

MAINE STATE LEGISLATURE

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A REPORT OF THE
JOINT STANDING COMMITTEE
ON
AUDIT AND PROGRAM REVIEW

Sunset Reviews of Group A-1 Departments and Independent Agencies

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 CARROLL E. MINKOWSKY, DISTRICT 14

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STATE OF MAINE

ONE HUNDRED AND NINTH LEGISLATURE

COMMITTEE ON AUDIT AND PROGRAM REVIEW

December 31, 1979

Members of the Legislative Council:

Enclosed is the first report of the Joint Standing Committee on Audit and Program Review. In accordance with the Maine Sunset Law, the report briefly summarizes a great deal of factual information and careful deliberations, and presents a number of recommendations for consideration by the Legislature. These recommendations are listed in the green pages at the front of the report, explanations and detail information are found in the yellow section and implementing legislation appears in the blue section.

This first year has been a learning experience -- learning not only about the departments and agencies reviewed, but about the costs and benefits of the Sunset process. While the Committee has not recommended the automatic termination of any of the independent agencies listed in the Sunset Law, we have made 36 recommendations requiring statutory change and 11 recommendations that can be implemented administratively. Further, we recommend outright elimination of six programs within the departments reviewed. The net fiscal impact of these changes represents a savings to the General Fund of \$272,350.

It is important to remember, however, that Sunset is more than eliminating programs or saving dollars. Its purpose is to review program goals and objectives in order to determine if they are being met as effectively as possible. To this end, the Committee feels it has been quite successful. For example, three state departments were found to have overlapping licensing or inspection mandates in four separate areas relating to food oriented businesses. Many small dedicated revenue programs that are not subject to legislative review on a regular basis were found as well. The changes recommended by the Committee in these areas are not dramatic, but they are important because these problems might not have been addressed without the Sunset process.

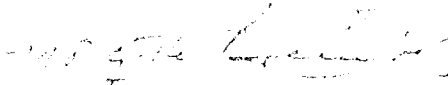
The Committee has had some very informative discussions with the agencies under review. We have exchanged views and listened to each other's concerns. This kind of dialogue about overall program objectives and operations by itself is a promising development in the Legislature's exercise of its oversight role. We have had excellent cooperation with the agencies reviewed and we appreciate their assistance because it has made our task much easier.

The Committee recognizes that some of its recommendations may be controversial. However, we urge the full Legislature to consider these proposals carefully, with the understanding that they reflect many hours of study and discussion. Throughout the entire process our major objective has been to make State government more efficient and less costly while continuing to provide high levels of service to the Citizens of Maine.

Sincerely,



James A. McBreairty
Senate Chairman



Georgette B. Berube
House Chairman

enclosures

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ERRATA PAGE

1. The section reference to the left of Recommendation 8 (page 2) should read "Sec. 19, 48"
2. The following information was inadvertently omitted after page 16 and before page 17.

The Commissioner of Agriculture is currently charged with overseeing the registration of all pesticides sold in the state and insuring that all pesticides are properly labeled, handled, transported, stored, displayed and distributed. The Commissioner may also issue experimental use permits in order to develop information necessary for registration. The Commissioner's authority in these matters is limited by federal regulations established by the U. S. Environmental Protection Agency.

The Board of Pesticides Control regulates the sale and application of pesticides by: Testing and certifying commercial and private pesticide applicators; licensing pesticide dealers; and establishing regulations for the handling and use of restricted and limited use products.

Although there is currently no overlap in function between the Board and the Department, the activities of both are closely related. Board personnel regularly refer to registration information in carrying out the Board's responsibilities. Adding registration to the Board's functions would put all pesticide control activities under one organization. This would maximize coordination and allow for more staff flexibility within the Board.

RECOMMENDATION: Transfer pesticide registration fees to the Board of Pesticides Control in order to support the work of the Board.

3. The following sections were inadvertently omitted after section 54 and before section 56 of the bill printed on the blue pages of the report.

6. Licenses. Licenses issued under this section shall be displayed, renewed and in every other way treated the same as licenses issued under this subchapter on the basis of inspection by the department.

Sec. 22 MRSA §2491, sub-§7, as enacted by PL 1975,

c. 496, §3, is amended to read:

7. Eating establishment. "Eating establishment" means any place where food or drink is prepared and served, or served to the public for consumption on the premises, or catering establishments, or establishments dispensing food from vending machines, or establishments preparing foods for vending machines dispensing

foods other than in original sealed packages, such as hotels, motels, boarding homes, restaurants, mobile eating places, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tearooms, sandwich shops, soda fountains, bars, cocktail lounges, night clubs, roadside stands, industrial feeding establishments, private or public institutions routinely serving foods, ~~stores,~~ retail frozen dairy product establishments, airports, parks, theaters, vacation camps or any other catering or nonalcoholic drinking establishments or operations where food is prepared and served or served for consumption on the premises, or catering establishments where food is prepared, or where foods are prepared for vending machines dispensing food other than in original sealed packages.

Sec. 56.22 MRSA §2491, sub-§15 is enacted to read:

15. Retail frozen dairy product establishment. "Retail frozen dairy product establishment" means any place, premise or establishment and any part thereof where frozen dairy products, such as ice cream, frozen custard, ice milk, sherbet, ices and related food products are prepared for consumption on or off premises.

SUMMARY OF RECOMMENDATIONS

TYPE OF
CHANGE

RECOMMENDATION

DEPARTMENT OF AGRICULTURE

- | | |
|--|---|
| Statutory
Part A, Sec. 73,
Part B | 1. Eliminate General Fund support for the Production and Pullet test at Monmouth Farm, because agricultural research is more appropriately conducted by the University of Maine with industry support and consultation. |
| Statutory
Part A, Sec. 2,
3, 39 | 2. Eliminate State payments of claims for damage to livestock done by wild animals because these payments are being made from dog license revenues. |
| Statutory
Part A, Sec. 2,
3, 40, Part
B | 3. Eliminate State payments of claims for damage to beehives done by wild animals because there are methods available to prevent beehive damage. |
| Statutory
Part A, Sec.
21, 22 | 4. Eliminate the statutes regulating flour, bread and rolls, mineral oil and vinegar as controlled products because these statutes are outdated and not enforced. |
| Statutory
Part A, Sec.
47, Part B | 5. Eliminate the state meat inspection program which will cost the General Fund an estimated \$114,000 in 1979-80. The current level of inspection services will be maintained because the federal government will assume these responsibilities. |
| Statutory
Part A, Sec.
29 | 6. Remove unnecessary statutory stipulations regarding the Bee Inspector's compensation. |
| Administrative | 7. Require the Certification of Seed program to make an annual payment to the Seed Potato Board in an amount equal to the value of services rendered. |

TYPE OF CHANGE	RECOMMENDATION
Statutory Part A, Sec. 19, 28	8. Assign pesticide registration activities to the Board of Pesticides Control to consolidate pesticide regulation in one agency.
Statutory Part A, Sec. 28	9. Transfer pesticide registration fees to the Board of Pesticides Control in order to support the work of the Board.
Statutory Part A, Sec. 18	10. In order to minimize sample analysis costs, permit the Department of Agriculture the option of having this sample testing done at some facility other than the Maine Agriculture Experiment Station.
Statutory Part A, Sec. 25	11. Increase the amount of bond required before a potato dealer license is issued to more accurately reflect the current value of potatoes.
Statutory Part A, Sec. 12-14, 42-43 Part B	12. Replace the mandated General Fund stipend contribution of 3¢ per inhabitant with an increase from 1% to 1.25% of the percentage of harness racing wagering which is credited to the Stipend Fund for the support of state agricultural fairs.
FINDING	13. In several instances Department accounts have not been used solely or fully to fund the activities for which the funds were collected or appropriated.
General See Rec. 15-21	14. COMBINE VARIOUS DEPARTMENTAL REGULATORY PROGRAMS IN ORDER TO IMPROVE EFFICIENCY, REDUCE COSTS AND MINIMIZE DISRUPTIONS TO STORES AND BUSINESSES STATEWIDE.
Statutory Part A, Sec. 55-57	15. Eliminate overlapping sanitation inspections conducted by the Departments of Human Services and Agriculture in grocery stores and food manufacturing establishments by assigning these responsibilities solely to the Department of Agriculture.

TYPE OF CHANGE	RECOMMENDATION
Statutory Part A, Sec. 49-53	16. Establish a licensing requirement for retail stores and food manufacturers to improve administrative control of inspection activities.
Statutory Part A, Sec. 30-33, 35, 37, 38,57	17. Eliminate overlapping licensing and inspections of retail Frozen Dairy and other food establishments by the Departments of Agriculture and Human Services by assigning this work solely to the Department of Human Services.
Statutory Part A, Sec. 46	18. Amend the marine resources statutes to eliminate Department of Marine Resources responsibilities for sanitation inspections for fish products other than shellfish because the Department of Agriculture currently does these inspections.
Administrative Also see Rec. 21	19. Recommend that the Department of Agriculture review the various regulatory activities under its jurisdiction to minimize the number of departmental inspectors visiting a single business establishment.
Statutory Part A, Sec. 54	20. Permit inspection activities conducted by the Department of Agriculture to be turned over to municipal authorities upon request, if the municipality demonstrates that it can conduct such inspections according to standards established by the Department.
Legislative Part B & C	21. Transfer the Branding Law program to the Division of Inspections so that part of the Branding Law program dealing with grocery stores can be combined with food inspection activities.
General See Rec. 23-26	22. MODIFY THE FUNDING SOURCES OF SOME PROGRAMS WITHIN THE DEPARTMENT OF AGRICULTURE TO BETTER REFLECT THE PRIMARY OBJECTIVES OF THESE PROGRAMS.

TYPE OF CHANGE	RECOMMENDATION
Statutory Part A, Sec. 20,24,44,61, Part C	23. Shift the weights and measures, feed inspection and fertilizer inspection programs from dedicated funding to General Fund status in order to clarify the consumer protection aspects of these programs. At the same time, revenues derived from these programs should be deposited in the General Fund.
Statutory Part A, Sec. 15-17	24. Clarify the statutes governing the department's voluntary shipping point inspection programs and require such programs to be self financing by the industry requesting them.
Legislative Part B	25. Fund the Blueberry Fly Inspection program entirely from fees charged to blueberry processors for inspection services, because this is primarily a voluntary shipping point inspection program aimed at improving the marketing potential of inspected blueberries.
Administrative	26. Recommend that the Commissioner of Agriculture move the Blueberry Fly Inspection program from the Division of Inspections to the Division of Markets and Promotions which is responsible for the Department's other voluntary inspection programs.
General See Rec. 16 and 28	27. ESTABLISH LICENSE FEES FOR THOSE INSPECTION PROGRAMS WHICH ARE COMPARABLE TO OTHER INSPECTION ACTIVITIES WHICH NOW HAVE MANDATED FEES.
Statutory Part A, Sec. 26	28. Establish inspection fees to be paid by manufacturers or processors distributing seed in the state to help pay for the cost of the state's seed inspection activities.
General See Rec. 30 - 32	29. INCREASE VARIOUS INSPECTION FEES IN THOSE INSTANCES WHERE THEY ARE OUTDATED.
Statutory Part A, Sec. 27,28	30. Increase the beehive license fee from 10¢ per colony with a \$1.00 minimum to 25¢ per colony with a \$2.00 minimum in order to offset increased General Fund expenditures for registration and inspection of beehives.

TYPE OF CHANGE	RECOMMENDATION
Statutory Part A, Sec. 23,60	31. Increase fertilizer registration fees from \$9 to \$12 per element and increase the fertilizer tax from 9¢ to 12¢ per ton, to offset the increased operating cost of the fertilizer program.
Statutory Part A, Sec. 34-36	32. Modify licensing fees for milk dealers to better reflect the current organization of the industry.
Statutory Part A, Sec. 62,63	33. Provide a formal mechanism to allow potato growers and shippers to nominate their representatives to the Maine Potato Commission in order to assure widespread industry input to the appointment process.

DEPARTMENT OF DEFENSE & VETERANS SERVICES

Administrative	34. Require the Department to review Title 37-A in order to determine those sections which may be out of date, and to report any findings or suggested changes in the statutes to the 110th Legislature.
Administrative	35. Recommend that the Department regularly review, evaluate and adjust accordingly the schedule of rental fees for nonmilitary use of state armories to keep fees up-to-date.
Statutory Part A, Sec.64- 69, 74, Part B	36. Repeal the pension laws because the eligibility requirements are no longer applicable.
Statutory Part A, Sec. 70,70-A	37. Eliminate the direct payment of up to \$300 for students who also receive free in-state tuition because many other forms of educational assistance are now available.
Finding	38. In some cases, duplicate payments have been made to individuals who receive financial aid under the World War Assistance Program and are then determined eligible for certain federal assistance programs.

TYPE OF
CHANGE

RECOMMENDATION

- Statutory
Part A, Sec.
72
39. Allow the Bureau of Civil Emergency Preparedness to work with all necessary municipalities and state agencies in order to improve emergency planning related to peaceful use of nuclear or atomic materials.
- Administrative
40. Recommend that the Bureau more actively pursue its mandate to consult with local emergency preparedness agencies.
- Statutory
Part A, Sec.
58
41. Eliminate the Hazardous Materials Advisory Board because it has no legislative mandate or purpose.
- Statutory
Part A, Sec.
71
42. Eliminate the Civil Emergency Preparedness Council because of its inactivity and limited value to State Government.

INDEPENDENT AGENCIES

- Statutory
Part A, Sec.1
43. Continue the following independent agencies under the provisions of the Maine Sunset Law. Some administrative or legislative changes are recommended.
Maine Seed Potato Board
State Harness Racing Commission
Maine Agricultural Bargaining Board
Board of Pesticide Control
State Planning Office
- Legislative
Part D
44. Forgive the Maine Seed Potato Board the \$60,000 in loans outstanding from the General Fund because the State actually owns the land purchased with the money, not the Board.
- Administrative
45. If necessary, allow the Maine Seed Potato Board to borrow operating funds from the Contingency Account to cover temporary cash flow problems inherent in its farm operation.

TYPE OF
CHANGE

RECOMMENDATION

Statutory
Part A, Sec.
41, Part B

46. Provide that the members of the Maine Harness Racing Commission receive per diem compensation of \$50 per meeting plus expenses, in lieu of their current salary in order to bring compensation in line with that of other Boards and Commissions in the Department of Agriculture.

Legislative
Part B

47. Eliminate the General Fund appropriation to the Agricultural Bargaining Board because the Board has no regularly scheduled meetings.

STATE PLANNING OFFICE

Finding

48. In many instances there has been very little accountability to the Legislature for specific projects and activities undertaken by the Planning Office.

Administrative

49. Recommend that in order to provide more legislative focus to projects and activities undertaken by the Planning Office, it should present biennially for legislative review and approval, a list of proposed policy issues to receive special attention by SPO over the succeeding two year period. The State Planning Office should solicit input from appropriate substantive legislative committees before developing this list of proposed policy issues.

Legislative
Part B

50. Eliminate special projects and other studies of general government issues unless there is specific financial support for each project.

Statutory
Part A, Sec.
4-6

51. Revise SPO's statutory responsibilities to (1) eliminate the mandate to develop a Maine Comprehensive Plan; (2) mandate instead the development of coordinated goals and policies; and (3) clarify "technical assistance" to be provided to the Governor and Legislature.

Statutory
Part A, Sec.
11

52. Repeal statutory references to the Commission on Maine's Future because the Commission's Final Report has been completed and its statutory life expired November 1, 1977.

TYPE OF
CHANGE

RECOMMENDATION

- | | |
|----------------------------------|---|
| Statutory
Part A, Sec.
59 | 53. Eliminate the Maine State Housing Authority's data collection mandate because it duplicates a similar mandate to the State Planning Office. |
| Administrative | 54. Recommend that the Governor consider moving the A-95 State Clearinghouse function to the Governor's Office in order to assure the broadest perspective in reviewing federal grant applications. |
| Statutory
Part A, Sec.
7 | 55. Clarify legislative intent that the Critical Areas Program is an identification and registration program only. |
| Statutory
Part A, Sec.
10 | 56. Eliminate the mandatory requirement that owners of registered critical areas notify the Critical Areas Advisory Board 60 days prior to change in the use of character of the area because this requirement is inconsistent with the voluntary nature of this program. |
| Administrative | 57. Recommend that all state-owned property which has been identified as a critical area by the Critical Areas Advisory Board should be included on the Register of Critical Areas to make that register as complete as possible. |
| Statutory
Part A, Sec.
8,9 | 58. Eliminate overlap between the Critical Areas and Historic Preservation statutes by eliminating historic sites from consideration as critical areas. |
| Statutory
Part A, Sec.
45 | 59. Permit district attorneys to enforce the provisions of a local Shoreland Zoning Ordinance upon the request of an authorized municipal official because some towns lack the resources to prosecute violators. |

TYPE OF
CHANGE

RECOMMENDATION

Statutory
Part A, Sec.
1

60. Continue the following independent agencies without legislative or administrative change under the provisions of the Maine Sunset Law.

