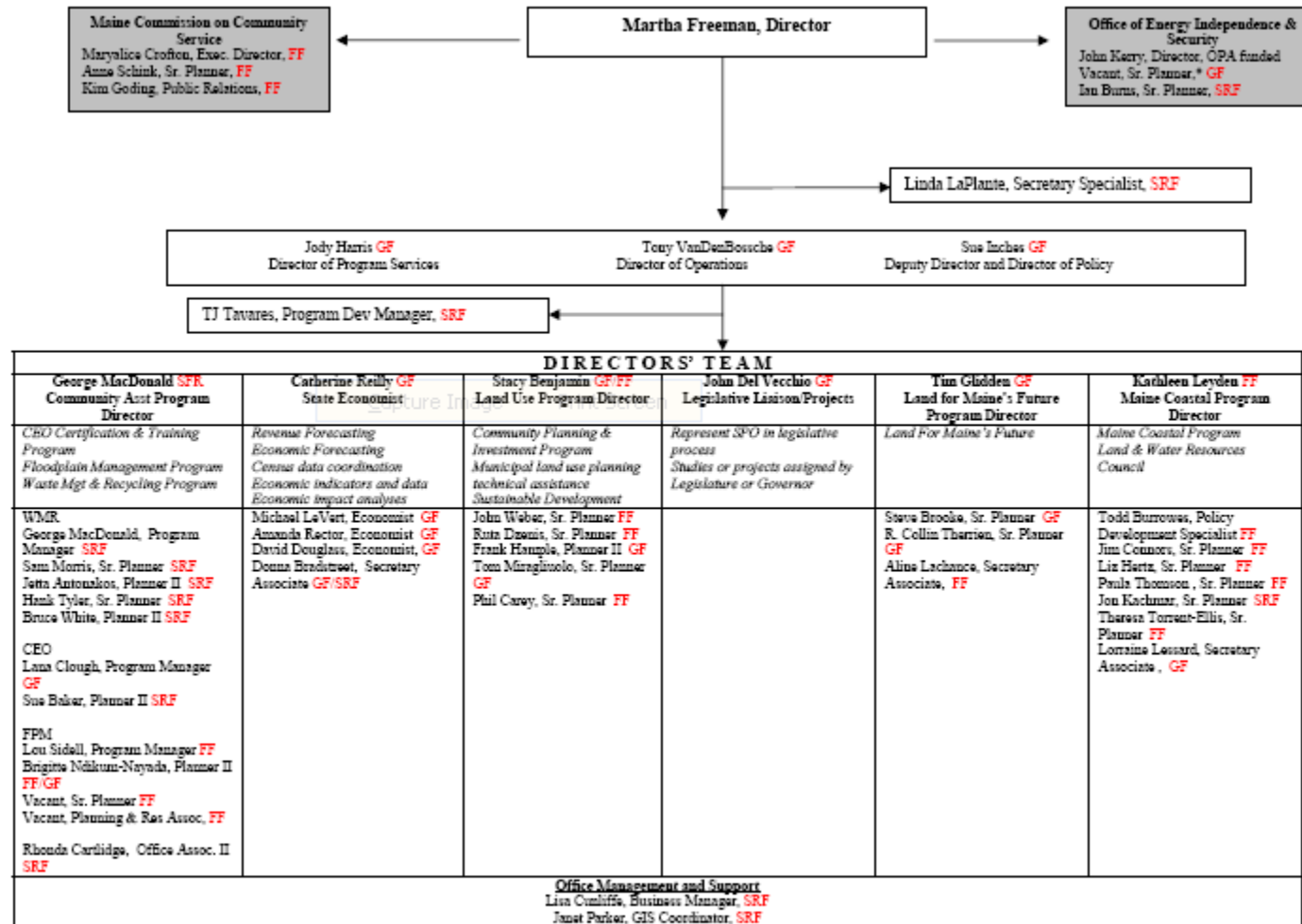
Position Listing

JOB CLASS OR WORKING TITLE	NAME FULL	POSITION NO
BUSINESS MANAGER I	LISA L. CUNLIFFE	95100023
DEVELOPMENT PROGRAM MANAGER	ANTONE C. TAVARES III	95101099
DEVELOPMENT PROGRAM MANAGER	JOHN R. DELVECCHIO	95101111
DIR ADMIN SERVICES	RALPH A. VANDENBOSSCHE	95101014
DIR STATE PLANNING OFFICE	MARTHA E. FREEMAN	95100013
DIR SUPPORT SERVICES	JODY L. HARRIS	95101124
ECONOMIST	AMANDA K. RECTOR	95100019
ECONOMIST	MICHAEL LEVERT	95101002
GIS COORDINATOR	JANET PARKER	95100030
OFFICE ASSOCIATE II	RHONDA CARTLIDGE	95101098
PLANNER II	BRIGITTE M. NDIKUM-NYADA	95101105
PLANNER II	BRUCE A. WHITE	95101097
PLANNER II	FRANK J. HAMPLE	95101112
PLANNER II	JETTA ANTONAKOS	95101100
PLANNER II	MEREDITH M. BATLEY	95101159
PLANNER II	SUSAN L. BAKER	95101107
PLANNING & RESEARCH ASSOC I	VACANT	95101102
POLICY & PROGRAM COORD-ST PLNG	WILLIAM T. GLIDDEN JR	95100001
POLICY DEVELOPMENT SPECIALIST	DAVID F. DOUGLASS	95101015
POLICY DEVELOPMENT SPECIALIST	GEORGE M. MACDONALD	95101131
POLICY DEVELOPMENT SPECIALIST	KATHLEEN LEYDEN	95101088
POLICY DEVELOPMENT SPECIALIST	MARYALICE CROFTON	95101093
POLICY DEVELOPMENT SPECIALIST	STACY J. BENJAMIN	95101117
POLICY DEVELOPMENT SPECIALIST	TODD R. BURROWES	95100076
PUBLIC RELATIONS REP	KIM M. GODING	95100007
SECRETARY ASSOCIATE	ALINE A. LACHANCE	95100031
SECRETARY ASSOCIATE	DONNA L. BRADSTREET	95101069
SECRETARY ASSOCIATE	LORRAINE N. LESSARD	95101068
SECRETARY SPECIALIST	LINDA C. LAPLANTE	95100033
SENIOR PLANNER	AMY C. IVES	95101157
SENIOR PLANNER	ANNE B. SCHINK	95101036
SENIOR PLANNER	BETSY E. ELDER	95101057
SENIOR PLANNER	BETSY E. ELDER	95101158
SENIOR PLANNER	ELIZABETH HERTZ	95101089
SENIOR PLANNER	HARRY R. TYLER JR	95101096
SENIOR PLANNER	IAN BURNS	95101038
SENIOR PLANNER	JAMES F. CONNORS	95101019
SENIOR PLANNER	JOHN WEBER	95101090
SENIOR PLANNER	JON L. KACHMAR	95101145
SENIOR PLANNER	LANA J. CLOUGH	95101104
SENIOR PLANNER	PAULA THOMSON	95101092
SENIOR PLANNER	PHILIP JAMES. CAREY	95101113
SENIOR PLANNER	R COLLIN THERRIEN	95101016
SENIOR PLANNER	RUTA DZENIS	95101110
SENIOR PLANNER	SAM MORRIS	95101095
SENIOR PLANNER	STEPHEN W. BROOKE	95101139

SENIOR PLANNER	THERESA L. TORRENT-ELLIS	95101035
SENIOR PLANNER	THOMAS J. MIRAGLIUOLO	95101101
SENIOR PLANNER	VACANT	95101094
SENIOR PLANNER	W LOUIS SIDELL JR	95101115
STATE ECONOMIST	CATHERINE REILLY	95101241
STATE PLANNER	SUSAN B. INCHES	95100020

As of November 1, 2007

State Planning Office Organizational Chart



Last Updated 03-08-07

GF – General Fund FF – Federal Fund SRF – Special Revenue Fund

Staff Responsibilities by 4 Core Duties

SPO carries out its four statutory duties through its state and federally-funded programs.

1. Economic analysis

- ***Economics and Demographics Program*** (3.5 economists – GF)
 - Conducts economic forecasting
 - Staffs Maine’s Consensus Economic Forecasting Commission and Revenue Forecasting Committee
 - Provides economic analysis in response to requests from other state agencies, the Legislature, and the public
 - Analyzes socio-economic policy issues of the Maine economy, including poverty, income, taxation, and natural resources
 - Provides research assistance and economic data to commissions such as Intergovernmental Advisory Commission, Community Preservation Advisory Committee
 - Serves as Maine 's single point of contact to coordinate state input and comment on federal proposals and actions (Intergovernmental Review)
- ***Maine Census Data Center*** (0.5 economists – GF)
 - Manages the state’s census data; assists users of census data
 - Serves as the Governor's liaison to the U.S. Census Bureau and as Maine’s liaison to the Census Redistricting Data Office

2. Coordinate the development of the state’s economy and energy resources with the conservation of its natural resources

- ***Maine Coastal Program*** (2 coastal policy staff, 5 coastal planners – FF)
 - Provides grants for habitat restoration, researching lost rights-of-way to the shore, and coastal pollution prevention
 - Trains volunteer shore stewards
 - Administers the Maine Healthy Beaches program to monitor water quality of coastal beaches
 - Provides education and outreach to reduce coastal marine debris, including the annual Maine Coastweek celebration
 - Provides staff support to legislative task forces such as Maine’s Bay Management Study and Aquaculture Task Force
 - Provides funding for enforcement of environmental regulations and land use planning

- Seeks out and supports coastal land acquisition projects
- ***Land for Maine’s Future Program***⁵ (3 land conservation specialists – GF)
 - Staffs the Land for Maine’s Future Board
 - Provides outreach and assistance to municipalities, land trusts, and other partners seeking LMF funds
 - Administers the Land for Maine’s Future funds, Water Access Fund, and Working Waterfront Access Pilot Project
 - Coordinates evaluation and scoring of projects, appraisals, environmental assessments, and historic and archaeological surveys of each parcel funded; approximately
 - Administered \$12 million in LMF funds in 2004-05; monitors more than \$30 million in matching funds
- ***Office of Energy Independence and Security*** (1 energy policy staff, 0.75 energy planner – FF/SRF)
 - Tracks and monitors energy prices
 - Administers the Whole House program to assist consumers with making home improvements that will reduce their energy bills.
 - Coordinates state agencies’ responses to the Federal Energy Regulatory Commission in hydropower licensing procedures
 - Staffs the Energy Resources Council
 - Coordinates the LNG technical working group
 - Undertakes interagency cooperative projects and policy development activities that lead to efficient and effective state energy programs and regulatory processes, energy-related economic development opportunities, alternative energy and energy security
 - Provides energy information for consumers and energy assistance to Maine businesses
 - Administers Operation KeepMEWarm

3. Provide technical assistance to towns and regions

- ***Code Enforcement Training and Certification*** (2 program administrators/trainers – GF/SRF)
 - Provides training for local code enforcement officers and plumbing inspectors; annually attracts 1,000-1,300 participants in 8-10 workshop

⁵ While it is housed at SPO, the Land for Maine’s Future Program submits a separate Government Evaluation report to the Joint Standing Committee on Agriculture, Conservation, and Forestry.

series consisting of 30-40 training days with more than 90% of participants rating satisfaction as very good or excellent

- Administers certification exams; 200-300 exams given annually, prepares over 400 municipal certification status reports and over 600 CEO and LPI recertification status reports annually
- Provides technical assistance to communities on code issues; 1000-1200 calls for CEO-related technical assistance annually
- Maintains full certification compliance of every Maine CEO employed more than 12 months
- Maintains and updates training manuals, information materials, CEO newsletter
- ***Maine Floodplain Management Program*** – (4 floodplain specialists – FF)
 - Administers the National Flood Insurance Program in Maine; assists communities to join the NFIP
 - Assists communities with developing and adopting floodplain ordinances, reviews ordinances for consistency with federal requirements
 - Administers the federal map modernization project, an effort to remap and digitize the state’s flood maps
 - Reviews state and federally-funded projects and coordinates with other state agencies to reduce the potential impact of flooding on publicly-funded infrastructure as required by Presidential Executive Order.
- ***Waste Management and Recycling*** (1 waste management policy staff, 4 recycling specialists – SRF)
 - Assist communities and regions with setting up and running recycling and household hazardous collection programs
 - Provides grants (when funding is available) to communities for recycling capital equipment and for the operational costs HHW collection events
 - Promotes recycling through statewide education and assisting local programs, and in the classroom, including the annual Maine Recycles Week campaign
 - Collects solid waste data for use by municipalities to make program improvements, to direct state resources and programs, and to calculate the statewide recycling rate
 - Prepares the five-year *State Waste Management and Recycling Plan* and annual *Solid Waste Generation and Disposal Capacity Report*
 - Oversees the state-owned solid waste landfill, administering the operations contract with the operator and working with host communities and residents to resolve issues

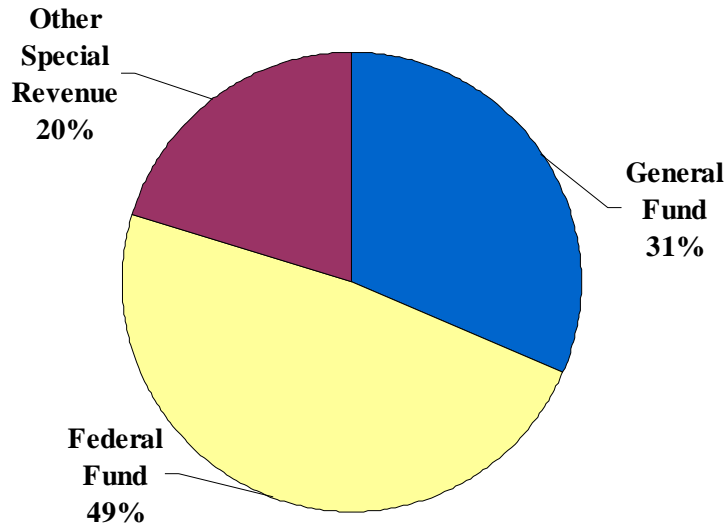
- ***Land Use Planning*** (6 land use planners – GF/FF)
 - Provides grants to communities to prepare, update, and implement local comprehensive plans
 - Reviews plans for consistency with state law; coordinates state agencies' reviews of plans; reviews 30-40 new plans per year (each plan takes about 40 hours to review), including coordinating state agency comments. Reviews 20-25 plan updates/amendments per year.
 - Provides start-up comprehensive planning presentations to communities beginning the planning process, meets with each community three times during process; average 30-40 per year
 - Provides technical assistance materials on land use planning and developing comprehensive plans, model ordinances, community visioning handbook, and sprawl prevention
 - Administers a half million in local and regional grants per year
 - Funds regional planning agencies to provide direct, one-on-one technical assistance to communities on land use planning
 - Promotes regionalism, provides grants to promote regional land use planning and is developing projects to pilot regional land use planning
 - Assists Maine Dept of Education with school siting decisions to give preference to in-town locations
 - Staffs the Community Preservation Advisory Committee
 - Completed a 6-month, comprehensive evaluation of the growth management Act, resulting in a major rewrite of the comprehensive plan review criteria and streamlining the review process

- ***Maine Commission for Community Service*** (3 commission staff – FF)
 - Promotes volunteerism in Maine
 - Administers \$1 million in grant funds for AmeriCorps crew programs that assist communities with providing emergency response in rural areas, affordable and accessible housing for senior citizens, water pollution prevention.
 - Administers Maine Citizen Corps, a joint initiative with the Maine Emergency Management Agency to connect volunteers with first responders and emergency managers.
 - Administers the Governor's Service Awards.
 - Supports *Volunteer Maine*, a virtual "marketplace" of information, resources, and connections for Maine's public and private volunteer programs.

