

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1646

H.P. 1169

House of Representatives, March 24, 1997

An Act to Increase the Effectiveness of the Maine Blueberry Commission.

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.
Cosponsored by Senator HARRIMAN of Cumberland and
Representatives: BAGLEY of Machias, BUNKER of Kossuth Township, CAMPBELL of
Holden, PINKHAM of Lamoine, RICHARD of Madison, SHANNON of Lewiston, Senators:
GOLDTHWAIT of Hancock, KILKELLY of Lincoln.

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

4 **Whereas,** the growing and processing of wild blueberries is
6 an important industry of this State; and

8 **Whereas,** the Maine Blueberry Commission will operate more
efficiently and provide enhanced services as a public
10 instrumentality; and

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

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

20 **Sec. 1.** 5 MRSA §12004-H, sub-§13, as enacted by PL 1989, c.
503, Pt. A, §22, is repealed.

22 **Sec. 2.** 5 MRSA §12004-H, sub-§13-A is enacted to read:

24 13-A. Maine Wild Expenses 36 MRSA
26 Blueberry Commission Only §4312-C

28 **Sec. 3.** 36 MRSA §4301, as amended by PL 1983, c. 836, §1, is
further amended to read:

30 **§4301. Purpose**

32 The production and marketing of wild blueberries is one of
34 the most important agricultural industries of the State, and this
chapter is enacted into law to conserve and promote the
36 prosperity and welfare of this State and of the wild blueberry
industry of this State by fostering research and extension
38 programs and, by ~~encouraging~~ supporting the development of
~~expanded-market-opportunities-and-other~~ promotional opportunities
40 and other activities related to the wild blueberry industry.

42 **Sec. 4.** 36 MRSA §4302, sub-§1 is repealed.

44 **Sec. 5.** 36 MRSA §4302, sub-§1-A, as enacted by PL 1983, c.
836, §2, is amended to read:

46 **1-A. Grower.** "Grower" means any a person, firm,
48 partnership, association or corporation engaged in the growing or
selling of wild blueberries and ~~which~~ that is not a "processor"
50 as defined in subsection 2.

2 **Sec. 6. 36 MRSA §4302, sub-§§1-C and 1-D**, as enacted by PL
4 1989, c. 214, §1, are amended to read:

6 **1-C. Organized crew.** "Organized crew" means a group of
8 people working together under the supervision of a crew leader
 to harvest, pick, rake, possess or remove wild blueberries from
 the land of an owner.

10 **1-D. Owner.** "Owner" includes a landowner or leaseholder of
12 land on which wild blueberries are grown and harvested for
14 profit, or the landowner's or leaseholder's authorized agent, and
 includes a receiver of wild blueberries grown in Canada and
 purchased from Canadian sellers.

16 **Sec. 7. 36 MRSA §4302, sub-§2**, as amended by PL 1989, c. 29,
18 §1, is further amended to read:

20 **2. Processor.** "Processor" means any a person, firm,
22 partnership, association or corporation engaged in the fresh
 packing, canning, freezing or dehydrating of wild blueberries
 whether as owner, agent or otherwise.

24 **Sec. 8. 36 MRSA §4302, sub-§§3 and 4** are amended to read:

26 **3. Seller.** "Seller" shall-mean-any means a person, firm,
28 partnership, association or corporation offering fresh wild
 blueberries for sale, either to themselves or to others.

30 **4. Shipper.** "Shipper" shall-mean-any means a person, firm,
32 partnership, association or corporation engaged in the shipping,
34 transporting, storing, selling or otherwise handling of wild
 blueberries either in processed form or as fresh fruit, whether
 as owner, agent or otherwise.

36 **Sec. 9. 36 MRSA §4302, sub-§5**, as enacted by PL 1989, c. 214,
38 §1, is amended to read:

40 **5. Transportation permit.** "Transportation permit" means an
42 official permit on forms duly adopted and furnished by the Maine
 Wild Blueberry Commission to owners.

