

LOIS A. SNOWE-MELLO, District 15, Chair  
 BRIAN D. LANGLEY, District 28  
 NANCY B. SULLIVAN, District 4

O.F.F.R.



2011 APR -5 AM 11:30

ALYSON MAYO, Legislative Analyst  
 VERONICA SNOW, Committee Clerk

WINDOL C. WEAVER, York, Chair  
 DIANNE C. TILTON, Harrington  
 JANE S. KNAPP, Gorham  
 KIMBERLY N. OLSEN, Phippsburg  
 WAYNE R. PARRY, Arundel  
 W. BRUCE MACDONALD, Boothbay  
 CHARLES B. KRUGER, Thomaston  
 DEVIN M. BELIVEAU, Kittery  
 RALPH CHAPMAN, Brooksville  
 WALTER A. KUMIEGA III, Deer Isle

State of Maine  
 ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
 COMMITTEE ON MARINE RESOURCES

## MEMORANDUM

TO: Senator Richard Rosen, Senate Chair  
 Representative Patrick Flood, House Chair  
 Members, Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Lois Snowe Mello, Senate Chair *RAM*  
 Representative Windol Weaver, House Chair *WV*  
 Members, Joint Standing Committee on Marine Resources

DATE: April 5, 2011

SUBJECT: Committee report on LD 1043 Biennial Budget for FY 2012 and 2013

The Joint Standing Committee on Marine Resources voted unanimously (13-0) to support those provisions of LD 1043 within the jurisdiction of the committee.

The committee also voted unanimously (13-0) to recommend amending the budget with "Amendment A" attached to this memo (see blue sheet). The amendment provides funding for three positions in the Department of Marine Resources' (DMR) Public Health Division Shellfish Growing Area Programs, including a Marine Resources Scientist II and two Marine Resources Scientist I's.

These three positions in DMR's Public Health Division were added by the legislature in spring 2009 after DMR closed productive shellfish beds from Kittery to Harpswell in the interest of public health. The closures happened after a program evaluation by the Federal Drug Administration (FDA) determined that Maine was not in compliance with federal requirements in FY 2008.

Since FY 2004, formal evaluations point to insufficient staff as the reason DMR's shellfish program has repeatedly been in noncompliance with federal shellfish water quality standards. Significant improvements have been made since the FY 2008 evaluation, which preceded the hiring of three additional staff members whose work has directly resulted in the ability of the department to maintain compliance with federal requirements of the National Shellfish Sanitation Program. DMR's Growing Area Element currently meets all National Shellfish Sanitation Program Model Ordinance requirements.

Please see the following attachments in addition to Amendment A:

- Committee Recommendations for Changes to Governor's Budget Proposal (see green sheet).
- The Committee's Report Form (see white sheets MAR-1-MAR-29).
- A letter dated March 31, 2011 from DMR Commissioner Norman Olsen which explains that the revenue streams for the three positions are under the Department of Environmental Protection's jurisdiction, and the budgeted revenue was not achieved mainly due to a decline in septic surcharge revenue (see yellow sheets).
- A cover letter dated November 23, 2010 from the FDA's 2010 review of DMR's Growing Area Program (see yellow sheets).
- FY 2010 Program Element Evaluation Report excerpt from FDA's 2010 program review (see yellow sheets).

These three positions must be maintained in order to ensure public health and safety, ensure uninterrupted services to the shellfish industry, and protect the Maine shellfish brand and economy. Without the positions, DMR will not have the resources to maintain compliance with the minimum federal standards to which all states are held, resulting in decreased services to the shellfish industry and the public that consumes shellfish. If Maine fails to meet these minimum standards, the FDA can ban the interstate and international sale of all bivalve shellfish from our state. Maine's shellfish industry has an estimated landed value of \$20 million per year. Noncompliance threatens the continued viability of Maine's shellfish industry and tarnishes Maine's reputation for high quality seafood, which extends beyond shellfish.

Thank you for the opportunity to provide you with our recommendations. We look forward to discussing this further with you.

Committee Recommendations for Changes to Governor's Budget Proposal (Majority)

Name of Committee: MAR

LD: 1043 Date of Report: 4-5-11

GF Cost (Savings)		Change in Headcount (All Funds)		Vote
FY11-12	FY12-13	FY12-13		

<b>Governor's GF Budget Initiatives Net Cost (Savings)</b>	\$98,768	\$108,526		
--	----------	-----------	--	--

Initiatives Rejected by Committee & Effect on Net GF Cost or Savings				
<b>Total Cost (Savings) From Rejected Initiatives</b>	\$0	\$0	0.0	0.0

Initiatives Amended by Committee & Effect on Net GF Cost or Savings				
Page	Reference/Part	Description of Amendment (Attach Revised Initiative Description or Language)		
<b>Total Cost (Savings) From Amended Initiatives</b>	\$0	\$0	0.0	0.0

Initiatives Added by Committee & Effect on Net GF Cost or Savings				
		See Amendment A (attached)	\$120,000	13-0
<b>Total Cost (Savings) From Additional Initiatives</b>	\$0	\$120,000	0.0	0.0

<b>Total Additions to or Subtraction from Governor's Net Total</b>	\$0	\$120,000	0.0	0.0
--	-----	-----------	-----	-----

<b>POLICY COMMITTEE'S GF Budget Initiatives Net Cost (Savings)</b>	\$98,768	\$228,526	0.0	0.0
--	----------	-----------	-----	-----

Sec. A-4. Appropriations and allocations. The following appropriations and allocations are made

**ATLANTIC STATES MARINE FISHERIES COMMISSION**

Atlantic States Marine Fisheries Commission 0028

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
<b>GENERAL FUND</b>				
All Other	\$29,282	\$29,282	\$29,282	\$29,282
<b>GENERAL FUND TOTAL</b>	\$29,282	\$29,282	\$29,282	\$29,282

**Justification:**

The Atlantic States Marine Fisheries Commission's focus is to provide the states from Maine to Florida a coordinated way for better management and use of marine fisheries through an interstate compact of the fifteen Atlantic coastal states. Although the State's determine specific policies in their respective jurisdictions, the Commission provides a forum for discussion and resolution of common problems and assists the states in developing joint programs for commercial and recreational fisheries through sustainable fishery resources management. In addition, the Commission runs the Interstate Fisheries Management Program, whose goal is uniform management and protection of the nation's fisheries resources and viable commercial and recreational fishing industries. Fisheries managed under Commission fishery management plans include lobster, striped bass, herring, bluefish American eel, shad and river herring, winter flounder, northern shrimp, Atlantic sturgeon, and shortnose sturgeon.

**ATLANTIC STATES MARINE FISHERIES COMMISSION 0028**

**PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
<b>GENERAL FUND</b>				
All Other	\$29,282	\$29,282	\$29,282	\$29,282
<b>GENERAL FUND TOTAL</b>	\$29,282	\$29,282	\$29,282	\$29,282

ATLANTIC STATES MARINE FISHERIES COMMISSION

	2011-12	2012-13
DEPARTMENT TOTALS		
GENERAL FUND	\$29,282	\$29,282
DEPARTMENT TOTAL - ALL FUNDS	<u>\$29,282</u>	<u>\$29,282</u>

Sec. A-50. Appropriations and allocations.

The following appropriations and allocations are made.

