

MAINE STATE LEGISLATURE

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L.D. 1593

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DATE: 3/25/96

(Filing No. H- 843)

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AGRICULTURE, CONSERVATION AND FORESTRY

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10 Reproduced and distributed under the direction of the Clerk of
12 the House.

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION**

16

18

20 COMMITTEE AMENDMENT "A" to H.P. 1159, L.D. 1593, Bill, "An
22 Act to Implement the Productivity Plan of the Department of
24 Agriculture, Food and Rural Resources Relating to the Animal
Welfare Board, the Maine Dairy Promotion Board and the Maine
Dairy and Nutrition Council"

24

26

Amend the bill in the emergency preamble by striking out the
2nd paragraph (page 1, lines 5 and 6 in L.D.) and inserting in
its place the following:

28

30

'Whereas, the Maine Dairy Promotion Board and the Maine
Dairy and Nutrition Council play an important public role in
educating the public and contributing to the health of Maine's
dairy industry; and

32

34

'Whereas, the Maine Dairy Promotion Board and the Maine Dairy
and Nutrition Council will operate more efficiently and provide
enhanced services as public instrumentalities; and'

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38

Further amend the bill by striking out all of sections 3 and
4.

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Further amend the bill by striking out all of sections 7 to
30 and inserting in their place the following:

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'Sec. 7. 7 MRSA §2956, 3rd ¶ from the end, as corrected by RR
1993, c. 1, §17, is amended to read:

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Each licensed dealer shall pay to the commission an annual
license fee of \$1 and the sum of 6 1/2¢ per hundredweight as

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2 monthly payments, based on quantity of milk purchased or produced
3 in any market area, or purchased or produced in an uncontrolled
4 area and sold in any market area. Two and one-half cents per
5 hundredweight may be deducted by dealers from amounts paid by
6 them to producers of such milk, except that the milk
7 farm-processed into cream for the manufacture of butter is not
8 subject to such sums of 6 1/2¢ per hundredweight. Of the amount
9 paid by each dealer, 1 1/2¢ per hundredweight must be paid by the
10 commission to the Maine Dairy and Nutrition Council for the
11 purposes authorized by section 2999. The commission shall make
12 payments to the Maine Dairy and Nutrition Council on a monthly
13 basis.

14 **Sec. 8. 7 MRSA §2991, sub-§3-A** is enacted to read:

15 3-A. Council. "Council" means the Maine Dairy and
16 Nutrition Council.

17 **Sec. 9. 7 MRSA §2992**, as amended by PL 1993, c. 689, § 1, is
18 repealed.
19

20 **Sec. 10. 7 MRSA §2992-A** is enacted to read:
21

22 §2992-A. Maine Dairy Promotion Board
23

24 1. Board established as a public instrumentality. The
25 Maine Dairy Promotion Board is established as a public body
26 corporate and politic and a public instrumentality of the State.
27 The exercise of powers conferred by this chapter is held to be
28 the performance of essential government functions.
29

30 A. Employees of the board may not be construed to be state
31 employees for any purpose, including the state civil service
32 provisions of Title 5, Part 2 and Title 5, chapter 372.
33

34 B. The board may not be construed to be a state agency for
35 any purposes, including the budget, accounts and control,
36 auditing, purchasing or other provisions of Title 5, Part 4.
37

38 C. Notwithstanding paragraphs A and B:
39

40 (1) Employees of the board, including employees hired
41 after the effective date of this section, are state
42 employees for the purposes of the state retirement
43 provisions of Title 5, Part 20 and the state employee
44 health insurance program under Title 5, chapter 13,
45 subchapter II;
46

47 (2) All meetings and records of the board are subject
48 to the provisions of Title 1, chapter 13, subchapter I.
49

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COMMITTEE AMENDMENT "A" to H.P. 1159, L.D. 1593

2 except that by majority vote of those members present
3 records and meetings of the board may be closed to the
4 public when public disclosure of the subject matter of
5 the records or meetings would adversely affect the
6 competitive position of the milk industry of the State
7 or segments of that industry. The Commissioner of
8 Agriculture, Food and Rural Resources and those members
9 of the Legislature appointed to serve on the joint
10 standing committee of the Legislature having
11 jurisdiction over agricultural, conservation and
12 forestry matters have access to all material designated
13 confidential by the board;

14 (3) For the purposes of the Maine Tort Claims Act, the
15 board is a governmental entity and its employees are
16 employees as those terms are defined in Title 14,
17 section 8102;

18 (4) Funds received by the board pursuant to chapter
19 611 must be allocated to the board by the Legislature
20 in accordance with Title 5, section 1673; and

21 (5) Except for representation of specific interests
22 required by subsection 2, members of the board are
23 governed by the conflict of interest provisions set
24 forth in Title 5, section 18.