44 **Sec. 10. 36 MRSA §4302, sub-§6** is enacted to read:

46 6. Wild blueberries. "Wild blueberries" means all lowbush
48 blueberries grown, purchased, sold or handled for commercial
 purposes in this State.

50 **Sec. 11. 36 MRSA §4303**, as amended by PL 1989, c. 29, §2, is
 further amended to read:

2 **§4303. Rate of tax**

4 There is levied and imposed a tax at the rate of 1/2¢ per
6 pound of fresh fruit on all fresh wild blueberries grown,
8 purchased, sold, handled or processed in this State. The tax
 ~~shall-be~~ is computed on a fresh fruit basis, regardless of how
 the wild blueberries are processed.

10 **Sec. 12. 36 MRSA §4303-A**, as amended by PL 1989, c. 29, §3,
 is further amended to read:

12 **§4303-A. Additional tax**

14 There is levied and imposed an additional tax at the rate of
16 1/2¢ per pound of fresh fruit on all fresh wild blueberries
18 grown, purchased, sold, handled or processed in this State. The
 tax ~~shall-be~~ is computed on a fresh fruit basis, regardless of
20 how the berries are processed, and ~~shall~~ may not be ~~neither~~
 deducted from the purchase price ~~nor~~ or collected from the seller
 under section 4306.

22 **Sec. 13. 36 MRSA §4304**, as amended by PL 1971, c. 425, §2, is
24 further amended to read:

26 **§4304. Due date**

28 The tax imposed by section 4303 and the additional tax
30 imposed by section 4303-A ~~shall-be~~ are due upon any particular
 lot or quantity of wild blueberries under section 4307.

32 **Sec. 14. 36 MRSA §4305**, as amended by PL 1995, c. 639, §14,
 is further amended to read:

34 **§4305. Certification**

36 Every processor or shipper of wild blueberries shall obtain
38 certification from the State Tax Assessor annually before
40 processing or shipping wild blueberries. The assessor shall
 provide the applications for the certification, which must
42 contain the name under which the processor or shipper is
 transacting business in the State, the place or places of
44 business, the names and addresses of the persons constituting a
 firm or partnership and, if a corporation, the corporate name and
46 names and addresses of its principal officers and agents in the
 State. A processor or shipper may not process or ship wild
48 blueberries until the certification has been issued.
 Certification may be suspended or revoked by the assessor for
50 failure to pay the tax imposed by section 4303 or for the filing
 of false or fraudulent reports or returns. All certification

2 expires each year on July 1st. A certificate issued by the
3 assessor pursuant to this section is not a license within the
4 meaning of that term in the Maine Administrative Procedure Act.

6 **Sec. 15. 36 MRSA §4306**, as amended by PL 1983, c. 836, §5, is
7 further amended to read:

8 **§4306. Tax deducted from purchase price**

10 Each processor or shipper, purchasing wild blueberries and
11 paying or becoming liable to pay the tax imposed by section 4303,
12 shall charge and collect from the seller a tax at the rate of
13 1/2¢ per pound, to be deducted from the purchase price of all
14 wild blueberries subject to the tax so purchased by such the
15 processor or shipper.

16 **Sec. 16. 36 MRSA §4307**, as amended by PL 1983, c. 836, §6, is
17 further amended to read:

20 **§4307. Records and reports; payment of tax**

22 Every processor or shipper shall, on or before November 1st
23 of each year, report to the State Tax Assessor, the quantity of
24 wild blueberries grown, purchased or sold by him that processor
25 or shipper during the current season, on forms furnished by the
26 State Tax Assessor. Said The report shall must contain such
27 further the information pertinent thereto to the purchase or sale
28 as said the State Tax Assessor shall ~~prescribe~~ prescribes. With
29 said the report, each processor or shipper shall forward payment
30 of the tax at the rate of 1¢ per pound upon all wild blueberries
31 so reported as grown, sold or purchased.

