

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

to affect the meaning of the term "for public use" as used in Title 35-A.

See title page for effective date.

**CHAPTER 711**

**H.P. 1440 - L.D. 2004**

**An Act to Ensure Long-term Funding of the Maine Agricultural Experiment Station Research Farms Connected with Land Grant Colleges**

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

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

<u>4-A.</u>	<u>Board of</u>	<u>Legislative</u>	<u>7 MRSA</u>
<u>Agriculture</u>	<u>Agriculture</u>	<u>Per Diem</u>	<u>§125</u>

**Sec. 2. 7 MRSA c. 5** is amended by repealing the chapter headnote and enacting the following in its place:

**CHAPTER 5**

**BOARD OF AGRICULTURE AND MAINE AGRICULTURAL EXPERIMENT STATION**

**Sec. 3. 7 MRSA §121**, as amended by PL 1985, c. 779, §25, is repealed and the following enacted in its place:

**§121. Maine Agricultural Experiment Station**

**1. Establishment.** The department of the University of Maine System known and designated as the Maine Agricultural Experiment Station, referred to in this section as the "station," established at the University of Maine at Orono in connection with the university and under the direction of the university, the director and the Board of Agriculture, for the purpose of carrying into effect an Act of the Congress of the United States, approved March 2, 1887, to establish agricultural experiment stations in connection with the colleges established in the several states under an Act approved July 2, 1862, and of the Acts supplementary thereto, must be maintained in accordance with the purposes for which it was originally established.

**2. Director.** The President of the University of Maine at Orono, in consultation with the Board of Agriculture, shall appoint for a term of 5 years the Director of the Maine Agricultural Experiment Station, referred to in this section as the "director." After the term has expired, the director is eligible for reappointment. The director may be removed by the

President of the University of Maine at Orono, in consultation with the Board of Agriculture, for cause. The director shall work with the Board of Agriculture to oversee the work of the university faculty at the station. The director of the station is the executive and administrative officer of the station and shall exercise supervision, direction and control over the station in accordance with the programs and policies of the University of Maine System and those established by the Board of Agriculture.

**Sec. 4. 7 MRSA §§122 to 124** are amended to read:

**§122. Orchardling and crops**

The Maine Agricultural Experiment Station shall conduct scientific investigations in orcharding, corn and other farm crops and, to this end, shall maintain the ~~farm~~ farms heretofore purchased in the name of the State, and stocked and equipped for the use and benefit of ~~said~~ the station. The Director of the Maine Agricultural Experiment Station ~~shall have, with the agreement of the Board of Agriculture,~~ has the general supervision, management and control of ~~said farm~~ those farms and of all investigations thereon. The board and the director shall seek agreement on all issues. In the event that agreement can not be reached, final authority rests with the director.

**§123. Animal husbandry**

The Maine Agricultural Experiment Station shall conduct scientific investigations in animal husbandry, including experiments and observations on dairy cattle and other domestic animals, and ~~such~~ these investigations ~~shall be~~ are under the control of the director of ~~said~~ the station with the agreement of the Board of Agriculture. The experiments in animal husbandry may be conducted at any of the farms owned by the State. The board and the director shall seek agreement on all issues. In the event that agreement can not be reached, final authority rests with the director.

**§124. Expenditure of appropriation**

~~Such sums as shall be~~ Sums that are appropriated in favor of the Maine Agricultural Experiment Station ~~shall~~ must be expended by the director of ~~said~~ the station with the agreement of the Board of Agriculture in executing ~~section~~ sections 121, 122 and 123. The board and the director shall seek agreement on all issues. In the event that agreement can not be reached, final authority rests with the director.

**Sec. 5. 7 MRSA §125** is enacted to read:

**§125. Board of Agriculture**

**1. Establishment; duties.** The Board of Agriculture, referred to in this section as the "board," as

established in Title 5, section 12004-G, subsection 4-A, is created within the University of Maine System. The board shall advise the Chancellor of the University of Maine System and the President of the University of Maine at Orono on matters concerning the operation and management of agricultural research conducted by the Maine Agricultural Experiment Station and university farm-based programs, including those of the University of Maine Cooperative Extension Service. The board's duties are limited to advising the chancellor and the president on research and programs relating to agriculture. The board does not advise the Director of the Maine Agricultural Experiment Station or have a role in the operation of research and programs within the Maine Agricultural Experiment Station that relate to forestry, wildlife, or fisheries and aquaculture. The board shall assist the chancellor and the president in articulating the mission of the Maine Agricultural Experiment Station as it pertains to agriculture. The director, with the agreement of the board, shall develop a budget for the station. The board and the director shall seek agreement on all issues. In the event that agreement can not be reached, final authority rests with the director. The board may not interfere with funding and grants for commodity research programs brought to the University of Maine System directly or through the efforts of commodity groups. The board shall respect the expertise of the various commodity groups and shall maintain the integrity of the research being recommended and reviewed by specific commodity groups. The board shall assist in the coordination of activities with commodity groups interested in or supporting agricultural research. The board shall consult with the following agricultural commodity advisory committees on agricultural research and extension priorities:

A. The University of Maine System Wild Blueberry Advisory Committee; and

B. The Maine Potato Board Research and Product Development Committee.

**2. Membership.** The board consists of the following 19 members:

A. A designee of the President of the University of Maine at Orono;

B. A designee of the Chancellor of the University of Maine System;

C. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee;

