

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1558

6  
7 H.P. 1170

House of Representatives, May 4, 1983

8 Submitted by the Department of Agriculture, Food and Rural Resources  
pursuant to Joint Rule 24.

9 Speaker laid before the House and on Motion of Representative Carter of  
Winslow, referred to the Committee on Agriculture. Sent up for concurrence  
10 and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Crouse of Washburn.

11 Cosponsors: Senator Emerson of Penobscot, Representative Lisnik of  
Presque Isle and Senator Erwin of Oxford.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Address the State's Responsibility  
18 Under the Potato Industry's Long-Range Plan.  
19

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

22 Sec. 1. 7 MRSA §§2103-A and 2103-B are enacted  
23 to read:

24 §2103-A. Certification of seed potatoes

25 Foundation seed potatoes purchased from the state  
26 seed potato farm shall not be designated "certified  
27 seed" beyond 4 generations of the seed originally ac-  
28 quired. Seed potatoes imported into the State shall  
29 meet the state's certification standards and all  
30 import certificates shall designate the imported  
31 seed's generation, which shall equal and compare to a  
32 state certified seed designation. The imported seed  
33 shall "flush out" at the same rate as the equivalent  
34 state seed generation.

1 No seed potato may be designated "certified seed"  
2 which has not been winter tested. Seed shipped  
3 before winter test results are available may be  
4 "temporarily certified" based on field certification.

5 The commissioner may, upon application of one or  
6 more growers and for good cause, temporarily waive  
7 either or both of these requirements.

8 The commissioner shall withhold from certifica-  
9 tion for in-state planting any seed potatoes grown on  
10 a farm on which bacterial ring rot has been detected.

11 §2103-B. Foundation seed potato production areas

12 The commissioner may, in a manner consistent with  
13 the Maine Administrative Procedure Act, Title 5,  
14 chapter 375, designate "foundation seed potato pro-  
15 duction areas" and, in consultation with the Seed  
16 Potato Board, Cooperative Extensive Service, Univer-  
17 sity of Maine Agricultural Experiment Station and  
18 appropriate industry organizations, establish within  
19 these area such certified seed production practices  
20 as he deems beneficial to the industry.

21 Sec. 2. 7 MRSA §2105 is enacted to read:

22 §2105. Violations

23 Any person who violates any of the provisions of  
24 this chapter or any rule promulgated under this chap-  
25 ter is subject to a civil penalty not to exceed \$500.

26 Sec. 3. 7 MRSA §2151, as amended by PL 1979, c.  
27 731, §19, is further amended to read:

28 §2151. Creation and membership

29 A Seed Potato Board, as heretofore established in  
30 the Department of Agriculture, Food and Rural  
31 Resources, shall consist of the commissioner and 6 8  
32 additional members appointed by him. Of the 6 8  
33 appointed members, 5 7 shall be chosen from repre-  
34 sentatives of the potato industry in Aroostook County  
35 and one from elsewhere in the State of Maine, pro-  
36 vided that one appointed member shall be primarily a  
37 table stock producer and one primarily a processor  
38 producer.

1           Sec. 4. 7 MRSA §2152, first ¶, as repealed and  
2 replaced by PL 1971, c. 594, §9, is amended to read:

3           Each appointed member shall serve for a term of 3  
4 years or until his successor has been appointed and  
5 qualified, except that no member may serve for more  
6 than 3 consecutive terms.

7           Sec. 5. 7 MRSA §2153, 2nd ¶ is amended to read:

8           The presence at any meeting of at least 4 5 mem-  
9 bers of the board shall be necessary to constitute a  
10 quorum, and the concurring votes of not less than a  
11 majority of the members present at any meeting shall  
12 be necessary to the decision of any question or issue  
13 or the authorization of any action.

14           Sec. 6. 7 MRSA §2154, as amended by PL 1979, c.  
15 541, Pt. A, §71, is further amended to read:

16           §2154. Powers; rules

17           The Seed Potato Board shall have the power and  
18 authority to produce, or cause to be produced through  
19 contract or otherwise, such acreages of foundation  
20 seed potatoes of various varieties as it may from  
21 time to time determine for distribution and sale to  
22 the potato growers of this State. ~~Said~~ The commit-  
23 ments of ~~said~~ the board shall not exceed in the  
24 aggregate the amount of funds which may be made  
25 available to it. In addition, the board shall be  
26 advisory to and shall have authority to work with and  
27 through the Maine Agricultural Experiment Station of  
28 the University of Maine and other public and private  
29 agencies, in conducting and carrying on a program of  
30 production of foundation seed potatoes annually.  
31 ~~Said~~ The board shall have authority to purchase, own  
32 or otherwise acquire farm real estate and farm equip-  
33 ment if necessary for the purpose of producing acre-  
34 ages of foundation seed potatoes or providing for the  
35 testing thereof, and any salable material resulting  
36 from ~~such~~ the ownership or operation may be sold to  
37 the best advantage of the board. The board shall  
38 have authority to sell or otherwise convey farm real  
39 estate and farm equipment no longer required for the  
40 purposes of this chapter. Proceeds from ~~such~~ the  
41 sale shall be credited to the operating account of

1 the board.