32 **Sec. 17. 36 MRSA §4308**, as amended by PL 1979, c. 731, §19,
33 is further amended to read:

36 **§4308. Inspection**

38 The State Tax Assessor or his the assessor's duly authorized
39 agents shall have authority to enter any place of business of any
40 processor or shipper or any car, boat, truck or other conveyance
41 in which wild blueberries are to be transported and to inspect
42 any books or records of any processor or shipper, or any premises
43 where wild blueberries are stored, handled, transported or
44 merchandised, for the purpose of determining what wild
45 blueberries are taxable under this chapter or for the purpose of
46 determining the truth or falsity of any statement or return made
47 by any processor or shipper, and ~~he shall have authority to the~~
48 State Tax Assessor may delegate such that power to the
49 Commissioner of Agriculture, Food and Rural Resources, his or the
50 commissioner's deputies, agents, ~~servants~~ or employees.

2 **Sec. 18. 36 MRSA §4311-A**, as amended by PL 1985, c. 779, §81,
is further amended to read:

4 **§4311-A. Appropriations of money received**

6 Money received from the tax levied by sections 4303 and
8 4303-A shall must be appropriated for the following purposes:

10 **1. Collection and enforcement.** ~~For the collection of the~~
12 ~~taxes imposed by this law and the enforcement of this chapter.~~
Any funds which accrue to the blueberry tax account and are held
by the Treasurer of State shall be invested by him until
14 disbursement is authorized by the Maine Blueberry Commission.
The first \$20,000, each year, of income from any investment of
16 blueberry tax funds shall accrue to the General Fund undedicated
revenue, any additional amounts shall accrue to the blueberry tax
18 account and shall be appropriated for the same purposes as
specified elsewhere in this section. The commission shall pay a
20 sum to the State Tax Assessor representing the cost incurred by
the State in collection of the taxes imposed by this chapter and
22 the enforcement of this chapter;

24 **1-A. Transfer, allocation and appropriation.** Money
received by the Treasurer of State under this chapter, including
26 all receipts of taxes levied under section 4303 and 4303-A, must
be transferred to the Maine Wild Blueberry Commission in its
28 capacity as an independent agency on a monthly basis by the 15th
of the month following collection and be used for all activities
30 of the commission authorized under this chapter. All money
received by the Treasurer of State under this chapter, including
32 all receipts of taxes levied under sections 4303 and 4303-A, must
be allocated or appropriated to the commission by the
34 Legislature. Money received by the commission does not lapse and
may be invested until expended for activities authorized under
36 this chapter;

38 **2. Promotion and advertising.** The Maine Wild Blueberry
Commission may implement programs and activities to promote and
40 advertise wild blueberries; and join with any local, state,
federal or private agency, department, firm, corporation or
42 association to implement the purposes of this section. ~~At least~~
~~25% of the funds collected shall be allocated for these purposes;~~

44 **3. Research and extension educational programs.** Thirty
46 percent of the funds collected, but not to exceed \$85,000, shall
must be dedicated to the University of Maine System for the
48 purpose of supplementing its research and extension programs
related to improved methods of growing, harvesting, processing
50 and marketing of wild blueberries. The Maine Wild Blueberry

2 Commission may allocate additional funds to the University of
Maine System or other organizations for research and extension
4 programs as may be appropriate to implement the purposes of this
section; and

6 **4. Administration and other activities.** The Maine-Blueberry
Commission, ~~as authorized under section 4312-B,~~ shall commission
8 may allocate ~~not more than 15% of the~~ funds collected ~~for~~
employment of personnel and expenses incurred necessary for the
10 administration of this chapter and for other activities related
to the economic viability of the Maine wild blueberry industry;
12 and

14 **5. Balance of funds.** Any funds remaining over and above the
expenses incurred ~~for subsections 1, 2,~~ under subsection 3 and 4
16 shall do not lapse, but ~~shall be~~ must be carried forward to the
same fund and for the same purposes for the next fiscal year.