D. The president of a statewide farm bureau;

E. The president of a statewide agricultural council;

F. Eight members representing the agricultural industry, one person designated by each of the following:

(1) The Maine Potato Board;

(2) The Wild Blueberry Commission of Maine;

(3) A statewide pomological society;

(4) A statewide vegetable and small fruit growers association;

(5) A statewide dairy industry association;

(6) A statewide landscape and nursery association;

(7) A statewide florist and growers association; and

(8) A statewide organic farmers and gardeners association;

G. Two members of the joint standing committee of the Legislature having jurisdiction over agricultural matters, one appointed by the President of the Senate and one appointed by the Speaker of the House;

H. One farmer with livestock experience in an area other than dairy farming, chosen from a list of 3 nominees submitted by a statewide beef and sheep producers association, appointed by the Governor;

I. Two research faculty members associated with agricultural research at the University of Maine at Orono, appointed by the Board of Trustees of the University of Maine System; and

J. The Director of the University of Maine Cooperative Extension Service.

**3. Terms.** Each member serves a term of 5 years, except that the terms of legislative members expire the first Wednesday in December of even-numbered years. Vacancies must be filled by the appointing authority to complete the term of the preceding appointee.

**4. Chair; secretary.** The board shall select annually one of its members to serve as chair. The Director of the Agricultural Experiment Station shall serve as secretary to the board but the director is not a member of the board and has no vote.

**5. Compensation.** The board members are entitled to legislative per diem compensation for attendance at board meetings in accordance with Title 5, chapter 379.

**6. Report.** The Board of Agriculture shall report at least annually to the joint standing committee of the Legislature having jurisdiction over agricultural matters and to the Board of Trustees of the University of Maine System. The report must include an accounting of meetings and actions of the Board of Agriculture, including agreements entered into, status of demonstration projects, research findings, informational activities and an evaluation of the Maine Agricultural Experiment Station and Cooperative Extension Service programs, with recommendations regarding changes or improvements in the programs and the budget. The Board of Agriculture shall submit annually to the Board of Trustees of the University of Maine System proposals for additional funding for capital building projects at the research farms.

**7. Long-range plan.** By November 1, 1998, the board shall establish a long-range plan for operation of the Agricultural Experiment Station and the Cooperative Extension Service programs that includes but is not limited to plans for each of the research farms, joint appointments for experiment station and extension faculty, better utilization of research farms and objectives for research for each agricultural commodity in the State. The plan developed by the board does not include operations, research and programs relating to forestry, wildlife, aquaculture and fisheries.

**Sec. 6. Maine Agricultural Experiment Station; budget.** Beginning with fiscal year 1999-2000, the Board of Trustees of the University of Maine System shall strive to allocate funds for the experimental farms within the Maine Agricultural Experiment Station at or above the fiscal year 1995-96 funding level. For fiscal years 2000-01 to 2001-02, the board of trustees shall strive to increase the funding for each experimental farm by a minimum of 5% per year above that farm's 1995-96 funding. Capital building projects must be funded from within the university facilities management budget.

See title page for effective date.

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**CHAPTER 712**

**S.P. 771 - L.D. 2098**

**An Act to Improve the Integrity of Notaries Public**

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

**Sec. 1.** 4 MRSA §955-A, as repealed and replaced by PL 1987, c. 573, §2, is repealed.

**Sec. 2.** 4 MRSA §955-C is enacted to read:

**§955-C. Disciplinary action; grounds; procedure; complaints**

**1. Grounds.** The Secretary of State may suspend, revoke or refuse to renew the commission of a notary public in the State. The Secretary of State's actions may be based on any of the following grounds:

A. The notary public has performed in an improper manner any duty imposed upon the notary public by law;

B. The notary public has performed acts not authorized by law;

C. The notary public is in violation of section 954-A; or

D. The notary public has been convicted of a crime as defined by rules adopted by the Secretary of State. These rules must provide that a conviction for perjury, false swearing, bribery, corrupt practices or forgery or related offenses may be a basis for the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**2. Procedure.** A notary public commission may not be suspended, revoked or refused for renewal for the reasons set forth in subsection 1 without prior written notice and opportunity for hearing. A notary public commission may not be suspended, revoked or refused for renewal under this section except by a decision by the Secretary of State or the Secretary of State's designee.

**3. Complaints.** Any person may file a complaint with the Secretary of State seeking disciplinary action against a notary public. Complaints must be in writing in a form prescribed by the Secretary of State. The Secretary of State may also bring a complaint against a notary public if the Secretary of State determines that the notary public may have violated the provisions of subsection 1. If the Secretary of State determines that a complaint alleges facts that, if true, would require revocation, suspension or nonrenewal of commission or other disciplinary action, the Secretary of State shall conduct a hearing pursuant to the Maine Administrative Procedure Act. Whenever the Secretary of State establishes that a complaint does not state facts that warrant a hearing, the complaint may be dismissed. Persons making complaints must be advised in writing of all formal decisions made by the Secretary of State regarding that complaint. Any person whose notary public commission has been suspended, revoked or refused for renewal may apply to the Secretary of State in writing for the reinstatement of the notary public commission or as set by rule for convictions pursuant to subsection 1, paragraph D