25 2. Board membership. The board consists of the following 5
26 members:

27 A. Two members appointed by organizations of producers who
28 sell milk on the Maine market. The members appointed under
29 this paragraph may not be from the same organization;

30 B. Two members appointed by organizations of producers who
31 sell milk on the Boston market under the current federal
32 milk marketing order. The members appointed under this
33 paragraph may not be from the same organization; and

34 C. The Commissioner of Agriculture, Food and Rural
35 Resources.

36 3. Board chair. The board shall annually elect a chair.

37 4. Producer members. A person who is a producer may not be
38 appointed to the board if that person:

39 A. Sells milk on the same market as a producer member; and

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COMMITTEE AMENDMENT "A" to H.P. 1159, L.D. 1593

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B. Belongs to the same agricultural cooperative as that producer member or sells milk to the same dealer as that producer member.

5. Cross membership; prohibition. A board member may not be a member of the Maine Dairy and Nutrition Council, established under section 2998-B.

6. Quorum; voting. Fifty-one percent of the members of the board constitutes a quorum and the affirmative vote of at least 51% of members present at a meeting is necessary to transact all business and carry out the duties of the board.

7. Terms. Board members are appointed to 4-year terms and may not serve more than 2 consecutive terms. A vacancy caused by death, resignation or otherwise must be promptly filled by the appointing authority for the vacated position. A producer member who changes the market in which the member sells milk is considered to have vacated membership if the change continues in excess of 6 months.

8. Compensation. The members of the board are entitled to compensation from funds received pursuant to chapter 611 according to such guidelines as the board may establish.

9. Executive director; staff. The board shall appoint an executive director who is the board's chief administrative officer and serves at the pleasure of the board. The executive director shall employ, as the board directs, additional staff who serve at the pleasure of the executive director. The salary paid to the executive director and other staff of the board must be fixed by the board. The board may delegate to its staff the power to execute the board's policies and programs, subject to the board's oversight.

10. Sharing of staff. The board and the Maine Dairy and Nutrition Council, established in section 2998-B, may share an executive director and staff. The total salary of a shared employee may be agreed to by the board and council and the percentage of the salary paid by the board must be proportional to the work performed for the board by the shared employee. The board shall utilize accounting procedures adequate to track the proportion of work a shared employee performs for the board.

11. Debt. A debt or obligation incurred by the board is not a debt or obligation of the State.

Sec. 11. 7 MRSA §2993, sub-§3 and 5, as amended by PL 1993, c. 689, §2, are further amended to read:

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

5. **Funding.** ~~May, in addition to the money received by the board pursuant to section 2994,~~ receive and expend funds from any source, public or private, that it determines necessary to carry out its purposes. ~~All money received from any source must be placed in a nonlapsing, separate account or accounts to be expended for these purposes.~~

Sec. 12. 7 MRSA §2994, as enacted by PL 1991, c. 376, §28, is repealed.

Sec. 13. 7 MRSA §2994-A is enacted to read:

§2994-A. Cooperation with similar boards

The board may cooperate with similar organizations in other states and regions and may pay to the similar organizations that part of its funds as it determines is in the best interest of the dairy industry of the State.

Sec. 14. 7 MRSA §2997, sub-§§1-A and 1-B are enacted to read:

1-A. Board. "Board" means the Maine Dairy Promotion Board.

1-B. Council. "Council" means the Maine Dairy and Nutrition Council.

Sec. 15. 7 MRSA §2998, as amended by PL 1993, c. 689, §3, is repealed.

Sec. 16. 7 MRSA §2998-A, as enacted by PL 1993, c. 689, §4, is repealed.

Sec. 17. 7 MRSA §2998-B is enacted to read:

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§2998-B. Maine Dairy and Nutrition Council

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1. Council established as a public instrumentality. The Maine Dairy and Nutrition Council is established as a public body corporate and politic and a public instrumentality of the State. The exercise of powers conferred by this chapter is held to be the performance of essential government functions.

