

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1989

S. P. 716

In Senate, January 24, 1972

The Committee on State Government suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Chick of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-TWO

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 The first sentence of section 1 of Title 7 of the Revised Statutes, as repealed and replaced by section 1 of chapter 490 of the public laws of 1971, is amended to read as follows: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

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 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, § 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. 10. 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. 11. 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. 12. 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 committee 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. 13. 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. 14. 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 committee 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. 15. P. L., 1971, c. 490, § 2, repealed.** Section 2 of chapter 490 of the public laws of 1971 is repealed.

**Sec. 16. 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.

#### STATEMENT OF FACT

The purpose of this bill is to implement the reorganization of the Department of Agriculture. The Commissioner of Agriculture will be appointed by the Governor with the advice and consent of the Council to serve a coterminous term with the Governor. He may be removed from the office for cause by the Governor and Council. The following commissions and committees are reorganized into the Department of Agriculture: Maine Dairy Council Committee, Maine Milk Commission, Maine Potato Commission, Seed Potato Board and Milk Tax Committee. The relationship of these committees and commissions to the Commissioner of Agriculture is spelled out in section 2 of the bill. Basically, the commissioner is to have administrative control over each of the committees and commissions to the extent that he prepares the budget and has the authority to hire all personnel, etc. However, the commissions and committees will still function and carry out their statutory duties as they presently exist.

Section 4 of the bill repeals some archaic provisions which are no longer of any use. The remaining sections of the bill amend present statutes to make sure that the statute is consistent with the reorganized department. The Consumer Protection Division of the Department of Agriculture remains with the department and has been renamed the Division of Inspections.