4. Assist the Governor and Legislature by undertaking special studies and preparing policy alternatives

- All SPO staff contributes to this duty. Examples of legislative assignments and studies:
 - LD 1 Progress Report (PL 2005, c. 2).
 - Annual Report Card on Poverty (PL 1997, c. 36)
 - Establishing a Process for the Collection of Municipal and County Data for the US Census Bureau report (122nd Legislature, LD 900)
 - Managing Maine's Near Shore Coastal Resources, Final Report of the Bay Management Study (PL 2003, Ch 660, Part B)
 - Maine Heating Fuels Annual Inventory (5 MRSA § 3307-C)
 - Evaluation of the Growth Management program (PL 2005, Resolve 73)
 - Facilitating Government Cooperation report (PL 2005, Resolve 130)
 - Report on Municipal Capabilities to become Internet Service Providers (P.L. 2005, c. 19)
 - Review of State Solid Waste Management Policies task force and report (38 M.R.S.A. §2123-B)
 - Comparative Welfare Study and Report (122nd Legislature, letter from committee)
 - Assist DEP staff the Solid Waste Blue Ribbon Commission to study solid waste management in the state (122nd Legislature, LD 1777)

Breakdown of SPO Staff by Fund – All Programs FY2007



D. Compliance with federal and state health and safety laws, including the Americans with Disabilities Act, the federal Occupational Safety and Health Act, affirmative action requirements and workers' compensation

Health and Safety

The Bureau of Financial and Personnel Services within the Department of Administrative and Financial Services has the responsibility of overseeing and administering SPO's human resources. They serve as SPO's human resources director and EEO officer. They administer payroll, recruitment and training (including sexual harassment training), workers' compensation, and health and safety laws.

The State Planning Office sought and received the following statement of compliance from the Department:

“This is to confirm that the State Planning Office is in compliance with federal and state health and safety laws, including the Americans with Disabilities Act, the federal Occupational Safety and Health Act, affirmative action requirements and workers' compensation.”

PATRICIA L. BEAUDOIN
DIRECTOR OF HUMAN RESOURCES
BUREAU OF FINANCIAL AND PERSONNEL SERVICES

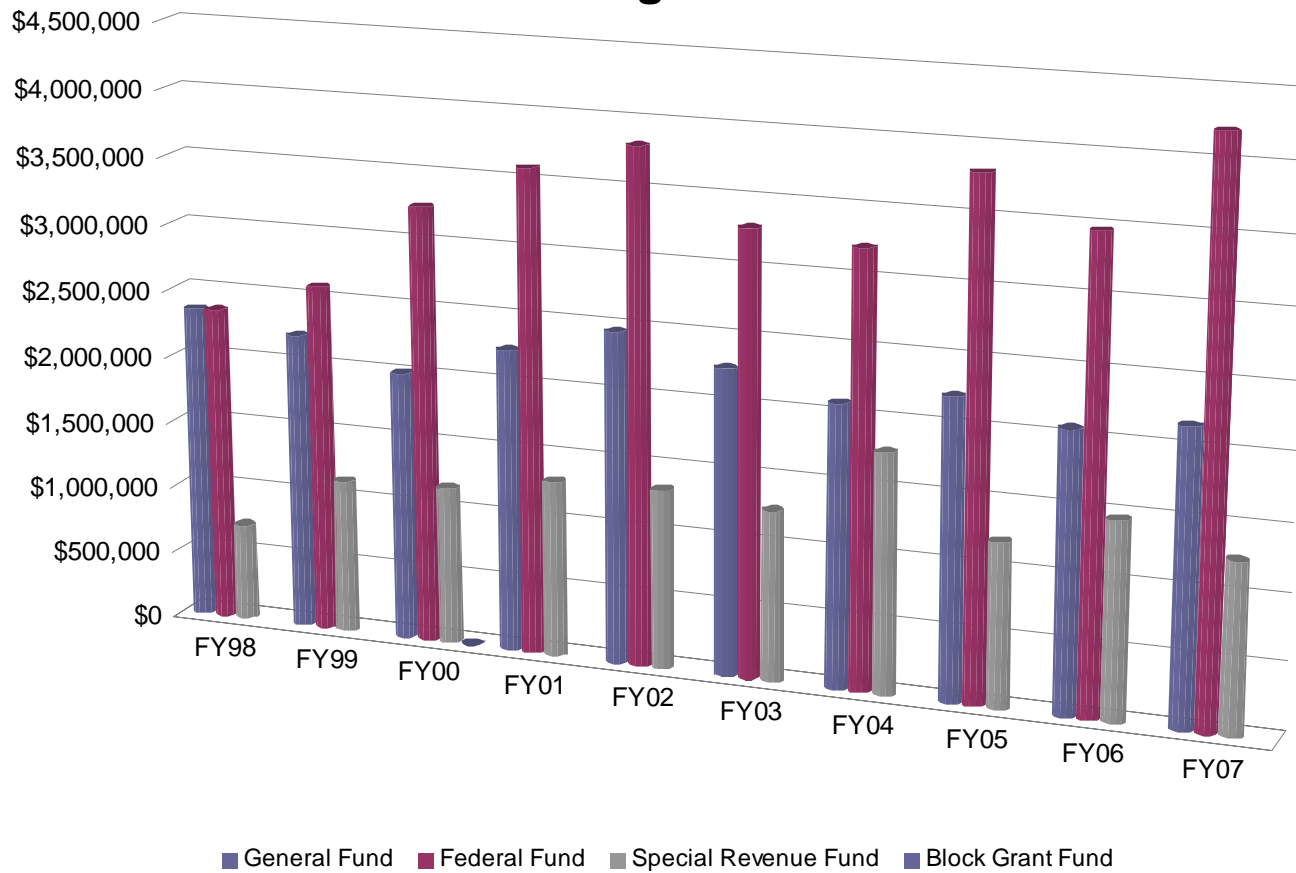
E. Financial Summary, including sources of funding by program and the amounts allocated or appropriated over the past 10 years

Financial Summary

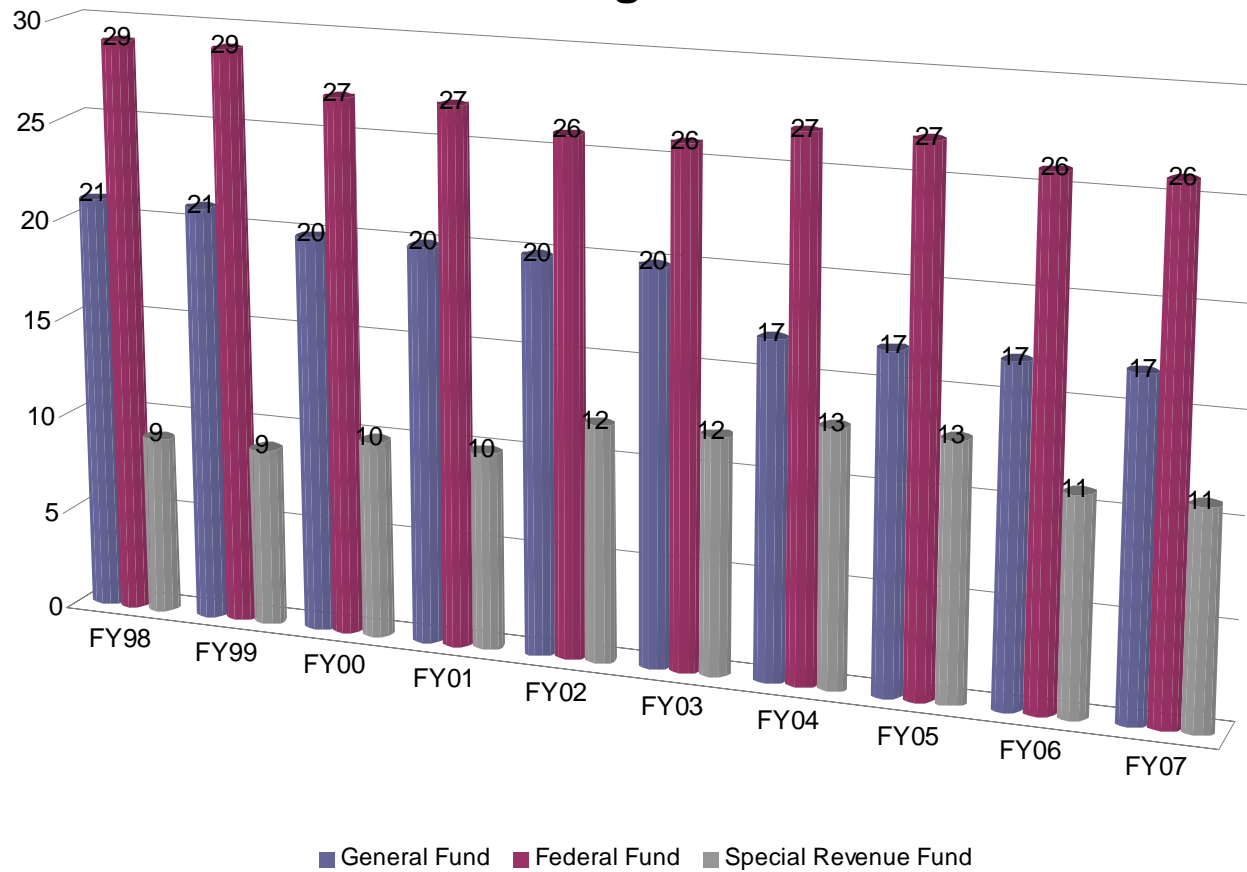
**Executive Department
Maine State Planning Office
Summary All Program
Positions, Allocation, Appropriations & Expenditures**

	FY98	FY99	FY00	FY01	FY02	FY03	FY04	FY05	FY06	FY07
General Fund										
Positions	21	21	20	20	20	20	17	17	17	17
Appropriation	\$1,985,045	\$1,997,614	\$2,065,862	\$2,100,731	\$2,887,427	\$2,590,764	\$2,255,507	\$2,267,638	\$2,181,355	\$2,231,650
Expenditure	\$2,354,177	\$2,223,323	\$2,016,014	\$2,265,136	\$2,474,009	\$2,279,224	\$2,106,669	\$2,234,107	\$2,084,127	\$2,182,658
Federal Fund										
Positions	29	29	27	27	26.00	26	27	27	26	26
Allocation	\$3,585,138	\$2,606,190	\$3,533,617	\$3,573,695	\$4,578,542	\$4,652,122	\$4,999,390	\$5,100,997	\$5,072,496	\$5,238,775
Expenditure	\$2,362,802	\$2,606,188	\$3,266,008	\$3,609,086	\$3,828,121	\$3,304,127	\$3,233,192	\$3,822,148	\$3,482,057	\$4,222,935
Special Revenue Fund										
Positions	9	9	10	10	12.00	12	13	13	11	11
Allocation	\$908,346	\$923,798	\$1,115,436	\$1,166,309	\$1,484,803	\$1,402,435	\$2,222,957	\$1,768,764	\$1,846,125	\$2,231,356
Expenditure	\$722,271	\$1,149,943	\$1,181,357	\$1,317,633	\$1,340,213	\$1,271,718	\$1,784,683	\$1,223,501	\$1,472,677	\$1,268,354
Block Grant Fund										
Positions			0							
Allocation			\$1,692							
Expenditure			\$1,692							
Total All Funds										
Positions	59	59	57	57	58	58	57	57	54	54
Allocation	\$6,478,529	\$5,527,602	\$6,714,915	\$6,840,735	\$8,950,772	\$8,645,321	\$9,477,854	\$9,137,399	\$9,099,976	\$9,701,781
Expenditure	\$5,070,118	\$5,753,745	\$6,514,919	\$7,027,450	\$8,055,760	\$7,166,608	\$7,273,382	\$7,313,287	\$7,136,090	\$7,722,939

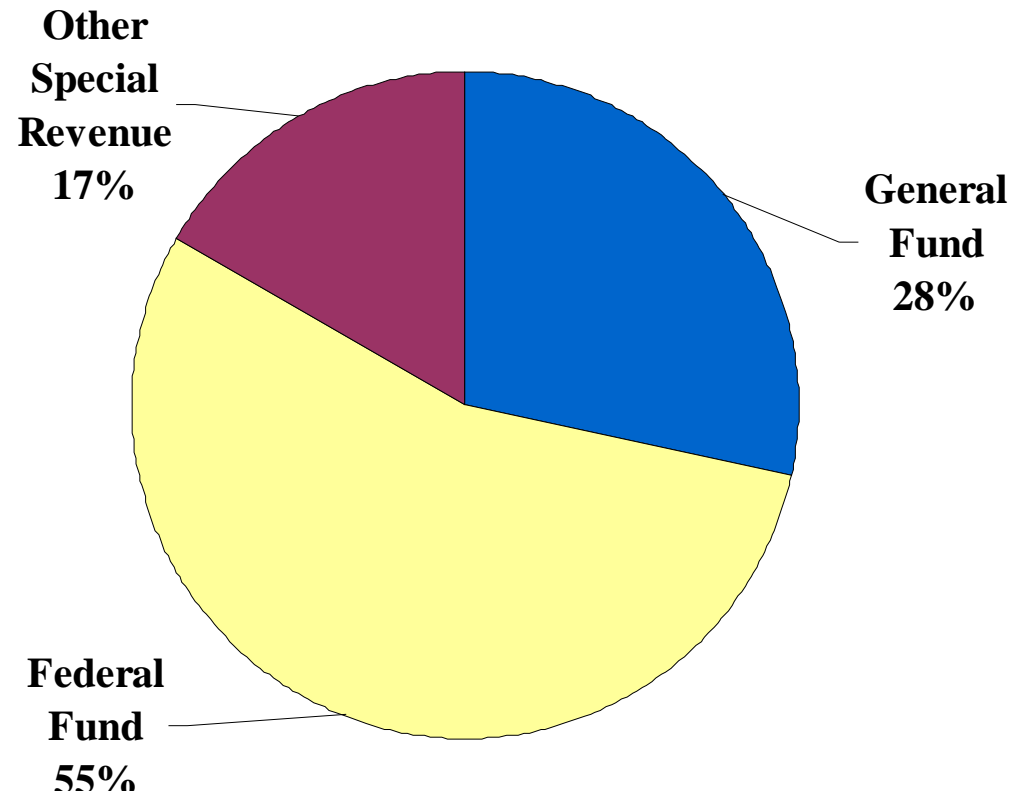
10-Year Summary of Expenditures by Fund Type - All Programs



10-Year Summary of Positions by Fund Type - All Programs



Breakdown of SPO Expenditures by Fund – All Programs FY2007



F. When applicable, the regulatory agenda and the summary of rules adopted

Regulatory Agenda

A. 2002-2003 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: 07-105

AGENCY NAME: Executive, State Planning Office

CONTACT PERSON: Tony VanDenBossche, 38 State House Station, Augusta, ME 04333,
Tel: (207) 287-1474, email: tony.vandenbossche@state.me.us

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2002-2003 RULE-MAKING ACTIVITY:

CHAPTER: 201, 202, 203, 205, 210

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 §§ 4

PURPOSE: These rules consolidate and amend those previously adopted and necessary to carry out the purposes of the subchapter of the Planning and Land Use Regulation Act

ANTICIPATED SCHEDULE: By June 30, 2003

AFFECTED PARTIES: Municipalities, State and Regional Agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Beth Della Valle, 38 State House Station, Augusta, ME 04333,
Tel: (207) 287-2851, email: beth.dellavalle@state.me.us

CHAPTER: New rule

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 §§ 4

PURPOSE: Develop rules to guide financial assistance programs administered competitively under the Planning and Land Use Regulation Act.

