

# MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
**One Hundred and Fifth Legislature**  
AT THE  
SPECIAL SESSION

January 24, 1972

to

March 10, 1972

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**Sec. 36. Amendatory clause.** Whenever in subsection (e) of section 1 of chapter 114 of the private and special laws of 1929, as amended by chapter 178 of the private and special laws of 1963, the words "Maine Port Authority" appear they shall mean "Department of Transportation."

**Sec. 37. Amendatory clause.** Whenever in chapter 113 of the private and special laws of 1971 the words "Maine State Planning Office" appear they shall mean "Department of Transportation."

**Sec. 38. Members.** The Commissioner of Transportation is authorized to retain members of the Economic Advisory Board, the Advisory Committee of Ferry Service, the Scenic Highway Board and the Highway Safety Committee to serve in an advisory capacity for a period not to exceed 2 years. The members of these boards will receive the same compensation as they presently receive. The commissioner has authority, subject to the approval of the Governor and Council, to organize and create such advisory committees of experts to serve for whatever purposes and whatever lengths of time the commissioner deems necessary. The department hopes to take advantage of the wide range of citizen expertise in the State on transportation matters without creating permanent boards and commissions.

**Sec. 39. Funds and equipment transferred.** Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of any agency to be reallocated to another department strictly as a result of the reorganization effort, shall be transferred to the proper place in the new structure by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval by the Governor and Executive Council.

Effective June 9, 1972

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## CHAPTER 594

### AN ACT Implementing the Reorganization of the Department of Agriculture.

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

**Sec. 1. R. S., T. 7, § 1, amended.** The first sentence of section 1 of Title 7 of the Revised Statutes, as repealed and replaced by section 1 of chapter 490 of the public laws of 1971, is amended to read as follows:

The Department of Agriculture, as heretofore established and hereinafter in this Title called the "department", shall be maintained for the improvement of agriculture and the advancement of the interests of husbandry, and shall consist of the Commissioner of Agriculture, appointed by the Governor with the advice and consent of the Council, to serve ~~at the pleasure of the Governor and Council~~ a term coterminous with the Governor subject to removal from the office for cause by the Governor and Council, and the following as heretofore created and established: The Maine Dairy Council Committee, the Maine Milk Commission, the Maine Potato Commission, the Seed Potato Board ~~and the Maine Potato Marketing Commission~~, Milk Tax Committee,

the Soil and Water Conservation Commission and the Harness Racing Commission.

Sec. 2. R. S., T. 7, § 2, amended. Section 2 of Title 7 of the Revised Statutes is amended by adding at the end the following:

The commissioner shall be the chief administrative officer of the department. He shall have the following duties in addition to those specified in this section:

1. Budget. Prepare a budget for the department.
2. Personnel. Transfer personnel within the department to insure the efficient utilization of department personnel.
3. Purchases. Coordinate the purchase and use of all department equipment.
4. Review. Review the function and operation of the divisions to insure that overlapping functions and operations are eliminated.

The commissioner does not have authority to exercise or interfere with the exercise of any discretionary statutory authority granted to the following, which authority shall be exclusively within the specific board, bureau, agency, commission, committee or other governmental unit: The Maine Dairy Council Committee, the Maine Milk Commission, the Seed Potato Board, the Harness Racing Commission and Milk Tax Committee.

Sec. 3. R. S., T. 7, § 3, repealed and replaced. Section 3 of Title 7 of the Revised Statutes, as amended by section 1 of chapter 300 of the public laws of 1967, is repealed and the following enacted in place thereof:

### § 3. Departmental divisions

The various bureaus and lines of work in the department shall be grouped into divisions known as the Division of Administration, the Division of Markets, the Division of Promotions, the Division of Animal Industry, the Division of Plant Industry, the Division of Inspections and such other divisions as the commissioner deems necessary.

Sec. 4. R. S., T. 7, §§ 6-7, repealed. Sections 6 and 7 of Title 7 of the Revised Statutes are repealed.

Sec. 5. R. S., T. 7, § 1751, sub-§ 3, amended. Subsection 3 of section 1751 of Title 7 of the Revised Statutes is amended to read as follows:

3. Duly authorized agent. "Duly authorized agent" means ~~the Chief of the Division of Animal Industry, other employees of the State within the Division of Animal Industry~~ Department of Agriculture, veterinarians licensed by the State to practice veterinary medicine while performing official duties for the ~~Division of Animal Industry~~ department, employees of the Agricultural Research Service of the United States Department of Agriculture, or other persons designated by the commissioner ~~or Chief of the Division of Animal Industry.~~

Sec. 6. R. S., T. 7, § 1754, repealed. Section 1754 of Title 7 of the Revised Statutes, as amended by section 10 of chapter 513 of the public laws of 1965, is repealed.

Sec. 7. R. S., T. 7, § 1801, amended. The last sentence of the first paragraph of section 1801 of Title 7 of the Revised Statutes is amended to read as follows:

It shall be illegal for any owner, agent of any owner, veterinarian or other person having knowledge of their existence or exposure thereto not to properly report the existence of such disease or exposure thereto to the ~~commissioner or Chief of the Division of Animal Industry~~ department immediately after knowledge of or exposure to such disease.

Sec. 8. R. S., T. 7, § 1808, amended. The 3rd paragraph of section 1808 of Title 7 of the Revised Statutes, as amended by chapter 204 of the public laws of 1967, is further amended to read as follows:

No person, firm or corporation, except licensed veterinarians, shall offer for sale or distribution, within the State, any biological product containing living organisms or viruses offered for use in the treatment or prevention of diseases of domestic animals, without first obtaining a permit to act as salesman or distributor from the ~~Division of Animal Industry~~ department.

