

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 770

S. P. 264

In Senate, February 12, 1971

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Chick of Monmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to 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 The 2nd sentence of section 1 of Title 7 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

A Secretary of Agriculture, hereinafter in this Title called the "commissioner," shall be appointed by the Governor, with the advice and consent of the Council, to serve at the Governor's pleasure and until his successor is appointed and qualified.

Sec. 2. R. S., T. 7, § 3, repealed and replaced. Section 3 of Title 7 of the Revised Statutes, as amended by section 1 of chapter 300 of the public laws of 1967, is repealed and the following enacted in place thereof: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 organization

The secretary may organize and, from time to time, reorganize the department into such bureaus, divisions, branches or sections as may be found necessary or desirable in order that it may perform all proper functions and render maximum service to agriculture and its proper regulation and improvement.

Sec. 3. R. S., T. 7, § 1751, sub-§ 3, repealed and replaced. Subsection 3 of section 1751 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

3. Duly authorized agent. "Duly authorized agent" means employees of the State Department of Agriculture, veterinarians licensed by the State to practice veterinary medicine while performing official duties for the depart-

ment, employees of the Agricultural Research Service of the United States Department of Agriculture, or other persons designated by the commissioner.

Sec. 4. R. S., T. 7, § 1754, repealed. Section 1754 of Title 7 of the Revised Statutes, as amended by section 10 of chapter 513 of the public law of 1965, is repealed.

Sec. 5. R. S., T. 7, § 1801, amended. The first paragraph of section 1801 of Title 7 of the Revised Statutes is amended to read as follows:

The commissioner shall determine which diseases shall be classified as "reportable diseases" of domestic animals. 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. 6. 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. 7. R. S., T. 7, § 2155, repealed and replaced. Section 2155 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2155. Records and employees

The department shall employ, subject to the Personnel Law, those employees necessary to administer this chapter and it shall serve as the permanent secretariat to the board and shall keep a record of all of its proceedings and all expenses by it incurred, including the compensation of employees and their expenses while employed pursuant to this section 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 made available to the board by law.

Sec. 8. R. S., T. 7, § 2201, amended. The first paragraph of section 2201 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

The commissioner shall appoint a State Horticulturist within the Department of Agriculture.

Sec. 9. R. S., T. 7, § 2958, repealed. Section 2958 of Title 7 of the Revised Statutes is repealed.

Sec. 10. R. S., T. 7, c. 611, additional. Title 7 of the Revised Statutes is amended by adding a new chapter 611, to read as follows:

CHAPTER 611

MAINE DAIRY COUNCIL COMMITTEE

§ 3201. Maine Dairy Council Committee

The Maine Dairy Council Committee shall consist of 5 members appointed by the Secretary of Agriculture of whom 3 shall be producers, no less than one of said producers being a producer shipping to Boston Federal Order, and 2 of whom shall be dealers on recommendation of the various producer and dealer associations, individuals or unorganized groups of producers and dealers in the State.

Each appointed member shall serve for 2 years, or until his successor is duly appointed and qualified. In case of a vacancy in the membership, the vacancy shall be filled by the Secretary of Agriculture for the unexpired term.

The appointed members shall receive the same compensation as the members of the Maine Milk Commission and be reimbursed for expenses incurred in the performance of their duties.

§ 3202. Employees, records

The Department of Agriculture shall employ, subject to the Personnel Law, those employees necessary to administer this chapter and the program of the committee and it shall serve as the secretariat of the committee and shall keep a record of its proceedings, and all expenses by it incurred including the compensation of employees employed pursuant to this section shall be paid out of the State Treasury from the funds there deposited through Title 36, section 2957 and sections 4505, 4509 and 4511, on certification of the commissioner, upon the audit and warrant of the State Controller.

§ 3203. Chairman, meetings

The committee shall annually, in January, elect one of their members chairman. No person shall be eligible to serve more than 2 consecutive terms as chairman.

The committee shall meet on the call of the chairman or the secretary or upon the petition of 3 members at the time and place in said call.

Sec. 11. R. S., T. 36, § 4503, repealed. Section 4503 of Title 36 of the Revised Statutes is repealed.

Sec. 12. R. S., T. 36, § 4511, sub-§ 2, amended. Subsection 2 of section 4511 of Title 36 of the Revised Statutes is amended to read as follows:

2. **Balance of funds.** The remaining sum shall be used by the **Maine Dairy Council Committee** for such purposes as are defined in section 4501 or for carrying out this chapter.

Sec. 13. **Effective dates.** Sections 1 to 8 shall take effect January 1, 1972 and sections 9 to 12 shall take effect July 1, 1972.

STATEMENT OF FACT

This legislation implements the reorganization proposals of the Legislative Research Committee and the Governor with respect to Agriculture.

Section 1 changes the Agriculture Commissioner's title to "Secretary" and establishes that his appointment requires the consent of the Council but spells out that his tenure is at the pleasure of the Governor.

Sections 2, 3, 4, 5, 6 and 8 eliminate statutorily mandated divisions and allow the Secretary to organize the department as may be necessary and desirable to efficiently discharge its responsibilities.

Section 7 alters the law to conform to the reorganization effort and present practice to make it clear that the administrative needs of the Seed Potato Board would be met by the department.

Sections 9 through 12 eliminate the duplication of having two agencies with nearly identical programs—the Maine Dairy Council and the Maine Milk Tax Committee. The latter is merged with the Dairy Council whose membership is then enlarged with it being necessary that no less than one producer shall be someone shipping to Boston Federal Order. The legislation clarifies the responsibility of the department for administration of the program.