

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1902

H.P. 1408

House of Representatives, March 3, 2004

**An Act To Implement the Recommendations of the Joint Standing
Committee on Agriculture, Conservation and Forestry Relating to
the Review of Agencies under the State Government Evaluation Act**

Reported by Representative McKEE of Wayne for the Joint Standing Committee on Agriculture, Conservation and Forestry, pursuant to the Maine Revised Statutes, Title 3, chapter 35, section 955, subsection 4 and Resolve 2003, chapter 101, section 3.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

4 **Sec. 1. 3 MRSA §959, sub-§1, ¶A,** as amended by PL 2001, c.
548, §1, is further amended to read:

6 A. The joint standing committee of the Legislature having
7 jurisdiction over agriculture, conservation and forestry
8 matters shall use the following list as a guideline for
scheduling reviews:

- 10 (1) Baxter State Park Authority in 2003 2009;
- 12 (2) Department of Conservation in 2005;
- 14 (3) Blueberry Advisory Committee in 2005;
- 16 (4) Board of Pesticides Control in 2005;
- 18 (5) Wild Blueberry Commission of Maine in 2005;
- 20 (6) Seed Potato Board in 2005;
- 22 (7) Maine Dairy and Nutrition Council in 2007;
- 24 (8) Maine Dairy Promotions Board in 2007;
- 26 (9) Maine Milk Commission in 2007;
- 28 (10) State Harness Racing Commission in 2007;
- 30 (11) Maine Agricultural Bargaining Board in 2003;
- 32 (12) Department of Agriculture, Food and Rural
34 Resources in 2003 2009; and
- 36 ~~(13) State Soil and Water Conservation Commission in
38 2003; and~~
- (14) Land for Maine's Future Board in 2007.

40 **Sec. 2. 7 MRSA §75-A, sub-§6, ¶B,** as amended by PL 2001, c.
42 668, §3, is further amended to read:

44 B. The Pull Events Commission consists of ~~11~~ 9 members:

- 46 (1) Two members appointed by a statewide association
48 representing owners of draft horses and oxen who
participate in pulling events, one member appointed by
50 an association representing owners of oxen who
participate in pulling events and one member appointed

- 2 by an association representing owners of ponies who participate in pulling events;
- 4 ~~(2) An agricultural fair coordinator from the department;~~
- 6 (3) One Fair Superintendent appointed by the Maine Association of Agricultural Fairs;
- 8 (4) One representative appointed by state humane organizations;
- 10 (5) ~~The commissioner or a designated representative;~~
- 12 (6) One member, appointed by the commissioner, representing the general public;
- 14 (7) One member, appointed by the commissioner, representing the animal pulling industry; and
- 16 (8) One member appointed by the Animal Welfare Advisory Council.

24 **Sec. 3. 7 MRSA §75-A, sub-§6, ¶D**, as enacted by PL 2001, c. 421, Pt. B, §4 and affected by Pt. C, §1, is amended to read:

26 ~~D. With the exception of the commissioner and the fair coordinator, appointments~~ **Appointments** must be for terms of 2 years. The appointing authority fills a vacancy for a full 2-year term. The appointing authority may remove a commission member for cause, which includes poor attendance. The chair shall make recommendations to the appointing authority concerning a removal.

34 **Sec. 4. 7 MRSA §75-A, sub-§6, ¶G** is enacted to read:

36 G. The agricultural fair coordinator from the department shall serve as secretary to the Pull Events Commission.

40 **Sec. 5. 7 MRSA §2102**, as amended by PL 1977, c. 694, §131, is repealed and the following enacted in its place:

42 **§2102. Certification and inspection fee**

44 A grower of potato, vegetable, forage crop or grain seeds may make application to the commissioner for inspection and certification of a crop growing or to be grown in this State. The grower shall provide the commissioner with the location and a description of the land on which the crop is grown and any additional information required by the commissioner. The grower

2 shall enter into an agreement to pay inspection and certification
3 fees determined by the commissioner to cover the cost of
4 inspection and certification. Upon entering into an agreement
5 with a grower, the commissioner or an agent of the commissioner
6 shall list that grower's crops to be inspected and shall inspect
7 and certify the crops in accordance with rules adopted pursuant
8 to this chapter. All certification and inspection fees received
9 in accordance with this section must be deposited in the
10 Certified Seed Fund established in section 2107.

11 **Sec. 6. 7 MRSA §2106**, as enacted by PL 1999, c. 4, Pt. E, §1,
12 is amended to read:

13 **§2106. Working capital advance**

14
15 The State Controller is authorized to advance \$300,000 from
16 the General Fund unappropriated surplus to the ~~Division of Plant~~
17 ~~Industry--program--in--the--department~~ Certified Seed Fund
18 established in section 2107 during any state fiscal year, if
19 requested in writing by the Director of the Division of Plant
20 Industry, to be used to provide cash necessary to meet current
21 expenditures of the seed certification program. These funds must
22 be returned to the General Fund unappropriated surplus before the
23 close of the state fiscal year in which the advance was made.
24 The State Controller shall report to the joint standing committee
25 of the Legislature having jurisdiction over appropriations and
26 financial affairs within 30 days of making any working capital
27 advance for this purpose.
28

29 **Sec. 7. 7 MRSA §2107** is enacted to read:

