

MAINE STATE LEGISLATURE

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L.D. 145

Date: 5/10/19

(Filing No. H- 227)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 127, L.D. 145, Bill, "An Act To Expand the Membership of the Wild Blueberry Commission of Maine"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding the Membership of the Wild Blueberry Commission of Maine'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 36 MRSA §4312, 2nd ¶, as enacted by PL 1983, c. 836, §9, is amended to read:

Current members of the advisory committee shall continue to serve for the duration of their current appointments. New appointments to the advisory committee shall must be for terms of 4 years, and ~~no appointee may be eligible for reappointment until the lapse of one year from the expiration of a previous appointment~~ members may be reappointed for additional terms.

Sec. 2. 36 MRSA §4312-C, sub-§1, ¶D is enacted to read:

D. An employee of the commission who leaves commission employment may not be a paid lobbyist as defined by Title 3, section 312-A, subsection 10 for a wild blueberry business for a period of one year after leaving commission employment.

Sec. 3. 36 MRSA §4312-C, sub-§2, as enacted by PL 1997, c. 511, §21 and affected by §25 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

2. Appointment. Appointments to the commission are made by the Commissioner of Agriculture, Conservation and Forestry. The commissioner shall call for and consider nominations for grower representative appointments to the commission from the wild blueberry grower community in the State. The commissioner shall call for nominations by January 15th of any year in which a grower representative term will expire and shall announce the call for nominations at a statewide agricultural trade show held in Augusta in January.

COMMITTEE AMENDMENT

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Sec. 4. 36 MRSA §4312-C, sub-§3, as enacted by PL 1997, c. 511, §21 and affected by §25 and amended by PL 2011, c. 657, Pt. W, §6, is repealed and the following enacted in its place:

3. Membership. The commission consists of 10 members who are active in and representative of the wild blueberry industry, appointed by the Commissioner of Agriculture, Conservation and Forestry.

A. Five members must be grower representatives. For the purposes of this section, "grower representative" means a person, firm, partnership, association or corporation engaged in the growing of wild blueberries in the State, including but not limited to those who engage in organic growing, other integrated crop management growing, fresh pack sales, wild blueberry business cooperative activities and wild blueberry value-added production and those representing a federally recognized Indian nation, tribe or band in the State. "Grower representative" does not include a processor representative. Grower representative members must be selected to represent grower representatives who pay both the processor and grower portions of the wild blueberry tax under this chapter and grower representatives who pay only the grower portion of the wild blueberry tax under this chapter.

B. Five members must be processor representatives. For purposes of this section, "processor representative" means a person, firm, partnership, association or corporation that processes 1,000,000 pounds or more of wild blueberries grown in the State in a calendar year.

Sec. 5. 36 MRSA §4312-C, sub-§4, as repealed and replaced by PL 2011, c. 579, §2 and amended by c. 657, Pt. W, §6, is further amended to read:

4. Term. Members are appointed to staggered 4-year terms so that the terms of at least 2 but not more than 3 members expire on August 31st of every year. If the Commissioner of Agriculture, Conservation and Forestry fails to make an appointment prior to the expiration of a member's term, that member continues to serve until the commissioner makes an appointment for the remainder of that term. If a vacancy occurs prior to the expiration of a specified term, the Commissioner of Agriculture, Conservation and Forestry shall appoint an individual to serve only the remainder of that term.

Sec. 6. Wild Blueberry Commission of Maine membership; staggered terms. Notwithstanding the Maine Revised Statutes, Title 36, section 4312-C, subsection 4, of the additional grower representatives appointed to the Wild Blueberry Commission of Maine pursuant to this Act, one serves an initial term of 4 years and one serves an initial term of 2 years.'

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

SUMMARY

This amendment strikes and replaces the bill. The amendment expands the membership of the Wild Blueberry Commission of Maine by adding 2 members who are grower representatives and requires the Commissioner of Agriculture, Conservation and Forestry to formally call for nominations for grower representative members. The

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COMMITTEE AMENDMENT "A" to H.P. 127, L.D. 145

1 amendment clarifies the requirements governing grower representative members and
2 processor representative members. The amendment prohibits former employees of the
3 commission from serving as paid lobbyists for wild blueberry businesses for a period of
4 one year following employment by the commission. The amendment also allows
5 members of the University of Maine System Wild Blueberry Advisory Committee to be
6 reappointed for additional terms.

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FISCAL NOTE REQUIRED

(See attached)



129th MAINE LEGISLATURE

LD 145

LR 413(02)

An Act To Expand the Membership of the Wild Blueberry Commission of Maine

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

A. (H-227)

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Wild Blueberry Commission of Maine resulting from additional members, rules regarding the specific makeup of membership or rules limiting who may be appointed to the commission are anticipated to be minor and can be absorbed within existing budgeted resources.