

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

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Legislative Document

No. 1406

H.P. 982

House of Representatives, April 6, 2009

An Act To Transfer the Seed Potato Board to the Maine Potato Board

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MARTIN of Eagle Lake. (GOVERNOR'S BILL)
Cosponsored by Representative PIOTTI of Unity and
Representatives: CRAY of Palmyra, EDGECOMB of Caribou, GIFFORD of Lincoln, PIEH of Bremen, TARDY of Newport, Senators: NUTTING of Androscoggin, RAYE of Washington, SHERMAN of Aroostook.

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

2 **Sec. 1. 7 MRSA §2151**, as amended by PL 1989, c. 503, Pt. B, §45, is further
3 amended to read:

4 **§2151. Creation and membership**

5 The Seed Potato Board, established by Title 5, section 12004-H, subsection 5, and
6 located in the Department of Agriculture, Food and Rural Resources, shall consist ~~is part~~
7 of the Maine Potato Board, as established by Title 36, section 4603, and consists of the
8 commissioner and 8 additional members. Two of the members are appointed by the
9 commissioner and 6 of the members are appointed by the Maine Potato Board. Of the 8
10 appointed members, ~~7 shall~~ must be chosen from representatives of the potato industry in
11 Aroostook County and one from elsewhere in the State, ~~provided that as long as one~~
12 appointed member shall be ~~is~~ primarily a table stock producer and ~~one 2~~ are primarily a
13 processor ~~produceer~~ producers. The commissioner shall appoint the member from
14 elsewhere in the State and one of the processor producers. Members serve 4-year terms.

15 **Sec. 2. 7 MRSA §2152**, as amended by PL 1983, c. 565, §4, is further amended to
16 read:

17 **§2152. Terms; vacancies; salaries**

18 Each appointed member ~~shall serve of the Seed Potato Board serves~~ for a term of ~~3 2~~
19 years or until ~~his the member's~~ successor has been appointed and qualified, except that ~~no~~
20 a member may not serve for more than ~~2 3~~ consecutive terms.

21 Upon the expiration of the term of office of any appointed member of the ~~board~~ Seed
22 Potato Board, said the member's successor shall must be appointed by the ~~commissioner~~
23 member's appointing authority under section 2151, or in. In the case of a vacancy for any
24 reason, the ~~commissioner~~ member's appointing authority under section 2151 shall appoint
25 a member to fill the unexpired term.

26 The members of the Seed Potato Board ~~shall receive no salary~~ are not entitled to
27 compensation, but all their expenses incurred in attending meetings ~~shall be~~ are paid out
28 of the State Treasury, ~~on certificate of the commissioner, upon the audit and warrant of~~
29 ~~the State Controller~~ Seed Potato Board account within the Maine Potato Board, as
30 established by Title 36, section 4603.

31 **Sec. 3. 7 MRSA §2153, first ¶** is amended to read:

32 The Seed Potato Board shall meet annually on such date and at such place as the
33 board may appoint and shall meet at such other times as the board may ~~deem~~ determine
34 necessary or when called by the ~~chairman~~ chair of the board or any 2 members ~~thereof~~ of
35 the board upon 2 days' notice. ~~The board may by resolution provide for a shorter notice~~
36 made by telegraph, telephone or otherwise.

37 **Sec. 4. 7 MRSA §2154**, as amended by PL 1999, c. 16, Pt. N, §1, is further
38 amended to read:

1 **§2154. Powers; rules**

2 The Seed Potato Board shall have, with the approval of the Maine Potato Board, as
3 established by Title 36, section 4603, has the power and authority to produce, or cause to
4 be produced through contract or otherwise, such acreages of foundation seed potatoes of
5 various varieties as it may from time to time determine for distribution and sale to the
6 potato growers of this State. The commitments of the board shall Seed Potato Board may
7 not exceed in the aggregate the amount of funds which that may be made available to it
8 the Seed Potato Board and approved by the Maine Potato Board. In addition, the board
9 shall be Seed Potato Board is advisory to and shall have has authority to work with and
10 through the Maine Agricultural Experiment Station of the University of Maine System
11 and other public and private agencies, in conducting and carrying on a program of
12 production of foundation seed potatoes annually. The board shall have Seed Potato
13 Board, with the approval of the Maine Potato Board, has authority to purchase, own or
14 otherwise acquire farm real estate and farm equipment if necessary for the purpose of
15 producing acreages of foundation seed potatoes or providing for the testing thereof of
16 foundation seed potatoes, and any salable material resulting from the ownership or
17 operation may be sold to the best advantage of the board Seed Potato Board. The board
18 shall have Seed Potato Board, with the approval of the Maine Potato Board, has authority
19 to sell or otherwise convey farm real estate and farm equipment no longer required for the
20 purposes of this chapter. Proceeds from the sale shall must be credited to the operating
21 account of the board Seed Potato Board.

22 The board shall have Seed Potato Board has the responsibility and full power and
23 authority to make, in a manner consistent with the Maine Administrative Procedure Act,
24 rules and regulations not inconsistent with law pertaining to for oversight of the seed
25 production facilities and to make recommendations to the Maine Potato Board, as
26 established by Title 36, section 4603, regarding its program of production, distribution
27 and sales of foundation seed potatoes to the potato growers of the State, as it may from
28 time to time determine, including. The program of production must include, but is not
29 limited to, long-range projections of industry trends and needs, contracting with growers
30 to reproduce nuclear seed stock normally grown at the state seed potato farm,
31 determination of the varieties and volume of seed to be grown at the state seed potato
32 farm production facilities, allocation of seed to growers for the benefit of the entire state
33 potato industry, and development of a and recommendation to the Maine Potato Board
34 regarding standardized commercial seed testing programs for new varieties, if no such
35 procedure exists under the auspices of the Maine Agricultural Experiment Station, and to.
36 The Seed Potato Board may exercise any other power which that may be conferred upon
37 the board Seed Potato Board by law.