18 **Sec. 19. 36 MRSA §4312, first ¶,** as amended by PL 1989, c. 503,
20 Pt. B, §166, is further amended to read:

22 The University of Maine System Wild Blueberry Advisory
Committee, as authorized by Title 5, chapter 379, ~~shall be~~ is
24 appointed by the Maine Wild Blueberry Commission. The committee
~~shall consist~~ consists of 7 members who are active in and
26 representative of the wild blueberry industry. The duty of the
committee ~~shall be~~ is to advise and work with the University of
28 Maine System to develop and approve a plan of work and budgets
for research and extension programs related to the production and
30 marketing use of 1,000,000 pounds of wild blueberries in a
calendar year. A grower who processes less than 1,000,000 pounds
32 of wild blueberries in a calendar year is not precluded from
serving as a grower representative.

34 **Sec. 20. 36 MRSA §4312-B,** as amended by PL 1995, c. 331, §2,
36 is repealed.

38 **Sec. 21. 36 MRSA §4312-C** is enacted to read:

40 **§4312-C. Maine Wild Blueberry Commission**

42 **1. Commission established as a public instrumentality.** The
Maine Wild Blueberry Commission, as established by Title 5,
44 section 12004-H, subsection 13-A and referred to in this section
as the "commission," is established as a public body corporate
46 and politic and an incorporated public instrumentality of the
State. The exercise of powers conferred by this chapter is held
48 to be the performance of essential government functions.

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

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

10 C. Notwithstanding paragraphs A and B:

12 (1) Employees of the commission may be state employees
13 for the purposes of the state retirement provisions of
14 Title 5, Part 20 and the state employee health
15 insurance program under Title 5, chapter 13, subchapter
16 II;

18 (2) For the purposes of the Maine Tort Claims Act, the
19 commission is a governmental entity and its employees
20 and members are employees as those terms are defined in
21 Title 14, section 8102; and

22 (3) Funds received by the commission pursuant to this
23 chapter must be allocated to the commission by the
24 Legislature in accordance with Title 5, section 1673.

26 2. Appointment. Appointments to the commission are made by
27 the Commissioner of Agriculture, Food and Rural Resources.

30 3. Membership. The commission consists of 8 members who are
31 active in and representative of the wild blueberry industry,
32 appointed by the Commissioner of Agriculture, Food and Rural
33 Resources. Three members must be grower representatives. Five
34 members must be processor representatives who process more than
35 1,000,000 pounds of wild blueberries in a calendar year.

36 4. Term. Members serve 4-year terms.

38 5. Organization. Members of the commission shall elect
39 annually by majority vote one member of the commission to serve
40 as chair and one member to serve as vice-chair. The commission
41 may appoint by majority vote an executive director who is the
42 commission's chief administrator and such personnel as the
43 commission considers necessary to administer policies and
44 programs established by the commission. The executive director
45 and other staff serve at the pleasure of the commission. The
46 salaries paid to the executive director and other staff of the
47 commission are fixed by the commission. The executive director
48 and other staff are not subject to the personnel laws of the
49 State.

2 6. Compensation of commissioners. Members of the commission
are entitled to compensation in accordance with Title 5, chapter
4 379.

6 7. Function of commission. It is the responsibility of the
commission to utilize and allocate such funds as may be available
8 from the funds collected under section 4307. The commission may
make contracts or enter into contracts with any local, state,
10 federal or private agency, department, firm, corporation or
association as may be necessary to carry out the purposes of this
12 chapter.

14 8. Debt. A debt or obligation incurred by the commission
is not a debt or obligation of the State.

16 9. Books and records. The commission shall keep books,
18 records and accounts of all its activities, which must be open to
inspection and audit by the State at all times. An independent
20 certified public accountant shall conduct an annual audit of the
financial records of the commission and report the results of the
22 audit to the commission, the Commissioner of Agriculture, Food
and Rural Resources, the Treasurer of State and the Legislature.

24 10. Funding. The commission may receive and expend funds
26 from any source, public or private, that it determines necessary
to carry out its purposes.

28 11. Appropriation and use of money received. The
30 commission may accept grants or contributions of money or other
things of value from any source, public or private. Those grants
32 or other contributions must be held by the commission and used to
carry out the purposes of this chapter, subject to any condition
34 under which the grant or contribution was accepted by the
commission.