A. Employees of the council may not be construed to be state employees for any purpose, including the state civil service provisions of Title 5, Part 2 and Title 5, chapter 372.

B. The council may not be construed to be a state agency for any purposes, including the budget, accounts and control, auditing, purchasing or other provisions of Title 5, Part 4.

C. Notwithstanding paragraphs A and B:

(1) Employees of the council, including employees hired after the effective date of this section, are state employees for the purposes of the state retirement provisions of Title 5, Part 20 and the state employee health insurance program under Title 5, chapter 13, subchapter II;

(2) All meetings and records of the council are subject to the provisions of Title 1, chapter 13, subchapter I, except that by majority vote of those members present records and meetings of the board may be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the milk industry of the State or segments of that industry. The Commissioner of Agriculture, Food and Rural Resources and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over agricultural, conservation and forestry matters have access to all material designated confidential by the council;

(3) For the purposes of the Maine Tort Claims Act, the council is a governmental entity and its employees are employees as those terms are defined in Title 14, section 8102;

(4) Funds received by the council pursuant to chapters 603 and 611 must be allocated to the board by the Legislature in accordance with Title 5, section 1673; and

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COMMITTEE AMENDMENT "A" to H.P. 1159, L.D. 1593

2 (5) Except for representation of specific interests
4 required by subsection 2, members of the council are
 governed by the conflict of interest provisions set
6 forth in Title 5, section 18.

8 2. Council membership. The council consists of the
 following 5 members:

10 A. Two members appointed by organizations of Maine milk
12 producers who sell milk on the Maine market. The members
 appointed under this paragraph may not be from the same
14 organization;

16 B. Two members appointed by organizations of Maine milk
18 producers who sell milk on the Boston market under the
 current federal milk marketing order. The members appointed
20 under this paragraph may not be from the same organization;
 and

22 C. One member representing Maine milk dealers, appointed by
 the commissioner.

24 3. Council chair. The council shall annually elect a chair.

26 4. Producer members. A person who is a producer may not be
28 appointed to the council if that person:

30 A. Sells milk on the same market as a producer member; and

32 B. Belongs to the same agricultural cooperative as that
 producer member or sells milk to the same dealer as that
34 producer member.

36 5. Cross membership; prohibition. A council member may not
 be a member of the Maine Dairy Promotion Board, established under
38 section 2992-A.

40 6. Quorum; voting. Fifty-one percent of the members of the
 council constitutes a quorum and the affirmative vote of at least
42 51% of members present at a meeting is necessary to transact all
 business and carry out the duties of the council.

44 7. Terms. Producer members are appointed to 4-year terms
46 and may not serve more than 2 consecutive terms. The dealer
 council member is appointed to a 4-year term and may not serve
48 consecutive terms. A vacancy caused by death, resignation or
 otherwise, must be promptly filled by the appointing authority
 for the vacated position. A producer member who changes the

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2 market in which the member sells milk is considered to have
vacated membership if the change continues in excess of 6 months.

4 8. Compensation. The members of the council are entitled
to compensation from funds received pursuant to chapters 603 and
6 611 according to such guidelines as the council may establish.

8 9. Executive director; staff. The council shall appoint an
executive director who is the council's chief administrative
10 officer and serves at the pleasure of the council. The executive
director shall employ, as the council directs, additional staff
12 who serve at the pleasure of the executive director. The salary
paid to the executive director and other staff of the council
14 must be fixed by the council. The council may delegate to its
staff the power to execute the council's policies and programs,
16 subject to the council's oversight.

18 10. Sharing of staff. The council and the Maine Dairy
Promotion Board, established in section 2992-A, may share an
20 executive director and staff. The total salary of a shared
employee may be agreed to by the council and board and the
22 percentage of the salary paid by the council must be
proportional to the work performed for the council by the shared
24 employee. The council must utilize accounting procedures
adequate to track the proportion of work a shared employee
26 performs for the council.

28 11. Debt. A debt or obligation incurred by the council is
not a debt or obligation of the State.

30 **Sec. 18. 7 MRSA §2999, sub-§§3 and 5, as enacted by PL 1993, c.**
32 **689, §5, are amended to read:**

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

48 **5. Funding.** May receive and expend funds from any source,
public or private, that it determines necessary to carry out its
50 purposes. ~~All money received from any source must be placed in a~~

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2 nonlapsing, ~~separate account or accounts, to be expended for~~
these purposes.

