

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

R.S.S.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Date: 4/27/07

L.D. 986
(Filing No. H-157)

TRANSPORTATION

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

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 746, L.D. 986, Bill, "An Act To Establish an Agriculture Education Registration Plate"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is important to authorize the issuance of agriculture education plates as soon as possible in order to allow funds to be raised for agriculture education, which in turn will help support agriculture, a vital sector of the Maine economy; and

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

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 5 MRSA §12004-G, sub-§4-C is enacted to read:

<u>4-C.</u>			
<u>Agriculture</u>	<u>Maine Agriculture</u>	<u>Paid from council</u>	<u>7 MRSA §242</u>
<u>Education</u>	<u>in the Classroom</u>	<u>funds in</u>	
	<u>Council</u>	<u>accordance with</u>	
		<u>council bylaws</u>	

Sec. 2. 7 MRSA §242 is enacted to read:

COMMITTEE AMENDMENT

R.018

1 **§242. Maine Agriculture in the Classroom Council**

2 **1. Establishment.** The Maine Agriculture in the Classroom Council, established in
3 Title 5, section 12004-G, subsection 4-C and referred to in this section as "the council,"
4 has all the powers necessary to achieve the public purpose stated in subsection 2 and to
5 carry out the powers conferred under this section.

6 The exercise of powers conferred by this section is held to be the performance of
7 essential government functions.

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

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

14 C. Notwithstanding paragraphs A and B:

15 (1) Employees of the council may be state employees for the purposes of the
16 state retirement provisions of Title 5, Part 20 and the state employee health
17 insurance program under Title 5, chapter 13, subchapter 2; and

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

21 D. Employees of the council are entitled to use the services of the Central Fleet
22 Management Division in accordance with provisions established for state agencies
23 under Title 5, section 1830.

24 **2. Purpose.** The purpose of the council is to promote an understanding of the food
25 and fiber system in the State and the nation through the infusion of agricultural concepts
26 into primary, secondary and postsecondary curricula. For the purposes of this section,
27 "agricultural concepts" includes, but is not limited to:

28 A. The importance of agriculture in the State and in the nation's history and
29 development;

30 B. The connections between geography, climate and agriculture;

31 C. The relationship between technology and agricultural success and development;

32 D. The economics of agriculture;

33 E. The global aspects of agriculture; and

34 F. The relationship of the food and fiber system to public policy issues.

35 **3. Membership.** The council consists of 9 members, appointed as follows:

36 A. One representative of the department, appointed by the commissioner;

37 B. One representative of the Department of Education, appointed by the
38 Commissioner of Education;

R.018

COMMITTEE AMENDMENT "A" to H.P. 746, L.D. 986

- 1 C. Two members from the agricultural community with demonstrated interest in
2 agriculture education, appointed by the commissioner;
- 3 D. One registered or licensed dietitian with a demonstrated interest in agriculture
4 education, appointed by the commissioner;
- 5 E. One practicing kindergarten to grade 12 educator with knowledge of agriculture
6 education, appointed by the Commissioner of Education;
- 7 F. One educator who teaches or has taught agriculture courses at the secondary
8 school level, appointed by the Commissioner of Education;
- 9 G. One representative from the University of Maine Cooperative Extension with a
10 demonstrated interest in agriculture education, appointed by the Director of the
11 University of Maine Cooperative Extension; and
- 12 H. One representative of the soil and water conservation districts, appointed by the
13 chair of the State Conservation District Advisory Council.
- 14 **4. Term.** Each member serves for a term of 4 years or until the member's successor
15 is appointed. If a member is unable to complete a term, the appointing authority shall
16 appoint a person to serve out the remainder of the unexpired term.
- 17 **5. Compensation.** Members may be compensated for expenses as provided in the
18 council's bylaws from money received under subsection 10.
- 19 **6. Chair.** The council shall elect annually by majority vote one member of the
20 council to serve as chair and one member to serve as vice-chair.
- 21 **7. Executive director; personnel.** The council may appoint by majority vote an
22 executive director who is the council's chief administrator and who serves at the pleasure
23 of the council. The executive director may employ, as the council directs, additional staff
24 who serve at the pleasure of the executive director. The salaries paid to the executive
25 director and other staff are fixed by the council and are not subject to the personnel laws
26 of the State.
- 27 **8. Powers and duties.** The council shall expend funds received under subsection 10
28 to provide teacher training and educational resource materials, collect and distribute
29 appropriate agricultural information and materials from industry and trade groups and
30 incorporate new and innovative ideas and proven outreach strategies to increase
31 agricultural literacy among teachers and their students. The council shall work
32 cooperatively with state agencies, the University of Maine System, farm organizations,
33 agribusinesses and private individuals and groups to collect, organize, develop and
34 promote the use of agricultural curriculum materials in schools and learning centers.
- 35 The council may enter into contracts with any local, state, federal or private agency,
36 department, firm, corporation or association as necessary to carry out the purposes of this
37 section.
- 38 **9. Debt.** A debt or obligation incurred by the council is not a debt or obligation of
39 the State.
- 40 **10. Receipt of money and property.** The council may accept grants or
41 contributions of money or other things of value from any source, public or private. The

COMMITTEE AMENDMENT

R.N.S.

COMMITTEE AMENDMENT "A" to H.P. 746, L.D. 986

1 council receives funds from the sale of agriculture education plates pursuant to Title
2 29-A, section 456-D. The grants, receipts and other contributions must be held by the
3 council and used to carry out the purposes of this section, subject to any condition under
4 which the grant or contribution was accepted by the council. Funds may be used to
5 compensate members of the council for expenses in accordance with the council's bylaws.
6 Funds received under this subsection are not state funds.

7 **11. Books and records.** The council shall keep books, records and accounts of all
8 its activities, which must be open to inspection and audit by the State at all times. An
9 independent accountant shall conduct an annual accounting review of the financial
10 records of the council and report the results of the review to the council, the
11 commissioner, the Treasurer of State and the Legislature.

12 **12. Bylaws.** The council may adopt bylaws to govern its functions.'

13 Amend the bill in section 2 in §456-D in subsection 1 in the 3rd line (page 1, line 13
14 in L.D.) by inserting after the following: "section 501" the following: ', section 504,
15 subsection 1 or section 505'

16 Amend the bill in section 2 in §456-D in subsection 2 in paragraph A in the first line
17 (page 1, line 21 in L.D.) by striking out the following: "Agriculture Education Plate
18 Fund" and inserting the following: 'Maine Agriculture in the Classroom Council'

19 Amend the bill in section 2 in §456-D in subsection 4 in paragraph A in the first line
20 (page 1, line 35 in L.D.) by striking out the following: "Agriculture Education Plate
21 Fund" and inserting the following: 'Maine Agriculture in the Classroom Council'

22 Amend the bill in section 2 in §456-D in subsection 6 in the 5th line (page 2, line 11
23 in L.D.) by striking out the following: "Agriculture Education Plate Fund" and inserting
24 the following: 'Maine Agriculture in the Classroom Council'

25 Amend the bill in section 2 in §456-D by striking out all of subsection 8 (page 2,
26 lines 17 to 19 in L.D.) and inserting the following:

27 **'8. Eligibility; trucks.** An agriculture education registration plate may be issued for:

28 A. A vehicle that qualifies for a specialty license plate under section 468, subsection
29 8; and

30 B. A truck registered under section 504, subsection 1 or section 505.'

31 Amend the bill by adding before the summary the following:

32 **'Sec. 3. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 7,
33 section 242, subsection 4, initial appointments to the Maine Agriculture in the Classroom
34 Council made pursuant to Title 7, section 242, subsection 3 are for terms specified as
35 follows:

36 1. The 2 initial appointments made pursuant to Title 7, section 242, subsection 3,
37 paragraphs A and B are for terms of 4 years;

103

COMMITTEE AMENDMENT "A" to H.P. 746, L.D. 986

1 2. The 2 initial appointments made pursuant to Title 7, section 242, subsection 3,
2 paragraph C, one member is appointed to a term of 2 years and one member is appointed
3 to a term of 4 years;

4 3. The initial appointments made pursuant to Title 7, section 242, subsection 3,
5 paragraphs D and G are for terms of 2 years;

6 4. The initial appointments made pursuant to Title 7, section 242, subsection 3,
7 paragraphs E and F are for terms of 3 years; and

8 5. The initial appointment made pursuant to Title 7, section 242, subsection 3,
9 paragraph H is for a term of one year.

10 **Sec. 4. Appropriations and allocations.** The following appropriations and
11 allocations are made.

12 **SECRETARY OF STATE, DEPARTMENT OF**

13 **Administration - Motor Vehicles 0077**

14 Initiative: Allocates funds on a one-time basis for the production and manufacture of the
15 agriculture education registration plate.

16	HIGHWAY FUND	2007-08	2008-09
17	All Other	\$17,201	\$0
18			
19	HIGHWAY FUND TOTAL	<u>\$17,201</u>	<u>\$0</u>

20 **Emergency clause.** In view of the emergency cited in the preamble, this
21 legislation takes effect when approved.'

22 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
23 section number to read consecutively.

24 **SUMMARY**

25 This amendment:

26 1. Allows agriculture education registration plates to be issued for commercial trucks
27 and farm trucks;

28 2. Replaces the provision of the bill establishing the Agriculture Education Plate
29 Fund with provisions establishing the Maine Agriculture in the Classroom Council. The
30 council will receive revenues generated by the specialty plate created by the bill and may
31 receive revenues from other sources;

32 3. Adds an appropriations and allocations section; and

COMMITTEE AMENDMENT

1234

COMMITTEE AMENDMENT "A" to H.P. 746, L.D. 986

1 4. Adds an emergency preamble and emergency clause to the bill.

2 **FISCAL NOTE REQUIRED**
3 **(See attached)**



123rd MAINE LEGISLATURE

LD 986

LR 1034(02)

An Act To Establish an Agriculture Education Registration Plate

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
Highway Fund	\$7,201	(\$7,000)	(\$7,000)	(\$7,000)
Appropriations/Allocations				
Highway Fund	\$17,201	\$0	\$0	\$0
Revenue				
Highway Fund	\$10,000	\$7,000	\$7,000	\$7,000
Other Special Revenue Funds	\$10,000	\$11,500	\$11,500	\$11,500

Fiscal Detail and Notes

The Administration - Motor Vehicles program within the Department of the Secretary of State will require a one-time Highway Fund allocation of \$17,201 in fiscal year 2007-08 for the costs of producing and manufacturing agriculture education registration plates. The sale of these plates will increase Highway Fund revenue; the estimated amounts are \$10,000 in fiscal years 2007-08 and \$7,000 in each fiscal year thereafter. Dedicated revenue will also be collected by the Secretary of State for the newly established Maine Agriculture in the Classroom Council. The amounts collected will be paid as grants by the Secretary of State to the council and are expected to be \$10,000 in fiscal year 2007-08 and \$11,500 in each fiscal year thereafter.

The Maine Agriculture in the Classroom Council is established as a public entity that is not to be part of Maine State government but is to be treated as though it were for certain services, including having its employees participate in the Maine State Retirement System and the state employee health insurance program and having use of vehicles through the Central Fleet Management system. Revenue generated by the sale of specialty plates will not be sufficient to fund the bill's requirements. The council is allowed to accept private and public funds. The degree to which the council is successful in raising funds in a sustainable way will determine the degree to which the council may participate in the benefits and services required in the bill.