

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 849**

S. P. 300

In Senate, February 14, 1945.

Referred to Committee on Agriculture. Sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Good of Aroostook.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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**AN ACT to Establish a Seed Potato Board and Define its Powers and Duties.**

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**Emergency preamble.** Whereas, there has developed in the potato growing industry throughout this state a large number of potato diseases which, unless eradicated, controlled or eliminated, seriously threaten the future welfare of the potato industry of this state, and

Whereas, it becomes necessary and imperative that a program of research and practices be immediately undertaken aimed toward producing and making available to the potato growers of this state a source of supply of disease free potato seed during the planting, growing and harvesting season of 1945 and the years to follow, and,

Whereas, the foregoing facts in the judgment of this legislature constitute an emergency within the meaning of section 16 of Article XXXI of the constitution of this state and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Creation; members; chairman; qualifications.** There is hereby

established in the department of agriculture of this state a "seed potato board" which shall consist of 7 members.

The state commissioner of agriculture shall be a member of the board and its chairman. The remaining 6 members shall be appointed by the governor with the advice and consent of the council.

Of the 6 members appointed other than the commissioner of agriculture 5 shall be chosen from representatives of the potato industry in Aroostook County and 1 from elsewhere in the state of Maine.

**Sec. 2. Term; vacancy; removal; salary.** Two of the members shall be designated by the governor to serve until January 1st, 1946 and 2 members until January 1st, 1947 and 2 members until January 1st, 1948, and thereafter each appointed member shall serve for a term of 3 years and until his successor has been appointed and qualified.

Upon the expiration from time to time of the term of office of any member of the board said member's successor shall be appointed by the governor by and with the consent of the council in like manner as said member.

In case of a vacancy for any reason in the office of any member, the governor, by and with the advice and consent of the council, shall appoint a member to fill the unexpired term of such vacant office in the same manner as the regular appointment to that office was made.

Any of the appointive members may be removed from office by the governor with the advice and consent of the council for cause shown, after reasonable notice and a hearing.

The members of the seed potato board shall receive no salary, but all their expenses incurred in attending meetings shall be paid out of the state treasury, on certificate of the commissioner of agriculture, upon the audit and warrant of the controller.

**Sec. 3. Meeting; quorum.** The seed potato board shall meet annually on such date and at such place as the board may appoint and shall meet at such other times as the board may deem necessary or when called by the chairman of the board or any 2 members thereof upon 2 days notice. The board may by resolution provide for a shorter notice made by telegraph, telephone or otherwise.

The presence at any meeting of at least 4 members of the board shall be necessary to constitute a quorum, and the concurring votes of not less than a majority of the members present at any meeting shall be necessary to the decision of any question or issue, or the authorization of any action.

**Sec. 4. Powers; rules and regulations.** The seed potato board shall have the power and authority to produce, or cause to be produced through

contract or otherwise, such acreages of foundation seed potatoes of various varieties as it may from time to time determine for distribution and sale to the potato growers of this state. Said commitments of said board shall not exceed, however, in the aggregate, the amount of funds which may be made available to it as hereinafter specified. In addition the seed potato board shall have authority to work with and through the Maine agricultural experiment station of the University of Maine, in conducting and carrying on a program of production of foundation seed potatoes annually; said board to have authority to purchase, own or otherwise acquire farm real estate and farm equipment if necessary for the purpose of producing acreages of foundation seed potatoes.

The seed potato board shall also have full power and authority to make rules and regulations not inconsistent with law pertaining to its program of production, distribution and sales of foundation seed potatoes to the potato growers of Maine, as it may from time to time determine, and to exercise any other power which may be conferred upon the board by law.

**Sec. 5. Records and proceedings.** The seed potato board shall elect a secretary, who need not be a member of said board, and said board shall have authority to employ such agents as may be necessary to consummate any and all programs which it may institute, as authorized under the terms of this act, and shall keep a record of all of its proceedings, and all expenses by it incurred shall be paid out of the state treasury, on certification of the commissioner of agriculture upon the audit and warrant of the controller and charged against any and all appropriations which may be annually made available for its use as hereinafter stipulated.

**Sec. 6. Appropriation.** That there be and hereby is appropriated the sum of \$100,000 to be made available to the seed potato board, said sum so appropriated to constitute an annual revolving fund for the use of said board in carrying out the terms and purposes as stipulated herein.

Provided, however, that from funds arising from the sale of seed potatoes under this program said seed potato board shall cause to be paid into the state treasury annually a sum which shall, in 10 years, equal the amount of said \$100,000 appropriation; and in any year when said board cannot, from the sale of said seed potatoes, pay said amount in full, then the state treasury shall be reimbursed as to the balance of said amount by money taken from, but not larger than 10% of, the total tax collected under the provisions of sections 206 to 217, inclusive, of chapter 14, commonly known as the potato tax.

**Emergency clause.** In view of the emergency expressed in the preamble, this act shall take effect when approved.