Maine Blueberry Commission
Blueberry Industry Advisory Board
Maine Milk Commission
Board of Veterinary Medicine
Maine Milk Tax Committee
Maine Dairy and Nutrition Council
State Lottery Commission

During 1979, the Audit and Program Review Committee was charged under the Maine Sunset Law with reviewing the work of the Department of Agriculture, the Department of Defense and Veterans Services and twelve independent agencies. The Committee's Sunset review process is summarized below.

October 1978. The departments and agencies scheduled for review submitted a justification report for each of the 69 programs to be reviewed. These reports are available upon request.

January - May 1979. The Committee conducted 18 public hearings covering each of the justification reports submitted.

July - November 1979. The Committee held 13 full committee meetings and 16 subcommittee meetings to develop the recommendations contained in this report. Included was a hearing in Presque Isle to get input on agricultural programs with special impacts in Aroostook County. The Committee also mailed 169 questionnaires to municipalities throughout the state to find out how towns are served by the State Planning Office. At one point, four justification reports were returned to the State Planning Office when the Committee found them to be inadequate. The Planning Office subsequently rewrote and resubmitted six satisfactory reports in place of those returned.

The following report represents the majority opinion of the Committee with respect to each program reviewed, based on information received by the Committee to date. An additional public hearing on each segment of the accompanying "Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" is planned after the bill is referred back to the Committee in January.

The opinions of individual committee members on each of the recommendations included in this report will be indicated when the Committee reports the bill back to the full Legislature after these hearings.

DEPARTMENT OF AGRICULTURE

DESCRIPTION

The Maine Department of Agriculture is charged with improving agriculture and advancing the interests of animal husbandry in the state. In addition, the Department has a number of consumer protection responsibilities. The Department's programs cost an estimated \$4,460,000 annually, 33% of which comes from the General Fund. Most of the remaining two-thirds is from various dedicated revenues. The Department currently has about 230 full-time employees. About one-third of these employees work in Augusta with the remainder stationed throughout the state.

There are six divisions within the Department. The Commissioner of Agriculture is also responsible for twelve independent boards and commissions under the agricultural "umbrella". The work of some of these boards and commissions is tied quite closely to programs within the Department. The Department's six administrative units are described briefly below.

Animal Industry Division. The Animal Industry Division which represents about 12% of the Department's total budget is responsible for a variety of animal disease control programs. Some of the Division's 16 employees also do animal husbandry work and operate a poultry research facility at Monmouth Farm. In addition, Animal Industry oversees administration of the state's dog laws, including reimbursements to shelters for the care of stray animals, and to farmers for damage done by dogs and wild animals.

Animal Welfare Division. This is the smallest division in the Department, representing only 2% of the total budget. It is essentially a law enforcement program with 2 full-time and 16 part-time agents responsible for enforcing the state's humane laws.

Division of Plant Industry. This division is primarily responsible for plant disease control programs within the Department. Other activities include a certification program which evaluates the quality of seed potatoes; bulk purchasing apple tree seedlings for resale to orchardists, and two small programs to assist beekeepers. The Plant Industry Division includes 21 full-time positions and represents 12% of total departmental expenditures.

Inspections Division. The Department has several consumer protection mandates which are carried out in large part by the 49 employees of the Inspections Division. These mandates include regulation of sanitary conditions in the preparation, handling and sale of dairy products, meat, sardines and other manufactured foods and beverages. Additionally, Inspections is responsible for regulating and checking all scales and measuring devices in the state. This division verifies the labeling accuracy and quality of animal feed, seeds and fertilizer sold in the state as well as registering and supervising the storage and handling of pesticides. The Inspections Division accounts for about a quarter of the total departmental budget.

Division of Markets and Promotions. Markets and Promotions encourages sales of agricultural products through a variety of promotional activities, shows and fairs (including the Eastern States Exposition) and distribution of promotional films. It assists the agricultural community by collecting and disseminating information through newsletters and a seasonal market reporting service. Markets and Promotions also administers the voluntary shipping point inspection program, which verifies the quality of various agricultural products, primarily potatoes and poultry. Finally, this division enforces the state's commodity branding laws. The Markets and Promotion Division employs a full-time staff of 110 and spends 38% of the Department's total budget.

Administrative Services Division. Centralized accounting, record-keeping and personnel activities are handled by Administrative Services personnel. This division also administers the Stipend Fund which provides financial support to the state's agricultural fairs. Administrative Services costs, including the Commissioner's office, represent 13% of total departmental expenditures. About half of this 13% are payments under the Stipend program.

COMMITTEE FINDINGS AND RECOMMENDATIONS

RECOMMENDATION: Eliminate General Fund support for the Production and Pullet test at Monmouth Farm, because agricultural research is more appropriately conducted by the University of Maine with industry support and consultation.

The Department's Production and Pullet test was established by Legislative Resolve in 1929. Since 1966, the facility has been used primarily to test the effects of environmental factors such as lighting on egg production. Although the Department publishes test results, it has not developed an active mechanism for soliciting industry input about research topics or for evaluating the value of research which has been undertaken.

The Production and Pullet test is the only research activity managed by the Department of Agriculture. It is estimated to cost \$79,400 in fiscal year 1980. The farm will generate revenues of approximately \$35,900 from the sale of chickens and eggs.

The Agricultural Experiment Station at the University of Maine is charged with conducting "scientific investigations in animal husbandry". It oversees a variety of research projects related to all of Maine's important agricultural commodities, including poultry.

Communications between the industry and the Experiment Station is encouraged both by formal or semi-formal industry advisory groups and through the commodity specialists employed by the Extension Service. In the case of the blueberry, potato, dairy and sardine industries, financial support from commodity taxes help both to finance research projects and to insure active industry involvement in the research being carried out.

The Committee recommends that General Fund support for this Program be eliminated from the Department of Agriculture because research of this type is more appropriately conducted by the University. Competition for research dollars at the Experiment Station helps to assure that the most worthwhile projects get funded. A financial commitment from the industry will further insure the usefulness of whatever projects are undertaken.

The Committee encourages the poultry industry and the Agricultural Experiment Station to work together to develop for its consideration a proposal for constructive use of the Monmouth facility. Until such a proposal is developed and approved, however, the Committee recommends that the current appropriation be eliminated resulting in an estimated net General Fund savings of \$38,000.

RECOMMENDATION: Eliminate state payments of claims for damage to livestock done by wild animals because these payments are being made from dog license revenues.

The state currently pays compensation for damage done to livestock by wild animals from dog license fees. These damages amounted to \$7600 in fiscal year 1979.

The Committee finds that it is inappropriate to pay for wild animal damage from dog license revenues because dog owners are not responsible for this damage. In that the state does not pay for personal property or crop damage done by wild animals, the Committee recommends that all livestock damage payments be eliminated. The Committee further recommends that a specific statement that the state will not pay these damages be added to the statutes relating to the State Claims Board to discourage individual claims to the Legislature once the current program is eliminated.

RECOMMENDATION: Eliminate state payments of claims for damage to beehives done by wild animals because there are methods available to prevent beehive damage.

The state pays up to \$50 per hive for damages to beehives done by wild animals. Once a payment is made, further claims are not honored unless the owner has taken protective measures such as putting up an electric fence. These damage payments, which are made from a General Fund appropriation, amounted to \$1690 in fiscal year 1979.

In light of the above recommendation regarding damage to livestock, and because there are methods of protecting hives in most cases, the Committee recommends that beehive damage payments also be eliminated. Otherwise, these payments would be the only remaining instance in which wildlife damage claims would be paid.

This recommendation will permit a \$3,000 reduction in the Department's General Fund appropriation in fiscal year 1981.

RECOMMENDATION: Eliminate the statutes regulating flour, bread and rolls, mineral oil and vinegar as controlled products because these statutes are outdated and not enforced.

The vinegar law, established in 1923, prohibits the sale of adulterated or misbranded vinegar. The flour, bread and rolls law requires that all white flour shipped into the state and that all white bread and rolls sold in the state contain specified amounts of vitamins and minerals. This statute was passed in 1945 in anticipation of the lifting of a federal "war order" requiring this same enrichment.

The mineral oil statute, passed in 1947, prohibits articles of food containing mineral oil.

Federal FDA regulations are generally similar to state requirements for vinegar and for flour, bread and rolls labeled "enriched". Federal rules do not prohibit the sale of unenriched flour or bread, however. The FDA also establishes tolerances for maximum quantities of mineral oil to be used as a food additive.

The Maine Department of Agriculture has not enforced these laws for a number of years. The current statutory requirements are, in some cases, slightly stricter than federal FDA requirements so that enforcement might require considerable independent testing and banning of products meeting federal tolerances.

RECOMMENDATION: Eliminate the state meat inspection program which will cost the General Fund an estimated \$114,000 in 1979-80. The current level of inspection services will be maintained because the federal government will assume these responsibilities.

The U.S. Department of Agriculture is responsible for meat inspection activities nation-wide under the Federal Wholesome Meat Act of 1967. All meat slaughtered or processed for interstate shipment must be inspected by federal inspectors.

Under the provisions of the federal act, states have the option of maintaining a state inspection program for meat which will not be shipped out-of-state, provided state inspection standards are equal to federal standards. Federal inspectors spot-check state-inspected plants to insure that federal standards are maintained. Once a state inspection program is approved, meat packers who do not ship interstate have the option of choosing either state or federal inspection. The federal government will fund approximately 50% of the cost of an approved state inspection program.

Maine operates such a state inspection program. Currently, federal inspectors oversee all five of the state's poultry processing plants, nine meat processing plants and five slaughterhouses. State inspectors inspect approximately 21 meat processors, 14 slaughterhouses and 65 "custom exempt" establishments which slaughter and process only animals delivered by the owner for the owner's personal use. The only differences between federal and state regulations currently is that "custom" establishments have had grandfathered regulations governing plant layout and construction. Legislation passed last session (PL 1979, c. 275) will effectively eliminate this difference in regulations.

The total cost of the state program in fiscal year 1980 is estimated to be \$255,000. Federal funds to offset these costs will amount to approximately \$141,000. The remaining \$114,000 is the General Fund cost of the program.

Eighteen states do not have any state inspection program. If Maine's program is eliminated, the federal government would assume the state's inspection responsibilities. Since inspection standards are the same under either program, the public would have the same protection and meat packing establishments would have to conform to the same standards regardless of who does the inspections. For these reasons, the Committee recommends eliminating the state inspection program in order to save the \$114,000 General Fund share of the program's cost.

The 1981 appropriation to the Department of Agriculture does not include salary and other increases authorized under the collective bargaining agreement. For this reason, the amount by which that appropriation should be decreased to implement this recommendation is smaller than the actual General Fund cost of the program.

RECOMMENDATION: Remove unnecessary statutory stipulations regarding the Bee Inspector's compensation.

The Department of Agriculture employs, on a contractual basis, a part-time bee inspector to inspect beehives to detect infectious and contagious diseases.

Currently, the statutes require that this inspector be paid a minimum of \$5.00 per hour, current state mileage rates and other expenses. The Committee feels that compensation for inspection work is more appropriately negotiated between the department and prospective inspectors, rather than established by statute.

Since the statute currently sets a minimum but no maximum payment, this recommendation will not result in any increased cost to the General Fund.

RECOMMENDATION: Require the Certification of Seed Program to make an annual payment to the Seed Potato Board in an amount equal to the value of services rendered.

The State-administered Certification of Seed Program verifies the quality of seed potatoes grown in the State by testing, inspecting fields, and issuing certificates. The Seed Potato Board, a self-supporting independent agency, is required to produce high quality seed potatoes and has the necessary land, personnel and equipment to do so. There are some instances in which the two programs overlap, especially in connection with activities conducted at the Seed Board's Florida farm.

Since 1970, the Seed Potato Board has provided services to the Certification of Seed Program amounting to more than \$10,000 per year without charge. During this same period, the Board has experienced some financial difficulties, while the Certification Program has been able to build up a large revenue surplus.

The Committee makes this recommendation in order to more accurately reflect the true costs of the Certification Program in those areas that utilize the Seed Board's personnel, land and equipment.

RECOMMENDATION: Assign pesticide registration activities to the Board of Pesticides Control to consolidate pesticide regulation in one agency.

Currently registration fees paid by pesticide manufacturers and distributors are dedicated to supporting the registration program within the Department of Agriculture.

The Committee has recommended that this registration program be transferred to the Board of Pesticides Control in order to consolidate pesticide control activities in one agency. The Committee further recommends that revenue from registration fees be dedicated to the work of the Board of Pesticides Control as a whole rather than to support registration activities alone.

In its review of the Board, the Committee has recognized the Board's dependence on federal grants which are expected to drop off substantially after the current fiscal year. Since the stated purpose of both the registration program and the Board is to regulate pesticide use, the Committee finds that registration revenues are appropriately dedicated to the overall work of the Board.

RECOMMENDATION: In order to minimize sample analysis costs, permit the Department of Agriculture the option of having this sample testing done at some facility other than the Maine Agriculture Experiment Station.

Currently, the Department of Agriculture is mandated to have all laboratory analysis of "agricultural, vegetable or tree and shrub seeds, commercial feeding stuff, commercial fertilizer, drugs and food" samples, except milk and cream, done by the Agricultural Experiment Station at the University of Maine at Orono and to pay for the full cost of this analysis. Because of this mandate, the Department has relatively little control over the cost of this testing.

The recommended change would allow the Department to go to some other laboratory if necessary to obtain these services in the most cost-effective manner.

RECOMMENDATION: Increase the amount of bond required before a potato dealer license is issued to more accurately reflect the current value of potatoes.

All potato dealers in the state are required to be licensed by the Department of Agriculture. One condition for obtaining the license is the filing of a bond, the purpose of which is "to insure a licensee's financial responsibility and to protect potato producers by insuring full and prompt payment for potatoes."

The Committee recommends increasing the amount of bond required because the present value of a shipment of potatoes can exceed the amount of the bond in some cases, thereby leaving the grower partly unprotected if the dealer defaults on his payment.

RECOMMENDATION: Replace the mandated General Fund stipend contribution of 3¢ per inhabitant with an increase from 1% to 1.25% of the percentage of harness racing wagering which is credited to the Stipend Fund for the support of State agricultural fairs.

Currently the state is required to contribute from the General Fund an amount equal to 3¢ per inhabitant toward supporting the state's agricultural fairs. In 1978 this amount funded 5% (\$9,950) of state support for prizes awarded at the fairs and all (\$19,900) of the state grants for facilities improvements at non-pari-mutuel fairs. The remaining 95% of state grants for prizes and all of the grants for facilities improvements at pari-mutuel fairs comes from mandated percentages of pari-mutuel wagering.

The Committee finds that agricultural fairs play an important role in maintaining Maine's image as an agricultural state. Therefore, it is appropriate that the state provide some financial support for these fairs. However, the Committee also finds that fairs without pari-mutuel racing are at a disadvantage under the current funding formula.

Consequently, the Committee recommends that the percentage of total wagering that is deposited to the Stipend Fund be increased from 1% to 1.25% and that this increase replace the current 3¢ per inhabitant contribution from the General Fund. The Committee further recommends that the formula for distributing the Stipend be changed so that 45% of this income goes to support the "regular" stipend (Prizes); 40% is used for facility improvements at pari-mutuel fairs; and 15% goes for facility improvements at non-pari-mutuel fairs.

Applied to wagering during the 1978 fair season, the recommended changes mean that the regular stipend would have increased slightly (\$4,439 or 2%), the pari-mutuel facilities improvement fund would have remained the same, and the non-pari-mutuel facilities improvement fund would have increased by \$23,496 (118%). The average payment for facility improvements at non-pari-mutuel fairs would increase from \$1,328 to \$2,891. The average payment for facility improvements at fairs with pari-mutuel racing (\$10,514) would not have changed significantly.