30
31 **§2107. Certified Seed Fund**

32
33 There is established the Certified Seed Fund. The fund
34 receives all certification and inspection fees paid in accordance
35 with section 2102 and all other funds received in support of
36 operating a statewide seed certification program. All money
37 deposited in the fund must be used for the management and
38 operation of the seed certification program. Unexpended balances
39 in the fund do not lapse and must be carried forward to be used
40 for the purposes specified in this section. Any interest earned
41 on the revenue deposited in the fund accrues to the fund.
42

43 **Sec. 8. 10 MRSA §1023-J, first ¶**, as amended by PL 2003, c. 120,
44 §3, is further amended to read:

45
46 The Agricultural Marketing Loan Fund, referred to in this
47 section as the "fund," is created. The fund must be deposited
48 with and maintained by the Finance Authority of Maine. The fund
49 must be administered by the Commissioner of Agriculture, Food and
50

2 Rural Resources in accordance with Title 7, chapter 101,
3 subchapter 1-D. All money received by the Finance Authority of
4 Maine from any source for the development and implementation of
5 an improved agricultural marketing loan program must be credited
6 to the fund. Any money credited to the fund from the issuance of
7 bonds on behalf of the State for financing loans for agricultural
8 enterprises may be used only for the following purposes: to
9 provide assistance to agricultural enterprises in this State for
10 the design, construction or improvement of commodity and storage
11 buildings and packing and marketing facilities; for the purchase,
12 construction or renovation of buildings, equipment, docks,
13 wharves, piers or vessels used in connection with a commercial
14 agricultural enterprise; for the purchase of land in connection
15 with development of new cranberry acreage; for the purchase of
16 land for irrigation reservoirs or to provide direct access to
17 water for irrigation; for the purchase of land necessary for the
18 start-up of a new agricultural enterprise; for the expansion of
19 an existing agricultural enterprise when the land acquisition is
20 necessary to comply with land use regulations; for the
21 development of a business plan in accordance with the provisions
22 of Title 7, section 436-A; for improvements to pastureland,
23 including seeding and actions to promote rotational grazing; or,
24 if the commissioner so approves at the time of loan insurance
25 commitment, to pledge money in the fund as security for, and to
26 apply money in the fund to, payment of principal, interest and
27 other amounts due on any term loans insured by the Finance
28 Authority of Maine to an eligible dairy farmer. Repayment of
29 these loans and interest on these loans must be credited to the
30 fund and may be used for the purposes stated in this section or
31 Title 7, section 436. Interest earned on money in the fund and
32 interest earned on loans made from the fund may be used to pay
33 the administrative costs of processing loan applications, to the
34 extent that these costs exceed the fee for administrative costs
35 established by Title 7, section 435, subsection 4.

36 **Sec. 9. Report on Baxter State Park's reservation system.** The
37 Baxter State Park Authority shall submit a report to the joint
38 standing committee of the Legislature having jurisdiction over
39 state parks and lands matters no later than January 2, 2006. The
40 report must include a description of the rolling reservation
41 system scheduled to go into effect January 1, 2005, a preliminary
42 evaluation of the effectiveness of the rolling reservation system
43 in fairly and efficiently allocating campsites and any
44 modifications to the rolling reservation system that have been
45 adopted or are being contemplated.

46 **Sec. 10. Appropriations and allocations.** The following
47 appropriations and allocations are made.

48 **AGRICULTURE, FOOD AND RURAL RESOURCES,**
49

2 **DEPARTMENT OF**

4 **Certified Seed Fund**

6 Initiative: Allocates funds to reflect the establishment of the
new Certified Seed Fund program.

8	Other Special Revenue Funds	2003-04	2004-05
10	Positions - Legislative Count	(0.000)	(11.500)
10	Positions - FTE Count	(0.000)	(6.149)
12	Personal Services	\$0	\$567,672
12	All Other	0	257,379
14	Other Special Revenue Funds Total	<u>\$0</u>	<u>\$825,051</u>

16 **Division of Plant Industry 0831**

18 Initiative: Deallocates funds to reflect the establishment of
the new Certified Seed Fund program.

20	Other Special Revenue Funds	2003-04	2004-05
22	Positions - Legislative Count	(0.000)	(-11.500)
24	Positions - FTE Count	(0.000)	(-6.149)
24	Personal Services	\$0	(\$567,672)
26	All Other	0	(257,379)
28	Other Special Revenue Funds Total	<u>\$0</u>	<u>(\$825,051)</u>

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

32	DEPARTMENT TOTALS	2003-04	2004-05
34	OTHER SPECIAL REVENUE FUNDS	\$0	\$0
36	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$0</u>

38 **SUMMARY**

40 This bill is the report of the Joint Standing Committee on
Agriculture, Conservation and Forestry. It does the following.

42 1. It establishes future report dates for agencies reviewed
44 by the committee this session under the State Government
46 Evaluation Act. It deletes a reference to the recently abolished
State Soil and Water Conservation Commission.

48 2. It removes employees of the Department of Agriculture,
Food and Rural Resources from the Pull Events Commission and

2 provides for the agricultural fair coordinator within the
department to serve as secretary to the commission.

4 3. It establishes a separate dedicated account to receive
seed certification and inspection fees and other funds received
6 in support of a state seed certification and inspection program.

8 4. It allows loans from the Agricultural Marketing Loan
Fund to be used to improve pastureland.
10

12 5. It directs the Baxter State Park Authority to report to
the joint standing committee having jurisdiction over parks and
public lands matters in 2006 on the implementation of the rolling
14 reservation system for Baxter State Park.

16 6. It adds an appropriations and allocations section.