

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 20

H.P. 25

House of Representatives, January 25, 1989

Reported by Representative TARDY from the Joint Standing Committee on Agriculture. Approved by the Legislative Council, April 17, 1988.

Reference to the Joint Standing Committee on Agriculture suggested and printing ordered under Joint Rule 19.

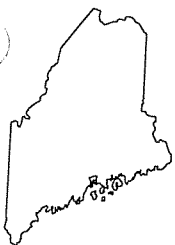
A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

AN ACT Concerning Membership on the Maine Blueberry Commission.



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

3 **Sec. 1. 36 MRSA §4312-B, sub-§1, as repealed and replaced by PL**
5 1985, c. 737, Pt. A, §100, is repealed.

7 **Sec. 2. 36 MRSA §4312-B, sub-§2, as repealed and replaced by PL**
9 1985, c. 737, Pt. A, §100, is repealed and the following enacted
11 in its place:

13 2. Membership; responsibility. The commission shall
15 consist of 8 members. Five members shall be processors and 3
17 members shall be growers. There shall be one grower member
19 representing each of the following 3 districts: Washington
21 County; Hancock County; and all other Maine counties. The
23 majority of the blueberry lands owned by a grower member must be
25 within that member's district. For the purpose of this section
27 only, a fresh packer shall be considered a grower. If a member
29 is unable to attend a commission meeting, the member may
31 designate a representative and shall inform the chairman of the
33 commission of the designation prior to the meeting.

35 Each member is responsible for ascertaining the views of the
37 constituency that the member represents, for keeping that
39 constituency informed of the commission's and that member's
41 activities and for regular and prompt attendance at commission
43 meetings.

45 If a member no longer has the same relationship to the industry
47 as when appointed or elected or, if a grower, the majority of the
49 blueberry lands owned by the grower member are no longer within
51 that member's district, the member shall promptly report this
fact to the chairman of the commission. The chairman shall
declare the seat held by that member to be vacant. The member
shall continue to serve pursuant to subsection 3 until a
replacement is appointed.

37 **Sec. 3. 36 MRSA §4312-B, sub-§2-A is enacted to read:**

39 2-A. Selection. Processor members shall be appointed by
41 the Commissioner of Agriculture, Food and Rural Resources.
43 Grower members shall be elected by district by the blueberry
45 growers in that district. To be eligible to vote, a grower must
47 have paid, or have had deducted, within the last year, the tax
49 imposed by section 4307.

47 **Sec. 4. 36 MRSA §4312-B, sub-§3, as repealed and replaced by PL**
49 1985, c. 737, Pt. A, §100, is repealed.

51 **Sec. 5. 36 MRSA §4312-B, sub-§3-A is enacted to read:**

1 3-A. Terms of appointment or election; vacancies. For a
2 processor member, the term of office for each new appointment or
3 reappointment commences on September 1st of the year of
4 appointment and continues for a term of 4 years or until a
5 successor is duly appointed and qualified.

7 For a grower member, the term of office is 3 years. No grower
8 member may serve more than 3 consecutive terms.

9
10 A grower member with a current appointment on the effective date
11 of this subsection shall continue to serve for the duration of
12 that appointment, after which that member shall be replaced by a
13 member elected according to the provisions of this section. An
14 appointed grower member shall be replaced by a member elected
15 from the county from which the replaced member came, except that
16 the first replaced Washington County member shall be replaced by
17 a member from Hancock County. An appointed grower member is
18 eligible to be elected to the seat that is being vacated if that
19 member's land is in the appropriate county.

21 If at the time specified for election of a grower member from a
22 specific district there is no qualified grower from that district
23 who wishes to be elected to the commission, the Commissioner of
24 Agriculture, Food and Rural Resources shall appoint a qualified
25 grower without regard to the grower's district of residency.

27 To fill any commission vacancy, however caused, the Commissioner
28 of Agriculture, Food and Rural Resources shall appoint a
29 successor for the duration of the unexpired term. This successor
30 shall represent the same constituency as the member who vacated
31 the seat. This appointment shall take place within 60 days of
32 the seat becoming vacant.

33 **Sec. 6. 36 MRSA §4312-B, sub-§§7 and 8 are enacted to read:**

35 7. Election of grower members. The chairman of the
36 commission shall be responsible for the timely conduct of
37 elections to fill grower seats on the commission.

39 In accordance with the Maine Administrative Procedure Act, Title
40 5, chapter 375, the commission shall promulgate such rules as are
41 necessary for the proper, timely and efficient conduct of the
42 elections within the intent of this section. Both the rules
43 governing the elections and the administration of the elections
44 shall seek to maximize the number and representativeness of those
45 voting and to secure an adequate number of qualified,
46 representative nominees for office.

49 8. Removal of a member. Failure to abide by the provisions
50 of this section is grounds for removal of any member upon a 2/3
51 vote of the remaining members of the commission. The removal
52 shall take effect immediately and the seat declared vacant.

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STATEMENT OF FACT

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7 The Maine Blueberry Commission is responsible for
9 determining how the Maine Blueberry Tax is spent as between
11 research and development and promotion. The commission consists
13 of 5 processors and 3 growers, all of whom are appointed by the
15 Commissioner of Agriculture, Food and Rural Resources for a term
17 of 4 years.

13 This bill requires that the 3 grower members of the Maine
15 Blueberry Commission be elected rather than appointed. For the
17 purposes of the election, the State would be divided into 3
districts and growers in each district would elect a grower from
that district to membership on the commission. The term for
commission membership would be 3 years.