



Land for Maine's Future Program
Minutes of the Meeting
September 15, 2015
32 Blossom Lane
Marquardt Building, Room 118
Augusta, Maine

Board Members Present:

Jim Norris, Neil Piper, Ben Emory, James Gorman, Jr.

Board Members Absent:

Commissioner Chandler Woodcock, Commissioner Patrick Keliher, Commissioner Walter Whitcomb, William Vail

Staff Members Present:

Sam Morris, Tom Miragliuolo, R. Collin Therrien, Sarah Demers

Others:

Kimbalie Lawrence, Maine Department of Agriculture, Conservation, Forestry
Marian McCue, The Forecaster
Bob Marvinney, Maine Department of Agriculture, Conservation, Forestry
Ryan Robicheau Maine Department of Inland Fisheries and Wildlife
Jeff Roman, Maine Coast Heritage Trust
Bethany Atkins, Maine Department of Inland Fisheries and Wildlife
Jeff Reardon, Trout Unlimited
Jonathan LaBonte, Office of Policy and Management
Jason Libby, Office of Policy and Management
Joe Phelan, Kennebec Journal
Rodney Hallscom, Holden Land Trust
Christine Parrish, The Free Press
Todd Martin, Natural Resources Council of ME
Jenn Gray, Maine Audubon
Diano Circo, TPL
Jerry Bley, Creative Conservation LLC
David Trahan, SAM
Greg Caporossi, TPL
Bryan Wentzell AMC
Tom Abello, TNC
Rep. Patrick Corey ME Legislature
Ed Meadows, Avocet Group
A.J. Higgins, Maine Public Broadcasting
Theresa Kerschner, Kennebec Land Trust
Deirdre Gilbert, Maine Department of Marine Resources
Reeve Wood, Maine Farmland Trust
John Bott, Maine Department of Agriculture, Conservation, Forestry
Tom Gendron



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1. Welcome and Introductions

Jim Norris appointed acting chair by Board Chair Bill Vail who was unable to attend the meeting. Jim Norris called the meeting to order at 1:00 p.m., welcomes attendees and asked for introductions around the room.

With no quorum met, Director Demers recommends a change in the original agenda. Neil Piper – Requests the opportunity to speak and proceeds to read a public statement. Statement appended to meeting minutes.

Discussion follows on the Board's inability to move forward the agenda due to the challenges of conducting business without a quorum and the delays in funding.

2. LMF 2015 Government Evaluation Act Report - LMF and OPM Staff

Mr. Jonathan Labonte, Director of the Office of Policy and Management, presented a slide show to clarify the need for GEA report, process to date and an initial draft. Slides are appended to meeting minutes.

Process: Sarah and OPM staff meeting every other week

Mr. LaBonte reviews 3 emerging issues identified at LMF Board workshop in August:

1. Data
2. Assessment of scoring & project
3. Public awareness and use of public lands

Jim Norris asks can these issues be expanded?

Mr. LaBonte indicates that this is the Board's report and should include whatever issues the Board agrees to and mentions the report includes a bibliography which includes reference materials that the Board may find useful.

The Board discusses the accuracy of the data on the total number of acres of conservation land in Maine, and the LMF contribution to a portion of those lands.

Mr. LaBonte reports that new processes are already being put into place to strengthen LMF data management. For instance, new documents have been created to better track the amount of matching funds contributed by applicants. Discussion follows on the determination of matching funds.

Sarah reports that Chairman Vail has asked that the GEA Report is posted on the LMF website and that public comments on the Report may be submitted in writing to her through October 13th.

3. Update on Availability of Funds – LMF Director

Sarah reports that available funds have not changed since our last meeting and explains the various bonds.

4. Acting Chair Jim Norris opens the meeting to Public participation

Jeff Romano suggest contact legislative outreach on LD 1454

Ed Meadows- thanks the board and staff for the work they are doing and encourages the Board and applicants to hang on and do what they can to continue to find a way forward.

David Trahan from Sportsman Alliance encouraged the Board to focus on the problems now and not to spend too much energy worrying about the contents of the GEA report.

5. Staff Updates

Sarah provides the Board with a copy of a letter that was sent from attorney Ben Townsend from the law firm of Kozak & Gayer P.A. The letter was sent on behalf of the Clifton Climber's Alliance, in part, as follow up to communication they received, dated September 1, 2015 from Director Demers regarding the availability of LMF funds.

Ben Emory goes on to read a portion of the letter.

The LMF Board Has Sole Authority Over Distribution of Award Proceeds

As I have already communicated to the LMF Board, it does not appear that the Governor actually has legal authority to withhold approval of LMF funding. The statute establishing the Land for Maine's Future Fund makes it clear that the fund is "administered by the board," and "is available to . . . designated cooperating entities *upon authorization of the board.*" 5 M.R.S.A. § 6203 (emphasis added). The role of other state agencies is to "provide staff support and assistance considered necessary by the board to fulfill the objectives of this chapter." *Id.*, § 6204(6). The LMF Board has the sole statutory responsibility to "authorize distribution of proceeds." *Id.*, §§ 6206(1)(D), 6207(1). Thus, the LMF statute confers exclusive authority on the LMF Board to administer and distribute LMF funds, and not on the Governor or any other agency or appointee. Accordingly, I continue to believe that the Governor's refusal to allow LMF to distribute funds to CCA is unlawful, as the Governor does not have legal discretion in such matters, and therefore any authorization for distribution of LMF funds is solely a ministerial act.

Board requested Sarah to invite someone from the Attorney General's office to the next meeting to clarify several issues for the Board regarding their authority as defined In Maine statute. Discussion ensues on whether the Board, without a quorum, can make this request, and decides they would like the Director to pose the questions. Sarah to work with the Board to clarify questions to be posed to the Attorney General's office.

Sarah will work with the Board to find a date for the next meeting that will accommodate as many members as possible.

6. Adjourn 2:55pm

This meeting was recorded and is available upon request.

Next AOC meeting (tentative):	October 13, 8:15 am
Next Board GEA report workshop (tentative):	October 13, 10:00 am
Next Board meeting (tentative):	October 27, 1:00 p.m.