**LOBSTER PROMOTION COUNCIL**

**Lobster Promotion Fund 0701**

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>				
All Other	\$436,000	\$436,000	\$436,000	\$436,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	\$436,000	\$436,000	\$436,000	\$436,000

**Justification:**

**MAINE LOBSTER PROMOTION COUNCIL PURPOSE:** In 1991 members of the lobster industry of the state requested the Legislature to establish an assessment to generate dedicated revenue to be used for the purpose of promotion, advertising and market development of the Maine lobster industry. Over the years, the Lobster Promotion Fund has remained the same. The Maine Lobster Promotion Council has the responsibility for allocation and administration of the Lobster Promotion Fund. Currently, the fee assessed on lobster license holders is \$31.25 for Class I licensed harvester, \$62.50 for Class II licensed harvesters, \$93.75 for Class III licensed harvesters, and \$250 for wholesale license holders. The current mission of the Maine Lobster Promotion Council is to market and promote the sale of Maine lobster in local, regional, national and world markets year round; to assist members of the retail and food service trades by providing technical, educational and marketing support, focusing especially on the health benefits of Maine lobster for the consumer. **ORGANIZATION:** Legislation passed in 1991 provided that the Maine Lobster Promotion Council consist of nine members appointed by the Commissioner of Marine Resources. The Council elects a chairman from among its members and employs an executive director and staff to handle the responsibilities of the lobster promotion programs. Legislation passed in 1994 made the Council a public instrumentality of the state. **Fiscal Management:** The organization strives to maximize market impact of its expenditures through strict adherence to conservative fiscal policy. The majority (97%) of revenue is generated through an assessment on lobster licensees, and additional sources of funding are sought from outside sources, such as grants. An annual audit is compiled by an independent, external CPA accounting firm; a copy of the 2008 fiscal year audit is available on request. The auditors were satisfied that the MLPC had well managed and responsibly administered financial records, policies and procedures that were well managed, and the accounting and financial management adhered to Generally Accepted Accounting Practices standards. The auditors had no recommendations for, nor suggested any, need for improvements. **Sources and uses of funding:** Sources - As mentioned above, 97% of the funding for the MLPC comes from license assessments from industry licensees. These include harvester licenses, wholesaler licenses, and transportation licenses. Additional funding comes from grants and misc. income. A focused priority for the MLPC in fiscal year 2008-09 is to seek out additional grant opportunities to supplement the current funding levels as these levels are expected to decline slightly in the next few years. The MLPC, in fiscal year 2008-09, is currently utilizing the resources of a professional grant writer to assist us in this important area. The MLPC does not receive any funding directly from State or Federal funds. **Uses -** The MLPC uses a detailed budget that is approved and overseen by the 9 member board of directors that represents diverse industry sectors, including harvesters, dealers, processors, and the general public. The MLPC has a very broad mandate and minimal funding so the entire board and staff is continuously focused on programs and activities which generate the most return on investment in terms of supporting the industry in the areas of marketing and promotion of the sale of Maine Lobster.

LOBSTER PROMOTION FUND 0701  
PROGRAM SUMMARY

	History 2009-10	History 2010-11	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS				
All Other	\$436,000	\$436,000	\$436,000	\$436,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$436,000	\$436,000	\$436,000	\$436,000

LOBSTER PROMOTION COUNCIL

DEPARTMENT TOTALS

2011-12      2012-13

OTHER SPECIAL REVENUE FUNDS

\$436,000      \$436,000

DEPARTMENT TOTAL - ALL FUNDS

\$436,000      \$436,000



Sec. A-51. Appropriations and allocations.

The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF**

**Bureau of Resource Management 0027**

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
<b>GENERAL FUND</b>				
POSITIONS - LEGISLATIVE COUNT	29.000	29.000	29.000	29.000
POSITIONS - FTE COUNT	1.500	1.500	1.500	1.500
Personal Services	\$2,347,666	\$2,260,806	\$2,475,669	\$2,567,097
All Other	\$869,550	\$879,677	\$856,991	\$856,990
<b>GENERAL FUND TOTAL</b>	<b>\$3,217,216</b>	<b>\$3,140,483</b>	<b>\$3,332,660</b>	<b>\$3,424,087</b>
	History 2009-10	History 2010-11	2011-12	2012-13
<b>FEDERAL EXPENDITURES FUND</b>				
POSITIONS - LEGISLATIVE COUNT	16.500	16.500	16.500	16.500
POSITIONS - FTE COUNT	0.500	0.500	0.500	0.500
Personal Services	\$1,623,577	\$1,671,751	\$908,403	\$940,606
All Other	\$486,283	\$486,283	\$508,682	\$508,682
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,109,860</b>	<b>\$2,158,034</b>	<b>\$1,417,085</b>	<b>\$1,449,288</b>
	History 2009-10	History 2010-11	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>				
POSITIONS - LEGISLATIVE COUNT	20.000	20.000	24.000	24.000
POSITIONS - FTE COUNT	1.000	1.000	4.000	4.000
Personal Services	\$1,687,808	\$1,818,831	\$2,249,762	\$2,341,972
All Other	\$1,159,496	\$1,284,244	\$1,246,346	\$1,246,346
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,847,304</b>	<b>\$3,103,075</b>	<b>\$3,496,108</b>	<b>\$3,588,318</b>

**Justification:**

The Bureau of Resource Management (BRM) is engaged in shellfish sanitation to protect public health, scientific research and monitoring to restore, conserve and manage the marine and estuarine resources of the State of Maine, and marine education. The Bureau conducts sampling programs for commercial and recreational fisheries such as for American lobster, northern shrimp, Atlantic herring, green sea urchin and striped bass, to provide information on stock levels and environments of recreationally and commercially valuable marine organisms. BRM scientists monitor shellfish growing areas for the presence of bacterial contamination and test shellfish for marine toxins to protect public health. Aquaculture lease site reviews are conducted to ensure that new leases for finfish and shellfish are compatible with existing uses and the natural environment. The Maine State Aquarium and the Burnt Island Living Lighthouse Program provide marine education and outreach to the public, Maine's school children and teachers.

**Bureau of Resource Management 0027**

Initiative: Provides funding for STA-CAP fees calculated by the Department of Administrative and Financial Services, Office of the State Controller.

STA-CAP &  
OSR

Ref. #: 17960

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

All Other

2011-12	2012-13
\$906	\$1,045
<u>\$906</u>	<u>\$1,045</u>

OTHER SPECIAL REVENUE FUNDS TOTAL

**Justification:**

STA-CAP is the indirect cost charged to non General Fund accounts. This initiative increases the amount available for STA-CAP due to increased funding levels and rates that are established by the Office of the Controller.

**Bureau of Resource Management 0027**

Initiative: Reduces funding to align allocation with current revenue.

Ref. #: 17970

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

All Other

2011-12	2012-13
(\$319,363)	(\$324,015)
<u>(\$319,363)</u>	<u>(\$324,015)</u>

OTHER SPECIAL REVENUE FUNDS TOTAL

**Justification:**

Allocation levels are not supported by current revenue sources.

**Bureau of Resource Management 0027**

Initiative: Transfers 2 seasonal Marine Patrol Officer positions and one Marine Patrol Officer position and related support costs from the Bureau of Resource Management program, Other Special Revenue Funds to the Marine Patrol - Bureau of program, Other Special Revenue Funds.

Ref. #: 18020

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

POSITIONS - LEGISLATIVE COUNT  
 POSITIONS - FTE COUNT  
 Personal Services  
 All Other

2011-12	2012-13
(1,000)	(1,000)
(1,000)	(1,000)
(\$153,848)	(\$163,267)
(\$30,571)	(\$31,633)
<u>(\$184,419)</u>	<u>(\$194,900)</u>

OTHER SPECIAL REVENUE FUNDS TOTAL

**Justification:**

These position transfers and associated support costs are necessary to align resources to the correct bureau to achieve department objectives per Public Law 2009, chapter 559, "An Act To Create a Saltwater Recreational Fishing Registry".

