

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1712, L.D. 2397, Bill, "An Act Concerning the Structure and Operation of the Seed Potato Board"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Seed Potato Board is an essential component of the State's potato industry; and

Whereas, the potato industry is vital to the economic and social welfare of the State; and

Whereas, certain changes in the structure and operation of the Seed Potato Board are necessary to ensure its continuing viability; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill by striking out all of sections 1 and 2 and inserting in their place the following:

'Sec. 1. 5 MRSA §12004-H, sub-§5, as enacted by PL 1987, c. 786, §5, is amended to read:

| | | |
|----------------------|---------------|-------------------------|
| 5. Seed Potato Board | Expenses Only | 7 MRSA §2151 §2151-B |
|----------------------|---------------|-------------------------|

COMMITTEE AMENDMENT

2 Sec. 2. 7 MRSA §616-A, sub-§10, as enacted by PL 1989, c. 841,
3, is repealed.

4 Sec. 3. 7 MRSA §2151, as amended by PL 1989, c. 503, Pt. B,
6 §45, is repealed.'

8 Further amend the bill by striking out all of section 4 and
inserting in its place the following:

10 'Sec. 4. 7 MRSA §2151-B is enacted to read:

12 §2151-B. Seed Potato Board

14 The Seed Potato Board, established by Title 5, section
16 12004-H, subsection 5 and referred to in this chapter as the
18 "board," is located in the department and consists of 13 members.

20 1. Appointed members. The commissioner shall appoint 11
members as follows:

22 A. Seven representatives of the seed growers' assemblies,
24 one nominee from each of the 7 seed growers' assemblies.
Each seed growers' assembly shall select its nominee by
popular vote of the assembly's members;

26 B. One representative of the processing growers nominated
28 by the processing growers' executive council;

30 C. One representative of the tablestock growers nominated
32 by the tablestock growers' executive council;

34 D. One representative of the dealers nominated by the
dealers' executive council; and

36 E. One representative of the processors nominated by the
38 processors' executive council.

40 2. State members. The commissioner or the commissioner's
designee and the director of the department's division of plant
42 industry serve as ex officio, voting members.

44 3. Terms of office. Except for initial appointees and the
state members, each appointed member serves for a term of 2 years
46 or until the member's successor has been appointed and
qualified. An appointed member may not serve for more than 3
48 consecutive 2-year terms.

50 Upon the expiration of the term of office of an appointed member,
the commissioner shall appoint a successor in accordance with

2 subsection 1. In case of a vacancy for a reason other than an
3 expired term, the commissioner shall appoint a member to fill the
4 unexpired term.

5 4. Initial terms of office. Initial appointment of members
6 from seed growers' assembly districts 2, 4 and 6, the tablestock
7 growers' executive council and the processors' executive council
8 is for one year. All other appointed members serve for 2 years.
9 Initial terms of office begin on January 1, 1993.

10 5. Failure to attend meetings. If an appointed member fails
11 to attend 3 consecutive meetings of the board called in
12 accordance with section 2153, the commissioner may terminate that
13 person's appointment and appoint another person to serve the
14 remainder of the unexpired term.

15 6. Compensation. The appointed members of the board are
16 entitled to expenses only. Expenses must be paid from the State
17 Treasury, upon certification of the commissioner and the audit
18 and warrant of the State Controller.

19 Sec. 5. 7 MRSA §2152, as amended by PL 1983, c. 565, §4, is
20 repealed.'

21 Further amend the bill in section 5 in that part designated
22 "§2153." in the 2nd paragraph in the first line (page 2, line 31
23 in L.D.) by striking out the underlined figure "6" and inserting
24 in its place the following: '7'

25 Further amend the bill in section 7 by striking out all of
26 subsection 1 (page 4, lines 4 to 31 in L.D.) and inserting in its
27 place the following:

28 '1. Administration; employees. The board shall appoint a
29 program director who is the board's chief operating officer,
30 serves at the pleasure of the board and has no collective
31 bargaining rights under Title 26, chapter 9-B. The salary paid
32 to the program director must be fixed by the board subject to the
33 approval of the Governor. Other terms and conditions of
34 employment for the program director are those provided by law and
35 those granted by the Governor to employees who are excluded from
36 bargaining and whose salaries are established or approved by the
37 Governor.

38 The board may employ additional full-time staff as it determines
39 necessary to carry out the programs of the board provided that
40 after July 1, 1992 these employees are employed on the basis of a
41 40-hour workweek. The program director has the authority to
42 employ part-time, intermittent, seasonal and casual employees as
43 may be necessary to carry out the purposes and the functions of
44

1 the board. Full-time and part-time employees of the board,
2 except for the program director, are subject to the Civil Service
3 Law.

4
5 The board may delegate to its program director authority to
6 execute the board's policies and programs subject to regular
7 oversight by the board. The board shall keep a record of all its
8 proceedings and shall ensure that records of all expenses
9 incurred by the board are kept. Expenses incurred by the board
10 must be paid from the State Treasury, upon certification of the
11 commissioner and the audit and warrant of the State Controller,
12 and must be charged against appropriations available for its use.
13 The board is subject to the provisions of Title 5, chapter 379.'

14
15 Further amend the bill by striking out all of section 10 and
16 inserting in its place the following:

17 'Sec. 10. Transition. Members of the Seed Potato Board
18 appointed under the Maine Revised Statutes, Title 7, section 2151
19 serve until January 1, 1993. The Commissioner of Agriculture,
20 Food and Rural Resources shall appoint 11 members to the board in
21 accordance with Title 7, section 2151-B before January 1, 1993.

22
23 Sec. 11. Effective date. The following sections of this Act
24 take effect December 1, 1992: the section that amends the Maine
25 Revised Statutes, Title 5, section 12004-H, subsection 5; the
26 section that repeals Title 7, section 2151; the section that
27 enacts Title 7, section 2151-B; the section that repeals Title 7,
28 section 2152; and the section that amends Title 7, section 2153.

29
30 Emergency clause. In view of the emergency cited in the
31 preamble, this Act takes effect when approved, except as
32 otherwise indicated.

33
34 Further amend the bill by renumbering the sections to read
35 consecutively.

36
37 Further amend the bill by inserting at the end before the
38 statement of fact the following:

39
40 **FISCAL NOTE**

41
42 The Department of Agriculture, Food and Rural Resources will
43 incur some minor additional administrative costs as a result of
44 compensating additional Seed Potato Board members for travel and
45 meal expenses. These costs can be absorbed within the
46 department's existing budgeted resources.

47
48 Revising the operation of the Seed Potato Board, including
49 restricting guaranteed overtime, will result in some cost savings
50 to the Department of Agriculture, Food and Rural Resources. The
51 amount can not be estimated at this time.'

STATEMENT OF FACT

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This amendment increases the number of appointed members of the Seed Potato Board to 11 and changes their compensation from per diem to expenses only. It specifies that members on the board must represent the various sectors of the potato industry. This amendment provides that full-time and part-time employees of the board, with the exception of the program director, are subject to the Civil Service Law. It specifies that, after July 1, 1992, full-time employees are employed based on a 40-hour workweek. In addition, this amendment repeals the sunset on penalties for violations of pesticide laws. It also adds a fiscal note to the bill.

Reported by the Committee on Agriculture
Reproduced and distributed under the direction of the Clerk of the House
3/18/92 (Filing No. H-1150)