

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SENATE

MICHAEL D. PEARSON, DISTRICT 6, CHAIR
 BONNIE L. TITCOMB, DISTRICT 25
 RUTH S. FOSTER, DISTRICT 12

STAFF

OFFICE OF FISCAL AND PROGRAM REVIEW
 JOHN D. WAKEFIELD, DIRECTOR
 JAMES A. CLAIR, DEPUTY DIRECTOR



HOUSE

LORRAINE N. CHONKO, TOPSHAM, CHAIR
 ROGER M. POULIOT, LEWISTON
 DONNELL P. CARROLL, GRAY
 CLYDE A. HICHBORN, LaGRANGE
 MICHAEL H. MICHAUD, E. MILLINOCKET
 CHARLENE B. RYDELL, BRUNSWICK
 GEORGE J. KERR, OLD ORCHARD BEACH
 JUDITH C. FOSS, YARMOUTH
 MARY H. MacBRIDE, PRESQUE ISLE
 GARY W. REED, FALMOUTH

HS 476

M 3593

1994

STATE OF MAINE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE
 COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

LAW and LEGISLATIVE
 REFERENCE LIBRARY
 43 STATE HOUSE STATION
 AUGUSTA, ME 04333-0043

January 26, 1994

Judy A. Paradis, Senate Chair
 Robert J. Tardy, House Chair
 Joint Standing Committee on Agriculture
 State House Station #115
 Augusta, Maine 04333

Dear Senator Paradis and Representative Tardy:

Public Laws of 1993, chapter 413, section 5, called for six of the "commodity" agencies of State Government to "... conduct studies of their respective organizations that examine alternative models of organizing their functions in a way so as to maximize services to the populations each organization serves." That legislation went on to require each of the six agencies to report to the Joint Standing Committee on Appropriations and Financial Affairs "... no later than January 4, 1994, with their findings and recommendations, including any draft legislation." A copy of PL 1993, c. 413 is enclosed for your review.

On January 20, 1994, the Appropriations Committee met with the six commodity agencies to review their reports and discuss whatever legislation might be needed. At the conclusion of that meeting, a motion was made, and accepted, that the reports and any proposed legislation, be referred to your committee for its review and action. The Appropriations Committee members believe committee recommendations to the Second Regular Session of the 116th Legislature are more properly the responsibility of the Joint Standing Committee on Agriculture.

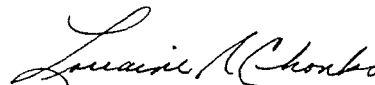
Enclosed for your review are the reports from the Maine Blueberry Commission, the Maine Potato Board, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council. In the near future two bills will be printed that would implement the recommendations in those reports requesting legislative changes to their current enabling legislation. The first bill will involve minor changes requested by the Maine Potato Board. The second bill will involve the changes requested by both the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council. It is our understanding the Maine Blueberry Commission is not seeking legislative changes at this time.

We will work to ensure that these bills are referred to your Committee. In the meantime, please contact us if you have any questions concerning this request or need additional information. Thank you for your attention to this matter.

Sincerely,



Michael D. Pearson
Senate Chair

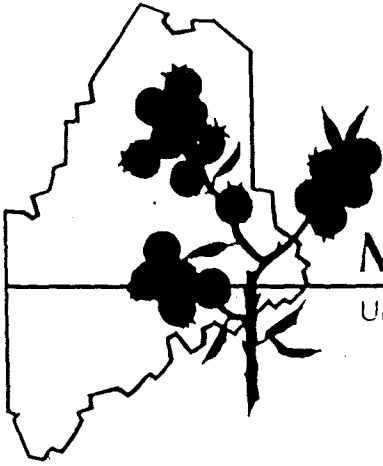


Lorraine N. Chonko
House Chair

Enclosure

cc: Members, Joint Standing Committee on Agriculture
Members, Joint Standing Committee on Appropriations and Financial Affairs
Edward J. McLaughlin, Executive Director, Maine Blueberry Commission
David R. Lavway, Executive Director, Maine Potato Board
Grace Additon, Director, Maine Dairy Promotion Board & Dairy & Nutrition Council
Deb Friedman, OPLA ✓

WPP693/23



MAINE BLUEBERRY COMMISSION

UNIVERSITY Campus, 5715 Coburn Hall, Orono, Maine 04469-5715 TEL: 207 / 581-1475
FAX: 207 / 581-3499

Maine Blueberry Commission Report to the Joint Standing Committee On Appropriations and Financial Affairs January 4, 1994

The Maine Blueberry Commission, at the request of the Joint Standing Committee on Appropriations and Financial Affairs, conducted a study of our organization. This study examined alternative models of organizing our functions to maximize services to the population our organization serves. We explored the feasibility of entirely separating from State Government and continuing in State Government as a quasi-independent agency such that all employees would leave state service and become employees of their respective organizations.