ANTICIPATED SCHEDULE: By June 30, 2003

AFFECTED PARTIES: Municipalities, Regional Agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Beth Della Valle, 38 State House Station, Augusta, ME 04333,
Tel: (207) 287-2851, email: beth.dellavalle@state.me.us

CHAPTER: 300

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4451 (5)

PURPOSE: Amend the Municipal Code Enforcement Officer Qualifications and Certification Standards to clarify standards for certification and advanced certification.

ANTICIPATED SCHEDULE: By October, 2003

AFFECTED PARTIES: Municipalities, Municipal Code Enforcement Officers, Licensed Plumbing Inspectors

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Lana Clough, 38 State House Station, Augusta, ME 04333,
Tel: (207) 287-8056, email: лана.clough@state.me.us

ACTUAL RULE-MAKING ACTIVITY IN 2002-2003: NONE

B. 2003-2004 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: 07-105

AGENCY NAME: Executive, State Planning Office

CONTACT PERSON: Tony VanDenBossche, 38 State House Station, Augusta, ME 04333,
Tel: (207) 287-1474, email: tony.vandenbossche@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2003-2004 RULE-MAKING ACTIVITY:

CHAPTER: 100

TITLE: Affordable Housing Definition Rule

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 sub-§ 4 and § 5002, sub-§2

PURPOSE: This rule defines affordable housing for use in planning and developing lower- and moderate-income housing under the Affordable Housing Partnership Act of 1989 and the Planning and Land Use Regulation Act.

The State Planning Office and Maine State Housing Authority will review the definition to determine that it is still appropriate.

SCHEDULE FOR ADOPTION: By April 2004

AFFECTED PARTIES: Municipalities, State, and Regional Agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Mary Ann Hayes, 38 State House Station, Augusta, ME 04333,
Tel: (207) 287-1009, email: maryann.hayes@maine.gov

CHAPTER: 201 - Procedural Rule for Submission and Review of Comprehensive Plans and Zoning Ordinances

CHAPTER: 202 - Comprehensive Plan Review Criteria Rule

CHAPTER: 203 - Subdivision Ordinance Review Criteria Rule

CHAPTER: 205 - Procedural Rule for Submittal and Review of Municipal Growth Management Programs for a Certificate of Consistency

CHAPTER: 210 - Zoning Ordinance Review Criteria Rule

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 §§ 4

PURPOSE: This amendment would consolidate and amend the previously adopted rules to address recent statutory provisions as necessary to carry out the purposes of the subchapter of the Planning and Land Use Regulation Act.

SCHEDULE FOR ADOPTION: By April 2004

AFFECTED PARTIES: Municipalities, State, and Regional Agencies
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Mary Ann Hayes, 38 State House Station, Augusta, ME 04333,
Tel: (207) 287-1009, email: maryann.hayes@maine.gov

Chapter 220:

TITLE: Methodology for Identification of Regional Service Centers
STATUTORY AUTHORITY: 30-A MRSA §4301, sub-§14-A
PURPOSE: This rule specifies the information and methods that the office uses to identify municipalities and, under certain circumstances, parts of municipalities that are identified as service center communities to determine a municipality's eligibility or preference for certain state loans, grants, and assistance. The office is required to update the list of regional service centers every five years in accordance with the methodology detailed in this chapter.
SCHEDULE FOR ADOPTION: By October 2004
AFFECTED PARTIES: Municipalities, State, and Regional Agencies
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: John DelVecchio, 38 State House Station, Augusta, ME 04333,
Tel: (207) 287-8058, email: john.delvecchio@maine.gov

CHAPTER: 300

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4451 (5)
PURPOSE: Amend the Municipal Code Enforcement Officer Qualifications and Certification Standards to clarify standards for certification and advanced certification.
SCHEDULE FOR ADOPTION: By October, 2004
AFFECTED PARTIES: Municipalities, Municipal Code Enforcement Officers, Licensed Plumbing Inspectors
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Lana Clough, 38 State House Station, Augusta, ME 04333, Tel: (207) 287-8056, email: lane.clough@maine.gov

CHAPTER: 450

TITLE: Siting Criteria for Solid Waste Disposal Facilities
STATUTORY AUTHORITY: 38 M.R.S.A. § 1302 and § 2101
PURPOSE: To modify and update siting criteria for solid waste landfills and incineration facilities.
SCHEDULE FOR ADOPTION: By September 30, 2004
AFFECTED PARTIES: Municipalities, State, and, Regional Agencies
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: George M. MacDonald, 38 State House Station, Augusta, ME 04333, Tel: (207) 287-5759, email: george.macdonald@maine.gov

CHAPTER: New rule

TITLE: Financial Assistance Program Rule
STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 §§ 4

PURPOSE: This rule would guide financial assistance programs administered under the Planning and Land Use Regulation Act.

SCHEDULE FOR ADOPTION: By January 2004

AFFECTED PARTIES: Municipalities, Regional Agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Mary Ann Hayes, 38 State House Station, Augusta, ME 04333,
Tel: (207) 287-1009, email: maryann.hayes@maine.gov

CHAPTER: New rule

TITLE: Administrative Program Rule

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 §§ 4

PURPOSE: This rule would guide the Office in carrying out the purposes of the subchapter guiding growth-related capital investments, the siting of state office building, grant preference, and other administrative elements of the Planning and Land Use Regulation Act.

ANTICIPATED SCHEDULE: By April 2004

AFFECTED PARTIES: Municipalities, State Agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Mary Ann Hayes, 38 State House Station, Augusta, ME 04333,
Tel: (207) 287-1009, email: maryann.hayes@maine.gov

ACTUAL RULE-MAKING ACTIVITY IN 2003-2004: NONE

C. 2005-2006 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: 07-105

AGENCY NAME: Executive, State Planning Office

CONTACT PERSON: Tony VanDenBossche, 38 State House Station, Augusta, ME 04333,
Tel: (207) 287-1474, E-mail: tony.vandenbossche@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2005-2006 RULE-MAKING ACTIVITY:

CHAPTER: 100

TITLE: Affordable Housing Definition Rule

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 sub-§ 4 and § 5002, sub-§2

PURPOSE: This rule defines affordable housing for use in planning and developing lower- and moderate-income housing under the Affordable Housing Partnership Act of 1989 and the Planning and Land Use Regulation Act. The State Planning Office and Maine State Housing Authority will review the definition to determine that it is still appropriate. This rule is likely to be folded into Chapter 201-210 rule reorganization outlined below.

SCHEDULE FOR ADOPTION: By October 2006
AFFECTED PARTIES: Municipalities, State, and Regional Agencies
CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Matt Nazar, 38 State House Station Augusta ME, Tel: 287-4818,
E-mail: matthew.nazar@maine.gov

CHAPTER: 201 - Procedural Rule for Submission and Review of Comprehensive Plans and Zoning Ordinances

CHAPTER: 202 - Comprehensive Plan Review Criteria Rule

CHAPTER: 203 - Subdivision Ordinance Review Criteria Rule

CHAPTER: 205 - Procedural Rule for Submittal and Review of Municipal Growth Management Programs for a Certificate of Consistency

CHAPTER: 210 - Zoning Ordinance Review Criteria Rule

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 §§ 4

PURPOSE: This amendment would consolidate and amend the previously adopted rules to incorporate electronic efficiencies, reduce administrative burden on state and local governments, clarify vague standards, update linkages with related state policies and programs, and address recent changes in statutes as necessary to carry out the purposes of the subchapter of the Planning and Land Use Regulation Act.

SCHEDULE FOR ADOPTION: By October 2006

AFFECTED PARTIES: Municipalities, State, and Regional Agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Matt Nazar, 38 State House Station Augusta ME, Tel: 287-4818,
E-mail: matthew.nazar@maine.gov

CHAPTER: 300

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4451 (5)

TITLE: Municipal Code Enforcement Officer Qualifications and Certification Standards Rule

PURPOSE: Amend the Municipal Code Enforcement Officer Qualifications and Certification Standards to clarify standards for certification and advanced certification.

SCHEDULE FOR ADOPTION: By October 2006

AFFECTED PARTIES: Municipalities, Municipal Code Enforcement Officers, Licensed Plumbing Inspectors

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Lana Clough, 38 State House Station, Augusta, ME 04333, Tel: (207) 287-8056, E-mail: lana.clough@maine.gov

CHAPTER: New rule

TITLE: Financial Assistance Program Rule

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 §§ 4

PURPOSE: This rule would guide financial assistance programs administered under the Planning and Land Use Regulation Act.

SCHEDULE FOR ADOPTION: By October 2006

AFFECTED PARTIES: Municipalities, Regional Agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Matt Nazar, 38 State House Station Augusta ME, Tel: 287-4818,
E-mail: matthew.nazar@maine.gov

CHAPTER: New rule

TITLE: Administrative Program Rule

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 §§ 4

PURPOSE: This rule would guide the Office in carrying out the purposes of the subchapter guiding growth-related capital investments, the siting of state office building, grant preference, and other administrative elements of the Planning and Land Use Regulation Act.

ANTICIPATED SCHEDULE: By October 2006

AFFECTED PARTIES: Municipalities, State Agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Matt Nazar, 38 State House Station Augusta ME, Tel: 287-4818,
E-mail: matthew.nazar@maine.gov

CHAPTER: New rule

TITLE: Regional Council Contract Requirements

STATUTORY AUTHORITY: 30-A M.R.S.A. § 2303 (2)

PURPOSE: This rule would create standardized contracts and administrative and audit requirements for state funds received by regional councils.

ANTICIPATED SCHEDULE: By October 2006

AFFECTED PARTIES: Regional Agencies, State Agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Matt Nazar, 38 State House Station Augusta ME, Tel: 287-4818,
E-mail: matthew.nazar@maine.gov

ACTUAL RULE-MAKING ACTIVITY IN 2005-2006: NONE

D. 2006-07 Regulatory Agenda, as Amended

AGENCY UMBRELLA-UNIT NUMBER: 07-105

AGENCY NAME: Executive, State Planning Office

CONTACT PERSON: Jody Harris, 38 State House Station, Augusta, ME 04333, Tel: 287-5424, E-mail: jody.harris@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2006-2007 RULE-MAKING ACTIVITY:

CHAPTER: 100

TITLE: Affordable Housing Definition Rule

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 sub-§ 4 and § 5002, sub-§2

PURPOSE: This rule defines affordable housing for use in planning and developing lower- and moderate-income housing under the Affordable Housing Partnership Act of 1989 and the Planning and Land Use Regulation Act. The State Planning Office and Maine State Housing Authority will review the definition to determine that it is still appropriate. This rule is likely to be changed or rescinded due to statutory changes.

SCHEDULE FOR ADOPTION: By February 2007

AFFECTED PARTIES: Municipalities, State, and Regional Agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Stacy Benjamin, 38 State House Station Augusta ME, Tel: 287-8061, E-mail: stacy.benjamin@maine.gov

CHAPTER: 201 - Procedural Rule for Submission and Review of Comprehensive Plans and Zoning Ordinances

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 §§ 4

PURPOSE: This amendment would simplify the requirements for submission of a local comprehensive plan for state review for consistency with the Growth Management Act.

SCHEDULE FOR ADOPTION: By February 2007

AFFECTED PARTIES: Municipalities

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Stacy Benjamin, 38 State House Station Augusta ME, Tel: 287-8061, E-mail: stacy.benjamin@maine.gov

CHAPTER: 202 - Comprehensive Plan Review Criteria Rule

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4312 §§ 4

PURPOSE: This amendment would amend the previously adopted rule to revise the way the state reviews local comprehensive plans for consistency with the Growth Management Act. The amended rule would streamline the state review of local comprehensive plans and focus on the future land use sections, which are the core of a comprehensive plan. It will clearly set forth the minimum data, analyses, policies, and strategy requirements for a local comprehensive plan to be found consistent with the Growth Management Act.

SCHEDULE FOR ADOPTION: By February 2007

AFFECTED PARTIES: Municipalities and State Agencies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Stacy Benjamin, 38 State House Station Augusta ME, Tel: 287-8061, E-mail: stacy.benjamin@maine.gov

CHAPTER: 300

STATUTORY AUTHORITY: 30-A M.R.S.A. § 4451 (5)

TITLE: Municipal Code Enforcement Officer Qualifications and Certification Standards Rule

PURPOSE: The amendment would clarify standards for certification and advanced certification and incorporate statutory changes.