4 **Sec. 19. 7 MRSA §3153, sub-§1**, as enacted by PL 1983, c. 573,
§4, is amended to read:

6
8 **1. Establishment.** Within 180 days after the effective date
of this chapter, the commissioner shall ~~promulgate~~ adopt rules
10 establishing a fund to be known as the "Maine Milk Pool," to
which all ~~moneys~~ money collected from Maine dealers pursuant to
12 subsections 2 and 3 shall must be credited. These funds shall
must be redistributed to eligible Maine market producers,
14 eligible northern Maine market producers and eligible Boston
market producers according to procedures, ~~northern Maine market~~
16 ~~producers~~ established under subsection 4.

18 **Sec. 20. 7 MRSA §3153, sub-§3**, as amended by PL 1985, c. 506,
Pt. B, §5, is further amended to read:

20 **3. Additional collections for promotion.** Effective June 1,
22 1984, each producer-dealer shall on a monthly basis pay to the
Maine Milk Pool a promotion fee equal to .6 of 1% for a period of
24 one year ending May 31, 1985, and thereafter shall, on a monthly
basis, pay a promotion fee at the rate of 10¢ per hundredweight
26 applied to all milk produced by the producer-dealer. This
promotion fee shall must be credited on a monthly basis to the
Maine Dairy Promotion Board, except that 1.5¢ per hundredweight
28 for the first year and 2¢ per hundredweight thereafter shall must
be paid by the board on a monthly basis to the Maine Dairy and
30 Nutrition Council. This promotion fee shall must also be paid to
the Maine Milk Pool by Maine market dealers on all milk imported
32 for sale within the State and such those sums shall must be
credited in the same manner.

34 **Sec. 21. 7 MRSA §3154, sub-§2**, as amended by PL 1985, c. 506,
36 Pt. B, §6, is further amended to read:

38 **2. Deductions.** Prior to the redistribution of the pool as
provided in section 3153, the commissioner shall deduct the
40 following:

42 A. Amounts sufficient to cover the costs of administering
this chapter. Those amounts shall must be determined
44 annually and shall must be adopted by rule by the
commissioner; and

46 B. Amounts paid to the Maine Dairy Promotion Board on a
48 monthly basis for the purposes authorized by ~~Title--36,~~
section 4501 2993, equal to .6 of 1% for one year beginning
50 June 1, 1984, and ending May 31, 1985, and thereafter equal

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2 to the rate of 10¢ per hundredweight applied to all milk
3 produced, purchased or imported for sale within the State,
4 excluding milk consumed on the farm where produced. Of the
5 amount credited to the Maine Dairy Promotion Board, 1.5¢ per
6 hundredweight for the first year after the establishment of
7 the pools and 2¢ per hundredweight thereafter shall must be
8 paid by the board on a monthly basis to the Maine Dairy and
Nutrition Council~~,-and~~.

10 **Sec. 22. Allocation.** The following funds are allocated from
11 Other Special Revenue funds to carry out the purposes of this Act.

12 **1996-97**

14 **AGRICULTURE, FOOD AND RURAL RESOURCES,**
16 **DEPARTMENT OF**

18 **Maine Dairy and Nutrition Council**

20	Positions - Other Count	(-3.5)
	Personal Services	(\$138,555)
22	All Other	(105,623)
24	TOTAL	<hr/> (244,178)

26 Deallocates funds to reflect the
27 establishment of the Maine Dairy and
28 Nutrition Council as a public
instrumentality of the State.

30 **Maine Dairy Promotion Board**

32	Positions - Other Count	(-2.0)
34	Personal Services	(70,706)
	All Other	(625,667)
36	Capital Expenditures	(4,500)
38	TOTAL	<hr/> (700,873)

40 Deallocates funds to reflect the
41 establishment of the Maine Dairy Promotion
42 Board as a public instrumentality of the
State.

44	DEPARTMENT OF AGRICULTURE, FOOD	
46	AND RURAL RESOURCES	
48	TOTAL	<hr/> (\$944,961)

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MAINE DAIRY AND NUTRITION COUNCIL

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Maine Dairy and Nutrition Council

All Other \$244,178

Allocates funds to reflect the establishment of the Maine Dairy and Nutrition Council as a public instrumentality of the State.