---

**Bureau of Resource Management 0027**

Initiative: Transfers 2 Marine Resource Specialist I positions, and one Marine Resource Scientist I position and related support costs from the Bureau of Resource Management program, Other Special Revenue Funds to the Sea Run Fisheries and Habitat program, Other Special Revenue Funds.

Ref. #: 18030

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	(3,000)	(3,000)
Personal Services	(\$198,148)	(\$204,630)
All Other	(\$25,407)	(\$24,345)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>(\$223,555)</u>	<u>(\$228,975)</u>

**Justification:**

These position transfers and associated support costs are necessary to align resources to the correct bureau to achieve department objectives per Public Law 2009 chapter 559, "An Act To Create a Saltwater Recreational Fishing Registry".

---

**Bureau of Resource Management 0027**

Initiative: Transfers 2 seasonal Conservation Aide positions from the Bureau of Resource Management program, Other Special Revenue Funds to the Sea Run Fisheries and Habitat program, Other Special Revenue Funds.

Ref. #: 18040

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - FTE COUNT	(1,000)	(1,000)
Personal Services	(\$30,154)	(\$31,024)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>(\$30,154)</u>	<u>(\$31,024)</u>

**Justification:**

These position transfers are necessary to align resources to the correct bureau to achieve department objectives per Public Law 2009 chapter 559, "An Act To Create a Saltwater Recreational Fishing Registry".

---

**Bureau of Resource Management 0027**

Initiative: Transfers 2 seasonal Conservation Aide positions from the Bureau of Resource Management program, Other Special Revenue Funds to the Sea Run Fisheries and Habitat program, Other Special Revenue Funds.

Ref. #: 18050

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - FTE COUNT	(1,000)	(1,000)
Personal Services	(\$41,545)	(\$43,308)

OTHER SPECIAL REVENUE FUNDS TOTAL

(\\$41,545) (\\$43,308)

**Justification:**

These position transfers and associated support costs are necessary to align resources to the correct bureau to achieve department objectives per Public Law 2009 chapter 559, "An Act To Create a Saltwater Recreational Fishing Registry".

**Bureau of Resource Management 0027**

Initiative: Transfers 50% of the cost of one Marine Resource Scientist IV position, one Marine Resource Scientist III position and one Marine Specialist I position, from the Bureau of Resource Management program, Other Special Revenue Funds to the Sea Run Fisheries and Habitat program, Other Special Revenue Funds.

Ref. #: 18060

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

Personal Services

2011-12 2012-13  
(\\$135,051) (\\$138,430)

OTHER SPECIAL REVENUE FUNDS TOTAL

(\\$135,051) (\\$138,430)

**Bureau of Resource Management 0027**

Initiative: Transfers 2 Marine Resource Scientist II positions and one Marine Resource Scientist III position from the Division of Community Resource Development program, Other Special Revenue Funds to the Bureau of Resource Management program, Other Special Revenue Funds.

Ref. #: 18070

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

POSITIONS - LEGISLATIVE COUNT

Personal Services

All Other

2011-12 2012-13  
3.000 3.000  
\$258,878 \$271,072  
\$6,847 \$6,847  
\$265,725 \$277,919

OTHER SPECIAL REVENUE FUNDS TOTAL

**Justification:**

By transferring these positions, the Division of Community Resource Development will be eliminated. Program functions will be transferred to the appropriate existing bureaus to consolidate services and promote efficiencies.

**Bureau of Resource Management 0027**

Initiative: Transfers one Planning and Research Associate I position and related support costs from the Division of Community Resource Development program, General Fund to the Bureau of Resource Management program, General Fund.

Ref. #: 18080

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

GENERAL FUND	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$64,954	\$66,469
All Other	\$8,098	\$8,098
<b>GENERAL FUND TOTAL</b>	<b>\$73,052</b>	<b>\$74,567</b>

**Justification:**

By transferring these positions, the Division of Community Resource Development will be eliminated. Program functions will be transferred to the appropriate existing bureaus to consolidate services and promote efficiencies.

**Bureau of Resource Management 0027**

Initiative: Transfers one Resource Management Coordinator position and related support costs from the Division of Community Resource Development program, Other Special Revenue Funds to the Office of the Commissioner program, 50% Other Special Revenue Funds and the Bureau of Resource Management program, 50% Other Special Revenue Funds.

Ref. #: 18090

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
Personal Services	\$37,247	\$39,591
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$37,247</b>	<b>\$39,591</b>

**Justification:**

By transferring these positions, the Division of Community Resource Development will be eliminated. Program functions will be transferred to the appropriate existing bureaus to consolidate services and promote efficiencies.

**Bureau of Resource Management 0027**

Initiative: Continues 2 limited-period Marine Resource Scientist I positions, 4 limited-period Marine Resource Specialist I positions, 2 limited-period Marine Resource Specialist II positions and one limited-period Office Associate I position previously authorized in Public Law 2007, chapter 240 and one limited-period Office Associate I position and one limited-period Marine Resource Specialist I position established by financial order. These positions will end on June 8, 2013. Also provides funding for related support costs.

Ref. #: 18100

One Time

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

FEDERAL EXPENDITURES FUND	2011-12	2012-13
Personal Services	\$742,368	\$780,743
All Other	\$738,576	\$337,907
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,480,944</b>	<b>\$1,118,650</b>

**Justification:**

Federal funds are sufficient to continue these positions and the related All Other with funding provided by U.S. Department of Commerce and Atlantic Coastal Cooperative Statistics Program for the following programs; Maine and New Hampshire Trawl Survey, Dealer and Harvesting Reporting, Multi-State Species of Concern, Large Whale Disentanglement Response and Marine Mammal Data Program.

---

**Bureau of Resource Management 0027**

Initiative: Reallocates the cost of one Marine Resource Education Coordinator position from 85% Federal Expenditures Fund and 15% Other Special Revenue Funds to 100% Federal Expenditures Fund within the same program.

Ref. #: 18110

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

	2011-12	2012-13
<b>FEDERAL EXPENDITURES FUND</b>		
Personal Services	\$15,445	\$15,824
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$15,445</u>	<u>\$15,824</u>

Ref. #: 18120

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	(\$15,445)	(\$15,824)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>(\$15,445)</u>	<u>(\$15,824)</u>

**Justification:**

U.S. Department of Commerce, U.S. Fish and Wildlife Service grant is sufficient to support this change for the department's education program.