2 The board shall have the responsibility and full  
3 power and authority to make, in a manner consistent  
4 with the Maine Administrative Procedure Act, rules  
5 and regulations not inconsistent with law pertaining  
6 to its program of production, distribution and sales  
7 of foundation seed potatoes to the potato growers of  
8 Maine the State, as it may from time to time deter-  
9 mine, including, but not limited to, long-range pro-  
10 jections of industry trends and needs, contracting  
11 with growers to reproduce nuclear seed stock normally  
12 grown at the state seed potato farm, determination of  
13 the varieties and volume of seed to be grown at the  
14 state seed potato farm, allocation of seed to growers  
15 for the benefit of the entire state potato industry,  
16 development of a standardized commercial seed testing  
17 program for new varieties, if no such procedure  
18 exists under the auspices of the Maine Agricultural  
19 Experiment Station, and to exercise any other power  
20 which may be conferred upon the board by law.

21 The board is authorized to pay to the Town of  
22 Masardis in lieu of taxes a sum, in the discretion of  
23 the board, which will compensate ~~said~~ the town in  
24 whole or in part for loss of real estate taxes due to  
25 state ownership of real estate now used for seed  
26 potato purposes.

27 Sec. 7. 7 MRSA §2155, as amended by PL 1971, c.  
28 594, §10, is repealed and the following enacted in  
29 its place:

30 §2155. Records and proceedings

31 1. Administration. The Seed Potato Board shall  
32 elect a secretary, who need not be a member of the  
33 board, and the commissioner shall have authority to  
34 employ a managing director and such agents as may be  
35 necessary, subject to the Personnel Law, to consum-  
36 mate any and all programs which it may institute, as  
37 authorized under the terms of this chapter and shall  
38 keep a record of all of its proceedings, and all  
39 expenses by it incurred shall be paid out of the  
40 State Treasury, on certification of the commissioner,  
41 upon the audit and warrant of the State Controller  
42 and charged against any and all appropriations which

1 may be annually made available for its use as stipu-  
2 lated.

3 2. Program plan. The managing director shall  
4 present to the board, at least annually, a program  
5 plan for the board's consideration and specific ac-  
6 tion, which plan shall include an assessment of the  
7 seed potato industry, a projection of demand for seed  
8 by variety in the various marketing areas, the impact  
9 of significant changes in seed potato acreage, the  
10 capital needs of the state seed potato farm, consid-  
11 ering current and future technology, proposals to  
12 improve the varieties and quality of Maine seed pota-  
13 atoes, recommendations to promote the sale of Maine  
14 seed, and to other such matters the managing director  
15 deems appropriate.

16 Sec. 8. 7 MRSA c. 411 is enacted to read:

17 CHAPTER 411

18 CONTROL AND ERADICATION OF POTATO PESTS AND DISEASES

19 §2351. Legislative intent

20 The Legislature finds that the potato industry  
21 contributes significantly to the social and economic  
22 well-being of the people of the State and that the  
23 control and eradication of pests and diseases which  
24 threaten the viability of the industry must remain a  
25 high priority in the formulation of public policy.

26 §2352. Responsibility of the commissioner

27 The commissioner may institute such pest control  
28 survey programs as he deems essential to the welfare  
29 of the industry. He may, in conjunction with the  
30 Maine Agricultural Experiment Station, and other  
31 public and private agencies, and in a manner consist-  
32 ent with the Maine Administrative Procedure Act,  
33 Title 5, chapter 375, designate by rule those potato  
34 pests and diseases which pose a threat to the Maine  
35 potato industry, and by rule provide for the inspec-  
36 tion, seizure, destruction or other deposition of any  
37 seed, plant, culls or other materials within the  
38 State whenever he finds such materials to be  
39 infested, or are reasonably believed to be infested,

1 with any designated pest or disease, and further pro-  
2 vide for the disinfection of any vehicle or other  
3 conveyance so infested.

4 STATEMENT OF FACT

5 In 1980, the Farm Credit Service, a major credi-  
6 tor of the state potato industry, completed a compre-  
7 hensive industry analysis. Based on this, the indus-  
8 try developed a Potato Industry Long-Range Plan  
9 (1982-1986). The industry's willingness to address  
10 long-term change (versus short-term benefits) is  
11 essential to the survival of an industry facing  
12 serious production and marketing problems.

13 Much of the plan is concerned with seed potatoes.  
14 The production of quality seed is the basis of much  
15 of the needed improvement in the industry.

16 The intent of this bill is to implement the  
17 recommendations of the Potato Industry Long-Range  
18 Plan to strengthen the state's certified seed potato  
19 program, by providing for changes in the membership  
20 of the Seed Potato Board, increasing board responsi-  
21 bility and authority, clarifying the disease control  
22 authority of the Commissioner of Agriculture, Food  
23 and Rural Resources, and requesting funding to carry  
24 out the major recommendations.

25 Section 1 creates a so-called "flush out" system  
26 to assure the availability of new foundation seed on  
27 an ongoing basis, and provides for the designation of  
28 "certified seed potato production areas" within the  
29 State.

30 Section 2 specifies violations.

31 Sections 3, 4 and 5 provide for increased member-  
32 ship on the Seed Potato Board, adding table stock and  
33 processor growers.

34 Section 6 directs the board to act in an advisory  
35 capacity to certain agencies, to assume specific  
36 responsibilities with regard to variety determina-  
37 tion, allocation of seed, commercial testing and  
38 long-range planning.

1           Section 7 provides for a managing director, who  
2 shall present, annually, a program plan for the  
3 board's consideration and action.

4           Section 8 grants the commissioner greater author-  
5 ity for potato pest and disease surveillance and con-  
6 trol.

7           Funding for this bill (\$75,000 for both fiscal  
8 years 1984-1985) is included in the Governor's Part  
9 II Budget and will provide for pest and disease con-  
10 trol and eradication, enforcement of the statutory  
11 requirement that only certified seed be planted and  
12 help carry out the surveillance program for seed  
13 potatoes imported from areas suspected of infesta-  
14 tion.

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