

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1103

H.P. 807

House of Representatives, March 5, 2019

**An Act To Increase the Number of Members of the Wild Blueberry
Commission of Maine**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DUNPHY of Old Town.
Cosponsored by Representatives: HICKMAN of Winthrop, McCREA of Fort Fairfield,
O'NEIL of Saco, PERRY of Calais, PLUECKER of Warren, Senators: BLACK of Franklin,
DILL of Penobscot.

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

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

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

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

10 D. An employee of the commission who leaves commission employment may not be
11 a paid lobbyist for a wild blueberry business for a period of one year after formally
12 leaving commission employment.

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

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

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 W, §6, is repealed and the following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

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

28 A. Five members must be grower representatives. For the purposes of this section,
29 "grower representative" means a person, firm, partnership, association or corporation
30 engaged in the growing of wild blueberries, including but not limited to those who
31 engage in organic growing, other integrated crop management growing, fresh pack
32 sales, wild blueberry business cooperative activities and wild blueberry value-added
33 production and those representing a federally recognized Indian tribe in the State.
34 "Grower representative" does not include a person, firm, partnership, association or
35 corporation that processes 1,000,000 pounds or more of wild blueberries in a calendar
36 year. Grower representative members must be selected to include grower
37 representatives who pay both the processor and shipper portions of the wild blueberry
38 tax under this chapter and grower representatives who pay only the shipper portion of
39 the wild blueberry tax under this chapter.

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

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

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

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

19 SUMMARY

20 This bill expands the membership of the Wild Blueberry Commission of Maine by
21 adding 2 additional members who are grower representatives and requires the
22 Commissioner of Agriculture, Conservation and Forestry to formally call for nominations
23 for grower representative members. The bill clarifies the requirements governing grower
24 representative members and processor representative members. The bill prohibits former
25 employees of the commission from serving as paid lobbyists for wild blueberry
26 businesses for a period of one year following employment by the commission. The bill
27 also allows members of the University of Maine System Wild Blueberry Advisory
28 Committee to be reappointed for additional terms.