---

**BUREAU OF RESOURCE MANAGEMENT 0027  
PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
<b>GENERAL FUND</b>				
POSITIONS - LEGISLATIVE COUNT	29.000	29.000	30.000	30.000
POSITIONS - FTE COUNT	1.500	1.500	1.500	1.500
Personal Services	\$2,347,666	\$2,260,806	\$2,540,623	\$2,633,566
All Other	\$869,550	\$879,677	\$865,089	\$865,088
<b>GENERAL FUND TOTAL</b>	<b>\$3,217,216</b>	<b>\$3,140,483</b>	<b>\$3,405,712</b>	<b>\$3,498,654</b>
<b>FEDERAL EXPENDITURES FUND</b>				
POSITIONS - LEGISLATIVE COUNT	16.500	16.500	16.500	16.500
POSITIONS - FTE COUNT	0.500	0.500	0.500	0.500
Personal Services	\$1,623,577	\$1,671,751	\$1,666,216	\$1,737,173
All Other	\$486,283	\$486,283	\$1,247,258	\$846,589
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,109,860</b>	<b>\$2,158,034</b>	<b>\$2,913,474</b>	<b>\$2,583,762</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>				
POSITIONS - LEGISLATIVE COUNT	20.000	20.000	23.000	23.000
POSITIONS - FTE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$1,687,808	\$1,818,831	\$1,971,696	\$2,056,152
All Other	\$1,159,496	\$1,284,244	\$878,758	\$874,245
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,847,304</b>	<b>\$3,103,075</b>	<b>\$2,850,454</b>	<b>\$2,930,397</b>

**Division of Community Resource Development 0043**

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
<b>GENERAL FUND</b>				
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$104,653	\$76,979	\$64,954	\$66,469
All Other	\$18,758	\$3,253	\$16,197	\$16,197
<b>GENERAL FUND TOTAL</b>	<b>\$123,411</b>	<b>\$80,232</b>	<b>\$81,151</b>	<b>\$82,666</b>
	History 2009-10	History 2010-11	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>				
POSITIONS - LEGISLATIVE COUNT	4.000	4.000	4.000	4.000
Personal Services	\$323,064	\$338,408	\$333,378	\$350,254
All Other	\$44,294	\$44,428	\$44,428	\$44,428
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$367,358</b>	<b>\$382,836</b>	<b>\$377,806</b>	<b>\$394,682</b>

**Justification:**

The Division of Community Resource Development is focused on direct stakeholder issues. Field staff work directly with fisheries organizations and individuals with regard to implementation of laws and regulations and other opportunities or problems which need resolution. It is also responsible for providing development assistance to those industries. The watershed program is concerned primarily with municipal shellfish management programs and with issues that effect ecological integrity in coastal regions with a focus on watersheds. The division is also concerned with assessment of environmental impact assessment of wetlands, dredging and waste discharge projects; providing assessment advise to federal and state agencies.

**Division of Community Resource Development 0043**

Initiative: Transfers 2 Marine Resource Scientist II positions and one Marine Resource Scientist III position from the Division of Community Resource Development program, Other Special Revenue Funds to the Bureau of Resource Management program, Other Special Revenue Funds.

Ref. #: 18310

Committee Vote: OTF

AFA Vote: \_\_\_\_\_

	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	(3.000)	(3.000)
Personal Services	(\$258,878)	(\$271,072)
All Other	(\$6,847)	(\$6,847)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$265,725)</b>	<b>(\$277,919)</b>

**Justification:**

By transferring these positions, the Division of Community Resource Development will be eliminated. Program functions will be transferred to the appropriate existing bureaus to consolidate services and promote efficiencies.



**Division of Community Resource Development 0043**

Initiative: Transfers one Planning and Research Associate I position and related support costs from the Division of Community Resource Development program, General Fund to the Bureau of Resource Management program, General Fund.

Ref. #: 18320

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

GENERAL FUND	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$64,954)	(\$66,469)
All Other	(\$8,098)	(\$8,098)
GENERAL FUND TOTAL	<u>(\$73,052)</u>	<u>(\$74,567)</u>

**Justification:**

By transferring these positions, the Division of Community Resource Development will be eliminated. Program functions will be transferred to the appropriate existing bureaus to consolidate services and promote efficiencies.

**Division of Community Resource Development 0043**

Initiative: Transfers one Resource Management Coordinator position and related support costs from the Division of Community Resource Development program, Other Special Revenue Funds to the Office of the Commissioner program, 50% Other Special Revenue Funds and the Bureau of Resource Management program, 50% Other Special Revenue Funds.

Ref. #: 18330

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

GENERAL FUND	2011-12	2012-13
All Other	(\$8,099)	(\$8,099)
GENERAL FUND TOTAL	<u>(\$8,099)</u>	<u>(\$8,099)</u>

Ref. #: 18340

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$74,500)	(\$79,182)
All Other	(\$7,915)	(\$7,915)
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$82,415)</u>	<u>(\$87,097)</u>

**Justification:**

By transferring these positions, the Division of Community Resource Development will be eliminated. Program functions will be transferred to the appropriate existing bureaus to consolidate services and promote efficiencies.

**Division of Community Resource Development 0043**

Initiative: Eliminates funding for the seafood market development and the publications revolving fund due to lack of revenue.

Ref. #: 18350

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	(\$29,666)	(\$29,666)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>(\$29,666)</u>	<u>(\$29,666)</u>

**Justification:**

The Division of Community Resource Development and its programs are being eliminated due to lack of funding support and to promote efficiencies

**DIVISION OF COMMUNITY RESOURCE DEVELOPMENT 0043  
PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>History 2009-10</b>	<b>History 2010-11</b>	<b>2011-12</b>	<b>2012-13</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	0.000	0.000
Personal Services	\$104,653	\$76,979	\$0	\$0
All Other	\$18,758	\$3,253	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<u>\$123,411</u>	<u>\$80,232</u>	<u>\$0</u>	<u>\$0</u>

  

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>History 2009-10</b>	<b>History 2010-11</b>	<b>2011-12</b>	<b>2012-13</b>
POSITIONS - LEGISLATIVE COUNT	4.000	4.000	0.000	0.000
Personal Services	\$323,064	\$338,408	\$0	\$0
All Other	\$44,294	\$44,428	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$367,358</u>	<u>\$382,836</u>	<u>\$0</u>	<u>\$0</u>

**Marine Patrol - Bureau of 0029**

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
<b>GENERAL FUND</b>				
POSITIONS - LEGISLATIVE COUNT	39,000	39,000	39,000	39,000
Personal Services	\$3,571,765	\$3,329,077	\$3,662,478	\$3,774,104
All Other	\$494,722	\$494,619	\$512,274	\$512,274
<b>GENERAL FUND TOTAL</b>	<b>\$4,066,487</b>	<b>\$3,823,696</b>	<b>\$4,174,752</b>	<b>\$4,286,378</b>

	History 2009-10	History 2010-11	2011-12	2012-13
<b>FEDERAL EXPENDITURES FUND</b>				
POSITIONS - LEGISLATIVE COUNT	7,000	7,000	6,000	6,000
Personal Services	\$620,948	\$644,598	\$502,384	\$525,520
All Other	\$221,775	\$221,775	\$262,512	\$262,512
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$842,723</b>	<b>\$866,373</b>	<b>\$764,896</b>	<b>\$788,032</b>

	History 2009-10	History 2010-11	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>				
POSITIONS - LEGISLATIVE COUNT	11,000	11,000	11,000	11,000
POSITIONS - FTE COUNT	1,000	1,000	0,000	0,000
Personal Services	\$845,442	\$946,706	\$897,689	\$938,368
All Other	\$764,047	\$764,047	\$766,663	\$766,663
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,609,489</b>	<b>\$1,710,753</b>	<b>\$1,664,352</b>	<b>\$1,705,031</b>

**Justification:**

The Bureau of Marine Patrol (BMP) is the enforcement arm of the Department of Marine Resources. Marine Patrol Officers are responsible to enforce all commercial and recreational fishing laws and rules. This includes the enforcement of all shellfish harvesting, closed areas, processing, and interstate shipment laws and rules that are required by the National Shellfish Sanitation Program (NSSP). Under the NSSP Model Ordinance, the BMP is required to record and monitor closed areas, as well as Red Tide and Flood Closures up and down the coast of Maine. The enforcement and monitoring of public safety and health laws have always been a high priority within patrol. Recently the Bureau has been given additional authority from the Maine Legislature to assist the United States Coast Guard with homeland security. Maine has 5,337 miles of coastline with some of the most productive fishing grounds in the world. Industry voluntary compliance and stringent enforcement of Marine Resources laws help to protect all natural resources. BMP enforces recreational fishing and boating laws.