SCHEDULE FOR ADOPTION: By September 2007

AFFECTED PARTIES: Municipalities, Municipal Code Enforcement Officers, Licensed Plumbing Inspectors, Humane Agents, and State Veterinarians

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated
CONTACT PERSON: Lana Clough, 38 State House Station, Augusta, ME 04333, Tel:
(207) 287-8056, E-mail: lane.clough@maine.gov

CHAPTER: 475

STATUTORY AUTHORITY: 38 MRSA § 2175-A

TITLE: Property Value Offset Program for Agency-Operated Solid Waste Disposal Facility

PURPOSE: The amendment would clarify eligibility for reimbursement for loss in property value directly attributable to the construction and operation of a state solid waste disposal facility including a definition of the impact area and a time frame within which the property value support program will be in effect.

SCHEDULE FOR ADOPTION: By September 2007

AFFECTED PARTIES: Property owners located near state-owned solid waste disposal facilities, private operators of state-owned solid waste disposal facilities, and State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: George MacDonald, 38 State House Station, Augusta, ME 04333, Tel: (207) 287-5759, E-mail: george.macdonald@maine.gov

CHAPTER: New

TITLE: Qualifications for Persons Eligible to Prepare Comprehensive Economic Impact Studies

STATUTORY AUTHORITY: 30-A MRSA § 4367 (1)

PURPOSE: This rule sets out the qualifications for persons eligible to prepare comprehensive economic impact studies for large-scale development under Maine's Informed Growth Act.

SCHEDULE FOR ADOPTION: October 2007

AFFECTED PARTIES: municipalities, developers of large-scale retail development, and consultants or other preparers of economic impact studies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Jody Harris, 38 State House Station Augusta ME, Tel: 287-5424, E-mail: jody.harris@maine.gov

**ACTUAL RULE-MAKING ACTIVITY IN 2005-2006: Chapters 100, 201, 202, 208, 20
E. 2007-08 Regulatory Agenda**

1. AGENCY UMBRELLA-UNIT NUMBER: 07-105

2. AGENCY NAME: Executive, State Planning Office

3. CONTACT PERSON: Jody Harris, 38 State House Station, Augusta, ME 04333, Tel: 287-5424, E-mail: jody.harris@maine.gov

4. EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:
None

5. EXPECTED 2007-08 RULE-MAKING ACTIVITY:

CHAPTER NUMBER AND TITLE: Chapter 20 - Qualifications for Persons Eligible to Prepare Comprehensive Economic Impact Studies

STATUTORY BASIS: 30-A MRSA § 4367 (1)

PURPOSE: This rule sets out the qualifications for persons eligible to prepare comprehensive economic impact studies for large-scale development under Maine's Informed Growth Act. Rule-making for this new rule is underway in 2007. This is just a placeholder in the event the Office identifies any corrections or clarifications or needs to amend the rule in response to possible statutory changes in the next session.

SCHEDULE FOR ADOPTION: October 2008

AFFECTED PARTIES: municipalities, developers of large-scale retail development, and consultants or other preparers of economic impact studies

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER NUMBER AND TITLE: Chapter 202 - Comprehensive Plan Review Criteria Rule

STATUTORY BASIS: 30-A MRSA §4312 (4)

PURPOSE: This amendment would amend the criteria or process the state uses to review local comprehensive plans for consistency with the Growth Management Act. A comprehensive redraft of the rule was completed in 2007. This is just a placeholder in the event the office identifies any needed corrections or clarifications.

SCHEDULE FOR ADOPTION: By October 2008

AFFECTED PARTIES: municipalities, state agencies, and regional planning councils/commissions

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER NUMBER AND TITLE: Chapter 220 - Methodology for Identification of Regional Service Centers

STATUTORY BASIS: 30-A MRSA §4301 (14-A)

PURPOSE: The amendment updates the information and methods that the office uses to identify municipalities and, under certain circumstances, parts of municipalities, that serve as regional service centers.

SCHEDULE FOR ADOPTION: January-February 2008 (major-substantive)

AFFECTED PARTIES: municipalities and state agencies that make growth-related state capital investments

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER NUMBER AND TITLE: Chapter 300 - Municipal Code Enforcement Officer Qualifications and Certification Standards Rule

STATUTORY BASIS: 30-A MRSA §4451 (5)

PURPOSE: The amendment would clarify standards for certification and advanced certification and incorporate statutory changes.

SCHEDULE FOR ADOPTION: By October 2008

AFFECTED PARTIES: municipalities, municipal code enforcement officers, and licensed plumbing inspectors

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

Summary of Rules

Chapter 1 Kennebec River Resource Management Plan

The Kennebec River Resource Management Plan represents a comprehensive examination by the state of Maine of the various resources and beneficial uses of the Kennebec River. The Plan discusses each of these resources and beneficial uses and, consistent with existing State policies, makes certain recommendations that reflect the state's determination of how those resources and beneficial uses should be balanced against one another in various circumstances.

This Resource Management Plan is intended to serve several purposes. A primary purpose of the Plan is to comply with the requirements of a Maine statute enacted in 1989. This statute, titled "An Act to Ensure Notification and Participation by the Public in Licensing and Relicensing of Hydroelectric Dams and to Further Ensure the Equal Consideration of Fisheries and Recreational Uses in Licensing and Relicensing," is codified at 12 MRSA §407 (see Appendix A). The statute requires the State Planning Office (SPO) to work with the natural resource agencies of the state to develop a management plan for each watershed in the state with a hydropower project currently or potentially regulated by the Federal government. "These plans shall provide a basis for state agency comments, recommendations and permitting decisions and shall at a minimum include, as applicable, minimum flows, impoundment level regimes, upstream and downstream fish passage, maintenance of aquatic habitat and habitat productivity, public access and recreational opportunities. These plans shall update, complement and, after public notice, comment and hearings in the watershed, be adopted as components of the state's comprehensive rivers management plan." The Plan responds to the requirements of the Maine statute with respect to the Kennebec River.

The Kennebec River Resource Management Plan also serves as the state's "comprehensive plan" for the Kennebec River for purposes of consideration by the Federal Energy Regulatory Commission (FERC) regarding hydroelectric licensing and relicensing within the Kennebec basin. Under section 10(a) (2) (A) of the Federal Power Act, FERC is required to consider the extent to which proposed hydroelectric projects, and the continued operation of existing projects, are consistent with "comprehensive plans" prepared by federal and state agencies. The Plan is intended to be used by FERC in its analysis of beneficial uses of the Kennebec River. To the extent that previous state publications have identified goals and objectives for Kennebec River resources, those goals and objectives either have been included within the Plan or have been balanced against other goals and objectives in developing the Plan's recommendations and conclusions. The Plan also incorporates existing state policies regarding Kennebec River resources.

Geographic Scope of the Plan

The Kennebec River basin, located in west central Maine, has a total drainage area of 5,893 square miles, constituting almost one-fifth the total area of the state of Maine. The Androscoggin River basin lies to the west, the Penobscot River basin to the north and east, and a section of the Maine coastal area to the south. The northwesterly limit of the basin forms a part of the international boundary between the United States and Canada. The basin has a length in the north-south direction of 149 miles and a width of 72 miles.

The following watersheds in the Kennebec River system have existing, or potential for, federally licensed dams and are therefore considered by this plan:

Main stem	Sebasticook River
Moxie Stream	Cobbossee Stream
Dead River	Moosehead Lake
Carrabassett River	• Roach River
Sandy River	• Moose River
Messalonskee Stream	

Chapter 10 Grievance Procedures for the Handicapped

State Planning Office has adopted internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by federal regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794). Section 504 states, in part, that "No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...."

Chapter 20 Qualifications for persons eligible to prepare comprehensive economic impact studies

This chapter establishes the criteria the State Planning Office uses to identify consultants that are qualified to prepare comprehensive economic impact studies of large-scale retail development. The Office uses this rule to develop a list of qualified preparers from which municipalities may choose when implementing Maine's Informed Growth Act (30-A MRSA c. 187, sub-c. 3-A).

Chapter 100 Affordable Housing Definition

The Office repealed Chapter 200 in September 2007, which was made obsolete by statutory changes.

Chapter 201 Procedural Rule for Submission and Review of Comprehensive Plans and Zoning Ordinances

This chapter outlines the procedures and requirements governing the submission of municipal comprehensive plans, zoning ordinances, and amendments to plans and ordinances to the State Planning Office pursuant to §4327 of the Comprehensive Planning and Land Use Regulation Act (30-A M.R.S.A §4312 et seq.). This rule:

1. Defines what constitutes a complete submission of a comprehensive plan or zoning ordinance in order to allow effective review,
2. Establishes procedures to allow review of submitted plans and zoning ordinances in a timely and effective manner, and

3. Establishes procedures to allow review and comment on amendments to comprehensive plans and zoning ordinances in a timely and effective manner.

Chapter 202 Comprehensive Plan Review Criteria

The Office repealed this rule in September 2007, replaced with Chapter 208.

Chapter 203 Subdivision Ordinance Review Criteria Rule

This Chapter establishes the criteria the State Planning Office uses to review municipal subdivision ordinances for consistency with the goals and guidelines of the Comprehensive Planning and Land Use Regulation Act (30-A M.R.S.A. §4312 et seq.). The office uses this rule to review the subdivision ordinance component of local growth management programs for which certification has been requested under §4348. The objective of the review is to judge whether a municipality's subdivision ordinance is consistent with the Act. If a municipality requests certification of its local growth management program under §4348 of the Act, the Office also uses this rule to review the subdivision ordinance component of that program.

Chapter 205 Procedural Rule for Submittal and Review of Municipal Growth Management Programs for a Certificate of Consistency

This chapter outlines the procedural submittal requirements and establishes the criteria used by the State Planning Office during the review of municipal growth management programs for an award of a Certificate of Consistency with the goals and guidelines of the Maine's Growth Management Act (30-A M.R.S.A. §4312 et seq.).

Purpose: This rule has two purposes:

1. The rule establishes the procedural requirements for the voluntary submissions of municipal growth management programs to the State Planning Office (hereinafter "the Office") for review for an award of a certificate of consistency pursuant to the requirements of the Growth Management Act (30-A MRSA §4312 et seq.), hereinafter "the Act."
2. The rule establishes the criteria the Office uses to review municipal growth management programs submitted by municipalities that seek a certificate of consistency under the Act. The objective of the review is to determine whether a municipality's growth management program, in its totality, is consistent with the Act.

Chapter 208 Comprehensive Plan Review Criteria rule

This chapter establishes the criteria the State Planning Office uses to review community comprehensive plans for consistency with the goals and guidelines of the Growth Management Act (30-A MRSA §4312 et seq.). The Office uses this Chapter to review and comment on proposed comprehensive plans under §4347-A(1) of the Act, and to review the plan component of local growth management programs for which certification has been requested under §4347-A(2).

Chapter 210 Zoning Ordinance Review Criteria Rule

This chapter establishes the criteria the State Planning Office uses to review municipal zoning ordinances for consistency with the goals and guidelines of the Comprehensive Planning and Land Use Regulation Act (30-A MRSA §4312 et seq.). The Office uses this rule to review and comment on proposed zoning ordinances under §4347 of the Act, and to review the zoning ordinance component of local growth management programs for which certification has been requested under §4348. The objective of this review is to judge whether a municipality's zoning ordinance is consistent with the Act. The office uses this rule to review and comment on proposed zoning ordinances submitted to the Office under the provisions of §4347 of the Act, and pursuant to the Office's Procedural Rule for Submission and Review of Comprehensive Plans and Zoning Ordinances (Chapter 201). If a municipality requests certification of its local growth management program under § 4348 of the Act, the Office also uses this rule to review the zoning ordinance component of that program.

Chapter 220 Methodology for Identification of Regional Service Centers

This chapter details the methodology that the State Planning Office will use to identify service center communities pursuant to 30-A MRSA §4301, sub-§14-A. The purpose of this rule is to specify the information and methods that the office will use to identify municipalities and, under certain circumstances, parts of municipalities that serve as regional service centers and are thus identified as service center communities in accordance with 30-A MRSA §4301, sub-§14-A.

Chapter 300 Municipal Code Enforcement Officer Qualifications and Certification Standards Rule

This Chapter establishes the qualifications, conditions, licensing standards and procedures for the certification and recertification of municipal code enforcement officers in the state of Maine as required by 30-A M.R.S.A. § 4451 (5). The primary purpose of this rule is to establish the standards, qualifications, and procedures that the State Planning Office uses to certify and recertify local code enforcement officers. The rule establishes the minimum standards required of all code enforcement officers appointed in the state of Maine, and establishes the basic and advanced standards in specific areas of municipal code enforcement.

Chapter 450 Siting Criteria for Solid Waste Disposal Facilities

This rule establishes criteria to guide the selection of sites for solid waste landfills and incineration facilities. By excluding from consideration land areas determined to be unsuited for waste disposal activities and by requiring the screening of non-excluded land areas for preferred attributes, the criteria provide a rational basis for identifying locations that are potentially suitable for such facilities and therefore deserving of further investigation. Our goal in adopting these criteria is to direct site screening activities to the investigation and selection of land areas that appear to be suitable and appropriate for these facilities.

Chapter 454 Municipal Reimbursement Procedures

This rule establishes procedures for the issuance of financial reimbursement by the Maine State Planning Office to municipalities in which a potential solid waste disposal facility site is located. Reimbursement is available for direct, substantive participation in proceedings before the Facility Siting Board conducted pursuant to 38 MRSA §2154(1). Allowable expenses are determined in a manner consistent with 38 MRSA §1310-S(4) of the Maine Solid Waste Laws and Chapter 400, Section 7, of the Department of Environmental Protection, Solid Waste Management Rules.

Chapter 475 Property Value Offset Program for Agency-Operated Solid Waste Disposal Facility

This rule establishes a formula and process for reimbursement for loss in property value directly attributable to the construction and operation of a solid waste disposal facility operated by the Maine State Planning Office. As provided under 38 MRSA § 2175-A, owners of property whose value has been affected by an Agency-operated or agency-approved solid waste disposal facility are eligible for reimbursement for loss in property value directly attributable to the construction and operation of the facility.

Section 2175-A requires the Agency to adopt rules to establish a formula and process for reimbursement, including without limitation, a definition of the impact area, a process for establishing baseline real estate values, a time frame within which the property value support program will be in effect, determination of the percentage of property value to be reimbursed, an accounting of real estate trends in the area, and a determination of the reimbursement mechanism. This rule establishes the required reimbursement formula and process for losses attributable to agency-operated facilities only.