Based on population figures used by the Department to budget for FY 81, elimination of the 3¢ per inhabitant appropriation will reduce General Fund expenditures by \$33,500.

FINDING: In several instances the Committee has found that Department accounts are not being used solely or fully to fund the activities for which the funds were collected or appropriated.

As a result of its review of program costs, the funding of several activities within the Department is questioned by the Committee.

Specifically, sardine plant inspectors are paid from inspection fees collected from sardine packers. In two areas of the state these sardine inspectors also do all food inspections and some meat inspections. This work by sardine inspectors represented about 7% of all food inspections done in 1978-1979. While using these inspectors in this way is an efficient use of manpower, it violates the purpose for which the sardine inspection fees were collected.

In a second instance, the cost of various sample tests done at the Experiment Station laboratory at the University of Maine have not been charged to the appropriate dedicated activity codes within the Inspections Division. Although the University does not bill the Department on a per sample basis so that there are specific charges to each activity, the approximate cost for each type of sample can be estimated. Each activity should be charged accordingly.

In a third instance, the blueberry fly inspection program, which by statute is to be financed by inspection fees, is under the direction of a part-time supervisor paid for from the General Fund. This program is discussed in more detail on pages 25 and 26.

The Committee recommends that the Department review these accounts and modify them where necessary to insure that programs funded from dedicated revenues are actually paid from that account and also that no dedicated account is funding activities other than those for which these funds are collected.

Finally, expenditures of \$9,776 were charged to the Agricultural Bargaining Board in fiscal year 1979 in spite of the Board not having met during that year. The bulk of this amount was to fund a portion of the work of the Food and Farmland Commission. Although appropriate procedures were followed to authorize that expenditure, the Committee notes that the funds should more properly have been transferred from the Board's account to the Department's account before the payment was made.

RECOMMENDATION: COMBINE VARIOUS DEPARTMENTAL REGULATORY PROGRAMS IN ORDER TO IMPROVE EFFICIENCY, REDUCE COSTS AND MINIMIZE DISRUPTIONS TO STORES AND BUSINESSES STATEWIDE.

As part of its review of the work of the department's Inspections Division, the Committee has found that the state conducts a variety of food-related regulatory activities to protect public health and safety. These programs are administered by three different state departments and, in some cases, by authorized municipal enforcement agencies. Within the Department of Agriculture alone there are several different administrative units that may be involved in inspecting any one establishment.

The Committee recognizes the essential need for these protection activities. It also recognizes, however, that it is difficult for the average business person to distinguish between various administrative units of government. Visits from several different inspectors, all perceived to be "the State" are annoying and time-consuming. In order to minimize this annoyance and to reduce inspection costs the Committee makes five specific recommendations:

RECOMMENDATION: Eliminate overlapping sanitation inspections conducted by the Departments of Human Services and Agriculture in grocery stores and food manufacturing establishments by assigning these responsibilities solely to the Department of Agriculture.

There are approximately 660 grocery stores licensed by the Department of Human Services and inspected for sanitary conditions by both Human Services and Agriculture. The Human Services inspection is limited to areas where take-out food is prepared and deli areas. Because Agriculture inspects the entire store, the Committee recommends that licensing and inspection by Human Services be eliminated.

RECOMMENDATION: Establish a licensing requirement for retail stores and food manufacturers to improve administrative control of inspection activities.

The Department of Agriculture does not license the grocery stores or food manufacturers it inspects. This lack of licensing authority contributes to the current situation in which there is no specific record of establishments to be inspected. Licensing also provides another mechanism for insuring that the Department's sanitation standards are met.

In order to facilitate better control of Agriculture's food related inspections, the Committee recommends that all food establishments inspected by the Department be subject to a licensing requirement. This recommendation will also assure more comparable treatment between establishments inspected by Human Services and Agriculture as discussed on page 26 .

RECOMMENDATION: Eliminate overlapping licensing and inspections of retail Frozen Dairy and other food establishments by the Departments of Agriculture and Human Services by assigning this work solely to the Department of Human Services.

In addition to grocery stores, both the Departments of Human Services and Agriculture inspect about 200 other kinds of stores which prepare and serve food (MacDonald's, Dunkin Donuts, soft-ice-cream stores, etc.). Human Services licenses and inspects these stores as restaurants while Agriculture inspects some as food manufacturers and licenses and inspects others as retail frozen dairy product manufacturers.

The Committee recommends that the Department of Human Services be solely responsible for these licensing and inspections activities because these establishments are essentially restaurants. The Department of Agriculture mandate should be eliminated.

The Committee also recommends language be included in each Department's mandate which stipulates that food establishments licensed by one Department need not be licensed under the other Department.

In addition, the Committee recommends changes in the licensing of wholesale frozen dairy manufacturers. These changes are discussed as part of the recommendation on dairy licensing on page 28.

RECOMMENDATION: Amend the Marine Resources statutes to eliminate Department of Marine Resources responsibilities for sanitation inspections for fish products other than shellfish because the Department of Agriculture currently does these inspections.

Both the Departments of Marine Resources (DMR) and Agriculture currently have statutory authority to conduct sanitation inspections of fish and fishery products. Agriculture's authority is under its general Maine Food Law and under the sardine packing statutes. Agriculture has five inspectors assigned to sardine plants and conducts regular inspections of other fish processing facilities and retailers along with food manufacturers and grocery stores.

The Commissioner of Marine Resources has discretionary authority to establish sanitary regulations for all fish processing establishments. Currently, DMR is only involved in shellfish inspections. The Department of Agriculture does not inspect shellfish processors.

The Committee feels this statutory duplication of authority should be eliminated. Since the Department of Agriculture is currently responsible for all but shellfish inspections, and since DMR has not been appropriated any funds for inspection work, the Committee recommends that DMR's authority to conduct mandatory sanitation inspections of fish processing facilities be eliminated.

RECOMMENDATION: That the Department of Agriculture review the various regulatory activities under its jurisdiction to minimize the number of departmental inspectors visiting a single business establishment.

Currently, the Department of Agriculture conducts inspections using a number of specialized teams, in which each inspector enforces a particular regulatory statute. For example, inspections for scale accuracy, for general sanitation, and for proper branding of certain kinds of produce in a grocery store are regularly conducted by three different employees. Another example is the case of a nursery or greenhouse which also sells seeds or fertilizer that is regularly inspected by two different department employees.

The Committee recognizes that there may be some instances in which it is more efficient, or necessary in terms of protecting public health and safety, to use specialized inspections staff. In many cases, however, such specialization may be inefficient. Therefore, the Committee recommends that the department establish a general policy that minimizes, as much as possible, the number of different inspections. This consolidation will not only reduce disruptions and aggravation to business people but should also reduce the department's travel and staff costs.

RECOMMENDATION: Permit inspection activities conducted by the Department of Agriculture to be turned over to municipal authorities upon request, if the municipality demonstrates that it can conduct such inspections according to standards established by the Department.

Some of the large municipalities in the state have municipal programs which license and inspect eating places under regulations established by the Department of Human Services. There are also approximately 120 municipalities that appoint a local sealer of weights and measures to enforce the state's weights and measures statutes.

The Committee finds that those municipalities that are able and willing to conduct their own inspection programs, using state established regulations, should be allowed to do so with respect to inspection programs conducted by the Department of Agriculture. Therefore, the Committee recommends that the Legislature authorize the Department to establish procedures by which a municipality may conduct its own inspections whenever possible.

RECOMMENDATION: Transfer the Branding Law program to the Division of Inspections so that part of the Branding Law program dealing with grocery stores can be combined with food inspection activities.

The state's branding laws require that all potatoes, apples, eggs and maple syrup packaged for sale be accurately labeled as to grade or quality. These laws are currently enforced by employees of the Division of Markets and Promotions who inspect these products in grocery stores and operate nightly truck stops to check in-transit potatoes.

The Committee finds that because this is a mandatory inspection program it is more appropriately located within the Division of Inspections which conducts similar kinds of programs.

The Committee also recommends that branding law and other grocery store inspections be carried on simultaneously to limit the number of inspectors visiting any one store.

RECOMMENDATION: MODIFY THE FUNDING SOURCES OF SOME PROGRAMS WITHIN THE DEPARTMENT OF AGRICULTURE TO BETTER REFLECT THE PRIMARY OBJECTIVES OF THESE PROGRAMS.

Currently, programs within the Department of Agriculture are funded from both the General Fund and dedicated revenues. The Committee has reviewed each program and its funding source in an effort to develop a consistent funding philosophy reflecting each program's function. The Committee finds that funding for the majority of the programs within the Department of Agriculture already reflects program function. There are, however, some changes which the Committee feels are necessary to clarify the objectives of the programs which have been reviewed. Three programs should be changed from dedicated to general funding and the dedicated nature of two other programs should be clarified.

RECOMMENDATION: Shift the weights and measures, feed inspection and fertilizer inspection programs from dedicated funding to General Fund status in order to clarify the consumer protection aspects of these programs. At the same time revenues derived from these programs should be deposited in the General Fund.

The department's weights and measures program regulates the accuracy of scales and other measuring devices throughout the state. The fertilizer and feed inspection programs insure that animal feed and fertilizer sold in the state is appropriately labeled by specifying what information is to be included on labels and then sampling contents to insure that labels are accurate.

About 30% of the actual cost of the weights and measures program is funded from inspection fees charged to scale owners. About 90% of actual feed inspection costs and two-thirds of fertilizer costs are covered by registration fees and the fertilizer tax. These revenues are currently dedicated to the operation of these specific programs.

As a result of its overall review of funding sources and program function, the Committee makes a general recommendation first that all programs aimed primarily at protecting public health and welfare be funded from the General Fund to reflect this public protection objective. Programs which operate with a General Fund appropriation rather than dedicated revenues are more subject to legislative oversight through the appropriations process. The Committee finds that programs with a public protection objective should have this regular scrutiny.

Funding these programs from general rather than dedicated revenues eliminates the possibility that the industry being regulated has undue influence over the regulatory process -- the proverbial fox guarding the chicken house.

Another practical advantage of eliminating some dedicated accounts is that departmental administration may be simplified. Under dedicated programs, personnel funded from a dedicated account should only work on activities related to that account.

The Committee recognizes, however, that consumer protection activities only benefit those who use the item being regulated. When the regulation is of special benefit to particular groups of consumers, the Committee finds it to be appropriate that these groups help pay for that regulation. Maintaining fees which are currently dedicated to supporting the regulatory activity, but depositing those revenues in the General Fund, will accomplish this objective.

The Committee therefore recommends that the weights and measures, feed and fertilizer programs be funded entirely from the General Fund. The Committee further recommends that the revenues currently associated with these programs be deposited in the General Fund. Combined, these two recommendations add equal costs and revenues to the General Fund, thereby having no net fiscal impact.

The Committee makes a second general recommendation that voluntary programs which are primarily concerned with assisting in the promotion or marketing of a particular commodity be supported by dedicated industry taxes or fees.

There are often instances in which an industry group (potato farmers, or blueberry packers, for example) benefits from some uniform set of procedures or standards which can only be efficiently and fairly enforced by outsiders-- personnel of the Department of Agriculture. Many of the Department's programs fall into this category and the Committee recognizes that these are extremely important state functions. The Committee feels that voluntary programs of this type should be paid for by the industry group that benefits from them. Therefore, the Committee makes three specific recommendations reflecting its concern.

RECOMMENDATION: Clarify the statutes governing the Department's voluntary shipping point inspection programs and require such programs to be self financing by the industry requesting them.

The Department currently conducts voluntary shipping point inspections of poultry, eggs, potatoes, apples and maple syrup. That is, if a potato shipper for example, wants to be certain that a load of potatoes is up to grade, he calls the Department and requests an inspection. These inspections assure both the producer and buyer that the commodity in question meets certain quality standards. The shipping point program is entirely financed by inspection fees. In some years, the balance of costs and revenues for each individual commodity is not always maintained. In these instances, the fees charged one commodity are paying for inspections of another commodity. The Committee feels that if a poultry shipper requests an inspection, he should not be charged a fee that covers that inspection plus part of a potato inspection, for example. Therefore, while the Committee recognizes that a mandated dedicated account for each separate commodity may be impractical, it recommends that on a continuing basis the fees for each commodity be established so as to meet the full inspection costs for that commodity.

RECOMMENDATION: Fund the Blueberry Fly Inspection program entirely from fees charged to blueberry processors for inspection services, because this is primarily a voluntary shipping point inspection program aimed at improving the marketing potential of inspected blueberries.

Most firms that purchase blueberries from Maine processors will only accept inspected berries. Processors voluntarily join the inspection program because it serves as a quality control mechanism to promote their berries on the wholesale market.

Currently, 88% of the cost of the Blueberry Fly Inspection program is derived from inspection fees and 12% from the General Fund. The Committee recommends that fees be increased to cover the full cost because the program is primarily a service to the industry and only indirectly a consumer protection activity.

This recommendation will reduce General Fund expenditures by \$3,500 in FY 1981.

RECOMMENDATION: That the Commissioner of Agriculture move the Blueberry Fly Inspection program from the Division of Inspections to the Division of Markets and Promotions which is responsible for the Department's other voluntary inspection programs.

The voluntary shipping point inspection program is administered by the Division of Markets and Promotions. The Committee finds that the Blueberry Fly Control program has the same goals and objectives as a shipping point inspection and should therefore be administered by that division.

RECOMMENDATION: ESTABLISH LICENSE FEES FOR THOSE INSPECTION PROGRAMS WHICH ARE COMPARABLE TO OTHER INSPECTION ACTIVITIES WHICH NOW HAVE MANDATED FEES.

In addition to examining appropriateness of funding source to program objective, the Committee is also concerned with consistency of fees between programs. There are two instances in which fees are charged for one type of activity but not for another very similar activity. In these cases the Committee recommends that comparable fees be charged to both programs.

First, the Department of Human Services currently charges a licensing fee to cover the costs of inspecting restaurants and other food establishments under its jurisdiction. Previous recommendations have dealt with eliminating duplicate inspections by Human Services and Agriculture (page 20). Part of the reason these duplicate inspections occurred was a concern that similar types of establishments be treated alike.

In order to provide equitable treatment between establishments and at the same time reduce, rather than increase, General Fund costs, the Committee recommends that a fee be attached to the licensing requirement recommended for the Department of Agriculture's food inspection program. While this new fee will represent an additional cost to establishments inspected only by Agriculture, the suggested fee schedule will result in a decrease from \$17.50 to \$10 for the "mom and pop" stores previously inspected by both departments.

It is estimated that this recommendation will generate an additional \$49,000 in General Fund revenues.

RECOMMENDATION: Establish inspection fees to be paid by manufacturers or processors distributing seed in the state to help pay for the cost of the state's seed inspection activities.

The Seed Inspection program is similar to the feed and fertilizer programs discussed on pages 23 & 24. It assures that seed sold in the state is adequately and accurately labeled. Currently the \$38,000 estimated annual cost of the seed program is funded entirely from the General Fund.

The Committee finds that there is no difference between the seed, feed and fertilizer programs which justifies total General Fund support of the seed program when the latter programs are supported at least in part by inspection fees. The Committee recognizes that any fees established will be eventually passed on to those who purchase seeds. The Committee finds it appropriate that those who benefit directly from the program should help pay for it.

Consequently, the Committee recommends that a fee of \$.25 cents per hundredweight for seed sold in containers of 1 pound or larger, and a flat fee of \$2.00 per variety for smaller packages be charged annually. This fee should be paid by the manufacturer or processor distributing this seed and all revenues generated should be deposited into the General Fund.

It is estimated that this recommendation will generate \$10,000 to \$15,000 annually.

RECOMMENDATION: INCREASE VARIOUS INSPECTION FEES IN THOSE INSTANCES WHERE THEY ARE OUTDATED.

In reviewing various statutorily established fees, the Committee finds three fee schedules which have not been substantially increased in at least 18 years. Given the increased costs of all government services in that period the Committee recommends several increases in fees.

RECOMMENDATION: Increase the beehive license fee from 10¢ per colony with a \$1.00 minimum to 25¢ per colony with a \$2.00 minimum in order to offset increased General Fund expenditures for registration and inspection of beehives.

The beehive license fee was set at 10¢ per colony with a \$1.00 minimum in 1949 and all fees generated were used to pay the expenses of a bee inspector. In 1957, the fees were undedicated and accrued to the General Fund, from which the expenses of the inspector were paid. The cost of operating the inspection program has increased substantially since then.