**Marine Patrol - Bureau of 0029**

Initiative: Provides funding for STA-CAP fees calculated by the Department of Administrative and Financial Services, Office of the State Controller.

Ref. #: 18200

Committee Vote: OTF

AFA Vote: \_\_\_\_\_

<b>OTHER SPECIAL REVENUE FUNDS</b>		2011-12	2012-13
All Other		\$2,688	\$3,243

OTHER SPECIAL REVENUE FUNDS TOTAL

\$2,688

\$3,243

**Justification:**

STA-CAP is the indirect cost charged to non General Fund accounts. This initiative increases the amount available for STA-CAP due to increased funding levels and rates that are established by the Office of the Controller.

**Marine Patrol - Bureau of 0029**

Initiative: Reduces funding to align allocation with current revenue.

Ref. #: 18210

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

OTHER SPECIAL REVENUE FUNDS

All Other

	2011-12	2012-13
	(\$115,501)	(\$115,501)
	<u>(\$115,501)</u>	<u>(\$115,501)</u>

OTHER SPECIAL REVENUE FUNDS TOTAL

**Justification:**

Allocation levels are not supported by current revenue sources.

**Marine Patrol - Bureau of 0029**

Initiative: Transfers 2 seasonal Marine Patrol Officer positions and one Marine Patrol Officer position and related support costs from the Bureau of Resource Management program, Other Special Revenue Funds to the Marine Patrol - Bureau of program, Other Special Revenue Funds.

Ref. #: 18230

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

OTHER SPECIAL REVENUE FUNDS

POSITIONS - LEGISLATIVE COUNT

POSITIONS - FTE COUNT

Personal Services

All Other

OTHER SPECIAL REVENUE FUNDS TOTAL

	2011-12	2012-13
	1,000	1,000
	1,000	1,000
	\$153,848	\$163,267
	\$30,571	\$31,633
	<u>\$184,419</u>	<u>\$194,900</u>

**Justification:**

These position transfers and associated support costs are necessary to align resources to the correct bureau to achieve department objectives per Public Law 2009, chapter 559, "An Act To Create a Saltwater Recreational Fishing Registry".

**Marine Patrol - Bureau of 0029**

Initiative: Continues one limited-period Office Associate II position originally established in Public Law 2003, chapter 673. The position will end on June 8, 2013.

Ref. #: 18240

One Time

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

	2011-12	2012-13
<b>FEDERAL EXPENDITURES FUND</b>		
Personal Services	\$66,481	\$68,614
All Other	\$1,995	\$2,059
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$68,476</b>	<b>\$70,673</b>

**Justification:**

Federal Funds provided by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Law Enforcement are sufficient to continue this limited-period Office Associate II position that maintains the patrol activity logs for federal fishery enforcement within federal waters.

**MARINE PATROL - BUREAU OF 0029  
PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
<b>GENERAL FUND</b>				
POSITIONS - LEGISLATIVE COUNT	39,000	39,000	39,000	39,000
Personal Services	\$3,571,765	\$3,329,077	\$3,662,478	\$3,774,104
All Other	\$494,722	\$494,619	\$512,274	\$512,274
<b>GENERAL FUND TOTAL</b>	<b>\$4,066,487</b>	<b>\$3,823,696</b>	<b>\$4,174,752</b>	<b>\$4,286,378</b>

	History 2009-10	History 2010-11	2011-12	2012-13
<b>FEDERAL EXPENDITURES FUND</b>				
POSITIONS - LEGISLATIVE COUNT	7,000	7,000	6,000	6,000
Personal Services	\$620,948	\$644,598	\$568,865	\$594,134
All Other	\$221,775	\$221,775	\$264,507	\$264,571
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$842,723</b>	<b>\$866,373</b>	<b>\$833,372</b>	<b>\$858,705</b>

	History 2009-10	History 2010-11	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>				
POSITIONS - LEGISLATIVE COUNT	11,000	11,000	12,000	12,000
POSITIONS - FTE COUNT	1,000	1,000	1,000	1,000
Personal Services	\$845,442	\$946,706	\$1,051,537	\$1,101,635
All Other	\$764,047	\$764,047	\$684,421	\$686,038
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,609,489</b>	<b>\$1,710,753</b>	<b>\$1,735,958</b>	<b>\$1,787,673</b>

Office of the Commissioner 0258

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
<b>GENERAL FUND</b>				
POSITIONS - LEGISLATIVE COUNT	8.000	8.000	8.000	8.000
Personal Services	\$580,678	\$531,233	\$624,839	\$640,837
All Other	\$1,121,608	\$1,074,402	\$1,144,022	\$1,144,020
<b>GENERAL FUND TOTAL</b>	<b>\$1,702,286</b>	<b>\$1,605,635</b>	<b>\$1,768,861</b>	<b>\$1,784,857</b>

	History 2009-10	History 2010-11	2011-12	2012-13
<b>FEDERAL EXPENDITURES FUND</b>				
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$76,377	\$78,398	\$73,086	\$73,816
All Other			\$1,109	\$1,109
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$76,377</b>	<b>\$78,398</b>	<b>\$74,195</b>	<b>\$74,925</b>

	History 2009-10	History 2010-11	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>				
POSITIONS - LEGISLATIVE COUNT	9.000	9.000	9.000	9.000
Personal Services	\$777,791	\$840,490	\$749,302	\$782,507
All Other	\$645,932	\$647,855	\$621,217	\$621,217
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,423,723</b>	<b>\$1,488,345</b>	<b>\$1,370,519</b>	<b>\$1,403,724</b>

**Justification:**

The Division of Administrative Services includes the Office of the Commissioner and provides the Department with fiscal and administrative management services and interacts with other state agencies and the public to administer and coordinate the management functions of the Department. The Division is responsible for controlling and expending funds appropriated from the legislature and derived from various revenue sources. The Division monitors the Department's information services network, human resource actions and is responsible for maintaining and administering the various licensing and permit processes that are under the care of the Department. The Commissioner's Office is responsible for ensuring that the marine resources of the State of Maine are properly conserved and managed. It interacts with the marine industry to provide knowledgeable guidance to secure an environment for a healthy and vibrant economy. The Commissioner's Office administers the regulatory adoption procedures and the aquaculture leasing program.

Office of the Commissioner 0258

Initiative: Provides funding for STA-CAP fees calculated by the Department of Administrative and Financial Services, Office of the State Controller.

Ref. #: 18490

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

	2011-12	2012-13
<b>FEDERAL EXPENDITURES FUND</b>		
All Other	\$2,716	\$2,743
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$2,716</b>	<b>\$2,743</b>

Ref. #: 18500

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

All Other

2011-12	2012-13
\$2,848	\$3,526
<u>\$2,848</u>	<u>\$3,526</u>

**OTHER SPECIAL REVENUE FUNDS TOTAL**

**Justification:**

STA-CAP is the indirect cost charged to non General Fund accounts. This initiative increases the amount available for STA-CAP due to increased funding levels and rates that are established by the Office of the Controller.

**Office of the Commissioner 0258**

Initiative: Provides funding to maintain the same level of dispatch services provided by the Department of Public Safety, Bureau of Consolidated Emergency Communications.

