

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2397

H.P. 1712

House of Representatives, March 4, 1992

Reference to the Committee on Agriculture suggested and ordered printed.

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

EDWIN H. PERT, Clerk

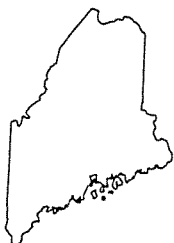
Presented by Representative PINES of Limestone. (GOVERNOR'S BILL)

Cosponsored by Representative TARDY of Palmyra, Speaker MARTIN of Eagle Lake and Senator COLLINS of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act Concerning the Structure and Operation of the Seed Potato Board.



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

2 Sec. 1. 5 MRSA §12004-H, sub-§5, as enacted by PL 1987, c.
4 786, §5, is amended to read:

6 5. Seed Potato Expenses 7 MRSA §2151
Board Only
8 Legislative
 Per Diem

10 Sec. 2. 7 MRSA §2151, as amended by PL 1989, c. 503, Pt. B,
12 §45, is repealed and the following enacted in its place:

14 **§2151. Creation and membership**

16 The Seed Potato Board, established by Title 5, section
18 12004-H, subsection 5, and referred to in this chapter as the
"board," is located in the department and consists of the
20 commissioner or the commissioner's designee, the Director of the
Division of Plant Industry and 9 additional members, 8 of whom
22 are appointed by the commissioner. Of the 8 appointed members, 7
must be chosen from representatives of the potato industry in
24 Aroostook County and one from elsewhere in the State. One of the
appointed members must be primarily a tablestock producer and one
26 must be primarily a processor producer. The seed growers'
executive council of the Maine Potato Board shall designate one
28 of its members to serve as a full member of the board.

30 Sec. 3. 7 MRSA §2151-A is enacted to read:

32 **§2151-A. Legislative findings and purpose**

34 The Legislature finds that the Seed Potato Board is an
essential component of the State's potato industry and therefore
36 is necessary for the economic and social welfare of the State.
The purpose of the board is to produce an adequate supply of
38 vigorous, high quality pre-nuclear and nuclear seed stocks of the
appropriate varieties of potatoes at a reasonable cost to
40 growers. The Legislature finds that the activities of the board
are central to the development and improvement of the State's
42 potato industry.

44 Sec. 4. 7 MRSA §2152, as amended by PL 1983, c. 565, §4, is
further amended to read:

46 **§2152. Terms; vacancies; salaries**

48 Each appointed member shall--serve serves for a term of 3
50 years or until his the member's successor has been appointed and
qualified, except that no appointed member may serve for more

2 than 2 consecutive terms. The member designated by the seed
3 growers' executive council serves until another person is
4 designated.

6 Upon the expiration of the term of office of any appointed
7 member of the board, ~~said~~ the member's successor shall must be
8 appointed by the commissioner, or in case of a vacancy for any
9 reason, the commissioner shall appoint a member to fill the
10 unexpired term.

12 The members of the Seed Potato Board shall are entitled to
13 receive no salary, but the legislative per diem and all their
14 expenses incurred in attending meetings shall. Per diem and
15 expenses must be paid out of the State Treasury, on ~~certificate~~
16 certification of the commissioner, upon the audit and warrant of
17 the State Controller.

18 **Sec. 5. 7 MRSA §2153**, as amended by PL 1983, c. 565, §5, is
19 further amended to read:

20 **§2153. Meetings; quorums**

22 The Seed Potato Board shall meet annually on such a date and
23 at such a place as the board may appoint and shall may also meet
24 at such other times as the board ~~may deem~~ determines necessary or
25 when called by the chairman chair of the board or any 2 members
26 thereof ~~upon of the board on~~ 2 days' notice. The board may by
27 resolution provide for a shorter notice to be made by telegraph,
28 telephone or otherwise other appropriate means.

30 The presence at any meeting of at least ~~5~~ 6 members of the
31 board ~~shall be necessary to constitute~~ constitutes a quorum, and
32 the concurring votes of ~~not less than~~ a majority of the members
33 present at any meeting shall be necessary to the ~~decision of~~
34 decide any question or issue or the authorization of any action.

36 **Sec. 6. 7 MRSA §2154**, as amended by PL 1985, c. 779, §37, is
37 further amended to read:

38 **§2154. Powers; rules**

40 The Seed Potato Board ~~shall have~~ has the power and authority
41 to produce, or cause to be produced through contract or
42 otherwise, ~~such acreages~~ the acreage of ~~foundation~~ nuclear seed
43 potatoes of various varieties as it may ~~from time to time~~
44 determine appropriate for distribution and sale to the potato
45 growers of this State. The commitments of the board shall may not
46 exceed in the aggregate the amount of funds to which ~~may be made~~
47 available to it the board has access. ~~In addition, the board~~
48 ~~shall be advisory to and shall have authority to work with and~~