The Committee recommends that the per colony fee be increased from 10¢ to 25¢ and the minimum fee be increased from \$1 to \$2 to help offset a portion of these increased costs. These increases are estimated to generate an additional \$1,000 revenue to the General Fund.

RECOMMENDATION: Increase fertilizer registration fees from \$9 to \$12 per element and increase the fertilizer tax from 10¢ to 12¢ per ton to offset the increased operating costs of the fertilizer program.

The \$9 per element registration fee set in 1959 generates an estimated \$26,600 per year and the 10¢ per ton fee set in 1971 raises an additional \$9,900 toward the cost of the fertilizer inspection program. Together these two charges cover about 63% of total program costs.

The Committee recommends increasing the registration fee to \$12 per element and increasing the per ton tax to 12¢ in order to offset increasing costs. Combined with the previous recommendation that fertilizer-related revenues be deposited in the General Fund, this recommendation is estimated to generate an additional \$10,700 in General Fund revenues.

RECOMMENDATION: Modify licensing fees for milk dealers to better reflect the current organization of the industry.

Currently, milk dealers and producer-dealers are charged a \$1 license fee for each milk plant, dairy farm and vehicle from which milk is distributed. This \$1 fee has been in effect since 1961. The original purpose of licensing vehicles appears to have been to graduate the licensing charge according to the size of the dealership.

The Committee recommends a single license fee to cover each producer-dealer and milk plant ranging from \$10-\$25 and \$25-\$50 respectively. The department should establish a specific fee schedule based on annual volume of milk sold.

At the same time, the Committee recommends eliminating the wholesale frozen dairy product manufacturer license if the manufacturer possesses a milk dealer license. This will reduce licensing paperwork and aggravation. Actual inspections of milk processing and frozen dairy product manufacturing at the same facility are currently done simultaneously by one inspector.

The Committee further recommends increasing the wholesale frozen dairy fee for firms which don't have a milk plant license from \$10 (in effect since 1954) to \$25.

Finally, the Committee recommends that consistent with recommendations on page 24. all milk-related license fees be deposited in the General Fund. The combined impact of these fee changes is an increase to the General Fund of \$1550.

RECOMMENDATION: Provide a formal mechanism to allow potato growers and shippers to nominate their representatives to the Maine Potato Commission in order to assure wide-spread industry input to the appointment process.

The Maine Potato Commission oversees expenditure of revenues from the Potato Tax for activities to assist the potato industry. The Commission is not listed as an independent agency under the Sunset Law. As part of its review of Department of Agriculture, however, the Committee requested a justification report from the Potato Commission and recommends a change in the way Commission members are selected.

Presently, the grower members of the Maine Potato Commission are appointed by the Commissioner of Agriculture on the recommendation of various grower associations, individuals or unorganized groups of growers in each district. This informal procedure may result in a large number of different nominations from which selection is difficult. Additionally, this method may result in a member being appointed who does not represent the interests of a majority of growers in a district, or it may inadvertently exclude recommendations from individuals unaware of the nomination process. Therefore, the Committee recommends amending the statutes to allow all growers within a district to meet and nominate three individuals for membership on the Commission. The Commissioner of Agriculture would then make the appointment from these nominations. The Committee recommends similar method of appointment for the shipper member of the Commission.

Another agency that is not specifically listed in the Sunset Law but came under review at this time is the Sardine Industry Advisory Board. This Board is responsible for advising the Commissioner of Agriculture on matters relative to the Maine Sardine Industry, especially regarding inspection of packing plants. The Committee recommends no change in the operations of the Board. The Maine Sardine Council, a similar advisory group, is scheduled for review as part of the Department of Marine Resources.

DEPARTMENT OF DEFENSE AND VETERANS SERVICES

DESCRIPTION

The Department of Defense and Veterans Services was created to coordinate and discharge the State's responsibility relative to the military, veterans and civil emergencies. It operates under the direction of the Adjutant General, who serves as commissioner and consists of three distinct units: the Military Bureau, the Bureau of Veterans Services and the Bureau of Civil Emergency Preparedness. Each bureau has a director, appointed by the Adjutant General, who is responsible for the operation and performance of his particular area. The Department employs about 150 people and spends more than \$4,696,000, not including positions and funds directly associated with the Army and Air National Guard.

MILITARY BUREAU. The Military Bureau is responsible for all training, operations and facility maintenance of the Maine National Guard. While this involves approximately \$25,000,000 in annual expenditures, 93% of all funds come from the federal government. The major state expenditures are for maintenance activities and custodians at 25 armories statewide and installations at Camp Keyes, Bangor International Airport and South Portland.

VETERANS SERVICES. The Bureau of Veterans Services is primarily responsible for providing assistance to veterans and/or their dependents. Such assistance occurs in two ways: through counseling and claims advocacy activities by representatives of seven field offices and through direct monetary grants such as educational benefits and a temporary assistance program. Counseling and claims services involve 23 individuals at the field offices statewide and costs an estimated \$324,000. Monetary assistance is provided annually in the amount of \$425,000. The Veterans Memorial Cemetery is also administered by this bureau and it employs three people at a total cost of \$68,000.

CIVIL EMERGENCY PREPAREDNESS. The Bureau of Civil Emergency Preparedness serves as the State agency responsible for the preparation and carrying out of all emergency functions in the event of a disaster. Activities involving local, county, state and federal government units, as well as private agencies such as the Red Cross are all coordinated through the Bureau. There are 20 positions authorized, 6 of which are totally federal in response to Department of Defense program directives. Annual expenditures are more than \$1,850,000 but only \$138,500 comes from the General Fund. The remainder includes \$1,300,000 in federal disaster assistance money and federal matching funds.

COMMITTEE FINDINGS AND RECOMMENDATIONS

RECOMMENDATION: Require the Department to review Title 37-A in order to determine those sections which may be out of date, and to report any findings or suggested changes in the statutes to the 110th Legislature.

The Committee has found that some sections of Title 37-A appear to be out of date, especially those sections relative to a State Navy, a State Militia and some of the armory statutes. The Department has indicated that while some statutes appear to be dated, they may be necessary in the event of a wartime emergency. In light of this, a complete review of the statutes has begun by the Department with the intention of presenting any revised statutes to the 110th Legislature (see Appendix A). The Committee will defer specific statutory recommendations pending that review.

RECOMMENDATION: That the Department regularly review, evaluate and adjust accordingly the schedule of rental fees for non-military use of state armories in order to keep fees up-to-date.

All state armories are available for use by any agency, group or individual whenever they are not being used by the National Guard. Rental conditions and a schedule of fees have been developed by the Military Bureau that are applicable statewide. The rental schedule currently being used was established July 1, 1973, and in the ensuing fiscal year, revenues accounted for 11.2% of total armory operating costs. In fiscal year 1979, total rental revenues had increased, but not as fast as operating costs because fees offset only 8.6% of costs. The Department indicates that increased usage of armories by outside agencies is a significant factor in raising operational costs.

The Committee recognizes that the amounts charged for armory rentals are, and should remain, an administrative decision. For this reason, no specific amounts are recommended as rental charges. However, the Committee feels that six years is too long between reviews of the fee schedule. It recommends that a regular procedure for setting fees be developed. Such a system should include the revised fees as well as consistent guidelines for future fee changes.

RECOMMENDATION: Repeal the pension laws because the eligibility requirements are no longer applicable.

The state General Law pension program provides for a pension of up to \$25 per month to be paid to the dependents of any person who served in the Army or

Navy of the United States prior to July 4, 1902. At the present time, three individuals who have been identified as the last possible recipients, receive benefits in the amount of \$12 per month. Upon their deaths the program will terminate and the law should be repealed.

The Committee recommends repeal of the program at this time, with a provision for continuing benefits to those still eligible, as part of its package of suggested changes affecting the entire department. This will preclude having to amend the pension program statutes again at some point in the future.

RECOMMENDATION: Eliminate the direct payment of up to \$300 for students who also receive free in-state tuition because many other forms of educational assistance are now available.

Eligible veterans' dependents in Maine receive educational assistance from the state in the form of free tuition at a state supported school of higher education, plus payments of "up to \$300" for books, fees, etc. Any dependent of a deceased or disabled veteran is eligible. Out-of-state and private school students receive only the \$300 payment.

In the 1930's when the Maine program first started, other benefits were very limited. Today, dependents of dead or disabled veterans are eligible for a number of benefits including: pension, medical care, educational assistance and death benefits (DIC). VA educational assistance alone provides direct payments of up to \$311 per month (depending on the number of courses taken) for 45 months (a total of \$14,000) and allows the dependent to borrow an additional \$2500 per academic year. Other forms of financial aid available include the Basic Educational Opportunity Grant (BEOG) programs, a Supplemental BEOG program, guaranteed student loans, College Work Study program, and many different types of local scholarship, grant and loan programs. While most of these forms of aid are based on financial need (veterans benefits are not), many families with a deceased or disabled veteran would qualify for one or more programs.

The Committee recommends that the \$300 payment be eliminated for students receiving free tuition. This recommendation continues the tradition in Maine of honoring service to one's country if such service results in death or complete disability. At the same time, it recognizes that federal benefits have increased substantially over the years (along with many financial aid programs), thereby providing every dependent the opportunity to pursue a college education in spite of the death or complete disability of a parent or spouse while serving in the armed forces. The Committee further recommends that dependents already enrolled in an institution of higher education continue to receive benefits until they graduate or are otherwise determined to be ineligible.

Based on current enrollment figures, this recommendation will result in an estimated savings to the General Fund of \$50,000 per year after four years.

FINDING: In some cases, duplicate payments have been made to individuals who receive financial aid under the World War Assistance program and are then determined eligible for certain federal assistance programs.

The purpose of the World War Assistance program is to provide financial aid to the needy spouse and/or dependents of a deceased or disabled veteran. The statutes provide that such aid be given only to families who otherwise are not eligible for federally funded public assistance. These statutes also allow state aid to be granted to those who are eligible for federal assistance until payments are received from the federal program. This temporary assistance provides some income for the needy family while their case is being processed, which in some programs can take up to six months.

There is a potential problem, however, with those federal programs with a retroactive payment. The Supplemental Security Income (SSI) program, for example, takes about six months to determine eligibility, but once eligible, payment is made from the date of application. This means that the first SSI check, which contains a retroactive payment, can be between \$1200 and \$2000. The state, meanwhile, could have already paid approximately \$1400 to the individual through the World War Assistance Program for the same period of time. Therefore, a person who is eligible for federal assistance from a program that provides retroactive payments actually receives a double payment. There is no provision to allow repayment of the state assistance in this instance.

The Committee recognizes that the amount of assistance provided, even with a double payment, is in some cases too low, especially if the needy family has no other source of income. However, the Committee feels that the World War Assistance program was only intended to provide aid in lieu of or until federal assistance payments could begin. Therefore, the Committee urges the Bureau of Veterans Services and the Department of Human Services to work together in an attempt to overcome the problem of duplicate payments. If possible, the program governing federal/state reimbursement of general assistance that currently exists between the towns and the Department of Human Services should serve as an example.

RECOMMENDATION: Allow the Bureau of Civil Emergency Preparedness to work with all necessary municipalities and state agencies in order to improve emergency planning related to peaceful use of nuclear or atomic materials.

The Bureau is currently the only governmental agency responsible for preparing and implementing emergency plans, evacuation plans and other arrangements necessary to protect the public from hazards or dangers associated with nuclear materials. Preparation of such plans requires input from many sources, especially the municipalities in the immediate vicinity of the possible cause of a radiological incident and a number of other state departments such as State Police, Health Engineering and the Governor's Office. Implementation of these plans would also require participation by many groups other than only the Bureau.

The Committee makes the recommendation in order to clarify legislative intent and improve emergency planning by authorizing the Bureau to obtain any assistance from other groups or agencies that it may require. The Committee's review of the Bureau indicates that no additional General Fund money will be required to implement this recommendation.

RECOMMENDATION: That the Bureau more actively pursue its mandate to consult with local emergency preparedness agencies.

Every municipality in the state is required to have a local or inter-jurisdictional agency responsible for civil emergency preparedness. These agencies are required to prepare, in consultation with the Bureau, a disaster emergency plan for the area subject to its jurisdiction. However, many towns and cities have part time CEP directors, most of whom are unfamiliar with planning concepts and lack the time to draft a comprehensive plan. In addition, many towns have rarely, if ever, met with Bureau personnel to discuss local plans. Some towns don't even have a plan. The situation is exemplified by the communication problems surrounding development of an evacuation plan for the towns in the vicinity of the Maine Yankee Nuclear Power Plant, where it was apparent that some of the towns had never heard of their responsibility for emergency planning.

The Committee recognizes that the Bureau is the primary disaster response agency in times of emergency. In fact, the Bureau nearly becomes a regulatory agency in the event of a disaster. However, when the Bureau is not responding to a particular emergency situation, it is a service agency to the municipalities of the state. Therefore, the Committee recommends that the Bureau actively provides training opportunities and planning assistance to as many cities and towns as possible. No additional legislation is required to implement this recommendation because the Bureau is already mandated to consult with the local agencies.

RECOMMENDATION: Eliminate the Hazardous Materials Advisory Board because it has no legislative mandate or purpose.

The Hazardous Materials Advisory Board consists of several commissioners and two public members. It was created by the 108th Legislature, but given no statutory authority or specific duties other than that implied by the name "advisory board".

The Committee recognizes that the Board has met on occasion and has made certain recommendations to the Governor's Office. Some of these recommendations, such as designating those state departments with specific responsibilities relative to hazardous materials, have been implemented by a memo from a previous Governor. At the last meeting of the Board, which meets only at the call of the chairman, suggested legislation was discussed that would eliminate the Board altogether. It was determined that once agency responsibilities have been identified relative to hazardous materials, the Board would no longer be needed.

The Committee recommends eliminating the Board because of its lack of mandate or purpose and because the Governor can call department heads together for advice whenever he wishes.

RECOMMENDATION: Eliminate the Civil Emergency Preparedness Council because of its inactivity and limited value to State Government.

As originally established, the Council consisted of various department heads. Today, the Council consists of five public members, appointed by the Governor, charged to advise the Governor and the Director of the Bureau on all matters pertaining to civil emergency preparedness. The Council has not met in more than two years, and there is some question as to the value of a state-wide citizen's advisory group. In the event of an emergency, the Governor requires immediate professional information regarding the location, time and nature of the incident, available state resources, etc. This type of information would probably be obtained from various state department heads and local CEP units rather than the Council. The Governor's emergency powers allow for the creation of any local advisory groups that might be needed. Therefore, the Committee recommends elimination of the Civil Emergency Preparedness Council.

INDEPENDENT AGENCIES

RECOMMENDATION: Continue the following independent agencies under the provisions of the Maine Sunset Law. Some administrative or legislative changes are recommended.

Maine Seed Potato Board
State Harness Racing Commission
Maine Agricultural Bargaining Board
Board of Pesticide Control
State Planning Office

The Maine Sunset Law provides that specified independent state agencies will automatically terminate according to a set schedule unless continued by the Legislature. The agencies listed above are among those scheduled to terminate June 30, 1980.

The Committee finds that each of these agencies meets a public need which is not duplicated by any other state agency. Consequently the Committee recommends that each of the agencies be continued. The Committee also recommends either administrative or legislative changes for each of these agencies.

MAINE SEED POTATO BOARD

RECOMMENDATION: Forgive payment by the Maine Seed Potato Board of the \$60,000 in loans outstanding as of July 1, 1980, payable to the General Fund, because the State owns the land purchased with the loan.

The Seed Potato Board is a self supporting independent agency required to produce high quality seed potatoes for the benefit of the potato industry. All land currently used by the Board was purchased with money borrowed from the state, and is owned by the state. The loans to purchase land have historically been repaid from revenues earned through the sale of seed potatoes.

The Committee finds that it is inappropriate to use potato sales revenues to pay off these loans because title to the land is never transferred to the Seed Potato Board.

This recommendation will reduce General Fund revenues by \$20,000 in fiscal year 1981 because the total loan is due in annual installments of that amount.

FINDING: If necessary, allow the Maine Seed Potato Board to borrow operating funds from the Contingency Account to cover temporary cash flow problems inherent in its farm operation.

Many farmers are only able to meet their operating and fixed expenses by borrowing to some extent against the value of their crop still in the ground. These "crop mortgages", as they are called, are an important and valuable tool in operating the farm. The Seed Board is a farm that operates the same way as many other farms in Aroostook County. A major exception, however, is that the Board cannot obtain loans by borrowing against the future value of a crop. This constraint has caused the Board to periodically experience cash flow problems.