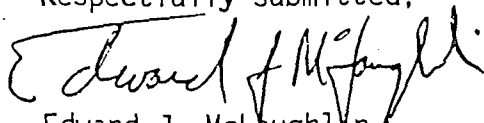
The conclusion of the Commission, by unanimous vote, is to maintain our current organizational structure until such time that clear improvement will be gained by change.

While the Commission acknowledges a less than perfect structure, it is not clear alternative structures will serve our industry or the public better. There is the distinct possibility that alternate structures could be less effective.

The Commission has operated in a productive partnership with the State since 1945. The relationship continues to be successful for the industry and has provided Maine with a strong economic and community base. The Maine blueberry industry has more than tripled its production and economic value in the last twelve years. A very important part of this success is the State/Commission partnership that provides funding for research, education, promotion, and other services to the industry.

The Commission thanks the Legislature for this opportunity to review our relationship with the State. We will continue to monitor this relationship and request change when and if it will clearly result in more effective delivery of services.

Respectfully submitted,


Edward J. McLaughlin
Executive Director

P.L. 1993,

CHAPTER 413

H.P. 92 - L.D. 122

An Act to Maintain the Integrity of Commodity Tax Accounts

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a commodity tax is levied and imposed on a specific industry to benefit that industry; and

Whereas, a commodity tax funds programs essential to maintaining the viability of the industry; and

Whereas, reduction in funding to these programs is detrimental to these industries and impacts the overall economic health of the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. PL 1991, c. 780, Pt. WW, §2 is amended to read:

Sec. WW-2. Calculation; transfer. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount in sections 4 to 9 of this Part that applies against each General Fund, Highway Fund, Federal Expenditure, Other Special Revenue, internal service fund and enterprise fund

account for all departments and agencies based on the total General Fund appropriations and various allocations to those accounts. The State Budget Officer shall cause the calculated amount to be transferred from each account, except that savings achieved in the Maine Blueberry Commission, the Maine Potato Board, the Maine Sardine Council, the Maine Dairy Promotion Board, the Maine Dairy and Nutrition Council and the Lobster Promotion Council as a result of the reduced weekly work schedule may not be transferred and must remain available for other purposes.

Sec. 2. PL 1991, c. 780, Pt. WW, §7, under the caption "ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF," in that part relating to Departments and Agencies - Statewide, 3rd line is repealed and the following enacted in its place:

Personal Services (\$1,330,009)

Sec. 3. PL 1991, c. 780, Pt. KKK, §1 is amended to read:

Sec. KKK-1. Calculation and transfer. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount in sections 6 to 9 of this Part that applies against each General Fund, Other Special Revenue, enterprise or internal service fund account for all departments and agencies based on the total appropriations and allocations to those accounts, except for the following accounts: General Purpose Aid to Local Schools; Education in the Unorganized Territory; Debt Service - Treasury; Teacher Retirement; Aid to Families with Dependent Children; Aid to Families with Dependent Children - Foster Care; General Assistance; Maine Health Program; Intermediate Care - Payments to Providers; Medical Care - Payments to Providers; Bureau of Rehabilitation; and Bureau of Rehabilitation - Vocational Rehabilitation; Maine Blueberry Commission; Maine Potato Board; Maine Sardine Council; Maine Dairy Promotion Board; Maine Dairy and Nutrition Council; and Lobster Promotion Council. In addition, the amount of funds appropriated or allocated for higher education programs, grants to municipalities and schools and grants to public and private organizations are excepted from this calculation. The State Budget Officer shall cause the calculated amount to be transferred from each account.