36 12. Bylaws. The commission may adopt bylaws to govern its
38 functions.

40 Sec. 22. 36 MRSA §4314, sub-§1, as enacted by PL 1989, c. 214,
§2, is amended to read:

42 1. Possession or removal unlawful. It shall-be is unlawful
44 for any a person to harvest, pick, rake, possess or remove wild
blueberries from the land of an owner without first securing
46 written permission from the owner or the owner's authorized
agent. This section shall does not apply to members of an
48 organized crew, p̄vided if the crew leader has first secured the
written permission of the owner. Any A person authorized to make
50 inspections under this chapter may require any a person on the

land of an owner who has possession of wild blueberries or is found harvesting, raking, picking or removing wild blueberries to show a current written permit.

Sec. 23. 36 MRSA §4315, as amended by PL 1989, c. 859, §1, is further amended to read:

§4315. Transportation of wild blueberries

1. Transportation of wild blueberries without permit. It is unlawful for any a person to transport wild blueberries in quantities exceeding 25 pounds without first obtaining a transportation permit on an official form to be furnished by the Maine Wild Blueberry Commission. The Maine Wild Blueberry Commission shall issue official transportation permit forms to owners who may issue the transportation permits to individuals. Each permit issued must bear a different number and expire at the end of the calendar year. When an owner issues a transportation permit, the owner shall immediately send a copy to the Maine Wild Blueberry Commission. The commission shall keep a permanent record of all permits issued. The commission may ~~promulgate~~ adopt rules establishing the form and content of transportation permits and governing the means of their issuance and establishing the record-keeping functions of the commission and the owners. Notwithstanding any provision of Title 1, chapter 13, subchapter I to the contrary, records pertaining to transportation permits required to be kept by the Maine Wild Blueberry Commission under this section are confidential to the extent necessary to preserve the identity of parties to individual business transactions. The confidential status does not apply when records kept by the Maine Wild Blueberry Commission are needed as evidence in any proceeding to enforce any provision of section 4314 or this section, or in any prosecution for a violation of any other criminal law.

2. Permits subject to forgery laws. Every permit specified under this section is deemed to be a written instrument subject to the laws of forgery.

3. Violation. Any person who transports wild blueberries in violation of this section is guilty of a Class E offense. Any other violation of this section is a civil violation punishable by a fine of not more than \$500.

4. Exceptions. A person is not guilty of transporting wild blueberries without a transportation permit if:

A. The person is transporting wild blueberries that were not harvested in this State; or

2 B. That person purchased the wild blueberries at a store,
farm stand, produce market or other retail outlet.

4 **Sec. 24. 36 MRSA §4316**, as amended by PL 1989, c. 859, §§2
and 3, is further amended to read:

6 **§4316. Receivers of wild blueberries**

8
10 **1. Record keeping required.** Any A person who receives wild
blueberries ~~must~~ shall keep a permanent record of each lot or
12 load of wild blueberries received. The record ~~shall~~ must include
the name of the driver of the vehicle used to deliver the wild
14 blueberries, the date of delivery, the delivery point, the number
of the transportation permit, the driver's license number and the
total pounds of wild blueberries delivered.

16
18 **2. Inspection of permit required.** It ~~shall-be~~ is unlawful
for any a person to receive or accept delivery of any wild
20 blueberries in lots of greater than 5 pounds without first
inspecting the transportation permit of the driver of the vehicle
used to deliver the wild blueberries and recording the
22 transportation permit number in accordance with subsection 1 of
~~this-section.~~

24
26 **3. Violation.** The failure to keep the permanent records of
wild blueberries received as required in this section, failure to
28 inspect the transportation permit of a driver of a vehicle used
to deliver wild blueberries or any other violation of this
section is a civil violation punishable by a fine of not more
30 than \$1,000.