G. Identification of those areas where an agency has coordinated its efforts with other agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements

Interagency Coordination

Coordination among multiple agencies, with at times conflicting statutory mandates, is a central feature of SPO's statutory duties. SPO provides the formal, legal structure to carry out many of the state's interagency efforts, including:

- ***Maine Coastal Program***: SPO administers this federally-funded partnership program that supports efforts to protect and manage Maine's coast and coastal resources, including initiatives such as monitoring swim beaches, supporting access to working waterfronts, restoring coastal habitats, and training volunteer shore stewards.
- ***Land and Water Resources Council***: SPO staffs this interagency, Cabinet-level council, comprised of the commissioners of the state economic development and natural resource departments, charged with advising the Governor, Legislature, and state agencies in the formulation of state policy regarding natural resources management.
- ***Energy Resources Council***: SPO staffs this interagency Cabinet-level council of eight state agencies established by the Maine Legislature to advise the Governor and Legislature in the formulation of energy policy.
- ***Revenue Forecasting Committee***: SPO is a member of and staff to this executive-legislative committee that projects state revenues for use by budgeters.
- ***Economic Forecasting Commission***: SPO staffs this independent commission that forecasts economic trends for use in making revenue forecasts.
- ***Maine Commission for Community Service***: SPO houses this federally-funded program that works to strengthen communities through volunteer efforts in areas such as environment, health care, education, and emergency response.
- ***Land for Maine's Future Program***: SPO staffs the board that administers the Land for Maine's Future program. LMF seeks to protect natural areas, recreational access, and working landscapes through land acquisition and other mechanisms.
- ***FERC hydropower coordination***: SPO coordinates state agencies' responses to the Federal Energy Regulatory Commission in hydropower licensing procedures.
- ***State comprehensive plan review***: SPO coordinates state agencies' review of local comprehensive plans to determine whether the local plans are consistent with the Growth Management Act. The growth management program touches on all aspects of state and local interest from social welfare issues, to environmental issues, to economic development issues, to transportation issues.
- ***Coordination of review of agency development projects in the floodplain***. SPO reviews state and federally-funded projects and coordinates with other state agencies to reduce the potential impact of flooding on publicly-funded infrastructure.

- ***Waste management planning:*** SPO prepares the statewide waste management and recycling and disposal capacity plan, coordinates state solid waste management policy (through a task force comprised of representatives interested in solid waste management policy), and makes recommendations to the Governor and Legislature.
- ***Coordination of the submission of bonds:*** SPO coordinates with the various state agencies on the submission of their bond proposals and makes recommendations on proposals to be included in the Governor's bond package.
- ***Liquefied Natural Gas Terminal Proposals:*** SPO coordinates with various state and federal agencies and interested members of the public on matters related to proposals to site liquefied natural gas terminals in Maine.
- ***Maine Healthy Beaches Program:*** SPO helps staff the Maine Healthy Beaches program that assist coastal beach communities with volunteer-based water quality monitoring. When contamination risks are detected, SPO works with state environmental and health agencies to identify and help mitigate the source.
- ***Building Code Working Group:*** SPO staffs this state interagency working group, which is charged by legislative resolve to develop a plan for implementing the Maine Model Building Code and the International Existing Building Code.

H. Identification of the constituencies served by the agency or program, noting any changes or projected changes

Constituencies Served

A. Governor and Legislature

SPO assists the Governor and Legislature with developing policy options, staffing task forces and committees, preparing special studies, conducting research, and providing data and information.

The number of projects requested by the Governor and Legislature has grown from an average of 15-18 in 2000-2004 to 20-23 in 2005, to more than 30 in 2007.

For example, here is a list of boards, commissions, council, and task force that SPO staffs on an ongoing basis or has been assigned in the past two years:

Governor

- Allagash Wilderness Waterway Working Group
- Coastal and Nearshore Policy Subcommittee of the Land and Water Resources Council
- Governor's Council on Maine's Quality of Place
- Governor's Steering Committee on Natural Resource Industry
- Governor's Task Force on Wind Power Development in Maine
- Task Force on Higher Education in Kennebec County
- Task Force Regarding the Management of Public Lands and Publicly-held Easements in Maine

Legislature

- Building Code Working Group
- Committee to Reform State Budget Process
- Community Preservation Advisory Committee
- Economic Forecasting Commission
- Energy Resources Council
- Intergovernmental Advisory Commission
- Land and Water Resources Council
- Land for Maine's Future Program
- Maine Commission for Community Service
- Regulatory Fairness Board
- Revenue Forecasting Committee
- Waste Management Advisory Committee
- Waste Management Policy Review Task Force

See Part K for a list of special projects assigned to SPO.

B. Economics & Demographics Team

The Economics and Demographics team assists the Governor, Legislature, and other state agencies in monitoring the Maine economy, formulating and evaluating economic initiatives, analyzing policy alternatives, and pursuing sustainable economic growth.

Constituencies Served:

- Governor and Legislature
- Private businesses
- News media
- Other State Planning Office programs
- Other state agency programs
- Maine Consensus Economic Forecasting Commission
- Maine Revenue Forecasting Committee
- Other Legislative commissions and committees
- Regional development organizations
- Municipal officials and school boards
- University of Maine System
- Researchers and other users of census data
- Non-profit organizations
- Federal agencies
- Maine's Congressional Delegation
- Private, non-affiliated individuals

The constituencies served are projected to increase as we approach the upcoming decennial census. The Office, as liaison to the US Census Bureau, facilitates the census process in the state. The number of contacts for technical assistance is expected to increase from communities participating in the Local Update of Census Addresses (LUCA) program in order to compile a complete address list so that every household receives a census form. In addition, the Office program is more involved with helping municipalities than in the past, as it is responsible for monitoring LD 1 progress and collecting and analyzing property tax rate information from communities.

C. Community Assistance

1. Code Enforcement Training & Certification

The Municipal Code Enforcement Training program primarily serves local code enforcement officers and plumbing inspectors, but works with other constituents as well:

Constituencies Served:

- Code enforcement officers
- Local plumbing inspectors
- Municipal Officials
- Regional planning offices
- Law firms, developers, architects, engineers, contractors
- General public

The number of local officials participating in and asking for assistance increases each year. The profession is aging and code officers are retiring in significant numbers. Newly-hired code officers need to be certified and the areas in which they are seeking certification are increasing (more towns want their CEO's certified in more areas).

In 2000, the number of local officials seeking training was 1277. In 2005, it was 1439. Just this January, for example, the program offered its very popular *Legal Issues and Enforcement Techniques* workshop. Certification in this area allows the CEO to represent their municipality in court on enforcement cases, saving the town the expense of legal fees. It is a two-day session that attracted 274 code enforcement officers and local plumbing inspectors in workshops in four locations across the state. This is a 37% increase over the last time the session was held in 2005.

More and more towns look to SPO to help them resolve local conflicts. While the State Planning Office staff tries to avoid being drawn into local issues, CEOs have legitimate questions that involve complex, legal issues. Questions often involve legal research and requests for interpretation of ordinance language. Staff estimates that where calls for technical assistance used to be simply answered over the phone or by referrals to information on the Web site, today, some individual calls can take up to 15-20 minutes each.

2. Maine Floodplain Management Program

General technical assistance is the largest of the activities provided by the Floodplain Management program. Program staff answers many calls everyday from a variety of customers.

Constituencies Served:

- Community officials
- Other state agencies
- Federal agencies
- Appraisers, architects, attorneys, insurance agents, lenders, professional engineers, realtors, professional land surveyors, developers
- Non-governmental organizations
- Citizen volunteers
- General public and property owners

As the education base of our customers has increased over the past few years, technical assistance requests have become more complex and the amount of time per call on average has increased.

We have seen a decline in the actual numbers of GTA since 2001, with a high of 2,645 in 2001 to a projected 2,100 in 2007. We attribute this decline in part to two significant milestones: 1) FEMA has made maps available on line and easier to access; and 2) the Maine Floodplain Management program has improved its Web site including posting base flood elevations and many of the federal forms.

With the implementation of several recent innovations from FEMA such as map modernization, repetitive loss reductions, new elevation certificates, and ordinance updates, we expect the number of assistance calls to steadily increase, with some normalizing as we find additional Web tools for ready access for those needing information.

The Floodplain Management program reviews local flood ordinances to determine if they meet minimum federal and state standards. A community's participation in the National Flood Insurance Program is contingent on having a current floodplain ordinance. As we implement the new map modernization program and produce new maps, communities will need to amend their local flood ordinances to correspond with the maps. Program staff will go from reviewing 5-10 local ordinances in a year in 2001 to 30 per year in 2007 to 60-100 per year as the new maps become available in 2008-09. This level of effort will need to be sustained until all of the towns' ordinances are updated.

3. Waste Management & Recycling Program

The Waste Management and Recycling program serves its constituency in three ways: collect solid waste data, to assist municipalities in their efforts to improve recycling and composting performance, and, to ensure sufficient, environmentally secure, disposal capacity for Maine's municipal solid waste.

Constituencies Served:

- Municipal officials
- Municipal solid waste management programs
- Maine State Legislature
- Governor and staff
- Other state agencies
- Federal agencies
- Professional associations and groups
- General public

The constituencies served by the waste management and recycling program are changing in three ways:

Staff continues to provide one-on-one technical assistance to individuals, communities and regions through community meetings and telephone and e-mail assistance, and to provide Web resources for a multi-faceted audience. While the number of technical assistance contacts remains the same (average 65 per week), the complexity of the issues and the responses is on the rise. Issues related to methane gas recovery, single-stream recycling, and e-waste management have replaced questions about how to market recyclables and to collect clean material. The amount of time for each request often now takes longer and requires more research.

Another way that service has changed results from the state acquisition of the Juniper Ridge Landfill in West Old Town. The Office has had to shift staff resources away from

technical assistance to oversee this new operation. Time is now spent managing contract issues with the landfill operator, dealing with community and public concerns regarding the landfill operations, and, as owner and licensee, dealing with environmental license needs and issues.

Third, the program has embarked on a new statewide promotional campaign, with the assistance of a steering committee comprised of municipal and regional recycling program staff, to boost recycling participation particularly among young adults. As a result of this campaign, we expect to reenergize local recycling programs. We anticipate this will increase the number of calls for assistance by 30% over the next 1-3 years.

D. Maine Coastal Program

The Maine Coastal program works in partnership with local, regional, and state agencies. It also collaborates with many private organizations, such as local land trusts, and economic development groups.

Constituencies Served:

- Maine State Legislature
- Governor and staff
- Other state agencies
- Federal agencies
- Non-governmental organizations
- Private businesses
- Municipal Officials
- Land developers
- Citizen Volunteers
- General public

The constituencies served by the program have grown as coastal issues become more complex and require regional solutions to solve. New constituencies of the coastal program include stakeholders of liquefied natural gas and off-shore wind turbine siting projects as the coastal impacts of those projects are considered. Three significant projects both increased program constituencies and involved significant resources: 1) Aquaculture Task Force, 2) Working Waterfront Coalition, and 3) Bay Management Study, which SPO coastal program staffed. SPO expects these issues to only grow in complexity involving greater outreach, facilitation, and negotiation.

In addition, the program's ongoing outreach programs continue to increase. Coastal program staff now host three volunteer coastal steward programs: Penobscot Bay, Midcoast, and St. Croix Estuary. In the Penobscot Bay region, 150 people have completed the course and contributed over 5,000 hours of volunteer time to their communities. In the midcoast region, 92 people have completed the course. The St. Croix Estuary has just started up. The annual Coastal Clean-up numbers also continue to grow with 32 clean-up events in 2007 from Kittery to Pembroke. Last year, 2,670 volunteers covered over 100 miles of Maine's coastline and collected more than eight tons of trash.

E. Lands for Maine Future⁶

The Land for Maine's Future Board works with a wide array of partner groups including:

- American Farmland Trust
- Appalachian Mountain Club
- Gulf of Maine Coastal Ecosystems Program
- Land Trust Alliance
- Maine Coast Heritage Trust
- Maine Coast Protection Initiative
- Maine Land Trust Network
- Parks and Reserve Lands of Maine Department of Conservation
- The Conservation Fund
- The Nature Conservancy – Maine Chapter
- The Trust for Public Land
- Wildlife Management Area of Maine Department of Inland Fisheries and Wildlife
- Municipal officials
- Maine state agencies
- Governor and Legislature

The program also works with outdoor enthusiasts, sportsmen, fishermen and clammers, conservationists, business people, municipal officials and citizens throughout Maine. Key funding partners include nonprofit organizations, foundations, cooperating landowners, and federal agencies.

Despite the widespread coverage of the limited LMF bond funds available, the program and its sister agencies continue to receive a steady stream of inquiries from landowners, towns, land trusts, and general citizens seeking funding support for important land conservation opportunities. Between 1999 and 2004, LMF has held four funding rounds in addition to the ongoing water access program. Funding requests routinely exceed available funds. Through 2005, LMF was only able to meet approximately 70% of the funding requests. In 2006, LMF did not meet even 50% of the requested conservation funds. LMF expects the interest and constituencies served only to continue to increase.

F. Land Use Planning

The Land Use Team provides a variety of services to citizens, municipalities, regional councils and the legislature.

Constituencies Served:

- Maine State Legislature
- Governor and staff
- Other state agencies
- Land use planners

⁶While it is housed at SPO, the Land for Maine's Future Program submits a separate Government Evaluation report to the Joint Standing Committee on Agriculture, Conservation, and Forestry.

- Regional agencies
- Non-governmental organizations
- Private businesses
- Municipal officials
- General public

The Land Use program expects that the way it delivers technical assistance to municipalities for land use planning, community planning, and comprehensive planning will change. As part of the effort to find \$10 million in efficiencies, SPO offered the elimination of a planner on its Land Use Team as a result of its recent large revision of the comprehensive plan review rule used to implement the Growth Management Act. The new rule gives much greater guidance up front to municipalities developing comprehensive plans. This includes an annotated rule on the SPO Web site, which gives municipalities links to other resources and answers to frequently asked questions. Thus, rather than having a person on the other end of the phone, municipalities will be provided with manuals and web-based assistance. Going forward, the assistance will be more generic, rather than the personal assistance that towns are used to receiving.

G. Maine Commission for Community Service

The Maine Commission for Community Service works with a variety of partners to foster community service and volunteerism in Maine.

Constituencies Served:

- Governor and the Legislature
- Public agencies
- Maine Association of Non-profits and its member agencies
- Non-governmental organizations
- Service agencies
- Children's Cabinet
- Volunteer and community service organizations
- Private businesses
- Citizen Volunteers
- General public

H. Office of Energy Independence and Security

On behalf of the Governor, OEIS works in conjunction with other departments of state government, including the Energy Resources Council, the Legislature, and private and nonprofit sectors to develop public and private partnerships that achieves the state goals of energy independence and security with clean, reliable, affordable, sustainable, indigenous, and renewable resources.