The Committee finds that the Board should be able to overcome these cash flow problems if it is able to borrow funds on a short term basis.

STATE HARNESS RACING COMMISSION

RECOMMENDATION: The members of the Harness Racing Commission shall receive per diem compensation of \$50 per meeting, plus expenses, in lieu of their current salary in order to make compensation for government service more consistent with other Boards and Commissions in the Department of Agriculture.

The Boards and Commissions in the Department of Agriculture that receive per diem compensation all are paid \$50 per day, plus expenses, for the performance of their duties. This involves between six and twelve meetings per year for most Commissions. The Harness Racing commissioners each receive \$1200 per year (\$1500 for the chairman) even though they average only nine to twelve meetings per year.

The Committee finds that the responsibilities of the Harness Racing Commission are not substantially different from other commissions and therefore the large variance in salary is not warranted.

MAINE AGRICULTURAL BARGAINING BOARD

RECOMMENDATION: Eliminate the General Fund appropriation to the Agricultural Bargaining Board because the Board has no regularly scheduled meetings.

The Agricultural Bargaining Board was established to hear petitions for forming bargaining units under the terms of the Maine Agricultural Marketing and Bargaining Act. In the current biennium the Board has been appropriated \$3,000 each year. As with all General Fund appropriations, this money, if not spent, lapses back into the General Fund at the end of each fiscal year. Over the last two years the Bargaining Board has spent an average of \$627 annually, but has not met during that time.

The Committee finds that, although the Board has been inactive, it is an integral part of the Marketing and Bargaining Act and that some type of panel is necessary under the provisions of that Act.

Because of the low level of activity, however, the Committee recommends that the \$3,000 General Fund appropriation to the Bargaining Board be eliminated. If it becomes necessary for the Board to meet, minor costs can be absorbed by the Department. If there should be substantial activity, the Department could request funds from the Contingency Account to offset the costs incurred.

This recommendation will reduce General Fund expenditures by \$3,000 in fiscal year 1981.

BOARD OF PESTICIDES CONTROL

The Committee recommends that the pesticide registration program currently operated by the Department of Agriculture be transferred to the Board of Pesticides Control in order to consolidate all pesticide activities in one agency. See pages 16-17.

STATE PLANNING OFFICE

DESCRIPTION

The State Planning Office, which is part of the Executive Department, was created in 1967 to coordinate and develop "the several planning responsibilities of the State Government." The Planning Office has a staff of 45. Total expenditures for fiscal year 1979 were \$1,963,011. Three-quarters of this amount was Federal funds and the remaining one-quarter was from the State's General Fund.

The State Planning Office (SPO) is organized into four administrative units: General Planning Assistance which focuses primarily on local and regional planning problems; Economic Planning and Statistical Services which specializes in economic analysis and forecasting and operates the Socio-Economic Data Center for the collection and dissemination of many types of information on a town-by-town basis; Natural Resources Planning which in addition to its natural resources responsibilities, also administers Maine's \$1.2 million Federal Coastal Zone Management Grant Program; and the Office of the Director which includes central administrative duties.

COMMITTEE FINDINGS AND RECOMMENDATIONS

Assistance to Municipalities. SPO provides research and planning services to the Governor's Office and other departments in the Executive branch, to the Legislature, and to municipalities and regional planning commissions. In order to evaluate the usefulness of SPO to municipalities, the Committee mailed a questionnaire to 169 towns. The questionnaire asked the number of times the town had direct contact with the Planning Office, its regional planning commission (RPC) and Maine Municipal Association (MMA). Contact with MMA and the RPC's is of interest not only because they represent alternatives to SPO but because they receive many Planning Office publications and help distribute the information SPO collects as well.

Ninety-five questionnaires (56%) were returned. The towns that responded indicated that they contact all three organizations for assistance. More than half of the towns call SPO during a year's time. Usage of RPC's and MMA is even higher (70% and 81% respectively). As might be expected, the larger the town, the more likelihood that SPO is used. Excluding towns of less than 1,000 people, nearly four out of five towns have some SPO contact.

When asked about the kind of questions they go to SPO or their SPO about (Table 1), towns reported that socio-economic and land use questions ranked highest and sales tax - economic indicators questions were least frequent.

TYPE OF QUESTION ASKED

<u>Type of question</u>	<u>% Contacting SPO</u>	<u>% Contacting RPC</u>
Socio-economic	27	34
Land Use	24	40
Community Development	13	30
Natural Resources	12	25
Economic Development	9	26
Sales Tax/Economic	7	10

TABLE 1

Ninety-eight percent of those surveyed found SPO staff to be courteous and interested in their problem, and about the same total percent reported either that SPO generally was able to answer their question (81%) or referred them to another agency which could help them (18%).

Regular publications from SPO appeared to be less helpful to municipalities. Only 35% of those surveyed are on an SPO mailing list. Of those who get SPO publications, however, 10% describe them as very useful and an additional 80% call them useful.

Specific findings and recommendations which the Committee feels will improve SPO operations are noted below.

FINDING: In many instances there has been very little accountability to the Legislature for specific projects and activities undertaken by the Planning Office.

After examining all of the programs of the State Planning Office in considerable detail the Committee finds that there are three major reasons why a "Sunset" type review of SPO is particularly difficult and why legislative accountability is especially difficult to maintain.

1. The overwhelming proportion of Federal to State dollars in the Planning Office budget.

Many of SPO's ongoing activities are a response to a particular Federal funding source. It is, therefore, difficult

to isolate selected activities which can be modified or eliminated without jeopardizing Federal revenues greater than the potential General Fund savings.

2. The lack of a clear relationship between SPO's financial records and particular programs and activities.

The relatively general nature of some of SPO's Federal programs (HUD 701 funding in particular) and the accumulation of "administrative" monies from other Federal grants provide SPO with a good deal of flexibility in funding many "special" projects. However, because the accounting system is organized around these Federal grants, the way in which these funds are used is not readily apparent to the Legislature.

3. SPO, as a part of the Executive Department, is frequently an extension of the Governor's Office.

The Governor's immediate staff of approximately 21 positions is directly responsible for policy-making from the gubernatorial perspective. SPO, as part of the Executive Department, as a general research organization, and as a group of professionals skilled in drafting policy papers, is another valuable resource for the Governor's Office to draw on. In such instances the distinction between State-level planning agency and gubernatorial staff becomes vague and it is difficult for the Legislature to assess separately these two roles.

(The Sunset Law does not provide for legislative review of the Governor's immediate staff.)

For these reasons, and because of the short-run nature of many SPO activities, the Committee feels that legislative control can best be exercised only through a more careful review of specific SPO projects and activities as part of the regular appropriation's process. The Committee does, however, recommend two additional changes in order to give added direction to Planning Office activities.

RECOMMENDATION: Recommend that in order to provide more legislative focus to projects and activities undertaken by the Planning Office it should present biennially for legislative review and approval a list of proposed policy issues to receive special attention by SPO over the succeeding two-year period. The State Planning Office should solicit input from appropriate substantive legislative committees before developing this list of proposed policy issues.

The State Planning Office is in a special position within State Government to gather information and to address issues and topics which are either outside the realm of existing line agencies or which reflect concerns broader than those of any one agency. In addition, SPO may be able to apply for a wider range of Federal and other outside financial assistance to do preliminary research in a variety of areas than many other State agencies.

The Planning Office is currently mandated to provide technical assistance to the Legislature as well as the Governor. The Committee recommends that the Legislature make greater use of the resources of the State Planning Office by encouraging SPO to address areas of particular legislative concern and interest. The Committee recommends that SPO meet at least once annually with appropriate substantive committees to (1) explain to these committees the resources available at SPO; and (2) to solicit information about issues and topics which are of particular concern to the committees.

After consultation with appropriate committees, the Planning Office should biennially prepare a list of topics of special concern to the Legislature on which SPO should focus during that biennium. This list should be presented to the Joint Standing Committee on State Government for submission as a Resolve to the full Legislature. The Legislature can respond with changes within 60 days. Otherwise, the indicated priorities stand as broad legislative direction and input to SPO activities for a two-year period.

The areas of special interest indicated in this process are not intended to be a substitute for the ongoing work of the Planning Office. Rather, within that ongoing work and beyond that work to the extent that additional funding can be generated, the Planning Office should pay particular attention to opportunities to address issues which the Legislature indicates it is especially interested in.

RECOMMENDATION: Eliminate special projects and other studies of general government issues unless there is specific financial support for the study.

SPO works on a variety of projects at the request of both the Governor and Legislature with little or no direct financial support for these activities. Work on mandatory retirement, the Food and Farmland Commission and the Commission on Maine's Future, and staffing of various gubernatorial task forces are recent examples. This type of work may be assigned to different SPO employees depending on the particular project and the staff person's expertise. On average, though, the equivalent of two General Fund positions are devoted to such projects annually.

The Committee recommends that SPO undertake such projects only to the extent that specific financial support (from the Governor, the Legislature or the Federal government) for the project is provided. In addition to providing more direction, this requirement will help to assure that whoever asks for the study will maintain their interest in its outcome.

Implementation of this recommendation will allow SPO's General Fund appropriation to be reduced by \$50,100 and its position count reduced by two positions.

RECOMMENDATION: Review SPO's statutory responsibilities to (1) eliminate the mandate to develop a Maine Comprehensive Plan; (2) mandate instead the development of coordinated goals and policies; and (3) clarify "technical assistance" to be provided to the Governor and Legislature.

SPO now has a specific legislative mandate to "coordinate the development and periodic revision of a plan or plans for the State which shall be known as the Maine Comprehensive Plan." The Legislature apparently intended this to be a physical plan for various kinds of economic development i.e., a land use plan. In 1967, when the Planning Office was established and this mandate was enacted, there was an expectation that this kind of comprehensive plan could be created. SPO has not developed such a plan, however, In retrospect, the master plan approach is perhaps impractical.

Instead SPO has focused on policy planning as a way of fulfilling its Comprehensive Plan mandate. Policy plans define broad goals or priorities in a particular area (resource conservation or rural development, for example) which are then used by various State agencies as guidance in administering agency programs which touch on those areas.

The Committee recommends eliminating references to the Comprehensive Plan and mandating preparation of coordinated goals and policies as an ongoing activity because this would be a better description of the actual work presently undertaken by SPO. The Committee recommends that proposed policy plans be subject to public review before they are submitted to the Governor and Legislature and that these plans shall conform to adopted local and regional plans.

The Planning Office's current "technical assistance" mandate specifies that this assistance be related directly to long-range goals and policies. In light of the above recommendations, the Committee also recommends that technical assistance be defined more specifically to be special studies and reports prepared at the request of a particular entity.

RECOMMENDATION: Repeal statutory references to the Commission on Maine's Future because the Commission's Final Report has been completed and its statutory life expired November 1, 1977.

The Commission's work is completed and all membership terms have expired. Consequently the Committee recommends that references to the Commission should be removed from the statutes.

RECOMMENDATION: Eliminate the Maine State Housing Authority's data collection mandate because it duplicates a similar mandate to the State Planning Office.

Both the Maine State Housing Authority (MSHA) and the State Planning Office have mandates to collect housing-related data. In practice, however, MSHA data collection efforts focus on internal data needs. The State Planning Office through its Economic and Social Data Center (established by Executive Order #11, 77/78) and its mandate to prepare an annual housing report to the Legislature also prepares and distributes housing and housing-related information.

The Housing Authority has not fulfilled its data clearing-house mandate. SPO has worked actively to improve available housing data and has incorporated that information with other kinds of socio-economic data recorded and distributed through the Planning Office's Economic and Social Data Center. For these reasons, the duplication in statutory responsibility should be eliminated by deleting MSHA's mandate.

RECOMMENDATION: Recommend that the Governor consider moving the A-95 State Clearinghouse function to the Governor's Office in order to assure the broadest perspective in reviewing Federal grant applications.

The Federal government mandates an A-95 Clearinghouse function in every state. The Clearinghouse, which is located in the State Planning Office by Executive Order, collects and publishes weekly announcements of applications for a variety of Federal grants in order to solicit public comment. Applications from State agencies, municipalities, regional and non-profit organizations are included.

There is currently a Federal-State coordinator position in the Governor's Office. Moving the A-95 function into that Office may encourage more comments

and recommendations based on the broadest statewide perspective. It would also facilitate use of the Clearinghouse as a means of eliminating overlapping or unnecessary grant applications.

The operation of the A-95 Clearinghouse within SPO is funded from a Federal HUD grant. That same funding would be available to the Governor's Office if the Clearinghouse was moved to that Office. There would therefore, be no fiscal impact if the clearinghouse was moved.

RECOMMENDATION: Clarify legislative intent that the Critical Areas Program is an identification and registration program only.

The Critical Areas Program involves the identification of areas of unusual natural, scenic or scientific interest in the State in order to encourage conservation of these sites. Areas are usually screened initially by specialists in a particular topic working on a contractual basis for the Planning Office. Then the Critical Areas Advisory Board, a citizen advisory group, makes a final selection of areas to be included on the Critical Areas Register.

The State Planning Office oversees the selection process, maintains contact with landowners and assists in whatever conservation measures landowners wish to undertake.

To date, the State Planning Office and the Critical Areas Advisory Board have assumed that the Legislature intended the Register of Critical Areas to be an identification rather than a regulatory program. The statute is not clear about the voluntary nature of the conservation aspects of this program however.

The Committee recommends that the Legislature more clearly defines the purpose of this program to be an identification and registration program aimed at encouraging voluntary conservation of unique natural areas. A more precise statement of legislative intent will clarify the program's purpose to potential registrants.

RECOMMENDATION: Eliminate the mandatory requirement that owners of registered critical areas notify the Critical Areas Advisory Board 60 days prior to change in the use or character of the area because this requirement is inconsistent with the voluntary nature of this program.

Currently, present or prospective owners of critical areas are required to notify the Critical Areas Advisory Board 60 days in advance of any change in use or character of the critical area. There are no enforcement provisions or penalties for violation of this requirement.

The State Planning Office emphasizes voluntary registration and conservation of critical areas in its operation of this program. The 60 day notice requirement conflicts with this emphasis and is sometimes resented by landowners contacted about registration.

The Committee finds that elimination of this requirement would not reduce the effectiveness of the program and may in fact encourage more landowners to permit their land to be registered. It would also better reflect the intent that this be a voluntary program.

RECOMMENDATION: Recommend that all State-owned property which has been identified as a critical area by the Critical Areas Advisory Board should be included on the Register of Critical Areas to make that Register as complete as possible.

In some instances the State agencies have objected to having public land under their control included on the Critical Areas Register.

The Critical Areas Program is operated by the State and established by State law. The Committee finds that omission of State-owned critical areas from the Register contradicts the intent of compiling an official listing of all such areas.

This recommendation is aimed at clarifying legislative intent rather than making any statutory change. The Critical Areas Advisory Board continues to have the option of determining whether the public interest is better served by not registering a particular State-owned area in special circumstances.

RECOMMENDATION: Eliminate overlap between the Critical Areas and Historic Preservation statutes by eliminating historic sites from consideration as critical areas.

Both the Historic Preservation and Critical Areas programs are mandated to register sites of historic significance for preservation purposes. To date, however, no areas have been included on the Critical Areas Register primarily because of their historic significance.

The Committee recommends eliminating "historic" from the criteria for inclusion on the Critical Areas Register in order to eliminate potential overlap between the two programs.

RECOMMENDATION: Permit District Attorneys to enforce the provisions of a local shoreland zoning ordinance upon the request of an authorized municipal official because some towns lack the resources to prosecute violators.

Under the State's Mandatory Shoreland Zoning and Subdivision Control Law, every municipality is required to enforce either a locally adopted or State-imposed shoreland zoning ordinance. The State Planning Office is responsible for overseeing State-level administration of this law and assisting municipalities in carrying out their enforcement responsibilities.

Some municipalities have difficulty enforcing these ordinances, however, because of the cost of hiring a town attorney and time demands on local officials. District Attorneys have been reluctant to act on behalf of municipalities in enforcing these ordinances because D.A.'s are not specifically authorized to do so.

The Committee recommends giving District Attorneys this authority explicitly to help relieve some of the burden imposed on municipalities by the State under the shoreland zoning law and to encourage better compliance with these statutes.

