

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1995

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No. 1596

H.P. 1163

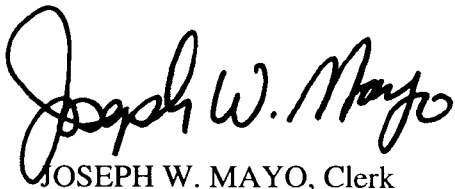
House of Representatives, November 29, 1995

**An Act to Implement the Productivity Plan of the Department of
Agriculture, Food and Rural Resources Relating to the State Soil and
Water Conservation Commission.**

(EMERGENCY)

Reported by Representative KERR for the Joint Standing Committee on Appropriations and Financial Affairs pursuant to Joint Order H.P. 1161.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.


JOSEPH W. MAYO, Clerk

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

4
6 Whereas, certain obligations and expenses will become due
and payable prior to July 1, 1996; and

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

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

16

PART A

18

20 **Sec. A-1. 5 MRSA §12004-G, sub-§30,** as enacted by PL 1987, c.
786, §5, is repealed.

22 **Sec. A-2. 5 MRSA §12004-I, sub-§68-A** is enacted to read:

| | | | |
|------------------------|---------------------|-----------------|----------------|
| 24 <u>68-A.</u> | <u>State</u> | <u>Expenses</u> | <u>12 MRSA</u> |
| 26 <u>Natural</u> | <u>Conservation</u> | <u>Only</u> | <u>§51-A</u> |
| <u>Resources</u> | <u>District</u> | | |
| | <u>Advisory</u> | | |
| 28 | <u>Council</u> | | |

30 **Sec. A-3. 12 MRSA §3, sub-§1,** as amended by PL 1969, c. 477,
§1, is repealed.

32

34 **Sec. A-4. 12 MRSA §3, sub-§1-A** is enacted to read:

36 **1-A. Department.** "Department" means the Department of
Agriculture, Food and Rural Resources.

38 **Sec. A-5. 12 MRSA c. 1, sub-c. II** is amended by repealing the
subchapter headnote and enacting the following in its place:

40

SUBCHAPTER II

42

SOIL AND WATER CONSERVATION

44

46 **Sec. A-6. 12 MRSA §51,** as amended by PL 1991, c. 837, Pt. A,
§28, is repealed.

48 **Sec. A-7. 12 MRSA §51-A** is enacted to read:

50 **§51-A. Advisory council established**

2 The State Conservation District Advisory Council, as
3 established by Title 5, section 12004-I, subsection 68-A, advises
4 the commissioner on matters affecting the operations and
5 responsibilities of soil and water conservation districts. The
6 State Conservation District Advisory Council consists of one
7 representative from each of the soil and water conservation
8 districts. The president and vice-president of the Maine
9 Association of Conservation Districts and the State
10 Conservationist of the United States Department of Agriculture,
11 Natural Resources Conservation Service shall serve as ex-officio,
12 nonvoting members. The president and vice-president of the Maine
13 Association of Conservation Districts shall also serve as chair
14 and vice-chair. The advisory council shall:

15 **1. Formulation of budget.** Consult with the commissioner
16 regarding the formulation of that part of the department's budget
17 that pertains to the operations of the soil and water
18 conservation districts, which must be separately identified as a
19 major budget area within the department's budget;

20 **2. Procedures for election of supervisors.** Advise the
21 Department of Agriculture, Food and Rural Resources on the
22 appointment of soil and water conservation district supervisors
23 and on procedures for the election of supervisors. Should the
24 need arise, the advisory council shall also advise the department
25 regarding the formation or discontinuance of soil and water
26 conservation districts;

27 **3. Consult in areas of expertise.** Regularly consult with
28 the Department of Agriculture, Food and Rural Resources on
29 matters in which the soil and water conservation districts have
30 individual or collective expertise, including agriculture,
31 forestry, water quality, economic and community development and
32 the protection of landowner rights. The department shall assist
33 the advisory council and individual soil and water conservation
34 districts in the furtherance of constructive working
35 relationships with other natural resource agencies of State
36 Government; and

37 **4. Distribution of grant money.** Advise the department on
38 procedures for the distribution of federal, state or private
39 grant money that passes through the department and is intended
40 for the work of soil and water conservation districts.

41 **Sec. A-8. 12 MRSA §52,** as amended by PL 1991, c. 837, Pt. A,
42 §29, is further amended to read:

43 **§52. Legal services; executive director; delegation of powers**

44 The ~~commission~~ department may call upon the Attorney General
45 for the legal services it requires. ~~With--the--approval--of--the~~
46 ~~Commissioner--of--Agriculture,--Feed--and--Rural--Resources--it~~ The

department may employ an executive a director and other temporary or permanent employees as it may require. It has authority to delegate to any of its members, or to any agent or employee, the powers and duties as it determines proper.

Sec. A-9. 12 MRSA §53, as amended by PL 1991, c. 837, Pt. A, §30, is repealed.