Ref. #: 18520

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**GENERAL FUND**

All Other

2011-12	2012-13
\$7,991	\$8,741
<u>\$7,991</u>	<u>\$8,741</u>

**GENERAL FUND TOTAL**

**Justification:**

Title 25, section 1533, as enacted by Public Law 2009, chapter 317, Part C, establishes the Bureau of Consolidated Emergency Communications, within the Department of Public Safety. The bureau provides consolidated dispatch services to state, county and local governments. The Department of Public Safety calculates user costs by compiling records of dispatch calls, and calculates a percentage of the cost to each department serviced.

**Office of the Commissioner 0258**

Initiative: Reduces funding to align allocation with current revenue.

Ref. #: 18530

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

All Other

2011-12	2012-13
(\$148,810)	(\$148,810)
<u>(\$148,810)</u>	<u>(\$148,810)</u>

**OTHER SPECIAL REVENUE FUNDS TOTAL**

**Justification:**

Allocation levels are not supported by current revenue sources.

**Office of the Commissioner 0258**

Initiative: Transfers one Resource Management Coordinator position and related support costs from the Division of Community Resource Development program, Other Special Revenue Funds to the Office of the Commissioner program, 50% Other Special Revenue Funds and the Bureau of Resource Management program, 50% Other Special Revenue Funds.

Ref. #: 18550

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**GENERAL FUND**

All Other

2011-12      2012-13

\$8,099      \$8,099

-----  
\$8,099      \$8,099

GENERAL FUND TOTAL

Ref. #: 18560

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

POSITIONS - LEGISLATIVE COUNT

Personal Services

2011-12      2012-13

1,000      1,000

\$37,253      \$39,591

-----  
\$37,253      \$39,591

OTHER SPECIAL REVENUE FUNDS TOTAL

**Justification:**

By transferring these positions, the Division of Community Resource Development will be eliminated. Program functions will be transferred to the appropriate existing bureaus to consolidate services and promote efficiencies.

**Office of the Commissioner 0258**

Initiative: Continues one limited-period Office Associate II position originally established by financial order. The position will end on June 8, 2013.

Ref. #: 18570

One Time

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

Personal Services

All Other

2011-12      2012-13

\$54,796      \$58,649

\$1,644      \$1,760

-----  
\$56,440      \$60,409

OTHER SPECIAL REVENUE FUNDS TOTAL

**Justification:**

Other Special Revenue Funds generated by the Department's Indirect Cost Allocation Plan are sufficient to continue this limited-period Office Associate II position providing purchasing services and administrative support within the Bureau of Marine Patrol.

**Office of the Commissioner 0258**

Initiative: Provides funding to meet the current rates published by the Department of Administrative and Financial Services, Office of Information Technology for the replacement of desktop and laptop computers.

Ref. #: 18580

Committee Vote: OTP

AFA Vote: \_\_\_\_\_



<b>GENERAL FUND</b>	2011-12	2012-13
All Other	\$43,709	\$43,709
<b>GENERAL FUND TOTAL</b>	<u>\$43,709</u>	<u>\$43,709</u>

**Justification:**

The current Office of Information Technology rate is inadequate to replace Toughbooks when their useful life expires. Toughbooks are an integral source of communications for marine patrol staff while in their vehicles and/or on patrol vessels.

**Office of the Commissioner 0258**

Initiative: Provides funding to meet the current rates published by the Department of Administrative and Financial Services, Office of Information Technology for the department's share of costs related to the office of the Chief Information Officer and the agency management services.

Ref. #: 18590

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

<b>GENERAL FUND</b>	2011-12	2012-13
All Other	\$10,090	\$10,090
<b>GENERAL FUND TOTAL</b>	<u>\$10,090</u>	<u>\$10,090</u>

**Justification:**

The Office of Information Technology establishes rates to cover the costs of services provided to agencies. This initiative funds the increased cost of these services.

**Office of the Commissioner 0258**

Initiative: Provides funding for geographic information system support services provided by the Department of Administrative and Financial Services, Office of Information Technology.

Ref. #: 18600

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

<b>GENERAL FUND</b>	2011-12	2012-13
All Other	\$6,600	\$12,000
<b>GENERAL FUND TOTAL</b>	<u>\$6,600</u>	<u>\$12,000</u>

**Justification:**

The Department of Marine Resources uses MapServer Customized and Google Earth applications to both create and access maps with geographically-referenced data to meet its mission of protecting public health and safety and restoring and managing marine and diadromous resources. The Office of GIS has chosen MapServer to replace an obsolete software product. Google Earth is used for a wide variety of purposes including the display of DMR's bacterial closure areas for shellfish harvesting. State agencies have previously used Google Earth at no cost but were in violation of Google Earth's licensing agreement, therefore requiring a monthly fee to cover an enterprise edition of the applications.

Office of the Commissioner 0258

Initiative: Provides funding for the transition to a public alert system for public health notifications to the public.

Ref. #: 18610

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$6,398	\$5,090
<b>GENERAL FUND TOTAL</b>	<u>\$6,398</u>	<u>\$5,090</u>

**Justification:**

Office of Information Technology is transitioning to a more reliable system to alert towns, industry and the public in the event of red tide and harvesting closures.

Office of the Commissioner 0258

Initiative: Provides funding for current level of geographic information system support services provided by the Department of Administrative and Financial Services, Office of Information Technology.

Ref. #: 18620

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$16,750	\$19,625
<b>GENERAL FUND TOTAL</b>	<u>\$16,750</u>	<u>\$19,625</u>

**Justification:**

The Department of Marine Resources uses Geographic Information System (GIS) software - ArcInfo and ArcView - to create maps that display various types of data, including fishing areas, locations of marine and diadromous resources and habitats such as eelgrass beds. Maps of bacterial and Red Tide closures are distributed with all legal notices to enforcement, the fishing industry, towns, and municipalities to ensure that harvesters are aware of areas from which shellfish can safely be harvested. The Bureau of Marine Patrol uses GIS for conflict resolution, enforcement, and to provide graphics for boundaries affecting fisheries. The Office of Information Technology purchases the software licenses and charge the departments a fee based on the number of users.

Office of the Commissioner 0258

Initiative: Provides funding for the same level of radio support services provided by the Department of Administrative and Financial Services, Office of Information Technology.

Ref. #: 18630

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$7,230	\$9,271
<b>GENERAL FUND TOTAL</b>	<u>\$7,230</u>	<u>\$9,271</u>

**Justification:**

Rates are provided by the Office of Information Technology and the cost of providing radio services has increased.

---

**OFFICE OF THE COMMISSIONER 0258  
PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
<b>GENERAL FUND</b>				
POSITIONS - LEGISLATIVE COUNT	8.000	8.000	8.000	8.000
Personal Services	\$580,678	\$531,233	\$624,839	\$640,837
All Other	\$1,121,608	\$1,074,402	\$1,250,889	\$1,260,645
<b>GENERAL FUND TOTAL</b>	<b>\$1,702,286</b>	<b>\$1,605,635</b>	<b>\$1,875,728</b>	<b>\$1,901,482</b>
	History 2009-10	History 2010-11	2011-12	2012-13
<b>FEDERAL EXPENDITURES FUND</b>				
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	1.000	1.000
Personal Services	\$76,377	\$78,398	\$73,086	\$73,816
All Other			\$3,825	\$3,852
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$76,377</b>	<b>\$78,398</b>	<b>\$76,911</b>	<b>\$77,668</b>
	History 2009-10	History 2010-11	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>				
POSITIONS - LEGISLATIVE COUNT	9.000	9.000	10.000	10.000
Personal Services	\$777,791	\$840,490	\$841,351	\$880,747
All Other	\$645,932	\$647,855	\$476,899	\$477,693
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$1,423,723</b>	<b>\$1,488,345</b>	<b>\$1,318,250</b>	<b>\$1,358,440</b>