OTHER INDEPENDENT AGENCIES

RECOMMENDATION: Continue the following independent agencies without legislative or administrative change under the provisions of the Maine Sunset Law.

Maine Blueberry Commission
Blueberry Industry Advisory Board
Maine Milk Commission
Board of Veterinary Medicine
Maine Milk Tax Committee
Maine Dairy and Nutrition Council
State Lottery Commission

The Maine Sunset Law provides that specified independent state agencies will automatically terminate according to a set schedule unless continued by the Legislature. The agencies listed above are among those scheduled to terminate June 30, 1980.

As with all the agencies scheduled for Sunset review in 1979, the Committee has received justification reports from each of the above agencies which describe their operation in considerable detail. It has reviewed these reports and held a public hearing on each agency. The Committee finds that each of these agencies meets a public need which is not duplicated by any other state agency. It also finds that each agency is operating satisfactorily. Consequently, the Committee recommends that each of these agencies be continued without any administrative or statutory change in their operations.

FISCAL IMPACTS OF COMMITTEE RECOMMENDATIONS

Many of the recommendations included in this report directly affect the General Fund appropriations to the departments and agencies under review. Other recommendations affect General Fund revenues. The net total impact on the General Fund for fiscal year 1981 is estimated to be \$272,350. This impact is explained below for each of the agencies reviewed.

<u>DEPARTMENT OF AGRICULTURE</u>		<u>General Fund Impact -FY 1981</u>
Administrative Services Division		
Eliminate 3¢ per inhabitant appropriation for Stipend Fund (Replaced by increased % from wagering pool.)		(\$33,500)
Division of Markets and Promotions		
Transfer Branding Law program to Inspections Division	(-7)	(128,200)
Animal Industry Division		
Eliminate Production and Pullet Test appropriation	(-3)	(73,900)
Plant Industry Division		
Elimination of Beehive Damage appropriation		(3,000)

General Fund
Impact -FY 1981

Inspections Division		
Elimination of General Fund portion of Blueberry Fly program	(-1)	(\$ 3,500)
Elimination of Meat Inspection program	(-6)	(100,900)
Transfer of Branding Law program from Markets and Promotions	(7)	128,200
Transfer of dedicated portion of Weights and Measures program to General Fund	(3)	68,800
Transfer of Feed program to General Fund	(2)	66,500
Transfer of Fertilizer program to General Fund	(1)	40,900
		<hr/>
NET CHANGE IN APPROPRIATIONS	(-4)	(\$38,600)
Additional General Fund Revenues from current Weights and Measures, Feed and Fertilizer fees		\$149,000
Additional General Fund Revenues from changes in Food, Dairy, Frozen Dairy, Fertilizer, Seed and Beehive inspection fees		72,250
Loss of Revenue from Production and Pullet Test		(35,900)
		<hr/>
NET CHANGE IN GENERAL FUND REVENUES		\$185,350
NET GENERAL FUND IMPACT - DEPARTMENT OF AGRICULTURE		\$223,950

DEPARTMENT OF DEFENSE & VETERANS SERVICES

Elimination of \$300 benefit for first year in-state students		(\$12,500)
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INDEPENDENT AGENCIES

STATE HARNESS RACING COMMISSION

Reduction in Commissioner's salaries (\$ 2,100)

MAINE AGRICULTURAL BARGAINING BOARD

Elimination of Appropriation to cover possible meetings (3,000)

SEED POTATO BOARD

Elimination of loan repayment schedule 20,000

STATE PLANNING OFFICE

Elimination of General Fund support for non-specific projects (-2) (50,800)

TOTAL GENERAL FUND IMPACT \$272,350

Longer range impacts. In addition to fee increases, two of the Committee's recommendations will have specific impacts beyond fiscal year 1981. First, eliminating the repayment schedule for the Maine Seed Potato Board's outstanding loan from the General Fund will reduce General Fund revenues by \$20,000 in each of the two succeeding years. Second, eliminating the \$300 student assistance grant for veteran's dependents who receive free in-state tuition will, after four years, result in a \$50,000 savings to the General Fund. Because current students are grandfathered, this recommendation shows only a \$12,500 savings in fiscal year 1981.

Changes from dedicated to General Funding. In a number of instances the Committee has recommended that programs be converted from dedicated to General Fund activities. The Committee finds that the regular scrutiny afforded General Fund appropriation requests should result in more carefully managed programs.

The Committee recognizes that if fee structures are not regularly reviewed, programs which are now effectively self-financing will begin to absorb General Fund dollars. The Committee has found, however, that some dedicated programs may not actually have been fully self-financing anyway. The Committee finds that improved accounting procedures and regular review of fee schedules is a better approach to reducing overall costs than use of dedicated accounts.

APPENDIX A

INTER-DEPARTMENTAL MEMORANDUM



SUBJECT: Title 37A

DATE: 28 August 1979

TO: Legislative Finance ATTN: Mr. Madigan

FROM: BG Charles S. Reed, Jr., Military Bureau *CR*

With reference to our discussion this morning concerning several portions of Title 37A which are "apparently" out of date, please be advised that our legal section has the entire title under study at this time with a view to presenting to the 110th Legislature a completely revised Title in 1981.

The reason that I placed the word apparently in quotes is that whereas, under peacetime conditions, some of the provisions might not seem necessary, under a mobilization, they might be highly desirable. These conditions will be part of our analysis of the law.

A handwritten signature in cursive script, appearing to read 'Charles S. Reed, Jr.'.

CHARLES S. REED, JR.
BG, AGC, MeARNG
Deputy Adjutant General

CF:
Chief of Staff
JAG



State of Maine

In the Year of our Lord, Nineteen Hundred and Eighty.

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law.

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

PART A

Sec. 1. 3 MRSA §507-B is enacted to read:

§507-B. Continuation of reviewed agencies

The following independent state agencies have been reviewed by the Joint Standing Committee on Audit and Program Review and are continued beyond the following termination dates, subject to section 506, subsection 1.

1. Agencies scheduled for termination on June 30, 1980.

Pursuant to section 507, subsection 2, paragraph A, the following independent agencies, scheduled for termination on June 30, 1980, are continued without modification or are continued as modified by Act of the Legislature passed prior to June 30, 1980.

A. Agencies continued without modification are:

- (1) Maine Blueberry Commission;
- (2) Blueberry Industry Advisory Board;
- (3) Maine Milk Commission;
- (4) Maine Agricultural Bargaining Board;
- (5) Board of Veterinary Medicine;
- (6) Maine Milk Tax Committee;
- (7) Maine Dairy and Nutrition Council Committee; and
- (8) State Lottery Commission.

B. Agencies continued as modified by Act of Legislature are:

- (1) Seed Potato Board;
- (2) State Harness Racing Commission;
- (3) Board of Pesticide Control; and
- (4) State Planning Office.

Sec. 2. 5 MRSA §1510-A, sub-§1, last ¶, as enacted
by PL 1977, c. 624, §2, is amended to read:
These claims shall include, but shall not be limited to,
claims for damage or injury caused by patients, inmates, prisoners
in the care or custody of the Department of Mental Health and
Corrections or of any institution administered by a department,
by children in the custody of the Department of Human Services
~~and-by-wild-animals.~~

Sec. 3. 5 MRSA §1510-B is enacted to read:
§1510-B. No liability for wild animal damage
The State is not liable for damage to livestock or beehives
done by wild animals. Neither state agencies nor the State
Claims Board shall accept claims for such wild animal damage.

Sec. 4 . 5 MRSA §3305, sub-§1, ¶A, as enacted by PL 1967,

c. 533, §1, is repealed and the following enacted in its place:

A. Coordinate the preparation of goals and policies to guide and carry forward the wise and coordinated development of Maine's economy and the conservation of the state's natural resources. These goals and policies and recommendations for implementation shall be submitted to the Governor and Legislature for their approval. They shall be developed in such areas as: Land use, housing, natural resource development and conservation and commerce and industrial development.

The State Planning Office shall give the public full opportunity to participate in the formulation of these goals and policies, and these goals and policies shall not be in direct conflict with adopted local and regional plans;

Sec. 5 . 5 MRSA §3305, sub-§1, ¶B, as amended by PL 1973,

c. 721, is repealed and the following enacted in its place:

B. Provide technical assistance to the Governor and Legislature by undertaking special studies and plans and preparing policy alternatives. The office shall prepare the plans and studies at the request of the Governor, the Legislature or interdepartmental committees, councils and task forces;

Sec. 6 . 5 MRSA §3305, sub-§1, ¶G, sub-¶(1), first

sentence, as repealed and replaced by PL 1979, c. 127, §37,

is amended to read:

Act as the coordinating agency between the several officers, authorities, boards, commissions, departments and divisions of the State in matters relative to the physical development of the State, and review the proposals of said agencies in the light of their relationship to the ~~comprehensive plan~~ adopted goals and policies and incorporate such reviews in the reports of the office.

Sec. 7 . 5 MRSA §3311, as enacted by PL 1973, c. 778, §1,
is repealed and the following enacted in its place:

§3311. Findings; declaration of purpose

The Legislature finds that the State of Maine has an overriding interest in the optimum development and preservation of sites or areas of unusual natural, scenic or scientific significance. In order to facilitate their preservation for present and future generations, the Legislature finds that these areas should be inventoried. The Legislature directs that a state-wide inventory and an official, authoritative listing of the natural, scenic and scientific areas of overriding state interest be made by the State Planning Office as part of its overall responsibility for comprehensive state-wide planning and coordination of the planning and conservation efforts of state and local agencies. The official listing shall be known as the "Register of Critical Areas" and ^{may} be referred to as the "register."

The Legislature also finds that the best ways to accomplish the objectives cited ^{in this section} are through continued implementation of Maine's land use laws which guide and control development in all areas of the State, including those areas listed in the state-wide inventory and through voluntary conservation efforts by landowners. The Legislature authorizes the State Planning Office to work with interested landowners on voluntary conservation of these areas.

Sec. 8 . 5 MRSA §3312, sub-§2, as enacted by PL 1973, c. 778, §1, is amended to read:

2. Critical areas. "Critical areas" mean areas containing or potentially containing plant and animal life or geological features worthy of preservation in their natural condition, or other natural features of significant scenic, or scientific ~~or-historical~~ value.

Sec. 9 . 5 MRSA §3314, sub-§1, first sentence, as enacted by PL 1973, c. 778, §1, is amended to read:

The State Planning Office, with the advice and approval of the board, shall establish a Register of Critical Areas, which shall contain an inventory of sites and areas of significant natural, scenic, or scientific ~~or-historic~~ value duly classified as "critical areas" as defined in section 3312.

Sec. 10 . 5 MRSA §3314, sub-§4, as enacted by PL 1973, c. 778, §1, is repealed.

Sec. 11 . 5 MRSA c. 313, as enacted by PL 1975, c. 623, §5, is repealed.

Sec. 12 . 7 MRSA §62, first sentence, as amended by PL 1965,
c. 436, §1, is repealed and the following enacted in its place:

There shall be appropriated annually from the State Treasury
a sum of money equal to 5% of the amount contributed under Title
8, section 275, and additional sums of money as provided and
limited by Title 8, sections 274 and 333, which shall be known
as the state stipend for aid and encouragement to agricultural
societies and hereafter designated as the "stipend."

Sec. 13 . 7 MRSA §62, 2nd sentence which starts "One-half
of the amounts contributed," as repealed and replaced by
PL 1971, c. 91, §1, is repealed and the following enacted in
its place:

Forty percent of the amounts contributed under Title 8, sections
274 and 333, shall be divided for reimbursements in equal
amounts to each recipient of the Stipend Fund which conducts
pari-mutuel racing in conjunction with its annual fair if the
recipient has improved its racing facilities and has met the
standards for facility improvements set by the commissioner for
the recipients.

Sec. 14 . 7 MRSA §62, 4th sentence which starts "A sum
equal to 2¢ per inhabitant," as amended by PL 1979, c. 541,
Pt. B, §5, is repealed and the following enacted in its place:
A sum equal to 15% of the amount collected under Title 8, sections
274 and 333 shall be divided for reimbursement in amounts in
proportion to the sums expended for premiums in the current
year to each recipient of the Stipend Fund which does not

conduct pari-mutuel racing, if the recipient has improved its facilities and has met the standards for facility improvements set by the commissioner for the recipients.

Sec. 15 . 7 MRSA §402, as last amended by PL 1977, c. 694, §45, is repealed and the following enacted in its place:

§402. Advertising of products

The commissioner may enter into agreements or cooperative arrangements with any person, firm or corporation for the purpose of advertising and increasing the sale and consumption of Maine farm products or disseminating information concerning Maine products.
farm/ He may receive, administer and disburse any funds or contributions from such persons, firms or corporations, either independently or in conjunction with state funds allocated to the purpose, provided that funds so contributed shall be used for the purposes set forth only. He may employ such agents and assistants, subject to the Personnel Law, and make such purchases as may be necessary in the proper performance of his duties.

Sec. 16 . 7 MRSA §441, as amended by PL 1977, c. 694, §46, is repealed and the following enacted in its place:

§441. Rules and regulations

The commissioner may prescribe, in a manner consistent with the Maine Administrative Procedure Act, rules and regulations for carrying out this subchapter, including the fixing of fees to be charged any individual, firm or organization requesting an inspection pursuant to section 446. Such fees shall as nearly as possible cover the costs of the inspection services for the commodity inspected. All fees collected shall be

paid by the commissioner to the Treasurer of State and are appropriated for the purposes of this subchapter. Any unexpended balance from the funds thus appropriated shall not lapse, but shall be carried forward to the same fund for the next fiscal year.

Sec. 17. 7 MRSA §446 is repealed and the following enacted in its place:

§446. Inspections

The commissioner or his duly authorized agents may inspect any fruits, vegetables, poultry, eggs, farm products, sardines or other commodities that are marked, branded or labeled in accordance with official grades or standards established and promulgated by the commissioner for the purpose of determining and certifying the quality and condition thereof and other material facts relative thereto. Certificates issued in pursuance of such inspection and executed by the inspector shall state the date and place of inspection, the grade, condition and approximate quality of the fruits, vegetables, poultry, eggs, farm products, sardines or other commodities inspected and such other pertinent facts as the commissioner may require. Such a certificate relative to the condition or quality of the farm products and sardines shall be prima facie evidence in all courts of the State of the facts required to be stated therein.

Sec. 18. 7 MRSA §486, first sentence is amended to read:

The commissioner ~~shall~~ may have ~~all~~ analyses of commodities, except milk and cream, examined under the inspection laws of which he is the executive, made at the Maine Agricultural Experiment Station.

Sec. 19. 7 MRSA c. 103, sub-c. II-A, as enacted by PL 1975, c. 382, §3 and as amended, is repealed.

Sec. 20. 7 MRSA §714, sub-§2, as enacted by PL 1971, c. 77, §1, is repealed and the following enacted in its place:

2. Fees. The fees so collected by the commissioner shall be deposited in the General Fund.

Sec. 21. 7 MRSA c. 103, sub-cc. VI and VII, as amended, are repealed.

Sec. 22. 7 MRSA c. 103, sub-cc. IX and XII, as amended, are repealed.

Sec. 23. 7 MRSA §743, 2nd sentence is amended to read:

The application for registration shall be submitted to the commissioner on ~~fee~~ forms furnished by the commissioner and shall be accompanied by a fee of ~~\$9~~ \$12 per plant food element guaranteed.

Sec. 24. 7 MRSA §743, 3rd ¶ from the end is repealed
and the following enacted in its place:

The fees so collected by the commissioner shall be
deposited in the General Fund.

Sec. 25. 7 MRSA §1015, 4th ¶, as enacted by PL 1971, c. 366,
is amended to read:

In order to insure the licensee's financial responsibility
and to protect potato producers, the commissioner shall require
the licensee to file a bond in a form and amount satisfactory to
the commissioner, but in no event not less than ~~\$5,000~~ \$10,000
nor more than ~~\$50,000~~ \$100,000, payable to the commissioner
in his official capacity and conditioned on the full and prompt
payment for all potatoes received or purchased from producers
or other licensees during the effective period of the license.

Sec. ~~26~~ 7 MFS §1044-A is enacted to read:

§1044-A. Registration

1. Registration fees. Registration fees shall be paid to the commissioner by each manufacturer or processor distributing seed in this State. All fees collected by the commissioner shall be payable by him to the Treasurer of State for deposit into the General Fund. Fees are established as follows.