MAINE DAIRY AND NUTRITION COUNCIL
TOTAL \$244,178

MAINE DAIRY PROMOTION BOARD

Maine Dairy Promotion Board

All Other \$700,873

Allocates funds to reflect the establishment of the Maine Dairy Promotion Board as a public instrumentality of the State.

MAINE DAIRY PROMOTION BOARD
TOTAL \$700,873

TOTAL ALLOCATIONS \$-0-

Sec. 23. Transition provisions. The following provisions apply to the Maine Dairy and Nutrition Council on July 1, 1996.

1. Funds transferred. All funds held by the State for distribution to the Maine Dairy and Nutrition Council pursuant to the Maine Revised Statutes, Title 7, sections 2956, 3153 and 3154 must be transferred to the council in its capacity as an independent agency.

2. Personnel transferred. Employees of the Maine Dairy and Nutrition Council must be transferred from state employment to the Maine Dairy and Nutrition Council in its capacity as an independent agency.

3. Retirement benefits. Employees of the Maine Dairy and Nutrition Council continue to be treated as state employees for purposes of rights and benefits under the Maine State Retirement System. The retirement accounts of employees transferred to the council in its capacity as an independent agency must remain in

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2 the state regular plan. New employees also become members of the
Maine State Retirement System under the state regular plan. The
4 council shall make employer contributions at the state regular
plan rate. Employees shall make employee contributions at the
state regular plan rate.

6
8 **4. Health insurance.** Employees of the Maine Dairy and
Nutrition Council continue to be treated as state employees for
the purposes of the State Employee Health Insurance Program.
10 Council employees are entitled to the same retirement health
benefits as state employees.

12
14 **5. Debt or obligation.** A debt or obligation incurred by
the Maine Dairy and Nutrition Council prior to July 1, 1996 that
remains, in whole or in part, payable to any person becomes a
16 debt or obligation of the council, not the State.

18 **6. Contracts and agreements.** All contracts and agreements
with the Maine Dairy and Nutrition Council in effect prior to
20 July 1, 1996 remain in effect following the effective date of
this Act.

22
24 **7. Terms of council members.** Members of the Maine Dairy
and Nutrition Council on July 1, 1996 serve as members of the
council in its capacity as an independent agency until their
26 terms expire. New members must be chosen to achieve the
qualifications required in the Maine Revised Statutes, Title 7,
28 section 2998-B at the earliest possible date.

30 **8. Accrued fringe benefits.** The accrued fringe benefits of
employees transferred to the Maine Dairy and Nutrition Council in
32 its capacity as an independent agency, including vacation and
sick leave, health and life insurance and retirement, remain with
34 the transferred employee.

36 **9. Transfer of property and equipment.** All property and
equipment owned by the Maine Dairy and Nutrition Council remains
38 the property and equipment of the council as an instrumentality.

40 **Sec. 24. Transitional actions.** From the effective date of this
Act until July 1, 1996, the Maine Dairy and Nutrition Council is
42 authorized to sign contracts and take planning measures necessary
for transition in its capacity as an independent agency.

44
46 **1. Assistance.** The Department of Administrative and
Financial Services shall assist the Maine Dairy and Nutrition
Council and the council's executive director with the orderly
48 implementation of transition provisions under this Act.

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COMMITTEE AMENDMENT "A" to H.P. 1159, L.D. 1593

2 **Sec. 25. Transition provisions.** The following provisions apply
to the Maine Dairy Promotion Board on July 1, 1996.

4 **1. Funds transferred.** All funds held by the State for
distribution to the Maine Dairy Promotion Board pursuant to the
6 Maine Revised Statutes, Title 7, sections 3153 and 3154 must be
transferred to the board in its capacity as an independent agency.

8 **2. Personnel transferred.** Employees of the Maine Dairy
10 Promotion Board shall be transferred from state employment to the
Maine Dairy Promotion Board in its capacity as an independent
12 agency.

14 **3. Retirement benefits.** Employees of the Maine Dairy
Promotion Board continue to be treated as state employees for
16 purposes of rights and benefits under the Maine State Retirement
System. The retirement accounts of employees transferred to the
18 board in its capacity as an independent agency must remain in the
state regular plan. New employees also become members of the
20 Maine State Retirement System under the state regular plan. The
board shall make employer contributions at the state regular plan
22 rate. Employees shall make employee contributions at the state
regular plan rate.

