

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1500

S. P. 492

In Senate, March 17, 1971

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Chick of Kennebec.

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, is further amended to read as follows:

A ~~Commissioner~~ Secretary of Agriculture, hereinafter in this Title called the "commissioner," or the "secretary" shall be appointed by the Governor, with the advice and consent of the Council, to serve at his 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 R. S., T. 7, § 3, repealed and replaced. Section 3 of Title 7 of the Revised Statutes, as amended by section 1 of chapter 300 of the public laws of 1967, is repealed and the following enacted in place thereof: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 R. S., T. 7, § 7, repealed. Section 7 of Title 7 of the Revised Statutes is repealed.

Sec. 4. 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 Department of Agriculture within the Division of Animal Industry,~~ 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. 5. R. S., T. 7, § 1754, repealed. Section 1754 of Title 7 of the Revised Statutes, as amended by section 10 of chapter 513 of the public laws of 1965, is repealed.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. 6. 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. 7. 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, and 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. 8. R. S., T. 7, § 2151, amended. The 2nd sentence of the 2nd paragraph of section 2151 of Title 7 of the Revised Statutes is amended to read as follows:

The remaining 6 members shall be appointed by the ~~Governor with the advice and consent of the Council~~ Secretary of Agriculture.

Sec. 9. R. S., T. 7, § 2152, amended. The 2nd and 3rd paragraphs of section 2152 of Title 7 of the Revised Statutes are amended to read as follows:

Upon the expiration of the term of office of any member of the board, said member’s successor shall be appointed by the ~~Governor by and with the consent of the Council~~ Secretary in like manner as said member.

In case of vacancy for any reason in the office of any member the ~~Governor, by and with the advice and consent of the Council~~ Secretary shall appoint a member to fill the unexpired term of such vacant office ~~in the same manner as the regular appointment to that office was made.~~

Sec. 10. 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, employed pursuant to this section shall be paid out of the State Treasury, on certification of the secretary, 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. 11. R. S., T. 7, § 2201 amended. The first sentence 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 second sentence of section 2952 of Title 7 of the Revised Statutes is amended to read as follows:

They shall be appointed by the ~~Governor~~ Secretary of Agriculture ~~with the advice and consent of the Council~~ and shall serve for a term of 4 years and until their successors have been duly appointed and qualified.

Sec. 13. R. S., T. 7, § 2952, amended. The sixth sentence of section 2952 of Title 7 of the Revised Statutes is amended to read as follows:

Any vacancy in the membership of said commission shall be filled by appointment by the ~~Governor~~ Secretary of Agriculture ~~with the advice and consent of the Council.~~

Sec. 14. R. S., T. 7, § 2957, amended. The 2nd 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 to read as follows:

Out of the sums raised by assessments in section 2956, 3¢ per hundred weight shall be expended for the promotional, educational, experimental plans and the research and advertising purposes as determined by the Maine ~~Dairy Council~~ Milk Program Committee and for the compensation of and the expenses incurred by the Maine ~~Dairy Council~~ Milk Program Committee.

Sec. 15. R. S., T. 7, § 2958, repealed. Section 2958 of Title 7 of the Revised Statutes is repealed.

Sec. 16. R. S., T. 7, Chapter 611, additional. Title 7 of the Revised Statutes is amended by adding a new chapter 611 to read as follows:

CHAPTER 611

MAINE MILK PROGRAM COMMITTEE

§ 3201. Maine Milk Program Committee

The Maine Milk Program Committee shall consist of 8 members appointed by the Secretary of Agriculture, 2 of whom shall be dealers, 6 of whom shall be producers of which 2 shall be producers shipping to Federal order markets and the secretary, ex-officio. In making appointments hereto, the secretary shall do so on recommendation of the various producer and dealer associations, individuals and 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.

The committee shall be divided into 2 subcommittees, the first to be composed of the 2 dealers and 2 of the producers providing milk for the Maine market which said subcommittee shall be primarily responsible for carrying out the responsibilities of the committee under section 2957, and the 2nd to be composed of the remaining producer members of the committee which said subcommittee shall be primarily responsible for carrying out the responsibilities of the committee under Title 36 section 4511.

§ 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 section 2 and Title 36, 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, however 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. 17. R. S., T. 36, § 4503, repealed. Section 4503 of Title 36 of the Revised Statutes is repealed.

Sec. 18. 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 Milk Program Committee** for such purposes as are defined in section 4501 or for carrying out this chapter.

Sec. 19. Amendatory provision. Wherever in Title 7, the word "commissioner" or the words "Commissioner of Agriculture" appear it shall mean "Secretary of Agriculture."

Sec. 20. Effective date. This Act shall be effective July 1, 1973.

STATEMENT OF FACT

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

Section 1 changes the Agriculture Commissioner's title to "secretary" and reestablishes that his appointment requires the assent of the Council.

Sections 2, 4, 5, 6, 7 and 11 eliminate statutorily mandated divisions and allow the Secretary to internally organize the department to most efficiently discharge its responsibilities.

Section 3 merely eliminates an archaic provision of the law.

Sections 8, 9 and 10 transfer the appointive power from the Governor to the Secretary with respect to the Seed Potato Board and clarify the law respecting employees administering these laws.

Sections 12 and 13 transfer the responsibility to appoint members of the Milk Commission from the Governor to the Secretary.

Sections 14 through 18 merge the Maine Dairy Council Committee and the Maine Milk Tax Committee into one committee, the Maine Milk Program Committee and clarify the responsibility of the department for administration of the program.