32 **4. Audits.** The Maine Wild Blueberry Commission may request
the Department of Agriculture, Food and Rural Resources to
34 conduct audits of the records of receivers for the purpose of
ascertaining compliance with this section. The commissioner, or
36 a duly authorized agent, has free access, during normal business
hours, to all records required to be kept by receivers pursuant
38 to this section and also to receivers' accounts payable, accounts
receivable, records of inventories, actual inventories, records
40 of shipments and such other business records as are needed to
ascertain compliance with this section. Any documents inspected
42 or taken by the department in furtherance of the audit functions
or any other information collected by the department pursuant to
44 the audit must be kept confidential notwithstanding any provision
to the contrary contained in Title 1, chapter 13, subchapter I.
46 This confidential status does not apply to any documents, records
or information that is needed as evidence in any civil or
48 criminal proceeding to enforce any law under this chapter or any
other criminal law.

50

2 **Sec. 25. Transition provisions.** The following provisions apply
to the Maine Wild Blueberry Commission on July 1, 1997.

4 **1. Funds transferred.** All funds held by the State for
distribution to the Maine Blueberry Commission pursuant to the
6 Maine Revised Statutes, Title 36, section 4307 must be
transferred to the Maine Wild Blueberry Commission in its
8 capacity as an independent agency.

10 **2. Personnel transferred.** Employees of the Maine Blueberry
Commission must be transferred from state employment to the Maine
12 Wild Blueberry Commission in its capacity as an independent
agency.

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

26 **4. Health insurance.** Employees of the Maine Wild Blueberry
28 Commission may continue to be treated as state employees for the
purposes of the state employee health insurance program.
30 Commission employees covered by the state employee health
insurance program are entitled to the same health benefits as
32 state employees.

34 **5. Debt or obligation.** A debt or obligation incurred by
the Maine Blueberry Commission prior to July 1, 1997 that
36 remains, in whole or in part, payable to any person becomes a
debt obligation of the Maine Wild Blueberry Commission.

38 **6. Contracts and agreements.** All contracts and agreements
40 with the Maine Blueberry Commission in effect prior to July 1,
1997 remain in effect following the effective date of this Act.

42 **7. Terms of council members.** Members of the Maine
44 Blueberry Commission on June 31, 1997 serve as members of the
Maine Wild Blueberry Commission in its capacity as an independent
46 agency until their terms expire.

48 **8. Accrued fringe benefits.** The accrued fringe benefits of
employees transferred to the Maine Wild Blueberry Commission in
50 its capacity as an independent agency, including vacation and

2 sick leave, health and life insurance and retirement, remain with
the transferred employee.

4 **9. Transfer of property and equipment.** All property and
equipment owned by the Maine Blueberry Commission remains the
6 property and equipment of the Maine Wild Blueberry Commission as
an independent agency.

8
10 **Sec. 26. Transitional actions.** From the effective date of this
Act until July 1, 1997 the executive director of the Maine
Blueberry Commission is authorized to sign contracts and take
12 planning measures necessary for the transition of the commission
to be an independent agency.

14
16 **1. Assistance.** The Department of Administrative and
Financial Services shall assist the Maine Blueberry Commission
and the commission's executive director with the orderly
18 implementation of transition provisions under this Act.

20 **Sec. 27. Members of Maine Wild Blueberry Commission.** Members
serving on the Maine Blueberry Commission on the effective date
22 of the Act continue to serve as members on the Maine Wild
Blueberry Commission for the duration of the terms to which they
24 were appointed. Notwithstanding the Maine Revised Statutes,
Title 36, section 4312-C, subsection 4, the Commissioner of
26 Agriculture, Food and Rural Resources shall make initial
appointments so that 2 members' terms expire each year on August
28 31st. Appointments made to fill positions that do not expire on
August 31st are shortened so that 2 of those appointments expire
30 on August 31st of each year. A vacancy must be filled for the
duration of the unexpired term.

32
34 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

36
38 **SUMMARY**

This bill amends the laws regarding Maine Blueberry
40 Commission by changing its name to the "Maine Wild Blueberry
Commission" and changes references from "blueberries" to "wild
42 blueberries." The bill also makes the commission a public
instrumentality of the State. The bill also amends the terms of
44 members of the commission so that terms will end on August 31st
and will be staggered.