24 **4. Health insurance.** Employees of the Maine Dairy
26 Promotion Board continue to be treated as state employees for the
purposes of the State Employee Health Insurance Program. Board
28 employees are entitled to the same retirement health benefits as
state employees.

30 **5. Debt or obligation.** A debt or obligation incurred by
32 the Maine Dairy Promotion Board prior to July 1, 1996 that
remains, in whole or in part, payable to any person becomes a
34 debt or obligation of the board, not the State.

36 **6. Contracts and agreements.** All contracts and agreements
with the Maine Dairy Promotion Board in effect prior to July 1,
38 1996 remain in effect following the effective date of this Act.

40 **7. Terms of board members.** Members of the Maine Dairy
Promotion Board on July 1, 1996 serve as members of the board in
42 its capacity as an independent agency until their terms expire.
New members must be chosen to achieve the qualifications required
44 in the Maine Revised Statutes, Title 7, section 2992-A at the
earliest possible date.

46 **8. Accrued fringe benefits.** The accrued fringe benefits of
48 employees transferred to the Maine Dairy Promotion Board in its
capacity as an independent agency, including vacation and sick
50 leave, health and life insurance and retirement, remain with the
transferred employee.

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2 **9. Transfer of property and equipment.** All property and
equipment owned by the Maine Dairy Promotion Board remains the
4 property and equipment of the board as an instrumentality.

6 **Sec. 26. Transitional actions.** From the effective date of this
Act until July 1, 1996, the Maine Dairy Promotion Board is
8 authorized to sign contracts and take planning measures necessary
for transition in its capacity as an independent agency.

10 **1. Assistance.** The Department of Administrative and
12 Financial Services shall assist the Maine Dairy Promotion Board
and the board's executive director with the orderly
14 implementation of transition provisions under this Act.

16 **Sec. 27. Effective date.** Those sections of this Act that amend
the Maine Revised Statutes, Title 7, sections 2956, 2993, 2999,
18 3153 and 3154 are effective July 1, 1996. Those sections of this
Act that repeal the Maine Revised Statutes, Title 7, sections
20 2992, 2994, 2998 and 2998-A are effective July 1, 1996. Those
sections of this Act that enact the Maine Revised Statutes, Title
22 7, section 2991, subsection 3-A, section 2992-A, section 2994-A,
section 2997, subsection 1-A and section 2998-B are effective
24 July 1, 1996.'

26 Further amend the bill by striking the emergency clause
(page 10, lines 19 and 20 in L.D.) and inserting in its place the
28 following:

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

34 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
36 consecutively.

38 Further amend the bill by striking out all of the fiscal
note (page 10, lines 23 to 29 in L.D.) and inserting in its place
40 the following:

42	FISCAL NOTE	
44		
46		1996-97
48	REVENUES	
50	General Fund	(\$18,000)

R.O.S.

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Loss of interest income generated by the accounts of the
Maine Dairy Promotion Board and the Maine Dairy and Nutrition
Council will reduce annual General Fund revenue by approximately
\$15,000 beginning in fiscal year 1996-97.

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Loss of rental income from the office space provided by the
Department of Agriculture, Food and Rural Resources to the Maine
Dairy Promotion Board and the Maine Dairy and Nutrition Council
will reduce annual General Fund revenue by an additional \$3,000
beginning in fiscal year 1996-97.

14

This bill includes deallocations of \$700,783 and \$244,178 to
the Maine Dairy Promotion Board and the Maine Dairy and Nutrition
Council in fiscal year 1996-97. These same amounts are allocated
to the board and the council in the All Other line category to
authorize monthly payments as grants to these public
instrumentalities.'

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22

STATEMENT OF FACT

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The amendment makes the Maine Dairy Promotion Board and the
Maine Dairy and Nutrition Council independent public
instrumentalities of the State. It strikes those sections of the
bill that would have made the council and the board advisory
bodies to the Department of Agriculture, Food and Rural
Resources.

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The amendment also makes technical changes to Maine's dairy
laws. It also strikes sections of the bill related to Maine's
animal welfare laws because those sections were enacted by the
Legislature during the 1995 Special Session.

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COMMITTEE AMENDMENT