2 through the Maine Agricultural Experiment Station of the
University of Maine System and other public and private agencies,
4 in conducting and carrying on a program of production of
foundation seed potatoes annually. The board may, subject to
6 laws and procedures generally applicable to state agencies,
except as otherwise provided in this chapter, enter into
8 contracts or agreements in furtherance of its legislative
purposes with public and private entities. The contracts or
10 agreements include, but are not limited to, those relating to the
lease or purchase of office space, facilities, property,
12 equipment or supplies as the board determines are necessary for
its purposes. The board may delegate to its program director the
14 power to enter into contracts and agreements, subject to the
board's oversight. The board shall have authority to
16 purchase, own or otherwise acquire farm real estate and farm
equipment if necessary for the purpose of producing acreages of
18 foundation nuclear seed potatoes or providing for the testing
thereof of them, and any salable material resulting from the
20 ownership or operation may be sold to the best advantage of the
board. The board shall have authority to sell or otherwise
22 convey farm real estate and farm equipment no longer required for
the purposes of this chapter. Proceeds from the sale shall must
24 be credited to the operating account of the board.

26 The board shall have the responsibility and full power
and authority to make adopt, in a manner consistent with pursuant
to the Maine Administrative Procedure Act, rules and regulations
28 not inconsistent consistent with law pertaining to its program of
production, distribution and sales of foundation nuclear seed
30 potatoes to the potato growers of the State, as it may from time
to time determine, including, but not limited to, . The board
32 may make long range projections of industry trends and needs,
entering may contract with growers to reproduce nuclear seed
34 stock normally grown at the state seed potato farm, determination
of may determine the varieties and volume of seed to be grown at
36 the state seed potato farm, allocation of may allocate seed to
growers for the benefit of the entire state potato industry,
38 development of a standardized commercial seed testing programs
for new varieties, if no such procedure exists under the auspices
40 of the Maine Agricultural Experiment Station, and to and may
42 exercise any other power which may be conferred upon the board by
law.

44 The board is authorized to may pay to the Town of Masardis
46 in lieu of taxes a sum, that in the discretion of the board,
which will compensate the town in whole or in part for loss of
real estate taxes due to state ownership of real estate now used
48 for seed potato purposes.

2 **Sec. 7. 7 MRSA §2155, sub-§1,** as amended by PL 1985, c. 785,
Pt. B, §47, is repealed and the following enacted in its place:

4 **1. Administration.** The board shall appoint a program
6 director who is the board's chief operating officer and who
serves at the pleasure of the board. The board may employ
8 additional full-time staff as it determines necessary to carry
out the programs of the board. The program director has the
10 authority to employ such additional intermittent, seasonal and
part-time staff and casual employees as may be necessary to carry
12 out the purposes and the functions of the board. The staff and
employees of the board are not subject to the Civil Service Law.
14 The salary paid to the program director and other full-time staff
of the board must be fixed by the board subject to the approval
16 of the Governor. Other terms and conditions of employment for
the program director and the full-time staff are those provided
18 by law and those granted by the Governor to employees who are
excluded from bargaining and whose salaries are established or
20 approved by the Governor. The board has the authority to
establish all terms and conditions of employment for part-time,
22 seasonal, intermittent and casual employees subject to applicable
state and federal laws. The board may delegate to its program
24 director authority to execute the board's policies and programs
subject to regular oversight by the board. The board shall keep
26 a record of all its proceedings and shall ensure that records of
all expenses incurred by the board are kept. Expenses incurred
28 by the board must be paid out of the State Treasury, on
certification of the commissioner, on the audit and warrant of
30 the State Controller and charged against any and all
appropriations available for its use as stipulated. The board is
32 subject to the provisions of Title 5, chapter 379.

34 **Sec. 8. 7 MRSA §2155, sub-§2,** as enacted by PL 1983, c. 565,
§7, is amended to read:

36 **2. Program plan.** The managing program director shall
38 present to the board, at least annually, a program plan for the
board's consideration and specific action,--which . The plan
40 shall must include an assessment of the seed potato industry, a
projection of demand for seed by variety in the various marketing
42 areas, the impact of significant changes in seed potato acreage,
the capital needs of the state seed potato farm, considering
44 current and future technology, proposals to improve the varieties
and quality of Maine seed potatoes, recommendations to promote
46 the sale of Maine seed, and to other such matters the managing
program director deems determines appropriate.

2 Sec. 9. 7 MRSA §2155-A is enacted to read:

4 §2155-A. Purchasing

6 Notwithstanding any provision contained in Title 5, chapter
8 155, any other provision of law or any rule, administrative
10 practice or guideline of the State, the Seed Potato Board has the
12 authority to purchase all services, supplies, materials and
14 equipment required by it to fulfill the purposes of this
16 chapter. In addition, the board is exempt from the bidding,
18 contract and review procedures contained in Title 5, chapter 153
20 for any public improvement project with a value of less than
22 \$10,000.

24 **Sec. 10. Transition.** Any current employee of the Seed Potato
Board who accepts employment with the board under the terms of
the Maine Revised Statutes, Title 7, section 2155, subsection 1
has all accrued annual leave and sick leave transferred to the
employee's new position.

26 **STATEMENT OF FACT**

This bill revises the laws governing the membership, powers,
functions and operation of the Seed Potato Board.