Constituencies Served:

- Governor and the Legislature
- State agencies
- Private businesses
- Elderly and Low-income

- Schools
- Developers of alternate energy sources
- Users of alternative energy sources
- Homeowners and building contractors
- Industries and manufacturers
- Maine Emergency Management Agency and other emergency planning and response agencies
- General public

The OEIS has developed a far-reaching action plan to work to develop alternative fuel sources, reduce energy consumption in Maine, and enhance emergency response. This plan broadens the Office's constituency, reaching out to involve important public and private partners.

I. A summary of efforts by an agency or program regarding the use of alternative delivery systems, including privatization, in meeting goals and objectives

Alternative Delivery Systems

The State Planning Office uses a variety of delivery systems to streamline processes, leverage funds, save time and money, and reach more people. Alternatives to traditional delivery systems include: contracting with others to provide services, fee-for-service, using volunteers, interns and research fellows, partnering with other organizations, sharing resources, and using electronic mechanisms.

Examples of successful alternative delivery systems include:

A. Contracts for Services

For some very specialized services or for services that spread out across the state, SPO contracts with subject matter experts for delivery.

For example, SPO contracts with Performance Systems Development (PSD) to administer Maine's Home Performance with Energy Star, a national program from the U.S. Environmental Protection Agency and U.S. Department of Energy. The program offers a comprehensive, whole-house approach to improving energy efficiency and comfort at home, while helping to protect the environment. The program links Maine homeowners with qualified and certified contractors who provide one-stop-shop access to a whole-house approach to home improvements. Performance Systems Development has been supporting the development of home performance programs since 1996. PSD experience and expertise allows Maine to run a successful home performance program. PSD helps with training contractors, developing marketing materials, designing the program, and providing other management tools.

SPO also contracts with ENSR Environmental Consultants and Engineers to provide management support for Maine's Flood map modernization program. These professionals collect local flood hazard information and data to start the mapping process. They identify flood hazard areas and assign risk classifications to assist the Maine Floodplain Management program prioritize areas for remapping, in accordance with FEMA standards. They also review digital flood map products and processes for accuracy, participate in community meetings, and maintain mapping database.

SPO contracts with Maine's 11 regional agencies to deliver land use technical assistance to municipal officials in their regions. Because SPO does not have the staff to cover every region of the state, these agencies provide front-line resources to municipalities for addressing basic planning needs that would be less effective being provided from Augusta.

B. Web-based Technology

SPO uses telecommunications technologies, including posting materials to on-line services, videotaping workshops and conferences, holding meetings via conference call, responding to inquiries via e-mail, and teleconferencing.

Web Access

For example, SPO uses the Internet to disseminate much of its public information. SPO posts meeting notices and minutes, reports and publications, and information about newsworthy projects. It distributes its municipal newsletter via e-mail rather than printing and mailing 500 copies. An exciting innovation is the land use program's new tool for assisting local planners in developing comprehensive plans. The newly-adopted comprehensive plan review criteria rule has been posted to the Web and annotated with live links that define terms, provide tips or helpful information, and points users to data sources. There are also links to example ordinance language. It is an easy-to-use tool that provides information at your fingertips. Another new tool is the Land for Maine's Future database, an on-line project directory with maps, photos, and information about how to access public LMF properties.

Teleconference

SPO uses teleconferencing as a means to provide training or host meetings statewide. For example, the office conducted stakeholder meetings in 2006 to seek input on its comprehensive planning process. The meeting was telecast to locations in Presque Isle, Machias, and North Berwick, allowing citizens there to participate in the meeting without having to drive to Augusta. The Maine Commission for Community Service regularly holds its commission meetings via teleconference.

On-line Services

To expand services to code enforcement officers and licensed plumbing inspectors, SPO has posted training materials and program information on its Web page and begun registering people for workshops on-line. The office also encourages municipalities to file their municipal annual solid waste reports via the Web. It now provides copies of RFPs on the Web using technology that tracks vendors' names and addresses, so that they can be easily notified of proposal changes or deadline extensions.

Electronic Filing

SPO now files its annual federal grant applications and progress reports electronically. This system expedites the award of federal funds to the state.

J. Identification of emerging issues for the agency or program in the coming years

Emerging Issues

Changing Population and Demographics

State Planning Office economists track and analyze demographic trends and assist policymakers with understanding their implications. Population demographics are showing trends of which we need to take note.

Maine's population is aging. In 2006, our median age of 41.1 years was the nation's highest and we had the lowest percentage of residents under age 18 (21.3%). The US Census Bureau projects that by 2030, one in four Maine residents will be age 65 or older. Three factors have contributed to this situation. First, Maine's coastal and recreation communities are attracting mobile retirees. Second, young people are leaving rural areas, as they have for generations. Third, Maine lacks large immigrant and minority communities that tend to be younger and have higher birth rates than non-Hispanic white Americans. Elsewhere in the nation, their presence has balanced the aging, and declining birth rates, of white Americans. Not so in Maine. In fact, in half of all Maine counties, the annual number of deaths exceeds the number of births. Still, the population of every county in Maine continues to grow.

There are implications of these changes for workforce and our economy. Maine faces a people problem; our labor force is projected to stop growing *entirely* after 2012. Our young people are lured by Boston, New York, and San Diego. We need to keep all the talented people Maine has, and attract new people. We need skilled workers for our boatbuilding, metal working, health care, research and development, tourism, and other industries, many of which face severe shortages today. We need tourists and second-home owners to contribute to the local housing, lodging, and retail economies, and to our tax base. We need retirees to contribute their talents to our civic life. People are the key to Maine's economic future. Our future prosperity depends directly on our ability to attract and retain young workers, retirees, tourists, seasonal residents, entrepreneurs, and the like.

Exploiting our Quality of Place

The State Planning Office staffs the Governor's Council on Maine's Quality of Place, which will make recommendations about how the state can protect, enhance, and take advantage of the economic opportunities that quality of place provides.

In the modern economy, sustainable prosperity comes from keeping and attracting talented people. Maine's advantage in this competition is our quality of place. This place is Maine's economic advantage in the coming decades. Keeping and strengthening what is special and distinctive about Maine, and attracting and holding talented people, is a new kind of economic development challenge. At present, we are not well organized to respond. We need a new model for preserving and promoting Maine's quality of place. Maine must integrate our approaches to downtown, landscape, and environmental protections with our efforts to invest in a sustainable economy.

The keys to this new approach include recognizing that:

1. Maine's quality of place is an economic good of real value, the employers and employees in today's high-growth industries value quality of place, and successful initiatives to preserve and promote quality of place must be strategic; and
2. Maine government at all levels must organize to realize the potential of our quality of place, including more effective development and use of regional strategies and state reorganization to provide the right framework and support.

Energy

Recent increases in energy prices have highlighted the effect of national and international events on Maine's economy. Maine is unique in its dependence on oil for home heating and gasoline for transportation in rural areas. This fall, the price of home heating oil is starting the winter heating season 20% higher than last year, continuing a steady climb that began in 2001. The average monthly price of oil increased from \$54.51 per barrel in January 2007 to \$79.91 in September 2007, and has recently hit record highs over \$100. These price increases are difficult and impact discretionary and investment income for residents and businesses. Prices have hit small Maine businesses, limiting their ability to invest and hire, and shrinking profit margins. In Maine, as in the nation, we must explore energy alternatives that limit our vulnerability to the international petroleum market.

As a result of the high price of fuel and a growing awareness of climate change, investment in energy efficiency and alternative sources of energy generation are expected to grow. SPO economists estimate that an overall increase in home heating energy efficiency of 10% annually would result in a savings of \$350 million and an increase of 3,700 jobs in Maine. This savings, combined with the development of wind, hydro, solar, tidal and wave power could provide a significant boost to Maine's economy.

The 123rd Legislature passed LD 1284, Resolve, Regarding the Organization and Administration of Energy Policy Responsibilities within state government. This resolve directs the Office of Energy Independence and Security (OEIS) to review current policy-making and administrative structures and functions within state government relating to energy policy and develop recommendations regarding the organization of energy-related responsibilities. The goal is a clearly-defined statutory framework that provides for well-coordinated and efficient formulation, management and administration of state energy policy. OEIS will report to the Joint Standing Committee on Utilities and Energy by January 1, 2008 with recommendations for enhancing Maine's ability to respond to energy issues.

Government Streamlining

The State Planning Office assists the Governor and Department of Administrative and Financial Services with developing options for consolidating and streamlining delivery of public services.

State, regional, and local governments continue their review of consolidating functions and eliminating duplication and inefficiencies so that resources can be used wisely to provide government services to meet contemporary challenges.

The Maine Legislature moved the state towards these goals with the passage of the biennial budget in the First Session of the 123rd Legislature. The budget contained a plan to streamline Maine's school administrative systems. This consolidation will reduce the number of school districts statewide from over 200 to 80, achieving \$36 million in annual savings while improving the quality of classroom education.

As part of balancing the FY07-08 budget, the Appropriations and Financial Affairs Committee created a streamlining initiative to save \$10 million through efficiencies. In preparation for the 2008 legislative session, agencies will continue to seek ways to streamline, reorganize, and cooperate so that they can provide quality service, effective use of resources, and meet today's challenges.

An example is Governor Baldacci's proposal for a unified corrections system. Between the state and counties, Maine currently has 16 corrections administrations. The Governor's proposal suggests unifying the 15 county jails and the state corrections system into a single, statewide system that would be managed by the Department of Corrections. The goal is to save property tax dollars; permit improved and cost-effective provision of mental health and substance abuse services to inmates; and house special inmate populations, such as women, appropriately. The new system would eliminate the need to build new jail and prison facilities in the near future.

The state will continue to support other efficiency efforts by municipalities, counties, and regional government through joint ventures for delivering government services. Through the Fund for the Efficient Delivery of Local and Regional Services, established to encourage and support intergovernmental cooperation to reduce property taxes, \$1.5 million has been awarded to 40 regional programs comprising nearly 200 municipalities and regional governments to date. Each grant cycle brings many innovative and creative ideas that are being studied and implemented by communities across the state. As projects move forward, they serve as successful examples to other municipalities, counties and regional government subdivisions who may consider shared services or consolidation efforts in the future.

Regional Planning

Regional planning and governance efforts are increasing in Maine. Examples include the Gateway 1 transportation planning for the Route 1 corridor in mid-coast Maine, the Mt. Agamenticus to the Sea land conservation effort in York County, and other various projects funded by the Fund for the Efficient Delivery of State and Regional Services.

In 2006, the State Planning Office researched the effectiveness of community comprehensive planning and found a need and desire to approach land use planning on a regional scale, with four prime opportunities for regional planning: 1) economic development; 2) transportation; 3) natural resources; and 4) affordable housing.

The Brookings Institution's report, *Charting Maine's Future*, has enhanced the attention being paid to regional planning in Maine. Because of fiscal constraints and the regional nature of many issues facing Maine, SPO anticipates that the interest in regional planning will only grow. Drawing on the expertise of the state's regional planning agencies, SPO intends to foster regional planning efforts, providing technical assistance, piloting regional approaches, and identifying useful tools and techniques.

K. Any other information specifically requested by the committee of jurisdiction

Other Information

The State Planning Office would like to provide additional information for the committee's use, including:

- A list of special projects assigned by the Governor and Legislature for the past two years
- A list of grants and other funds administered by SPO
- A list of SPO publications
- Some sample brochures and program reports

Special Projects

Over the past two sessions, the Governor and Legislature assigned a variety of special projects to the Office as follows:

Governor

1. Assist with tax policy development
2. Assist with preparing the Governor's bond package
3. Assist the Governor's Office respond to requests for information from the Brookings Institution
4. Provide staffing assistance to the Governor's Committee on Natural Resource-based Industries
5. Conduct workforce modeling for the BRAC Commission
6. Organize Passenger Rail Economic Development Workshop
7. Provide staffing assistance to Allagash Wilderness Waterway Working Group
8. Provide staffing assistance to Coastal and Nearshore Policy Subcommittee of the Land and Water Resources Council
9. Provide staffing assistance to Governor's Council on Maine's Quality of Place
10. Provide staffing assistance to Governor's Task Force on Wind Power Development in Maine
11. Provide staffing assistance to Task Force Regarding the Management of Public Lands and Publicly-held Easements in Maine
12. Assist the Department of Administrative and Financial Services with streamlining and finding efficiencies among the state's natural resources agencies

122nd Legislature

1. Conduct a comprehensive review of the Growth Management program
2. Negotiate host community agreements with Alton and Old Town
3. Assist the Maine Energy Task Force looking at ways to buy out the incinerator
4. Develop a new Land for Maine's Future program for working waterfronts
5. Report on state agencies' compliance with establishing processes so that collaborating municipalities can file state reports jointly
6. Serve on the Department of Audit's working group to establish model chart of accounts for voluntary use by municipalities and counties
7. Provide staff assistance to the Legislature Blue Ribbon Committee on Solid Waste
8. Convene a Beaches Advisory Group to oversee implementation of the report of the beach stakeholders group and report annually
9. Serve on the grant review panel for the Regional Efficiency grant program
10. Work with DEP to develop Tier I wetlands compensation program and recommend changes to exemption program
11. Examine opportunities for regional cooperation for the Cooper to help with lowering property tax costs

12. Prepare LD 1 report assessing progress towards meeting Maine's property tax reduction goals
13. Conduct a comparative welfare study and report, in conjunction with DHHS
14. Study the economic, technological, and funding issues of municipalities becoming Internet service providers
15. Internet Service Provided by Municipalities
16. Assist DEP with developing recommendations to reduce vehicle miles traveled that impact climate change
17. Conduct a comprehensive study of groundwater regulations (LWRC)
18. Work with the Department of Inland Fisheries and Wildlife regarding trails on private land and landowner rights
19. Serve as state intergovernmental coordinator
20. Identify issues related to implementing Maine's model building code; report to BRED committee
21. Facilitate the stakeholder process on a review of solid waste management policies and report to the Natural Resources Committee
22. Provide staffing assistance to Committee to Reform State Budget Process
23. Provide staffing assistance to Waste Management Advisory Committee
24. Establish a template for municipalities to use to create education foundations
25. Develop criteria through rule-making to prepare a list of qualified preparers and administer municipal funds for preparing comprehensive economic impact studies under Maine's Informed Growth Act
26. Establish a conservation easement registration system for all publicly-held easements in the state
27. Add a new training component on wood boilers for code enforcement officers
28. Evaluate grant proposals under the Riverfront Community Development program
29. Evaluate and make recommendations regarding the organization of state energy-related responsibilities to ensure sound energy policy
30. Provide staff assistance to the new Solid Waste Management Advisory Council
31. Develop an annual solid waste disposal capacity report (rather than biennial)
32. Prepare an implementation plan for Maine's building and building rehabilitation codes
33. Provide staff support for a LWRC water resources planning committee and planning groups for at-risk watersheds, report annually to the Natural Resources Committee
34. Provide biennial maps of public conservation lands

Grants and Other Funds Administered by State Planning Office

Environmental and Pollution Prevention

Coastal Pollution Prevention

Coastal grants support programs that help municipalities and others alleviate polluted runoff, a major source of coastal pollution in Maine.