Sea Run Fisheries and Habitat Z049

Initiative: BASELINE BUDGET

	History 2009-10	History 2010-11	2011-12	2012-13
<b>GENERAL FUND</b>				
POSITIONS - LEGISLATIVE COUNT	5.000	5.000	5.000	5.000
Personal Services	\$399,149	\$398,476	\$420,642	\$434,925
All Other	\$104,685	\$90,527	\$107,660	\$107,660
<b>GENERAL FUND TOTAL</b>	<b>\$503,834</b>	<b>\$489,003</b>	<b>\$528,302</b>	<b>\$542,585</b>
	History 2009-10	History 2010-11	2011-12	2012-13
<b>FEDERAL EXPENDITURES FUND</b>				
POSITIONS - LEGISLATIVE COUNT	16.000	16.000	16.000	16.000
POSITIONS - FTE COUNT	3.500	3.500	2.500	2.500
Personal Services	\$1,321,913	\$1,366,715	\$1,193,000	\$1,239,009
All Other	\$284,739	\$280,350	\$256,683	\$256,683
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,606,652</b>	<b>\$1,647,065</b>	<b>\$1,449,683</b>	<b>\$1,495,692</b>
	History 2009-10	History 2010-11	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>				
POSITIONS - LEGISLATIVE COUNT	3.000	3.000	0.000	0.000
POSITIONS - FTE COUNT	2.250	2.250	1.250	1.250
Personal Services	\$415,477	\$428,100	\$58,936	\$62,384
All Other	\$292,597	\$292,597	\$292,597	\$292,597
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$708,074</b>	<b>\$720,697</b>	<b>\$351,533</b>	<b>\$354,981</b>

**Justification:**

The Bureau of Sea Run Fisheries and Habitat (BSRFH) conducts research and population assessments of Maine's native diadromous fish populations. This new bureau within Department of Marine Resources is the result of a consolidation of the Stock Enhancement Division and the Maine Atlantic Salmon Commission. The focus of management activities is multi-species, ecosystem based management and restoration of eleven diadromous species such as shad, striped bass and alewives. The BSRFH is focused on the importance of Maine's rivers, improved habitat restoration within the rivers and improved science and streamlined field work. Much of our focus is aimed at multi-party/multi-species settlements that are connected with the hydro-dams that are licensed by the Federal Energy Regulator Commission (FERC). The Bureau also works collaboratively with NOAA Fisheries and the US Fish and Wildlife Service on species oversight and leadership relating to Atlantic Salmon listed under the Endangered Species Act.

Sea Run Fisheries and Habitat Z049

Initiative: Transfers 2 Marine Resource Specialist I positions, and one Marine Resource Scientist I position and related support costs from the Bureau of Resource Management program, Other Special Revenue Funds to the Sea Run Fisheries and Habitat program, Other Special Revenue Funds.

Ref. #: 18700

Committee Vote: OTF

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

2011-12                      2012-13

POSITIONS - LEGISLATIVE COUNT	3,000	3,000
Personal Services	\$198,148	\$204,630
All Other	\$25,407	\$24,345
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$223,555</b>	<b>\$228,975</b>

**Justification:**

These position transfers and associated support costs are necessary to align resources to the correct bureau to achieve department objectives per Public Law 2009 chapter 559, "An Act To Create a Saltwater Recreational Fishing Registry".

**Sea Run Fisheries and Habitat Z049**

Initiative: Transfers 2 seasonal Conservation Aide positions from the Bureau of Resource Management program, Other Special Revenue Funds to the Sea Run Fisheries and Habitat program, Other Special Revenue Funds.

Ref. #: 18720

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

	<b>2011-12</b>	<b>2012-13</b>
POSITIONS - FTE COUNT	1,000	1,000
Personal Services	\$30,154	\$31,024
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$30,154</b>	<b>\$31,024</b>

**Justification:**

These position transfers are necessary to align resources to the correct bureau to achieve department objectives per Public Law 2009 chapter 559, "An Act To Create a Saltwater Recreational Fishing Registry".

**Sea Run Fisheries and Habitat Z049**

Initiative: Transfers 2 seasonal Conservation Aide positions from the Bureau of Resource Management program, Other Special Revenue Funds to the Sea Run Fisheries and Habitat program, Other Special Revenue Funds.

Ref. #: 18730

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**OTHER SPECIAL REVENUE FUNDS**

	<b>2011-12</b>	<b>2012-13</b>
POSITIONS - FTE COUNT	1,000	1,000
Personal Services	\$41,545	\$43,308
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$41,545</b>	<b>\$43,308</b>

**Justification:**

These position transfers and associated support costs are necessary to align resources to the correct bureau to achieve department objectives per Public Law 2009 chapter 559, "An Act To Create a Saltwater Recreational Fishing Registry".

**Sea Run Fisheries and Habitat Z049**

Initiative: Transfers 50% of the cost of one Marine Resource Scientist IV position, one Marine Resource Scientist III position and one Marine Specialist I position, from the Bureau of Resource Management program, Other Special Revenue Funds to the Sea Run Fisheries and Habitat program, Other Special Revenue Funds.

Ref. #: 18740

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	\$135,051	\$138,430
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$135,051</u>	<u>\$138,430</u>

**SEA RUN FISHERIES AND HABITAT Z049  
PROGRAM SUMMARY**

	History 2009-10	History 2010-11	2011-12	2012-13
<b>GENERAL FUND</b>				
POSITIONS - LEGISLATIVE COUNT	5.000	5.000	5.000	5.000
Personal Services	\$399,149	\$398,476	\$420,642	\$434,925
All Other	\$104,685	\$90,527	\$107,660	\$107,660
<b>GENERAL FUND TOTAL</b>	<u>\$503,834</u>	<u>\$489,003</u>	<u>\$528,302</u>	<u>\$542,585</u>

	History 2009-10	History 2010-11	2011-12	2012-13
<b>FEDERAL EXPENDITURES FUND</b>				
POSITIONS - LEGISLATIVE COUNT	16.000	16.000	16.000	16.000
POSITIONS - FTE COUNT	3.500	3.500	2.500	2.500
Personal Services	\$1,321,913	\$1,366,715	\$1,193,000	\$1,239,009
All Other	\$284,739	\$280,350	\$256,683	\$256,683
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$1,606,652</u>	<u>\$1,647,065</u>	<u>\$1,449,683</u>	<u>\$1,495,692</u>

	History 2009-10	History 2010-11	2011-12	2012-13
<b>OTHER SPECIAL REVENUE FUNDS</b>				
POSITIONS - LEGISLATIVE COUNT	3.000	3.000	3.000	3.000
POSITIONS - FTE COUNT	2.250	2.250	3.250	3.250
Personal Services	\$415,477	\$428,100	\$463,834	\$479,776
All Other	\$292,597	\$292,597	\$318,004	\$316,942
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$708,074</u>	<u>\$720,697</u>	<u>\$781,838</u>	<u>\$796,718</u>

10 Gen Fund  
2 Financing  
DMR cuts 8

MARINE RESOURCES, DEPARTMENT OF

	2011-12	2012-13
DEPARTMENT TOTALS		
GENERAL FUND	\$9,984,494	\$10,229,099
FEDERAL EXPENDITURES FUND	\$5,273,440	\$5,015,827
OTHER SPECIAL REVENUE FUNDS	\$6,686,500	\$6,873,228
DEPARTMENT TOTAL - ALL FUNDS	<u>\$21,944,434</u>	<u>\$22,118,154</u>

Sec. B-1. Appropriations and allocations.