A. For any seed sold in containers of more than one pound, a fee of 25¢ per hundredweight shall be paid.

B. For any seed sold only in containers of one pound or less, a flat fee of \$2 per variety shall be paid in lieu of a fee based on weight. The fee shall be paid annually prior to distribution in this State. Fees are renewable annually on January 1st.

2. Reporting requirements. For any seed sold in containers of more than one pound, a report shall be filed annually on February 1st on forms supplied by the commissioner, and fees based on the 25¢ per hundredweight rate shall accompany the report. Each manufacturer or processor shall maintain adequate records for reporting purposes. The records shall be made available to the commissioner, or his designee, for audit if requested.

3. Exceptions. Exceptions to the fee requirements are:

A. Seed not intended for sowing purposes;

B. Seed in storage in or consigned to a seed cleaning or processing establishment for cleaning or processing; and

C. Seed grown, sold and delivered by the producer on his own premises for seeding purposes to the ultimate consumer, provided that the seed has neither been advertised for sale nor been delivered via commercial carrier, and provided that the seed contains no prohibited noxious-weed seeds or not more than one restricted noxious-weed seed to 2,000 of the seeds being sold.

Sec. 27. 7 MRSA §2501, first sentence, as amended by PL 1977, c. 157, §1, is further amended to read:

All persons owning bees within the State shall annually notify the commissioner of the keeping of bees and the location thereof and shall forward to the commissioner for deposit with the Treasurer of State an annual license fee of ~~10¢~~ 25¢ per colony for all bees in the hive on June 15th of each year.

Sec. 28. 7 MRSA §2501, 2nd sentence is amended to read:
No license fee returned shall be less than ~~\$1~~ \$2 per beekeeper.

Sec. 29. 7 MRSA §2552, 2nd sentence, as enacted by PL 1977, c. 157, §7, is repealed as follows:
~~A minimum of \$5 per hour and the current state mileage rate shall be used.~~

Sec. 30. 7 MRSA §2901, sub-§§10-B to 10-D are enacted to read:

10-B. Frozen dairy product mix. "Frozen dairy product mix"
means any unfrozen mixture to be used in the manufacture of frozen dairy products for sale or resale and shall contain in whole or in part the ingredients enumerated under the definition of frozen dairy products.

10-C. Frozen dairy products. "Frozen dairy products"
means the frozen products made from cream or a mixture of milk and cream or a combination of dairy products of equivalent composition, sweetened with sugar or other suitable sweetening agent and containing natural or imitation flavoring. Frozen dairy products shall include ice cream, frozen custard, ice milk, sherbet, ices and related food products, and frozen dairy product mix. They may or may not contain egg-yolk solids and may be frozen with or without agitation. They shall contain no fats or oils other than butter fat, except those necessarily contained in the flavoring.

10-D. Frozen dairy products plant. "Frozen dairy products' plant" means any place, premises or establishment and any part thereof where frozen dairy products, such as ice cream, frozen custard, ice milk, sherbet, ices and related food products are assembled, processed, manufactured or converted into form for distribution or sale, and rooms or premises where such frozen dairy products' manufacturing equipment is washed, sterilized or kept.

Sec. 31. 7 MRSA §2901, sub-§13-A is enacted to read:

13-A. Home made or home maid. "Home made" or "home maid," or similar terminology applied to these frozen dairy products, means \longleftrightarrow frozen dairy products manufactured and frozen under conditions normally found in the home.

Sec. 32. 7 MRSA §2901, sub-§22, first sentence, as repealed and replaced by PL 1971, c. 164, §8, is amended to read:

Milk products means cream, sour cream, milk, butter, evaporated milk, sweetened condensed milk, nonfat dry milk solids, half and half, reconstituted half and half, concentrated milk, skim milk, nonfat or fat-free milk, reconstituted milk and milk products, vitamin D milk and milk products, low-fat milk, fortified milk and milk products, homogenized milk, flavored milk, flavored dairy drink, eggnog, imitation eggnog, eggnog flavored milk, cultured buttermilk, cottage cheese, creamed cottage cheese, acidified milk and milk products, frozen dairy products and frozen dairy product mix, and any other products designated

as milk products by the commissioner.

Sec. 33. 7 MRSA §2901, sub-§33 is enacted to read:

33. Wholesale manufacturer. "Wholesale manufacturer"

means ↔ any person, firm, corporation, association or society
which manufactures frozen dairy products, any of which are sold
to another for resale, or ^{which} manufactures frozen dairy product
mix within the State, or for sale within the State.

Sec. 34. 7 MRSA §2902, 2nd ¶, 2nd sentence is repealed

as follows:

~~Each vehicle from which sales or distribution of milk or cream
are made, shall be covered by a license.~~

Sec. 35. 7 MRSA §2902, as last amended by PL 1977, c.

694, §138, is further amended by inserting after the 2nd paragraph
the following:

Each wholesale manufacturer of frozen dairy products not
licensed under this section as a milk dealer shall, during the
month of June in each year, file with the commissioner an application
for a license, upon a form prescribed by the commissioner.

The application shall show the location of the plant at
which frozen dairy products or frozen dairy product mix are to be
manufactured and the name of the brand or brands, if any,
under which the same are to be sold. The license shall expire
on June 30th or in a manner consistent with the Maine Administrative
Procedure Act, whichever is later. Each license shall cover

one group of buildings constituting a frozen dairy products'
plant in one location.

Sec. 36. 7 MRSA §2902, 3rd ¶ is repealed and the following
enacted in its place:

The commissioner, if satisfied after inspection or investigation
that the applicant has complied with sections 2901 to 2904
and 3101 to 3103 and the rules and regulations issued thereunder,
shall issue a license.

The fee for each license to sell or distribute milk or cream
from a dairy farm shall be based on the annual volume of milk
sold or distributed by the farm, but shall not be less than
\$10 nor greater than \$25. The fee for each license to sell or
distribute milk or cream from a milk plant shall be based on the
annual volume of milk sold or distributed by the milk plant, but
shall not be less than \$25 nor more than \$50. The Commissioner
of Agriculture shall promulgate and establish a fee schedule
according to the procedures and subject to the Maine Administrative
Procedure Act.

The fee for each wholesale license to sell or distribute
frozen dairy products shall be \$25.

All money received by the commissioner shall be deposited
in the General Fund.

Sec. 37. 7 MRSA §2903, as last amended by PL 1971, c. 164, §16, is further amended by inserting after the first paragraph the following:

No person shall sell, advertise or offer or expose for sale any frozen dairy product or frozen dairy product mix unless the manufacturer thereof is licensed under this chapter.
No person shall sell, offer for sale or advertise for sale any frozen dairy product or frozen dairy product mix if the label upon it or the advertising accompanying it gives a false indication of the origin, character, composition or place of manufacture, or is otherwise false or misleading in any particular. No person shall sell, advertise or offer or expose for sale any frozen dairy product for which a standard has not been established by the commissioner, regardless of trade name, brand or coined name. No person shall sell or offer, advertise or expose for sale any frozen dairy product or frozen dairy product mix which does not conform to the standards of strength, quality, purity and identity now or hereafter to be fixed by the commissioner.

Sec. 38. 7 MRSA §2903, 3rd ¶ is amended to read:

It shall be unlawful for any milk dealer to sell any milk, or milk products as defined in sections 2901 to 2904 and 3101 to 3103, except frozen dairy products, the container of which is not plainly marked or labelled with the name of the contents, the word "pasteurized" or the word "natural" in accordance with the quality therein contained and the name and address of the licensed dealer and sufficient information to identify the milk plant where packaged.

Sec. 39. 7 MRSA §3652, first 2 sentences are amended to read:

Whenever any livestock, poultry or domestic rabbits, properly enclosed, owned by a resident of this State ~~is~~^{are} killed or injured by dogs ~~or wild-animals~~, the owner, after locating such animal, animals or poultry or a sufficient part of each to identify the same, may make complaint thereof to the mayor of a city or to one of the municipal officers of the town or plantation where such damage was done within 24 hours after he had knowledge of same. Thereupon, the municipal officers shall investigate the complaint and if satisfied such damage was committed by dogs ~~or wild-animals~~ within the limit of their municipality, after viewing the evidence estimate the actual value of such animals or poultry according to the purposes for which they were kept, whether as breeders or other purposes, together with the damage to any other animals or poultry being bitten, torn or chased or exhausted, and make returns on blanks furnished by the Department of Agriculture.

Sec. 40. 7 MRSA §3654, as amended by PL 1977, c. 157, §15, is repealed.

Sec. 41. 8 MRSA §265 is repealed and the following enacted in its place:

§265. Compensation

Members of the commission shall receive a per diem compensation in the amount of \$50 for each meeting attended and, in addition, each member shall receive his actual and reasonable expenses incurred in the performance of his duties.

Sec. 42. 8 MRSA §274, 2nd sentence, as amended by PL 1977, c. 96, §2, is further amended to read:

Commissions on pools of regular wagers other than exotic wagers shall in no event and at no track exceed ~~16%~~ 16 1/4% of each dollar wagered, and commissions on pools of exotic wagers shall in no event and at no track exceed ~~25%~~ 25 1/4% of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered, whether regular wagers or exotic wagers, exceeding a sum equal to the next lowest multiple of 10, known as "breakage," which breakage shall be retained by the licensee.

Sec. 43. 8 MRSA §274, next to last sentence is amended to read:

A sum equal to ~~1%~~ 1 1/4% of such total contributions shall be paid to the Treasurer of State to be credited to the "Stipend Fund" provided by Title 7, section 62.

Sec. 44. 10 MRSA §2701, last ¶ is repealed and the following enacted in its place:

All fees and expenses collected under this chapter by the state sealer shall be deposited in the General Fund.

Sec. 45. 12 MRSA §4814, as last amended by PL 1973, c. 661, §3, is further amended by inserting before the last sentence the following new sentence:

The district attorney may enforce the provisions of a local shoreland zoning ordinance upon the request of an authorized municipal official.

Sec. 46. 12 MRSA §6102, 3rd and 4th sentences, as enacted by PL 1977, c. 661, §5, are amended to read:
The program may include provisions similar to those of section 6856, shellfish sanitation and certificate, and section 6101, voluntary fish products inspection program, including any additional inspection, licensing and certification requirements that are necessary to insure proper ~~sanitation~~ and quality control. The commissioner may adopt or amend regulations prescribing the minimum standards for establishments and for ~~sanitation~~ and quality control of the processing of any marine organism or its products.

Sec. 47. 22 MRSA c. 564, as enacted by PL 1969, c. 464, §1 and as amended, is repealed.

Sec. 48. 22 MRSA c. 259-A is enacted to read:

CHAPTER 259-A

REGISTRATION, DISTRIBUTION AND DISPOSAL OF PESTICIDES

§1491. Enforcing authority

This chapter shall be administered by the Board of Pesticides Control, hereinafter referred to as the "board."

§1492. Declaration of purpose

The purpose of this chapter is to regulate, in the public interest, the labeling, distribution, storage, transportation, use and disposal of pesticides as defined in this ^{chapter.} / The Legislature . . . finds that pesticides are valuable to our state's agricultural production and to the protection of man and the environment from insects, rodents, weeds and other forms of life which may be pests; but it is essential to the public health and welfare that they be regulated to prevent adverse effects on human life and the environment. New pesticides are continually being discovered or synthesized which are valuable to the control of pests and for use as defoliants, desiccants, plant regulators and related purposes. The dissemination of accurate scientific information as to the proper use of any pesticide is vital to the public health and welfare and the environment, both immediate and future. Therefore, it is deemed necessary to provide for regulation of such pesticides.

§1493. Definitions

As used in this chapter, unless the context otherwise indicates, the following words have the following meanings.

1. Active ingredient. "Active ingredient" means any ingredient which will prevent, destroy, repel, control or mitigate pests, or which will act as a plant regulator, defoliant or desiccant.

2. Adulterated. "Adulterated" means . . . to any pesticide if its strength or purity falls below the professed standard of quality as expressed on its labeling under which it is sold,

or if any substance has been substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has been wholly or in part abstracted.

3. Animal. "Animal" means all vertebrate and invertebrate species, including, but not limited to, man and other mammals, birds, fish and shellfish.

4. Beneficial insects. "Beneficial insects" means those insects which, during their life cycle, are effective pollinators of plants, are parasites or predators of pests or are otherwise beneficial.

5. Board. "Board" means the Board of Pesticides Control or its authorized agents.

6. Defoliant. "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

7. Desiccant. "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

8. Device. "Device" means any instrument or contrivance, other than a firearm, which is intended for trapping, destroying, repelling or mitigating any pest or any other form of plant or animal life, other than man and other bacteria, virus or other microorganism on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom.

9. Distribute. "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment or receive and, having so received, deliver or offer to deliver, pesticides in this State.

10. Environment. "Environment" includes water, air, land and all plants and man and other animals living therein, and the interrelationships which exist among these.

11. FPA. "EPA" means the United States Environmental Protection Agency.

12. FIFRA. "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act.

13. Fungi. "Fungi" means all nonchlorophyll-bearing thallophytes, that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts, as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other living animals, and except those in or on processed food, beverages or pharmaceuticals.

14. Highly toxic pesticide. "Highly toxic pesticide" means any pesticide determined to be a highly toxic pesticide under the authority of the Federal Insecticide, Fungicide and Rodenticide Act, section 25 (c) (2) or by the board under section 1499, subsection 1, paragraph B.

15. Imminent hazard. "Imminent hazard" means a situation which exists when the continued use of a pesticide during the time required for cancellation proceedings pursuant to section 1498 would likely result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the United States Secretary of the Interior under United States Public Law 91-135.

16. Inert ingredient. "Inert ingredient" means an ingredient which is not an active ingredient.

17. Ingredient statement. "Ingredient statement" means statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic.

18. Insect. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising 6-legged, usually winged forms, as for example, beetles, bugs, bees, flies and to other allied classes or arthropods whose members are wingless and usually have more than 6 legs, as for example, spiders, mites, ticks, centipedes and wood lice.

19. Label. "Label" means the written, printed or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

20. Labeling. "Labeling" means the label and all other written, printed or graphic matter accompanying the pesticide or device at any time, or to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the United States Environmental Protection Agency; the United States Departments of Agriculture and Interior and United States Department of Health, Education and Welfare; state experiment stations; state agricultural colleges and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

21. Land. "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances and machinery appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

22. Nematode. "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated fusiform or sac-like bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

23. Person. "Person" means any individual, partnership, association, fiduciary, corporation or any organized group of persons whether incorporated or not.

24. Pest. "Pest" means any insects, rodents, nematodes, fungi, weeds and other forms of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacteria or other microorganisms on or in living man or other living animals, which the board declares to be a pest under section 1499, subsection 1, paragraph A.

25. Pesticide. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. This definition also includes "highly toxic pesticide."

26. Plant regulator. "Plant regulator" means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments.

27. Protect health and the environment. "Protect health and the environment" means protection against any unreasonable adverse effects on the environment.

28. Registrant. "Registrant" means a person who has registered any pesticide pursuant to this chapter.

29. Registration. "Registration" also means reregistration.

30. Restricted use pesticide. "Restricted use pesticide" means any pesticide or pesticide use classified for restricted use by the administrator of the United States Environmental Protection Agency.

31. Rodent. "Rodent" means any member of the animal group of the order rodentia, including, but not limited to, rats, mice, gophers, porcupines and squirrels.

32. Unreasonable adverse effects on the environment. "Unreasonable adverse effects on the environment" means any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide.

33. Weed. "Weed" means any plant which grows where not wanted.

34. Wildlife. "Wildlife" means all living things that are neither human, domesticated nor, as defined in this chapter, pests, including, but not limited to, mammals, birds and aquatic life.

