

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1961

H.P. 1434

House of Representatives, March 2, 1994

An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board.

Reported by Representative TARDY for the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board pursuant to Public Law 1993, chapter 413, section 5.

Reference to the Joint Standing Committee on Agriculture suggested and printing ordered under Joint Rule 20.


JOSEPH W. MAYO, Clerk

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

2 Sec. 1. 7 MRSA §2992, as enacted by PL 1991, c. 376, §28, is
4 amended to read:

6 **§2992. Maine Dairy Promotion Board**

8 The Maine Dairy Promotion Board, as established by Title 5,
10 section 12004-H, subsection 3 is within the department. The
12 board consists of the following 5 members: the Commissioner of
Agriculture, Food and Rural Resources, or the commissioner's
designee, who shall serve ex officio; and 4 producers.

14 The producer members must be appointed by the commissioner
16 on recommendation of the various producer associations,
individuals or unorganized groups of producers in the State. The
18 4 producer members must include 2 producers selling milk on the
Maine market and 2 producers selling milk on the Boston market,
20 Federal Milk Marketing Order No. 1. Producer members selling in
the same market may not belong to the same agricultural
cooperative or sell their milk to the same dealer.

22 The first 4 members appointed to the board as reconstituted
24 in this section shall serve one-year, 2-year, 3-year and 4-year
26 terms respectively. The members appointed thereafter shall serve
4-year terms. A person may not be appointed to more than 2
28 consecutive 4-year terms. In case of a vacancy caused by death,
resignation or otherwise, the commissioner shall fill the vacancy
for the unexpired period of the term.

30 The appointed members are entitled to compensation according
32 to Title 5, chapter 379.

34 The members of the board shall elect a chair. The
36 ~~commissioner may employ a director and such clerks and assistants~~
~~as necessary and may prescribe their duties and fix their~~
~~compensation, subject to the Civil Service Law.~~

38 The board shall appoint an executive director who is the
40 board's chief administrative officer and serves at the pleasure
42 of the board. The executive director shall employ, as the board
44 directs, additional staff who serve at the pleasure of the
46 executive director. The staff of the board is not subject to the
Civil Service Law. The salary paid to the executive director and
other staff of the board must be fixed by the board, subject to
the approval of the Governor. The board may delegate to its
48 staff the power to execute the board's policies and programs,
subject to the board's oversight.

2 **Sec. 2. 7 MRSA §2993, sub-§§1, 2, 3 and 5**, as enacted by PL 1991,
c. 376, §28, are amended to read:

4 **1. Contracts and agreements.** May make ~~contracts~~ or enter
6 into contracts or agreements with any local, state, federal or
private agency, department, firm, corporation or association for
8 the purposes defined in this chapter. The contracts or
agreements may include, without limitation, those relating to the
10 lease or purchase of office space, facilities, property,
equipment and supplies as the board determines necessary for its
12 purposes. The board may delegate to its executive director the
power to enter into the contracts or agreements, subject to the
14 board's oversight;

16 **2. Cooperation with other agencies.** Shall cooperate with
other state or regional agencies with like purposes, including
18 transferring to those agencies any portion of its receipts that
it deems determines appropriate and in the best interests of the
dairy industry in the State. In determining those amounts, the
20 board shall consider the relative benefits accruing to all Maine
producers from increased fluid milk consumption within the Maine
22 market and the New England market, Federal Milk Marketing Order
No. 1; the relative effectiveness of the various programs
24 intended to increase fluid milk consumption for which funding is
being considered; appropriate research needs; and other
26 considerations pertinent to the distribution of its funds to
other agencies for cooperative efforts;

28 **3. Books and records.** Shall keep books, records and
accounts of all its activities, which must be open to inspection
30 and audit by the State at all times. The State Auditor shall
conduct an annual audit of the financial records of the board and
32 report the results of the audit to the board, the commissioner,
the Treasurer of State and the Legislature. All books and
34 records of the board must be open to public inspection in
accordance with Title 1, chapter 13, except that records and
36 meetings of the board may by vote be closed to the public when
public disclosure of the subject matter of the records or
38 meetings would adversely affect the competitive position of the
milk industry of the State or segments of that industry;

40 **5. Outside funding.** May ~~accept grants, donations and gifts~~
42 ~~of,~~ in addition to the money received by the board pursuant to
section 2994, receive and expend funds for purposes defined in
44 this chapter from any source, public or private, that it
determines necessary to carry out its purposes. All money
46 received from any source must be placed in a nonlapsing, separate
account or accounts to be expended for those purposes.
48

2 Commissioner of Agriculture, Food and Rural Resources, the
Treasurer of State and the Legislature.

4 Both the council and the board are required to keep any
6 funds received in a nonlapsing, separate account.

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12 This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.