Sec. 4. PL 1991, c. 780, Pt. KKK, §7, under the caption "ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF," in that part relating to Departments and Agencies - Statewide, 2nd line is repealed and the following enacted in its place:

Unallocated (\$888,808)

Sec. 5. Organizational study. The Maine Blueberry Commission, the Maine Potato Board, the Maine Sardine Council, the Maine Dairy Promotion Board, the Maine Dairy and Nutrition Council and the Lobster Promotion Council shall conduct studies of their respective organizations that examine alternative models of organizing their functions in a way so as to maximize services to the populations each organization serves. Each organization shall analyze, at a minimum, the feasibility of separating entirely from State Government and continuing in State Government as a quasi-independent agency such that all employees would leave state service and become employees of their respective organizations. Each organization shall report to the Joint Standing Committee on Appropriations and Financial Affairs no later than January 4, 1994, with their findings and recommendations, including any draft legislation.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 30, 1993.

ATTACHMENT 7.
1/4/94

APPROVED

JUN 30 '93

BY GOVERNOR

CHAPTER

413

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-THREE

H.P. 92 - L.D. 122

An Act to Maintain the Integrity of Commodity Tax Accounts

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a commodity tax is levied and imposed on a specific industry to benefit that industry; and

Whereas, a commodity tax funds programs essential to maintaining the viability of the industry; and

Whereas, reduction in funding to these programs is detrimental to these industries and impacts the overall economic health of the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. PL 1991, c. 780, Pt. WW, §2 is amended to read:

Sec. WW-2. Calculation; transfer. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount in sections 4 to 9 of this Part that applies against each General Fund, Highway Fund, Federal Expenditure, Other Special Revenue, internal service fund and enterprise fund

account for all departments and agencies based on the total General Fund appropriations and various allocations to those accounts. The State Budget Officer shall cause the calculated amount to be transferred from each account, except that savings achieved in the Maine Blueberry Commission, the Maine Potato Board, the Maine Sardine Council, the Maine Dairy Promotion Board, the Maine Dairy and Nutrition Council and the Lobster Promotion Council as a result of the reduced weekly work schedule may not be transferred and must remain available for other purposes.

Sec. 2. PL 1991, c. 780, Pt. WW, §7, under the caption "ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF," in that part relating to Departments and Agencies - Statewide, 3rd line is repealed and the following enacted in its place:

Personal Services (\$1,330,009)

Sec. 3. PL 1991, c. 780, Pt. KKK, §1 is amended to read:

Sec. KKK-1. Calculation and transfer. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall calculate the amount in sections 6 to 9 of this Part that applies against each General Fund, Other Special Revenue, enterprise or internal service fund account for all departments and agencies based on the total appropriations and allocations to those accounts, except for the following accounts: General Purpose Aid to Local Schools; Education in the Unorganized Territory; Debt Service - Treasury; Teacher Retirement; Aid to Families with Dependent Children; Aid to Families with Dependent Children - Foster Care; General Assistance; Maine Health Program; Intermediate Care - Payments to Providers; Medical Care - Payments to Providers; Bureau of Rehabilitation; and Bureau of Rehabilitation - Vocational Rehabilitation; Maine Blueberry Commission; Maine Potato Board; Maine Sardine Council; Maine Dairy Promotion Board; Maine Dairy and Nutrition Council; and Lobster Promotion Council. In addition, the amount of funds appropriated or allocated for higher education programs, grants to municipalities and schools and grants to public and private organizations are excepted from this calculation. The State Budget Officer shall cause the calculated amount to be transferred from each account.

Sec. 4. PL 1991, c. 780, Pt. KKK, §7, under the caption "ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF," in that part relating to Departments and Agencies - Statewide, 2nd line is repealed and the following enacted in its place:

Unallocated (\$888,808)

Sec. 5. Organizational study. The Maine Blueberry Commission, the Maine Potato Board, the Maine Sardine Council, the Maine Dairy Promotion Board, the Maine Dairy and Nutrition Council and the Lobster Promotion Council shall conduct studies of their respective organizations that examine alternative models of organizing their functions in a way so as to maximize services to the populations each organization serves. Each organization shall analyze, at a minimum, the feasibility of separating entirely from State Government and continuing in State Government as a quasi-independent agency such that all employees would leave state service and become employees of their respective organizations. Each organization shall report to the Joint Standing Committee on Appropriations and Financial Affairs no later than January 4, 1994, with their findings and recommendations, including any draft legislation.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.