Sec. 9. R. S., T. 7, §§ 2151 - 2152, repealed and replaced. Sections 2151 and 2152 of Title 7 of the Revised Statutes are repealed and the following enacted in place thereof:

§ 2151. Creation and membership

A Seed Potato Board, as heretofore established in the Department of Agriculture, shall consist of the commissioner and 6 additional members appointed by him. Of the 6 appointed members, 5 shall be chosen from representatives of the potato industry in Aroostook County and one from elsewhere in the State of Maine.

§ 2152. Terms; vacancies; salaries

Each appointed member shall serve for a term of 3 years or until his successor has been appointed and qualified.

Upon the expiration of the term of office of any appointed member of the board, said member's successor shall be appointed by the commissioner, or in case of a vacancy for any reason, the commissioner shall appoint a member to fill the unexpired term.

The members of the Seed Potato Board shall receive no salary, but all their expenses incurred in attending meetings shall be paid out of the State Treasury, on certificate of the commissioner, upon the audit and warrant of the State Controller.

Sec. 10. R. S., T. 7, § 2155, amended. Section 2155 of Title 7 of the Revised Statutes is amended to read as follows:

## § 2155. Records and proceedings

The Seed Potato Board shall elect a secretary, who need not be a member of said board, and ~~said board~~ the commissioner shall have authority to employ such agents as may be necessary, subject to the Personnel Law, to consummate any and all programs which it may institute, as authorized under the terms of this chapter and shall keep a record of all of its proceedings, and all expenses by it incurred shall be paid out of the State Treasury, on certification of the commissioner, upon the audit and warrant of the State Controller and charged against any and all appropriations which may be annually made available for its use as stipulated.

Sec. 11. R. S., T. 7, § 2201, amended. The first paragraph of section 2201 of Title 7 of the Revised Statutes is amended to read as follows:

The commissioner shall appoint a State Horticulturist ~~and the division of within the Department of Agriculture under which such officer performs his duties shall be known as the Bureau of Horticulture.~~

Sec. 12. R. S., T. 7, § 2952, amended. The 4th sentence of section 2952 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

The members of said commission shall elect a chairman and the commissioner may employ a secretary and such clerks and assistants for the commission as he may deem necessary and may prescribe their duties and fix their compensation subject to the Personnel Law.

Sec. 13. R. S., T. 7, § 2957, amended. The next to the last paragraph of section 2957 of Title 7 of the Revised Statutes, as amended by section 2 of chapter 214 of the public laws of 1969, is further amended by adding at the end the following new sentence:

The commissioner may employ such personnel for the committee as he may deem necessary and may prescribe their duties and fix their compensation subject to the Personnel Law.

Sec. 14. R. S., T. 8, § 262, amended. Section 262 of Title 8 of the Revised Statutes is amended by adding after the first sentence the following new sentence:

The Commissioner of Agriculture or his designee shall ex officio be secretary of the commission but shall not be a voting member thereof.

Sec. 15. R. S., T. 8, § 264, repealed and replaced. Section 264 of Title 8 of the Revised Statutes is repealed and the following enacted in place thereof:

## § 264. Assistants

The Commissioner of Agriculture, subject to the Personnel Law, is authorized to employ such personnel as he may deem necessary to provide adequate policing and to carry out the purposes of this chapter. The Commissioner of Agriculture may fix the compensation of said employees on a per diem basis, subject to the Personnel Law.

Sec. 16. R. S., T. 8, § 280, amended. The first sentence of the last paragraph of section 280 of Title 8 of the Revised Statutes, as enacted by chapter 462 of the public laws of 1969, is amended to read as follows:

The ~~Harness Racing Commission~~ Commissioner of Agriculture is authorized to employ a State Veterinarian.

Sec. 17. R. S., T. 10, § 2401, amended. The 2nd sentence of section 2401 of Title 10 of the Revised Statutes, as amended by section 2 of chapter 300 of the public laws of 1967, is further amended to read as follows:

The ~~Chief of the Division of Consumer Protection~~ Commissioner of the Department of Agriculture shall be, ex officio, the state sealer.

Sec. 17-A. R. S., T. 12, § 52, amended. The 2nd sentence of section 52 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

† With the approval of the Commissioner of the Department of Agriculture, it shall employ an executive director and such other temporary or permanent employees as it may require.

Sec. 18. R. S., T. 36, § 4511, sub-§ 3, additional. Section 4511 of Title 36 of the Revised Statutes is amended by adding a new subsection 3 to read as follows:

3. Personnel. The commissioner may employ such personnel for the committee as he may deem necessary and may prescribe their duties and fix their compensation subject to the Personnel Law.

Sec. 19. P. L. 1971, c. 490, § 2, repealed. Section 2 of chapter 490 of the public laws of 1971 is repealed.

Sec. 20. Funds and equipment transferred. Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of any agency to be reallocated to another department strictly as a result of the reorganization effort, shall be transferred to the proper place in the new structure by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval by the Governor and Executive Council.

Sec. 21. Effective date. This Act shall become effective on July 1, 1972.

Effective July 1, 1972

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## CHAPTER 595

### AN ACT Relating to Restoration to State Service.

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

Sec. 1. R. S., T. 5, § 1123, amended. The 3rd sentence of section 1123 of Title 5 of the Revised Statutes is amended to read as follows: