

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

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Legislative Document

No. 1719

S.P. 659

In Senate, January 16, 1996

**An Act to Correct Omissions in the Productivity Realization Task Force  
Legislation Relating to the State Soil and Water Conservation  
Commission and the Animal Welfare Board.**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Agriculture, Conservation and Forestry suggested and  
ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator CASSIDY of Washington.

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

2  
4       **Sec. 1. 5 MRSA §12004-G, sub-§30**, as enacted by PL 1987, c. 786, §5, is repealed.

6       **Sec. 2. 5 MRSA §12004-I, sub-§2-B**, as enacted by PL 1991, c. 779, §2, is repealed.

8       **Sec. 3. 5 MRSA §12004-I, sub-§68-A** is enacted to read:

10               **68-A.**                    State                    Expenses                12 MRSA  
12       Natural                    Conservation            Only                    §51-A  
14       Resources                District  
                                      Advisory  
                                      Council

16       **Sec. 4. 12 MRSA §3, sub-§1**, as amended by PL 1969, c. 477, §1, is repealed.

20       **Sec. 5. 12 MRSA §3, sub-§1-A** is enacted to read:

22       1-A. Department. "Department" means the Department of  
24       Agriculture, Food and Rural Resources.

26       **Sec. 6. 12 MRSA c. 1, sub-c. II** is amended by repealing the subchapter headnote and enacting the following in its place:

28                                    SUBCHAPTER II

30                                    SOIL AND WATER CONSERVATION

32       **Sec. 7. 12 MRSA §51**, as amended by PL 1991, c. 837, Pt. A, §28, is repealed.

34       **Sec. 8. 12 MRSA §51-A** is enacted to read:

36       §51-A. Advisory council established

38       The State Conservation District Advisory Council, as  
40       established by Title 5, section 12004-I, subsection 68-A, advises  
42       the commissioner on matters affecting the operations and  
44       responsibilities of soil and water conservation districts. The  
46       State Conservation District Advisory Council consists of one  
48       representative from each of the soil and water conservation  
      districts. The president and vice-president of the Maine  
      Association of Conservation Districts and the State  
      Conservationist of the United States Department of Agriculture,  
      Natural Resources Conservation Service shall serve as ex officio,  
      nonvoting members. The president and vice-president of the Maine

2 Association of Conservation Districts shall also serve as chair  
3 and vice-chair. The advisory council shall:

4 1. Formulation of budget. Consult with the commissioner  
5 regarding the formulation of that part of the department's budget  
6 that pertains to the operations of the soil and water  
7 conservation districts, which must be separately identified as a  
8 major budget area within the department's budget;

10 2. Procedures for election of supervisors. Advise the  
11 Department of Agriculture, Food and Rural Resources on the  
12 appointment of soil and water conservation district supervisors  
13 and on procedures for the election of supervisors. Should the  
14 need arise, the advisory council shall also advise the department  
15 regarding the formation or discontinuance of soil and water  
16 conservation districts;

18 3. Consult in areas of expertise. Regularly consult with  
19 the Department of Agriculture, Food and Rural Resources on  
20 matters in which the soil and water conservation districts have  
21 individual or collective expertise, including agriculture,  
22 forestry, water quality, economic and community development and  
23 the protection of landowner rights. The department shall assist  
24 the advisory council and individual soil and water conservation  
25 districts in the furtherance of constructive working  
26 relationships with other natural resource agencies of State  
27 Government; and

28 4. Distribution of grant money. Advise the department on  
29 procedures for the distribution of federal, state or private  
30 grant money that passes through the department and is intended  
31 for the work of soil and water conservation districts.

34 **Sec. 9. 12 MRSA §52,** as amended by PL 1991, c. 837, Pt. A,  
35 §29, is further amended to read:

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

38 The ~~commission~~ department may call upon the Attorney General  
39 for the legal services it requires. ~~With the approval of the~~  
40 ~~Commissioner of Agriculture, Food and Rural Resources--it~~ The  
41 department may employ an ~~executive~~ a director and other temporary  
42 or permanent employees as it may require. It has authority to  
43 delegate ~~to any of its members, or~~ to any agent or employee, the  
44 powers and duties as it determines proper.

46 **Sec. 10. 12 MRSA §53,** as amended by PL 1991, c. 837, Pt. A,  
47 §30, is repealed.

2           **Sec. 11. 12 MRSA §54, sub-§4**, as amended by PL 1969, c. 477,  
§1, is further amended to read:

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

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

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

32           **Sec. 13. 12 MRSA §102, first ¶**, as amended by PL 1969, c. 477,  
33 §1, is further amended to read:

36           The governing body of the district ~~shall consist~~ consists of  
37 5 supervisors, elected or appointed. The 2 supervisors appointed  
38 by the ~~commission shall~~ department must be persons who are by  
39 training and experience qualified to perform the services ~~which~~  
40 that will be required of them in the performance of their duties.  
41 In appointing supervisors, the ~~state commission~~ department shall  
42 take into consideration ~~the recommendations of the representative~~  
43 ~~of the state commission from the area in which the district is~~  
44 ~~located, as well as representation of~~ the various interests of  
45 the district such as agricultural, woodland, wildlife,  
46 recreation, community and area development.

48           **Sec. 14. Transition provisions; State Soil and Water Conservation**  
**Commission.**

50

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.

**Sec. 15. Maine Revised Statutes amended; Soil and Water Conservation Commission; revision clause.** Wherever in the Maine Revised Statutes, Title 12, chapters 1 and 3, the words "Soil and Water Conservation Commission," "state commission" or "commission" appear or reference is made to those words, they are amended to read and mean "Department of Agriculture, Food and Rural Resources," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

## STATEMENT OF FACT

The purpose of this bill is to accurately reflect the legislative intent of Senate Amendment "F" to Committee Amendment "A" to LD 1589, which was enacted into law as Public Law 1995, chapter 502. The statement of fact to that amendment indicated that the intention of the amendment was to incorporate 2 other Senate amendments that were in conflict. This bill includes sections that Senate Amendment "F" to Committee Amendment "A" inadvertently omitted.