Sec. A-10. 12 MRSA §54, sub-§4, as amended by PL 1969, c. 477, §1, is further amended to read:

4. United States and state agencies. To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such districts, and in carrying out the functions of the commission under this chapter; to accept grants, services and materials, and to borrow money from the United States or from any corporation or agency of the United States or from the State of Maine or any of its subdivisions or from any other source, but in no event shall the faith and credit of the State of Maine or any county or other political subdivision thereof be pledged by the commission for the repayment of any indebtedness from any source;

Sec. A-11. 12 MRSA §54, sub-§8, as amended by PL 1967, c. 494, §11, is further amended to read:

8. Options; purchases. To In addition to any powers conferred by Title 7, section 19, to obtain options upon and to acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise any property or rights or interests therein; to maintain, administer and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease, or otherwise dispose of any of its real or personal property or interests therein, in furtherance of the purpose and provisions of this chapter, including the conveyance, with or without consideration, of lands or interests therein to soil and water conservation districts for use in carrying out their authorized purposes;

Sec. A-12. 12 MRSA §102, first ¶, as amended by PL 1969, c. 477, §1, is further amended to read:

The governing body of the district ~~shall consist~~ consists of 5 supervisors, elected or appointed. The 2 supervisors appointed by the ~~commission shall~~ department must be persons who are by training and experience qualified to perform the services which ~~that~~ will be required of them in the performance of their duties. In appointing supervisors, the ~~state commission~~ department shall take into consideration ~~the recommendations of the representative of the state commission from the area in which the district is located, as well as representation of~~ the various interests of

the district such as agricultural, woodland, wildlife,
recreation, community and area development.

Sec. A-13. Transition provisions; State Soil and Water Conservation Commission.

1. Successor in powers. The Department of Agriculture, Food and Rural Resources is the successor in every way to the powers, duties and functions of the State Soil and Water Conservation Commission set forth in the Maine Revised Statutes, Title 12, chapters 1 and 3.

2. Rules. All existing rules and procedures in effect, in operation or adopted by the commission relating to the exercise of its powers, duties and functions under Title 12, chapters 1 and 3 are declared to be in effect and continue to be in effect until rescinded, revised or amended by the Department of Agriculture, Food and Rural Resources.

3. Obligations. All existing contracts, agreements and compacts of the commission relating to Title 12, chapters 1 and 3 continue in effect and all obligations and rights of the commission become the obligations and rights of the Department of Agriculture, Food and Rural Resources.

4. Property. All records, property and equipment in the possession of the commission that pertain to or were allocated or assigned for the commission's use in carrying out the responsibilities under Title 12, chapters 1 and 3 become the records, property and equipment of the Department of Agriculture, Food and Rural Resources.

PART B

Sec. B-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

| | 1995-96 | 1996-97 |
|---|----------------|----------------|
| AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF | | |
| Office of Agricultural, Natural and Rural Resources | | |
| Positions - Legislative Count | (1.0) | (1.0) |
| Personal Services | \$27,844 | \$57,028 |
| All Other | 14,257 | 101,326 |

| | | | |
|---|-------|----------|-----------|
| 2 | TOTAL | \$42,101 | \$158,354 |
|---|-------|----------|-----------|

4 Provides for the
6 appropriation of funds
8 through the transfer of one
10 Soil Scientist position and
12 associated All Other funds
from the State Soil and Water
Conservation Commission as
part of a restructuring plan.

14 **Soil and Water Conservation
Commission**

| | | | |
|----|-------------------------------|------------|-------------|
| 16 | Positions - Legislative Count | (-1.0) | (-1.0) |
| | Personal Services | (\$27,844) | (\$57,028) |
| 18 | All Other | (14,257) | (101,326) |
| 20 | TOTAL | (\$42,101) | (\$158,354) |

22 Provides for the
24 deappropriation of funds
through the transfer of one
26 Soil Scientist position and
associated All Other funds to
28 the Office of Agricultural,
Natural and Rural Resources
as part of a restructuring
30 plan.

32 **DEPARTMENT OF AGRICULTURE, FOOD
AND RURAL RESOURCES**
34 **TOTAL**

| | |
|-------|-------|
| \$-0- | \$-0- |
|-------|-------|

36 **Emergency clause.** In view of the emergency cited in the
38 preamble, this Act takes effect when approved.

40 **FISCAL NOTE**

| | | |
|----|----------------|----------------|
| 42 | 1995-96 | 1996-97 |
|----|----------------|----------------|

44 **APPROPRIATION**

| | | | |
|----|--------------|-------|-------|
| 46 | General Fund | \$-0- | \$-0- |
|----|--------------|-------|-------|

48 As a result of eliminating the State Soil and Water
Conservation Commission and transferring its one position,
50 funding and responsibilities to the Office of Agricultural,
Natural and Rural Resources, the Department of Agriculture, Food

2 and Rural Resources will not experience any net change in General
Fund appropriations for fiscal years 1995-96 and 1996-97.

4

STATEMENT OF FACT

6

8 This bill repeals the State Soil and Water Conservation
Commission; transfers the powers, duties and functions to the
10 Commissioner of Agriculture, Food and Rural Resources; retains
existing rules and procedures; preserves existing contracts;
12 provides for the transfer of records, property and equipment to
the department; and adjusts appropriations. It also creates the
State Conservation District Advisory Council to advise the
14 commissioner on matters affecting the various soil and water
conservation districts.