The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF**

**Bureau of Resource Management 0027**

Initiative: RECLASSIFICATIONS.

Ref. #: 18130

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**GENERAL FUND**

Personal Services

All Other

**GENERAL FUND TOTAL**

	2011-12	2012-13
Personal Services	\$5,010	\$7,507
All Other	(\$5,010)	(\$7,507)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**Sea Run Fisheries and Habitat Z049**

Initiative: RECLASSIFICATIONS

Ref. #: 18750

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**GENERAL FUND**

Personal Services

All Other

**GENERAL FUND TOTAL**

	2011-12	2012-13
Personal Services	\$11,121	\$11,277
All Other	(\$11,121)	(\$11,277)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

Ref. #: 18760

Committee Vote: OTP

AFA Vote: \_\_\_\_\_

**FEDERAL EXPENDITURES FUND**

Personal Services

All Other

**FEDERAL EXPENDITURES FUND TOTAL**

	2011-12	2012-13
Personal Services	\$3,452	\$3,502
All Other	(\$3,452)	(\$3,502)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>

**MARINE RESOURCES, DEPARTMENT OF**

**DEPARTMENT TOTALS**

**GENERAL FUND**

**FEDERAL EXPENDITURES FUND**

**DEPARTMENT TOTAL - ALL FUNDS**

	2011-12	2012-13
<b>DEPARTMENT TOTALS</b>		
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>



**AMENDMENT A**

**LD 1043**

**Marine Resources Committee Proposed Amendment**

Add the following to Part A of the bill:

**MARINE RESOURCES, DEPARTMENT OF**

**Bureau of Resource Management 0027**

Initiative: Provides funding for Personal Services costs within the growing area classification program within the public health division.

	2011-12	2012-13
<b>GENERAL FUND</b>		
Personal Services	\$0	\$124,000
<b>GENERAL FUND TOTAL</b>	<u>\$ 0</u>	<u>\$ 124,000</u>

**SUMMARY**

This amendment provides a General Fund appropriation of \$124,000 for fiscal year 2012-13 for Personal Services costs within the growing area classification program within the public health division.



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES  
21 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0021

NORMAN H. OLSEN  
COMMISSIONER

March 31, 2011

Dear Senator Snowe-Mello and Representative Weaver:

As requested at your Work Session on March 29, the Department of Marine Resources is providing an explanation of the shortfall that has been experienced with regard to the funding for the three public health positions created in 2009 by the enactment of PL Chapter 213. Funding for these positions is provided through the Department of Environmental Protection (DEP) Water Quality Improvement Fund, which is capitalized with revenue from three sources: 1) Non Engineered Subsurface Wastewater Disposal System Fees; 2) Publically Owned Treatment Works; and 3) Overboard Discharge Surcharges.

Because these revenue streams are under the jurisdiction of DEP, DMR provided the information regarding the costs associated with the positions, but did not participate in generating the projections to meet those costs. DEP staff has provided us with the explanation that the revenue shortfall stems from the decline in septic surcharge revenue. The other two lines are roughly as expected.

The reality of this situation has been recognized for some time. The impending concern was brought to the attention of the Legislature during the previous session, and was described to the Committee when we provided our Department overview in January. Further, the shortfall has been brought to the attention of the Shellfish Advisory Council, as well as the DMR Advisory Council. During this extended period since the shortfall was first identified, we have been able to identify only three possible remedies: 1) Increasing General Fund Appropriation; 2) Increasing the dedicated surcharge on Shellfish Licenses; or 3) Increasing the DEP fees identified in the original LD.

Please let me know if there is further information that you require from the Department to inform your response to the Appropriations and Financial Affairs Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Olsen".

Norman H. Olsen  
Commissioner



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration  
Northeast Region  
Office of the Regional Director

158-15 Liberty Avenue  
Jamaica, New York 11433  
(718) 662-5621  
(718) 662-5434 Fax

November 23, 2010

Amy M. Fitzpatrick, Director  
Public Health Division  
Department of Marine Resources  
Post Office Box 8  
West Boothbay Harbor, Maine 04575

Re: Growing Area Element

Dear Ms. Fitzpatrick,

The Food and Drug Administration (FDA) has completed its evaluation of the Maine Shellfish Sanitation Program, Growing Area Element, administered by the Maine Department of Marine Resources (DMR), Public Health Division. The FDA Program Element Evaluation Report (PEER) describing the findings of this evaluation is enclosed, including deficiencies and recommendations as determined from file reviews and field observations.

The Growing Area Element currently meets all of the requirements of the National Shellfish Sanitation Program Model Ordinance. As stated in each annual Growing Area PEER since 2004, inadequate staffing levels within the Public Health Division-Growing Area Classification Section have been a constant concern for your program. Fortunately, the legislature added three additional permanent positions to the DMR Public Health Division budget which was signed into law by the Governor in the spring of 2009. I recognize the hard work done by all parties to make the new positions a reality. It has taken many years to illustrate how dire the need was to have a stronger more effective water quality program which could only benefit the shellfish industry. In these difficult economic times I am highly encouraged that the DMR is being afforded the opportunity to regain its national standing and return the high international status to Maine's shellfish industry. However, during this evaluation I learned that due to projected budget shortfalls within the Public Health Division-Growing Area Classification Section, those new positions filled in 2009 may be in jeopardy. FDA believes the Growing Area Classification Element of any shellfish program to be critical in a state's effort to effectively protect public health and encourages the state to invest the funds necessary to maintain that effort.

I wish to thank you and your staff for the continued hard work, professionalism and courtesy, shown both during this evaluation and throughout the year. If you should have any questions for me, please contact me at the number above. If you should have any questions regarding the evaluation itself, please do not hesitate to contact Mr. Donald Ullstrom directly at (718) 662-5613. I look forward to continuing the close cooperative relationship between FDA and the

**FY 2010**  
**PROGRAM ELEMENT EVALUATION REPORT**  
**OF THE**  
**GROWING AREA CLASSIFICATION ELEMENT**  
**SHELLFISH SANITATION PROGRAM**  
**DEPARTMENT OF MARINE RESOURCES**  
**STATE OF MAINE**

**PREPARED BY**  
**DONALD ULLSTROM**  
**REGIONAL SHELLFISH SPECIALIST**  
**NORTHEAST REGION FIELD OFFICE**  
**FOOD AND DRUG ADMINISTRATION**

**ON**

**November 23, 2010**

supported by an adequate sanitary survey and that FDA shall be notified of the upward revision of classification. This evaluation found that DMR has been conducting updated shoreline surveys, thus allowing the reopening of some areas closed due to expired surveys.

The DMR's struggle to maintain compliance stems directly from the inadequate resources available to accomplish the work necessary to meet the requirements of the NSSP-MO. The issue of insufficient staff has been noted in formal evaluations since FY 2004. The lack of staff has had a direct impact on the level of documented incomplete work by the DMR. During this evaluation FDA learned that the Maine Legislature concurred that the DMR was under staffed based on the level of work needed to be performed to achieve compliance with the NSSP MO. The legislature added three additional permanent positions to the DMR Public Health Division budget which was signed into law by the Governor in the spring of 2009. This action was a direct result of legislative hearings, lobbying by the shellfish industry and strong encouragement by the FDA. It is crucial that the funds designated for these three new positions be maintained annually to ensure constant and uninterrupted services to the shellfish industry and general public living and visiting Maine. FDA acknowledges that it will take some time to train and fully utilize the new employees. The DMR and the FDA are discussing how to best prioritize the workload and training of the new employees to ensure that Maine achieves compliance with the NSSP.