Example: Grant funds to the Nonpoint Education for Municipal Officials (NEMO) help municipal officials understand and fix sources of coastal pollution by adopting better land development and public works practices. In 2006, NEMO assisted 13 towns.

- Source of Funds: Federal Coastal Funds
- FY07: \$50,000
- FY08 Proposed: \$50,000

For more information: Paula Thomson at 287-1482 or paula.thomson@maine.gov

Habitat Restoration Grants

Grants help municipalities and nongovernmental organizations to restore marine, estuarine, coastal, and freshwater habitats in the Gulf of Maine region.

Example: The Town of Bristol received funding for culvert replacement to improve habitat for waterfowl and shore birds and diadromous fish that migrate between fresh and salt water to spawn.

- Funding Source: Federal NOAA National Marine Fisheries Service Funds
- Maine projects compete gulfwide for funding and between 2003-2007 received \$519,000
- Maine projects seek \$684,000 in FY08. Awards will be announced in February

For more information: Jon Kachmar at 287-1913 or jon.kachmar@maine.gov

Household Hazardous Waste Management Capital Investment and Management

Grants help municipalities to establish regional collection programs for household hazardous waste, universal waste, and e-waste.

Example: In Aroostook County, the Northern Maine Development Commission received a grant to conduct household hazardous waste collection events in Houlton, Presque Isle, and Fort Fairfield.

- Source of Funds: Voter-approved Bond in 2003 and one-time GF appropriation in 2003
- FY07: No funds remaining

For more information: Sam Morris at 287-8054 or sam.morris@maine.gov

Recycling Capital Investment Grants

Grants help municipalities or regional associations of municipalities purchase buildings and equipment for recycling collection and processing.

Example: The City of Bangor received a grant to purchase a new automated baler to process recycling materials for the city and the 40 surrounding communities served by the Bangor Regional Recycling Center.

- Source of Funds: Voter-approved Bond in 2003
- FY07: No bond funds remaining

For more information: Sam Morris at 287-8054 or sam.morris@maine.gov

Planning and Land Use

Community Planning Grants

Grants help municipalities to develop and update local comprehensive plans and land use ordinances.

Example: The Town of Clifton received a grant to write a zoning ordinance to implement their newly-adopted comprehensive plan.

- Source of Funds: General Fund
- FY07: \$158,000 for 10-13 grants
- FY08 proposed: \$100,000 for 6-10 grants
- Propose to shift approximately \$50,000 of municipal grant funds to regional planning agencies to collect and analyze regional data for use in local planning (reducing the cost to towns) and laying the foundation for regional approaches to planning

For more information: Phil Carey at 287-3860 or phil.carey@maine.gov

Great American Neighborhood Partnerships

Grants help municipalities develop traditional, walkable neighborhoods.

Example: The Town of Thomaston received \$5,000 to help design a redevelopment plan for the former state prison site. Plans are underway to create a gateway to the town center at the site.

- Source of Funds: Federal Coastal Funds
- FY07: \$5,000
- FY08 proposed: \$5,000

For more information: John Del Vecchio at 287-8058 or john.delvecchio@maine.gov

Regional Challenge Grants

Grants help coastal communities with promising regional land use initiatives

Example: Washington County is working on a regional planning effort called “One Community” that is exploring ways of increasing communication and collaboration among county communities.

- Source of Funds: Federal Coastal Funds
- FY07: \$30,000 for 2-3 grants
- FY08 proposed: \$30,000

For more information: Phil Carey at 287-3860 or phil.carey@maine.gov

Regional Planning Councils

Funds go to regional planning commissions to provide planning technical assistance to towns and to foster regional planning efforts.

Example: The Northern Maine Development Commission is working with communities in Aroostook County to develop a regional capital investment plan.

- Source of Funds: General Fund and Federal Coastal Funds
- FY07: \$194,000 GF and \$131,000 FF divided among 11 regional planning agencies
- FY08 proposed: \$194,000 GF and \$131,000 FF, plus an additional ±\$50,000 GF for regional data collection.

For more information: Ruta Dzenis at 287-2851 or ruta.dzenis@maine.gov

Land Conservation and Public Access

Land for Maine’s Future

Funding helps municipalities, land trusts, and other nonprofit organizations acquire land or easements to protect natural areas, recreational access, and working landscapes. In 2006, the LMF Board implemented a pilot program to acquire protective rights on working waterfront properties.

Example: The Coastal Mountains Land Trust received funding to help conserve 214 areas on Bald and Ragged Mountains of the Camden Hills; the fourth and fifth highest summits on the east coast of the US with exceptionally scenic terrain, important ecological resources, and an established network of hiking trails.

- Source of Funds: Voter-approved bond in 2005
- FY07: All bonds funds have been committed
- FY08: The Legislature will consider several proposals for new LMF and working waterfront protection bonds in the current session.

For more information: Tim Glidden at 287-1487 or tim.glidden@maine.gov

Right-of-way Discovery Grants

Grants help coastal municipalities research and reassert forgotten or overlooked public rights-of-way to the shore.

Example: The Town of Searsport’s grant allowed them to determine that an extension of Navy Street to the shore is a public way for use by residents and visitors.

- Source of Funds: Federal Coastal Funds
- FY07: \$10,000 for 4-5 grants
- FY08 proposed: \$10,000 for 4-5 grants

For more information: Jim Connors at 287-8938 or jim.connors@maine.gov

Community Service

Community Volunteer Service

Grants support volunteer organizations in youth services, emergency response and disaster preparedness, rural health care, environmental education, and community sustainability.

Example: The Community Resource Corporation, operated under a grant to the Training Resource Center, places AmeriCorps members in 37 small nonprofit, municipal, and local education agencies (Milbridge to Alfred) covering 12 counties. Members help establish or expand volunteer involvement community programs.

- Source of Funds: Corporation for National and Community Service
- FY07: \$ 943,000
- FY08: \$943,000

For more information: Maryalice Crofton at 287-8931 or maryalice.crofton@maine.gov

State Planning Office Publication Listing

Publications	One-time or Regular Update?	Is it Online?
Newsletters		
SPO Municipal Newsletter	Regular Update	Yes
Maine CEO News	Regular Update	Yes
Maine Coastline	Regular Update	Yes
Maine VolunteerFare	Regular Update	Yes
Recycle This!	Regular Update	Yes
Annual and Biennial Reports		
Citizen Service; Annual Report of the Maine Commission for Community Service	Regular Update	Yes
Community Preservation Advisory Committee Annual Report	Regular Update	Yes
Community Preservation Advisory Committee Annual Report	Regular Update	Yes
Energy Resources Council: Annual Work Plan and Report to the Legislature	Regular Update	Yes
Land and Water Resources Council Annual Report	Regular Update	Yes
Land for Maine's Future Biennial Report	Regular Update	Yes
Regulatory Fairness Board Annual Report	Regular Update	Yes
Report Card on Poverty	Regular Update	Yes
Report of the Maine Consensus Economic Forecasting Commission	Regular Update	Yes
Report of the State Revenue Forecasting Committee	Regular Update	Yes
State Planning Office Strategic Plan	Regular Update	Yes
Waste Generation and Disposal Capacity Report	Regular Update	Yes
Code Enforcement		
Building Standards: Accessibility Standards & Requirements	Regular Update	No
Building Standards: Energy Conservation – 2000	Regular Update	Yes
Building Standards: Residential Electrical Installation & Inspection	Regular Update	Yes
Court Rule 80K – 2006	Regular Update	Yes
Forestry Practices in the Shoreland Zone	Regular Update	No
Introduction to Building Standards and the Use of Building Codes	Regular Update	Yes
Legal Issues & Enforcement Techniques Manual - January 2007	Regular Update	Yes
Maine Floodplain Management Handbook	Regular Update	Yes
Maine Wetlands and Their Boundaries	One-Time	No
Municipal CEO Training & Certification Information Guide	Regular Update	Yes
Shoreland Zoning Enforcement Manual	Regular Update	Yes
Subsurface Wastewater Manual	Regular Update	Yes
Wetlands Identification & Regulation	One-Time	No
Zoning & Land Use Regulations Manual - 2006	Regular Update	Yes
Coastal		
Casco Bay Watershed Wetlands Characterization	One-Time	Yes

Coastal Water Access Priority Areas for Boating and Fishing	One-Time	Yes
Coastal Water Access Report	One-Time	Yes
Coastlinks; Resource Guide to Maine's Coastal Organizations	Regular Update	No
Cundy's Harbor Working Waterfront Study and Appendices	One-Time	Yes
Improving Maine's Beaches	One-Time	Yes
Maine Coastal Plan: Final Assessment & Strategy under Section 309 of the Coastal Zone Management Act, 2006	Regular Update	Yes
Maine Coastal Program Accomplishments	Regular Update	Yes
Maine State Wetlands Conservation Plan	One-Time	
Managing Maine's Nearshore Coastal Resources, Final Report of the Bay Management study	One-Time	Yes
Options for Managing Maine's Near Shore Ecosystems	One-Time	Yes
Preserving Commercial Fishing Access: A Study of Working Waterfronts in 25 Maine Communities	Regular Update	Yes
Protecting Maine's Beaches for the Future: A Proposal to Create an Integrated Beach Management Program	One-Time	Yes
Review of the Maine Coastal Plan in Meeting the State's Public Access & Working Waterfront Goals	One-Time	Yes
Report of Governor's Task Force on the Planning and Development of Marine Aquaculture in Maine	One-Time	Yes
State of Maine's Beaches	Regular Update	Yes
The Waterfront Construction Handbook: Guidelines for the Design and Construction of Waterfront Facilities	One-Time	Yes
The Watershed Journey of Linus Loon	One-Time	Yes
Community Service		
Annual Report of the Maine Commission for Community Service	Regular Update	Yes
Developing Capacity in Maine's Volunteer Sector: MCCA Strategic Plan	Regular update	Yes
Economic Forecasts and Projections		
Complete Census Data	Regular Update	Yes
Maine Economic & Demographic Forecasts	Regular Update	Yes
Retail Sales Data and Reports	Regular Update	Yes
Maine School Enrollment Projections	One-Time	Yes
Economic Studies		
E-W Highway Study	One-Time	Yes
A Golden Opportunity, How Maine Can Enhance the Retirement Industry	One-Time	Yes
LD 1 Progress Report	Regular Update	Yes
Maine's Aging Population: A Survey of Potential Economic Implications	One-Time	Yes
Maine's Biggest Industries: Structural Overview of the Maine Economy	One-Time	Yes
Maine's Dairy Industry: Assessment of the Current Situation and Economic Impact of the Industry	One-Time	Yes
Place and Prosperity	One-Time	Yes
Report Recommending a Process for the Collection of Municipal and County Data for the US Census Bureau	One-Time	Yes

Understanding the Impact of Closing Naval Air Station Brunswick	One-Time	Yes
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Energy

2003 Directory of State Energy Programs and Resources	One-Time	Yes
Climate Change Action Plan	One-Time	Yes
Energy Resources Council: Annual Work Plan and Report to the Legislature	Regular Update	Yes
Home Heating Fuel Price Survey	Regular Update	Yes
Maine Energy Policy: Overview and Opportunities for Improvement	One-Time	Yes

Government

30 and 100	One-Time	Yes
Facilitating Government Cooperation	One-Time	Yes
Maine's Guide to Performance Measurement	One-Time	No
Maine's Guide to Strategic Planning	One-Time	No
Model Chart of Accounts for Maine Government	One-Time	Yes
Proposal to Reduce the Cost of Government through Reform of Governmental Relations	One-Time	Yes
Regional Opportunities for the Town of Cooper	One-Time	Yes
Report of Commission to Improve the Sentencing, Supervision, Management, and Incarceration of Prisoners	One-Time	Yes
Report on Municipal Capabilities to become Internet Service Providers	One-Time	Yes
State Planning Office: Government Evaluation Act Review	Regular Update	Yes
Strategic Plan to Develop the Maine Public Library for Geographic Information	One-Time	Yes

Hunger and Poverty

Ending Hunger in Maine, Report of the Maine Millennium Commission on Hunger and Food Security	One-Time	Yes
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Land for Maine's Future

Increasing the Return on a Sound Public Investment	One-Time	Yes
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Land Use Planning

4-Year Growth Management Program Evaluation	Regular Update	Yes
A Chair's Manual for the Comprehensive Planning	One-Time	No
A Response to Sprawl July 1997	One-Time	No
A Wireless Telecommunications Facility Siting Ordinance	One-Time	Yes
ABC of School Site Selection	One-Time	No
An Evaluation of the Growth Management Act and Its Implementation, 2006	One-Time	Yes
Brownfields Guide for Maine Municipalities	One-Time	Yes
Building Permit Limitation Ordinances	One-Time	No
Community Visioning Handbook	One-Time	Yes
Comprehensive Plan: A Manual for Maine's Communities	One-Time	No
Comprehensive Planning Resource Package	Regular Update	No
Cost of Sprawl Report	One-Time	Yes

Final Report to the Joint Study Committee to Study Growth Management	One-Time	Yes
Final Report to the Task Force on State Office Building Location, Other State Growth Related Capital Investments and Patterns of Development	One-Time	Yes
Final Report to the Task Force to Study Growth Management	One-Time	Yes
Financing Infrastructure Improvements Through Impact Fees	One-Time	Yes
Great American Neighborhood - A Guide to Livable Design	One-Time	Yes
How to Prepare a Land Use Ordinance	One-Time	No
Indicators of Livable Communities	One-Time	Yes
Integrating Wildlife Habitat into Local Planning	One-Time	No
Introduction to Maine's Subdivision Law	One-Time	No
Introduction to TDR Programs	One-Time	Yes
Land Stewardship Education and Incentives Project	One-Time	Yes
Legal Framework: Zoning and Land Use Regulation	One-Time	No
Livable Communities: A Proposal for Addressing Urban Sprawl	One-Time	Yes
Maine's Subdivision Law and Home Rule	One-Time	Yes
Making Schools Important to Neighborhoods Again	One-Time	Yes
Markets for Traditional Neighborhoods	One-Time	Yes
Model Subdivision Regulations	One-Time	Yes
Paradox of Sprawl		No
Performance Standards for Large Scale Developments	One-Time	Yes
Report on an Education Strategy for Public Water Supply Protection Aimed at Municipalities and the General Public	One-Time	Yes
Report on the Development of a Maine Building Rehabilitation Code	One-Time	Yes
Revitalizing Maine's Downtowns	One-Time	Yes
Reviving Service Centers	One-Time	Yes
Site Plan Review Handbook	One-Time	Yes
Smart Growth: Competitive Advantage	One-Time	Yes
Targeting Markets for Traditional Neighborhoods	One-Time	Yes
Technical Assistance Bulletin on Archaeological Resources	One-Time	Yes
Technical Assistance Bulletin on Buffers	One-Time	Yes
Technical Assistance Bulletin on Easements	One-Time	Yes
Technical Assistance Bulletin on Good Neighbor Policies	One-Time	Yes
Technical Assistance Bulletin on Groundwater	One-Time	Yes
Technical Assistance Bulletin on Noise	One-Time	Yes
Updating Your Comprehensive Plan - A Guide for Making Plan Updates Bolder and Smarter	One-Time	Yes
Why Households Move: Two Maine Surveys	One-Time	Yes
Natural Resources		
Blaine House Conference Report: Natural Resource-based Industries	One-Time	Yes
Fishing, Farming Forestry: Resources for the Future	One-Time	Yes
Maine State Wetland Conservation Plan	One-Time	Yes
Maine's Natural Resource-based Industries: Report and Scorecard	One-Time	Yes
Report on the Use of Incentives to Keep Land in Productive Farming, Fishing and Forestry Use	One-Time	Yes

Recycling and Waste Management

Bottle Bill Study Committee Report	One-Time	Yes
Community Guide to Composting Leaves and Yard Trimmings in Maine	One-Time	No
Composting Seafood Processing Residuals in Maine	One-Time	No
Final Report of the Study Committee to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling	One-Time	Yes
Household Hazardous Waste Cost Study	One-Time	Yes
Implementation Steps of PAYT	One-Time	Yes
Municipal Data	Regular Update	Yes
Municipal Recycling Programs in Maine - December 2003	Regular Update	Yes
Pay-As-You-Throw Report	Regular Update	Yes
Public Recycling Program Costs and Efficiencies	One-Time	Yes
Recycling and Waste Management Plan	Regular Update	Yes
Report of the Task Force on Solid Waste Landfills	One-Time	Yes
Seafood Waste: Cost or Opportunity?	One-Time	No
Solid Waste Program Costs: A Study of Selected Maine Communities	One-Time	Yes
Task Force Reviewing Solid Waste Management Policies - 2006	Regular Update	No
User Fee System and Trash Bag Survey Results	Regular Update	Yes
Waste Management Services Directory	Regular Update	Yes

Sample Brochures and Reports

L. A comparison of related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program

Comparison of Federal and State Laws

This section is not applicable.

M. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement

Protection of Personal Information

The State Planning Office collects very little personal information. What it does collect is protected by state human resource and IT systems.

Human Resources

The State Planning Office would from time-to-time have on hand personal information from employee records or recruitment records. These are managed in accordance with guidelines set forth by the Department of Administrative Affairs and Financial Services (DAFS). SPO does not retain any personal information, rather these are housed at DAFS. Recruitment records, such as resumes, job applications, and references are destroyed in accordance with DAFS guidelines.

Information Technology

The State Planning Office complies with the state's IT policies as follows.

POLICY CONCERNING THE USE OF STATE-OWNED INFORMATION AND TECHNOLOGY (I.T.) AND RELATED COMMUNICATIONS EQUIPMENT:

NOTE: State information and technology and related communications equipment may include, but is not limited to: Computer workstations, voice mail, computer networks, printers, copiers, telephones, fax machines, modems, fax modems, e-mail, local and wide area networks, Internet, and Intranet.

PURPOSE

The purpose of this policy is to set out the rules to be followed while using any or all of the State-owned information and technology equipment under the control of the Department of Administrative and Financial Services (DAFS).

BACKGROUND

The Department provides its employees access to State-owned I.T. equipment to accomplish tasks, process, and communicate to effectively achieve DAFS mission, as directed by law and the administration.

The State of Maine "Freedom of Access Law" (1 MRSA, § 401-410) clearly provides that any and all materials, files, notes, records, copies, etc., regardless of the media used to store or transmit them (paper, film, microfiche, magnetic media, electronic media, etc.) in public offices or in the possession of public employees while at work are public property. As such, the public has access to those materials. All material created, modified, stored, moved, distributed, transferred, printed, imaged, or otherwise manipulated on State-owned office automation equipment is considered to be public property and, as such, is subject to examination by the public. The law places some very narrow restrictions on the public access, such as personnel files, employment applications, employee testing and rating criteria, workers' compensation files, certain investigation files, etc., but most materials are subject to public viewing. Employees are advised that there should be no expectation of privacy when using any State-owned I.T. or related communications equipment.

E-mail systems, Internet and WorldWide Web browsers, bulletin board systems, etc., are intended to be used for State business purposes. DAFS staff should be aware that cell phones and internet messages are generally not secure and can be easily intercepted by outside parties. Voice mail and e-mail messages may have backup copies that cannot be deleted by the operator. A history of accessed Web sites is recorded by most browser software. All of this information may be subject to release under a "Freedom of Access Law" request. In addition, DAFS staff and the Office of Information Technology may monitor voice, e-mail, and Internet traffic to improve service levels, enforce this policy, and prevent unauthorized access to State systems.

Unofficial and/or unauthorized use of State-owned equipment places unanticipated and possibly excessive demands on the State's I.T. resources.

Accessing unofficial and/or unauthorized sources unnecessarily exposes the State to the spread of computer viruses, which may be both costly and disruptive to clean from DAFS I.T. and related systems.

POLICY

State-owned I.T. equipment is made available to staff to conduct official DAFS business. The use of State-owned I.T. equipment to create, record, store, transmit, distribute, image, modify, print, download, or display inappropriate or unprofessional materials that demean, denigrate, or harass individuals or groups of individuals, on the basis of race, ethnic heritage, religious beliefs, disability, sexual orientation or gender, and/or materials that are sexually explicit or pornographic in nature, whether or not the material was intended to demean, denigrate or harass any employee or group of employees, is prohibited.

The State's E-mail is not to be used to forward or otherwise broadcast "chain letters," mass communications that are not work related, or solicitations for causes unrelated to the State's business, no matter how worthy the cause may be perceived to be. If in doubt as to whether your proposed e-mail meets these guidelines, contact Personnel Services at 624-7400. Solicitations or mass communications for causes believed to be related to State business should be brief, not endorse any particular product or provider, and should refer

readers to a Web page for further information. The Commissioner or his/her designee must approve such solicitations or mass mailings. [NOTE: In the Capitol area, Capitol Security must give written permission for solicitations. The Maine State Employees Combined Charitable Appeal is the only solicitation with on-going, or "blanket" approval]. State-owned automation equipment may not be used to conduct outside business nor may it be used in conjunction with any outside employment activity.

Additionally, state law makes it a crime to use a computer system operated by a state department or agency to advocate for or against a candidate for federal office, a constitutional office, an elective municipal, county or state office, including leadership positions in the Senate and House of Representatives, as well as to solicit contributions required by law to be reported to the Commission on Governmental Ethics and Election Practice.

Any personal use of State-owned I.T. equipment must be incidental in nature. Examples of incidental use may include, but are not limited to, brief e-mails, accessing an appropriate subject on the Internet, phone calls of an urgent nature, using computer capabilities incidental correspondence, etc. The use of State-owned supplies represents a cost to the State and, as such, printing and copying for personal use is restricted to incidental use only. Any personal, incidental use of State-owned equipment shall not interfere with the Department's business activities, must not involve solicitation in any form, must not be associated with any outside business or employment activity, and must not potentially embarrass or offend the State of Maine, its residents, its taxpayers, or its employees.

GUIDELINES AND PROCEDURES

In the event that an employee inadvertently accesses inappropriate or prohibited material, the employee is required to immediately secure the material from view. It is recommended that if an employee inadvertently accesses inappropriate or prohibited materials, his or her supervisor or management should be advised of the circumstances surrounding the inadvertent access. This will ensure that the employee is held harmless for inadvertently accessing the inappropriate or prohibited materials.

If supervisory or management staff become aware that inappropriate or prohibited materials are being accessed, downloaded, or otherwise transmitted to or by an employee in his or her organization, he or she must act immediately to stop such activity. Supervisors and managers should contact DAFS Director of Human Resources, for guidance and consultation.

These rules may be amended as necessary by State policies and procedures or by updated DAFS policies.

Each DAFS employee is expected to comply with this policy. Violation of this policy may lead to progressive discipline, up to and including dismissal consistent with applicable bargaining agreement and/or Civil Service Rules. For further information concerning this policy, contact DAFS Director of Human Resources at 624-7400.

Privacy Policy for the State of Maine

Introduction: Visitors to the Office of Information Technology (OIT) Web site are our customers. We will not capture personal information about our customers without their direct action and/or permission. Minimal information will be collected, if needed, to meet the purposes for which the Web site was created. Personal information provided is open to public inspection and legal discovery under **State Law Title 1, Chapter 13 of Maine Revised Statutes Annotated** unless specifically protected under other Maine statutes.

Public Disclosure: All information collected on the OIT Web site will be treated the same as any written communication and is subject to the confidentiality and public disclosure provisions of 1 MRSA Chapter 13.

PRIVACY STATEMENT

OIT Web site Customers: We may collect some or all of the following information about visitors who view or download information from our Web sites:

Information:	Definition:
Date:	Date the visit occurred
Time:	Time the visit occurred
Client IP:	Unique Internet Protocol (IP) address of the Web site visitor. The IP address recorded is normally that of the visitor's Internet service provider, e.g., aol.com if the visitor connects from an America Online account.
Server IP:	Unique Internet Protocol (IP) address of the State of Maine Web server accessed.
HTTP Status:	Hyper Text Transfer Protocol (HTTP) error code. E.g., "404 Requested Page Not Found."
HTTP Request URL:	Identifies the Web page or file requested by the Web site visitor.
Bytes Sent:	Amount of data sent from the Web server to Web site visitor during that connection.
Bytes Received:	Amount of data sent from Web site visitor to the Web server.
User Agent:	Type of Web browser or other client software that made request to the Web server.
Referrer:	Uniform Resource Locator (URL) that referred to the requested file.

Protocol Version: Version of HTTP used by the visitor's Web browser software.

Collected Information: The information we collect is used to improve the content of our Web services and help us understand how people are using our services. We analyze our Web site logs to continually improve the value of the materials available on our site. The information in our Web site logs is not personally identifiable, and we make no attempt to link it with the individuals that browse our Web site. Some of this statistical information, such as a running count of the number of visitors, may be displayed on the Web site or shared with other state governments to aid in the provision of better service to the public.

Personally Identifiable Information: "Personally identifiable information" is information about a person that is readily identifiable to that specific individual. It includes, for example, an individual's name, street address, e-mail address, or phone number. Personally identifiable information will not be collected unless you voluntarily send an e-mail message, fill out and send an online form, or fill out personal information and send in a survey. Your choice not to participate in these activities will not impair your ability to access certain information or obtain a service online. Unless specifically protected under state law, any information provided may be inspected by the public or disclosed in a legal proceeding.

E-mail Senders: E-mail messages, sent to any Maine State Government address, will be treated the same as any other written communication. They may be subject to public inspection or legal disclosure and may be saved for a period of time before they are destroyed. E-mail or other information requests sent to the OIT Web site will be used to respond appropriately. The E-mail message and address may be forwarded to another state agency for appropriate action.

Electronic Form Filers: Any other information provided by a visitor at the request of an agency of Maine State Government, such as the completion and electronic filing of a form, will be considered to be voluntarily provided by the visitor and will be treated in the same manner as information provided in written form or in person during a visit to the agency. Information provided may be subject to public inspection and legal disclosure and may be saved for a period of time before it is destroyed. It may be shared with another state agency for appropriate action.

Surveys: Surveys will be used for the purpose stated. If personally identifiable information is collected it may be subject to public inspection and legal disclosure and may be saved for a period of time before it is destroyed.

Cookies, Applets, or Other Tracking Devices: In order to better serve you, our customer, we use cookies, applets, or other tracking devices for certain types of online transactions. We do not use cookies in order to track your visit to our Web site.

Cookies are small text files that a web server may ask your web browser to store, and to send back to the web server when needed. Cookies may be used to store a transaction identifier or other information a user may provide. We use cookies in the following ways:

- **Complex transactions:** Cookies are used to store and retrieve unique transaction identifiers or other server-generated or user-provided information in complex, multi-page web applications. This allows us to distinguish between different users, and to use information provided at one stage of an application at a later time (for instance, items placed in a 'shopping cart' might need to be displayed on a later 'check-out' screen). When we use cookies in this way, the cookie is stored on your web browser only temporarily; the cookie is destroyed at the end of the transaction or at the end of the browser session.
- **Customized Services:** Cookies may also be used to automatically identify a particular user to the system, in order to provide a customized service, such as a personalized web page. In this case, a cookie containing a unique user identifier will be permanently stored on your web browser. We do not store sensitive information in such cookies; only a unique user identifier or generic preference values are stored. Personal information you give us for processing a transaction or using one of our personalization features, may be stored on our secure web server.

The "HELP" portion of the toolbar on most browsers will tell you how to prevent your browser from accepting new cookies or how to disable cookies altogether. If you have further questions about cookies, the Computer Incident Advisory Capacity unit, that monitors computer problems for the U.S. Department of Energy, issued a study on March 12, 1998 of the risks of cookies to users, titled "Information Bulletin I-034." You can refuse the cookies or delete the cookie file from your computer by using any of the widely available methods.

DISCLAIMER

Neither the State of Maine, nor any agency, officer, or employee of the State of Maine warrants the accuracy, reliability or timeliness of any information published on the State of Maine OIT Web site, nor endorses any products or services linked from this system, and shall not be held liable for any losses caused by reliance on the accuracy, reliability or timeliness of such information. Portions of the information may be incorrect or not current. Any person or entity that relies on any information obtained from this system does so at his or her own risk. The Privacy Statement does not apply to non-Maine State Government Web sites linked to the OIT Web site. Customers to those sites are advised to check the privacy statements of those sites and be cautious about providing personally identifiable information without a clear understanding of how the information will be used.

Contact Information: To offer comments about the State of Maine OIT Web site or about information presented in this Privacy Statement, contact the webmaster.

N. A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:

- 1) The statutory authority for each filing requirement;**
- 2) The date each filing requirement was adopted or last amended by the agency;**
- 3) The frequency that filing is required;**
- 4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and**
- 5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication.**

Public Filings

There are no requirements for public filings by the State Planning Office.