38 The board Maine Potato Board, as established by Title 36, section 4603, is authorized
39 to pay from the Seed Potato Board account to the Town of Masardis in lieu of taxes a
40 sum, in the discretion of the board Maine Potato Board, which will compensate that
41 compensates the town in whole or in part for loss of real estate taxes due to state
42 ownership of real estate now used for seed potato purposes.

43 Notwithstanding any provision in Title 5, chapter 155, the Seed Potato Board may
44 purchase all services, supplies, materials and equipment required by the board to fulfill

1 the purposes of this chapter. In addition, the board is exempt from the bidding, contract
2 and review procedures contained in Title 5, chapter 153 for any public improvement
3 project with a value of less than \$10,000.

4 **Sec. 5. 7 MRSA §2155**, as amended by PL 1985, c. 785, Pt. B, §47, is further
5 amended to read:

6 **§2155. Records and proceedings**

7 **1. Administration.** The Seed Potato Board shall elect a secretary, who need not be a
8 member of the board Seed Potato Board, and the commissioner shall have Maine Potato
9 Board, as established by Title 36, section 4603, upon recommendation of the Seed Potato
10 Board has authority to employ a managing director manager and such agents employees
11 as may be necessary, subject to the Civil Service Law, to consummate any and all the
12 programs which it that the Seed Potato Board may institute, as authorized under the terms
13 of this chapter and shall keep a record of all of its proceedings, and all. All expenses by it
14 incurred shall by the Seed Potato Board must be paid out of the State Treasury, on
15 certification of the commissioner, upon the audit and warrant of the State Controller and
16 charged against any and all appropriations which may be annually made available for its
17 use as stipulated. The board shall be subject to the provisions of Title 5, chapter 379 Seed
18 Potato Board account by the Maine Potato Board.

19 **2. Program plan.** The managing director Seed Potato Board shall present to the
20 board Maine Potato Board, as established by Title 36, section 4603, at least annually, a
21 program plan for the board's Maine Potato Board's consideration and specific action;
22 which. The plan shall must include an assessment of the seed potato industry, a
23 projection of demand for seed by variety in the various marketing areas, the impact of
24 significant changes in seed potato acreage, the capital needs of the state seed potato farm
25 production facilities, considering current and future technology, proposals to improve the
26 varieties and quality of Maine seed potatoes, recommendations to promote the sale of
27 Maine seed, and to other such matters the managing director deems Seed Potato Board
28 determines appropriate.

29 **Sec. 6. Transition provisions.**

30 **1. Ownership.** The Department of Agriculture, Food and Rural Resources and the
31 Maine Potato Board, as established by the Maine Revised Statutes, Title 36, section 4603,
32 shall co-manage the Seed Potato Board, under Title 7, section 2151, beginning July 1,
33 2009. The transition of ownership must be completed by January 1, 2010 or the
34 beginning of the 2010 production cycle, whichever is earlier.

35 All assets of the Seed Potato Board, including real estate, equipment and personal
36 property, must be transferred to the Maine Potato Board no later than July 1, 2010 or the
37 beginning of the 2010 production cycle, whichever is earlier. The Maine Potato Board
38 must use these assets to ensure the continued supply of seed potatoes.

39 **2. Employees.** All current full-time and part-time positions of the Seed Potato
40 Board are terminated by the State prior to the time the Maine Potato Board assumes

1 ownership and operation of the Seed Potato Board. Employees of the Seed Potato Board
2 after the transfer are employees of the Maine Potato Board.

3 **3. Transition of funds.** No later than July 1, 2010 or, if earlier, at the time of
4 transfer of the Seed Potato Board to the Maine Potato Board, and during subsequent
5 years, all funds received by the Department of Agriculture, Food and Rural Resources or
6 the Seed Potato Board for the operation of the Porter Seed Farm must be paid to the
7 Maine Potato Board.

8 **Sec. 7. Funding.** The Department of Agriculture, Food and Rural Resources shall
9 provide the Maine Potato Board, as established by the Maine Revised Statutes, Title 36,
10 section 4603, funding in support of the Seed Potato Board not to exceed the sum of
11 \$250,000 for fiscal year 2009-10 and the sum of \$175,000 for fiscal year 2010-11. These
12 funds must be paid to the Maine Potato Board at the beginning of each fiscal year.

13 **Sec. 8. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 7,
14 section 2151, in making initial appointments to the Seed Potato Board, the Commissioner
15 of Agriculture, Food and Rural Resources shall appoint the member that is a processor
16 producer for a one-year term and the Maine Potato Board shall appoint 3 members for
17 one-year terms. The other 4 members are appointed for 2-year terms.

18 SUMMARY

19 This bill transfers the ownership and operations of the Seed Potato Board from the
20 Department of Agriculture, Food and Rural Resources to the Maine Potato Board. The
21 bill requires the Department of Agriculture, Food and Rural Resources to provide funds
22 to the Maine Potato Board in support of the Seed Potato Board for fiscal year 2009-10 in
23 an amount not to exceed \$250,000 and for fiscal year 2010-11 in the amount of \$175,000.

24 The bill also strikes the provision of law that exempts the Seed Potato Board from the
25 bidding, contract and review procedures contained in the Maine Revised Statutes, Title 5,
26 chapter 153 for any public improvement project with a value of less than \$10,000.