

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE

FIRST SPECIAL SESSION
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Chapters 583-588

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J.S. McCarthy Co., Inc.
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 565

H.P. 1170 - L.D. 1558

AN ACT to Address the State's Responsibility
Under the Potato Industry's Long-Range Plan.

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

Sec. 1. 7 MRSA §§2103-A and 2103-B are enacted to read:

§2103-A. Certification of seed potatoes

Foundation seed potatoes purchased from the state seed potato farm shall not be designated "certified seed" beyond 4 generations of the seed originally acquired. Seed potatoes imported into the State shall meet the state's certification standards and all import certificates shall designate the imported seed's generation, which shall equal and compare to a state certified seed designation. The imported seed shall "flush out" at the same rate as the equivalent state seed generation. Imported seed potatoes, where the generation cannot be demonstrated, shall be eligible for certification for no more than one generation of in-state propagation.

No seed potato may be designated "certified seed" which has not been winter tested. Seed shipped before winter test results are available will be "certified" based on field certification.

The commissioner may withhold from certification for in-state sales for that year any seed potatoes grown on a farm on which bacterial ring rot has been detected.

The commissioner may, upon application of one or more growers, and for good cause, temporarily waive either or all of these requirements.

§2103-B. Foundation seed potato production areas

The commissioner may, upon the request of potato growers in a specified area and in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, designate "foundation seed potato production areas" and, in consultation with the Seed Potato Board, Cooperative Extensive Service, University of Maine Agricultural Experiment Station and appropriate industry organizations, establish within these areas such certified seed production practices as he deems beneficial to the industry.

Sec. 2. 7 MRSA §2105 is enacted to read:

§2105. Violations

Any person who violates any of the provisions of this chapter or any rule promulgated under this chapter is subject to a civil penalty not to exceed \$500.

Sec. 3. 7 MRSA §2151, as amended by PL 1979, c. 731, §19, is further amended to read:

§2151. Creation and membership

A Seed Potato Board, as ~~heretofore~~ established in the Department of Agriculture, Food and Rural Resources, shall consist of the commissioner and 6 8 additional members appointed by him. Of the 6 8 appointed members, 5 7 shall be chosen from representatives of the potato industry in Aroostook County and one from elsewhere in the State of Maine, provided that one appointed member shall be primarily a table stock producer and one primarily a processor producer.

Sec. 4. 7 MRSA §2152, first ¶, as repealed and replaced by PL 1971, c. 594, §9, is amended to read:

Each appointed member shall serve for a term of 3 years or until his successor has been appointed and qualified, except that no member may serve for more than 2 consecutive terms.

Sec. 5. 7 MRSA §2153, 2nd ¶ is amended to read:

The presence at any meeting of at least 4 5 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. 6. 7 MRSA §2154, as amended by PL 1979, c. 541, Pt. A, §71, is further amended to read:

§2154. Powers; rules

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~~ The commitments of ~~said~~ the board shall not exceed in the aggregate the amount of funds which may be made available to it. In addition, the board shall be advisory to and shall have authority to work with and through the Maine Agricultural Experiment Station of

the University of Maine and other public and private agencies, in conducting and carrying on a program of production of foundation seed potatoes annually. Said The board shall 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 or providing for the testing thereof, and any salable material resulting from ~~such~~ the ownership or operation may be sold to the best advantage of the board. The board shall have authority to sell or otherwise convey farm real estate and farm equipment no longer required for the purposes of this chapter. Proceeds from ~~such~~ the sale shall be credited to the operating account of the board.

The board shall have the responsibility and full power and authority to make, in a manner consistent with the Maine Administrative Procedure Act, 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 the State, as it may from time to time determine, including, but not limited to, long-range projections of industry trends and needs, contracting with growers to reproduce nuclear seed stock normally grown at the state seed potato farm, determination of the varieties and volume of seed to be grown at the state seed potato farm, allocation of seed to growers for the benefit of the entire state potato industry, development of a standardized commercial seed testing program for new varieties, if no such procedure exists under the auspices of the Maine Agricultural Experiment Station, and to exercise any other power which may be conferred upon the board by law.

The board is authorized to pay to the Town of Masardis in lieu of taxes a sum, in the discretion of the board, which will compensate ~~said~~ the town in whole or in part for loss of real estate taxes due to state ownership of real estate now used for seed potato purposes.

Sec. 7. 7 MRSA §2155, as amended by PL 1971, c. 594, §10, is repealed and the following enacted in its place:

§2155. Records and proceedings

1. Administration. The Seed Potato Board shall elect a secretary, who need not be a member of the board, and the commissioner shall have authority to employ a managing director and such agents as may be necessary, subject to the Personnel Law, to consummate any and all programs which it may institute, as authorized under the terms of this chapter 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, upon the audit and warrant of the State Controller and charged against any and all appropriations which may be annually made available for its use as stipulated.

2. Program plan. The managing director shall present to the board, at least annually, a program plan for the board's consideration and specific action, which plan shall include an assessment of the seed potato industry, a projection of demand for seed by variety in the various marketing areas, the impact of significant changes in seed potato acreage, the capital needs of the state seed potato farm, considering current and future technology, proposals to improve the varieties and quality of Maine seed potatoes, recommendations to promote the sale of Maine seed, and to other such matters the managing director deems appropriate.

Sec. 8. 7 MRSA c. 411 is enacted to read:

CHAPTER 411

CONTROL AND ERADICATION OF POTATO PESTS AND DISEASES

§2351. Legislative intent

The Legislature finds that the potato industry contributes significantly to the social and economic well-being of the people of the State and that the control and eradication of pests and diseases which threaten the viability of the industry must remain a high priority in the formulation of public policy.

§2352. Responsibility of the commissioner

The commissioner may institute such pest control survey programs as he deems essential to the welfare of the industry. He may, in conjunction with the Maine Agricultural Experiment Station, and other public and private agencies, and in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, designate by rule those potato pests and diseases which pose a threat to the Maine potato industry, and by rule provide for the inspection, seizure, destruction or other deposition of any seed, plant, culls or other materials within the State whenever he finds such materials to be infested, or are reasonably believed to be infested, with any designated pest or disease, and further provide for the disinfection of any vehicle or other conveyance so infested.