61494. Misbranded

The term "misbranded" applies:

1. False, misleading or inconspicuous labeling. To any pesticide subject to this chapter:

A. If its labeling bears any statement, design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

B. If it is an imitation of or is distributed under the name of another pesticide; and

C. If any word, statement or other information required to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and

2. Lack of certain information. To any pesticide:

A. If the labeling does not contain a statement of the use classification under which the product is registered;

B. If the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and, if complied with, together with any requirements imposed under the Federal Insecticide, Fungicide and Rodenticide Act, section 3(d), are adequate to protect health and the environment; and

C. If the label does not bear:

(1) ^{The} ~~Name~~, brand or trademark under which the pesticide is distributed;

(2) An ingredient statement on that part of the immediate container, and on the outside container and wrapper of the retail package, if there is one, through which the ingredient statement on the immediate container cannot be clearly read, which is presented or displayed under customary conditions of purchase; provided that the ingredient statement may appear prominently on another part of the container as permitted pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, section

2(g)(2)(A) if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

(3) A warning or caution statement which may be necessary and which, if complied with together with any requirements imposed under the FIFRA, section 3(d), would be adequate to protect the health and environment;

(4) The net weight or measure of the content;

(5) The name and address of the manufacturer, registrant or person for whom manufactured; and

(6) The EPA registration number assigned to each establishment in which it was produced and the EPA registration number assigned to the pesticide, if required by regulations under FIFRA;

D. If that pesticide contains any substance or substances in quantities highly toxic to man, unless the label bears, in addition to other label requirements:

(1) The skull and crossbones;

(2) The word "POISON" in red prominently displayed on a background of distinctly contrasting color; and

(3) A statement of a practical treatment, including first aid or otherwise, in case of poisoning by the pesticide; and

E. If the pesticide container does not bear a registered label or if the label does not contain all the information required by this chapter or the regulations adopted under this chapter.

§1495. Prohibited acts

1. Unlawful distribution. It is unlawful for any person to distribute in the State any of the following:

A. Any pesticide which has not been registered pursuant to this chapter;

B. Any pesticide if any of the claims made for it or any of the directions for its use or other labeling differs

from the representations made in connection with its registration,
or if the composition of a pesticide differs from its
composition as represented in connection with its
registration; provided that a change in the labeling or
formulation of a pesticide may be made within a registration
period without requiring reregistration of the product, if
the registration is amended to reflect such change and if such
change will not violate any provision of FIFRA or this chapter;

C. Any pesticide unless it is in the registrant's or the
manufacturer's unbroken immediate container and there is
affixed to such container, and to the outside container or
wrapper of the retail package, if there is one through which
the required information on the immediate container cannot
be clearly read, a label bearing the information required in
this chapter and the regulations adopted under this chapter;

D. Any pesticide which has not been colored or discolored
pursuant to section 1499, subsection 1, paragraph D;

E. Any pesticide which is adulterated or misbranded or
any device which is misbranded; and

F. Any pesticide in containers which are unsafe due to
damage.

2. Unlawful alteration, misuse, divulging of formula,

transportation, disposal and noncompliance. It shall be unlawful:

A. For any person to detach, alter, deface or destroy,
wholly or in part, any label or labeling provided for in this
chapter or regulations adopted under this chapter, or to
add any substance to, or take any substance from, a
pesticide in a manner that may defeat the purpose of this
chapter or the regulations adopted hereunder;

B. For any person to use or cause to be used any pesticide
in a manner inconsistent with its labeling or to regulations
of the commissioner, if those regulations further restrict
the uses provided on the labeling;

C. For any person to use for his own advantage or to reveal,
other than to the commissioner or proper officials or
employees of the state or federal executive agencies, or

to the courts of this State or of the United States in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of section 1496 or any information judged by the commissioner as containing or relating to trade secrets or commercial or financial information obtained by authority of this chapter and marked as privileged or confidential by the registrant;

D. For any person to handle, transport, store, display or distribute pesticides in such a manner as to endanger man and his environment or to endanger food, feed or any other products that may be transported, stored, displayed or distributed with the pesticides;

E. For any person to dispose of, discard or store any pesticides or pesticide containers in such a manner as may cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects or pollute any water supply or waterway; and

F. For any person to refuse or otherwise fail to comply with this chapter, the regulations adopted hereunder, or of any lawful order of the commissioner.

§1496. Registration

1. Conditions requiring registration. Every pesticide which is distributed in this State shall be registered with the board, subject to this chapter. The registration shall be renewed annually prior to January 1st, provided that registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at the plant or warehouse as a constituent part to make a pesticide which is registered under this chapter, or if the pesticide is distributed under the provisions of an experimental use permit issued under section 1497 or any experimental use permit issued by EPA.

2. Contents of statement made by applicant. The applicant for registration shall file a statement with the board which shall include:

A. The name and address of the applicant and the name and address of the person whose name will appear on the label, ^{the} if other than/applicant's name;

B. The name of the pesticide;

C. Other necessary information required for completion

of the department's application for registration forms; and

D. A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use and the use classification as provided for in FIFRA.

3. Submission of formula. The board, when it deems it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide, including the active and inert ingredients.

4. Test results. The board may require a full description of the tests made and the results thereof upon which the claims are based on any pesticide not registered pursuant to FIFRA, section 3 or on any pesticide on which restrictions are being considered. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide was registered or last reregistered.

5. Power to require other information. The board may prescribe other necessary information by regulation adopted in a manner consistent with the Maine Administrative Procedure Act.

6. Registration fee; validity. The applicant desiring to register a pesticide shall pay an annual registration fee of \$10 to the board for each pesticide registered for such applicant. All such registrations shall expire on December 31st of any one year or in a manner consistent with the Maine Administrative Procedure Act as to license expiration, Title 5, section 10002, whichever is later.

7. Renewal of registration. Forms for reregistration shall be mailed to registrants at least 30 days prior to the due date.

8. Approval of application for registration.

A. Provided the State is certified by the administrator of EPA to register pesticides pursuant to FIFRA, section ^{24 (c)}, the board shall consider the required information set forth under subsections 2, 3, 4 and 5 and shall, subject to the terms and conditions of the EPA certification, register such pesticide if he determines that:

(1) Its composition is such as to warrant the proposed claims for it;

(2) Its labeling and other material required to be submitted comply with the requirements of this chapter;

(3) It will perform its intended function without unreasonable adverse effects on the environment;

(4) When used in accordance with widespread and commonly recognized practice, it will not generally cause unreasonable adverse effects on the environment; and

(5) A special local need for the pesticide exists.

B. Prior to registering a pesticide for a special local need, the board shall classify the uses of the pesticide for general or restricted use in conformity with FIFRA, section 3 (d): provided that the board shall not make any lack of essentiality a criterion for denying registration of any pesticide. Where 2 pesticides meet the requirements of this paragraph, one should not be registered in preference to the other.

C. The board may develop and promulgate such other requirements by regulation, adopted in a manner consistent with the Maine Administrative Procedure Act, as are necessary for the state plan to receive certification from EPA.

9. Adverse environmental effects. If, at any time after the registration of a pesticide, the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide, he shall submit the information to the board.

§1497. Experimental use permits

1. Board's powers. Provided the State is authorized by the administrator of EPA to issue experimental use permits, the board may:

A. Issue an experimental use permit to any person applying for an experimental use permit, if it determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide under section 1496. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed;

B. Prescribe terms, conditions and period of time for the experimental use permit, which shall be under the supervision of the board; and

C. Modify any experimental use permit in a manner consistent with the Maine Administrative Procedure Act as to adjudicatory proceedings, if it finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment. These permits may be revoked by the Administrative Court if the terms or conditions are being violated or are inadequate to avoid unreasonable adverse effects on the environment.

2. Development and promulgation of other requirements.

The board may develop and promulgate such other requirements by regulation, adopted in a manner consistent with the Maine Administrative Procedure Act, as are necessary for the state plan to receive such authorization from EPA.

3. Limitation or prohibition of experimental use pesticides. The board may, by regulation adopted in a manner consistent with the Maine Administrative Procedure Act, limit or prohibit the use of any pesticide for which an experimental use permit has been issued by EPA pursuant to FIFRA, Section 5(a), and which the board finds may cause unreasonable adverse effects on the environment.

§1498. Refusal to register; cancellation; suspension; legal recourse

1. Procedure. Provided the State is certified by the administrator of EPA to register pesticides formulated to meet special local needs, the board shall consider the following for refusal to register; for cancellation; for suspension; or for legal recourse for such pesticides. This registration, cancellation and suspension shall be considered rule-making as that term is defined in the Maine Administrative Procedure Act and notice shall be provided in a manner consistent with the Maine Administrative Procedure Act.

A. If it does not appear to the board that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with this chapter or regulations adopted hereunder, it shall notify the applicant of the manner in which the pesticide, labeling or other material required to be submitted fails to comply with ~~_____~~ this chapter so as to afford the applicant an opportunity to make the necessary corrections and shall notify, in a manner consistent with the Maine Administrative Procedure Act, the applicant of the opportunity for hearing prior to refusal to register.

B. When the board determines that a pesticide or its labeling does not comply with this chapter or the regulations adopted hereunder, it may cancel the registration of a pesticide or change its classification, after a notice and opportunity for hearing

has been provided in a manner consistent with the rule-making provisions of the Maine Administrative Procedure Act.

C. When the board determines that there is an imminent hazard, it may, on its own motion, suspend the registration of a pesticide in a manner consistent with the Maine Administrative Procedure Act, Title 5, section 8054, as to emergency rule-making pending decisions reached after notice and opportunity for a hearing. Hearings shall be held with the utmost possible expedition,

D. When the board becomes cognizant of any possible hazard or violation involving either a registered or unregistered product, it shall cause notice of such fact, stating the date, hour and place of hearing, with a copy of the findings or charge to be preferred, to be delivered by registered mail, return receipt requested, to the person concerned, who shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the board.

E. Any person who will be adversely affected by such order in this section may obtain judicial review thereof by filing in the District Court, within 60 days after the entry of such order, a petition praying that the order be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the board and thereupon the board shall file in the court the record of the proceedings on which it based its order. The court shall have jurisdiction to affirm or set aside the order complained of, in whole or in part. The findings of the board with respect to questions of fact shall be sustained, if supported by substantial evidence when considered on the record as a whole. Upon application, the court may remand the matter to the board to take further testimony, if there are reasonable grounds for the failure to adduce such evidence in the prior hearing. The board may modify its findings and its order by

reason of the additional evidence so taken and shall file the additional record and any modification of the findings or order with the clerk of the court.

2. Federally registered pesticides. If the board determines that any federally registered pesticide, with respect to the use of such pesticide within this State, does not warrant the claims for it, or might cause unreasonable adverse effects on the environment, it may refuse to register the pesticide as required in section 1496, or, if the pesticide is registered under section 1496, the registration may be cancelled or suspended as provided in subsection 1. If the board believes the pesticide does not comply with the provisions of FIFRA or the regulations adopted thereunder, it shall advise EPA of the manner in which the pesticide, labeling or other material required to be submitted fails to comply with the provisions of FIFRA, and suggest necessary corrections.

§1499. Determinations; rules and regulations; restricted use pesticides; uniformity

1. Determinations. The board is authorized, after due notice and an opportunity for a hearing in a manner consistent with the rule-making provisions of the Maine Administrative Procedure Act:

A. To declare as a pest any form of plant or animal life, except virus, bacteria or other microorganisms on or in living man or other living animals, which is injurious to health or the environment;

B. To determine whether pesticides registered under the authority of FIFRA, Section 24(c) are highly toxic to man. The definition of highly toxic, as defined in the Title 40, Code of Federal Regulations 162.8/as issued or hereafter amended, shall govern the board's determination;

C. To determine pesticides and quantities of substances contained in pesticides, which are injurious to the environment, the board shall be guided by EPA regulations in this determination; and

D. To prescribe regulations requiring any pesticide to be colored or discolored, if it determines that such requirement is feasible and is necessary for the protection of health and ^{the} environment.

2. Rule-making powers. The board is authorized, after due notice and a public hearing, in a manner consistent with the Maine Administrative Procedure Act, to make appropriate regulations for carrying out the provisions of this chapter, including, but not limited to, regulations providing for:

A. The collection, examination and reporting of samples of pesticides or devices;

B. The safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers;

C. Labeling requirements of all pesticides required to be registered under this chapter, provided that such regulations shall not impose any requirements for federally registered labels in addition to or different from those required pursuant to FIFRA; and

D. Specifying classes of devices which shall be subject to section 1494, subsection 1.

3. Uniformity of requirements; restricted uses. For the purpose of uniformity of requirements between the states and the Federal Government, the board may, after a public hearing, adopt regulations in conformity with the primary pesticide standards, particularly as to labeling, registration requirements and criteria for classifying pesticides for restricted use as established by EPA or other federal or state agencies.

§1500. Enforcement

1. Board powers. Notwithstanding any other provisions of law, the sampling and examination of pesticides or devices shall be made under the direction of the board for the purpose of determining whether they comply with _____ this chapter. The board is authorized, upon presentation of proper identification, to enter any distributor's premises, including any vehicle of transport, at all reasonable times in order to have access to labeled pesticides or devices packaged for distribution, and to open any case, package or other container, and may upon tendering the market price take samples for analysis. If it appears from such examination that a pesticide or device fails to comply with _____ this chapter or regulations adopted hereunder, and the board contemplates instituting criminal proceedings against any person, the board shall cause appropriate notice to be given to such person in a manner consistent with the Maine Administrative Procedure Act. Any person so notified shall be given an opportunity for a hearing in a manner consistent with the Maine Administrative Procedure Act as to adjudicatory proceedings. If thereafter in the opinion of the board it appears that _____ this chapter or regulations adopted hereunder have been violated by such person, the board shall refer a copy of the results of the analysis or the examination of such pesticide or device to the attorney for the district in which the violation occurred.

2. Minor violations. Nothing in this chapter shall be construed as requiring the board to report minor violations of this chapter for prosecution or for the institution of condemnation proceedings when he believes that the public interest will be served best by a suitable notice of warning in writing.

§1501. "Stop sale, use or removal" order

When the board has reasonable cause to believe a pesticide or device is being distributed, stored, transported or used in violation of _____ this chapter or of any of the prescribed regulations under this chapter, it may issue and serve a written "stop sale, use or removal" order upon the owner or custodian of any such pesticide or device. If the owner or custodian is not available for service of the order upon him, the

3. Award of court costs and fees. When a decree of condemnation is entered against the pesticide or device, court costs, fees, storage and other proper expenses shall be awarded against the person, if any, appearing as claimant of the pesticide.

§1503. Denial, suspension, revocation of license

Upon notice and opportunity for a hearing as provided in sections 1497 and 1498, the board is authorized to deny, or refuse to renew, any license, registration or permit provided for in this chapter, subject to a hearing in any case in which it finds there has been a failure or refusal to comply with ~~any~~ this chapter or regulations adopted hereunder. When it finds any failure or refusal to comply, the board is further authorized to cancel or suspend registration of a pesticide, as provided in section 1498, or to file a complaint for suspension or revocation of any other permit or license with the Administrative Court.

§1504. Subpoenas

The board may issue subpoenas to compel the attendance of witnesses and the production of books, documents and records in the State in any hearing affecting the authority or privilege granted by a license, registration or permit issued under ~~any~~ this chapter.

§1505. Penalties

1. Violations. Any person violating ~~any~~ this chapter or regulations adopted hereunder commits a civil violation for which the following forfeitures may be adjudged:

A. For the first violation, a forfeiture not to exceed \$500; and

B. For each subsequent violation, a forfeiture not to exceed \$1,000.

2. Injunction. The board may bring an action to enjoin the violation or threatened violation of ~~any~~ this chapter or any regulation made pursuant to this chapter in a court of competent jurisdiction of the district in which such violation occurs or is about to occur.

3. No damages from administrative action if probable cause exists. No state court shall allow the recovery of damages from administrative action taken or for a "stop sale, use or removal" order, if the court finds that there was probable cause for such action.

§1506. Exemptions

1. Exemptions from penalties. The penalties provided for violations of section 1495, subsection 1, paragraphs A, B, C, D and E shall not apply to:

A. Any carrier while lawfully engaged in transporting a pesticide within this State, if such carrier shall, upon request, permit the board to copy all records showing the transactions in and movement of the pesticides or devices;

B. Public officials of this State and the Federal Government while engaged in the performance of their official duties in administering state or federal pesticide laws or regulations,

C. The manufacturer, shipper or other distributor of a pesticide for experimental use only, provided that such person holds or is covered by a valid experimental use permit as provided for by section 1497 or issued by EPA, and provided further that such permit covers the conduct in question;and

D. Any person who ships a substance or mixture of substances being put through tests in which the purpose is only to determine its value for pesticide purposes or to determine its toxicity or other properties and from which the user does not expect to receive any benefit in pest control from its use.

2. Exemption for pesticides for export. No pesticide or device shall be deemed in violation of this chapter when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this chapter shall apply.

§1507. Publication of information

The board may publish at least annually and in such form as it may deem proper, results of analyses based on official samples as compared with the analyses guaranteed and information concerning the distribution of pesticides, provided that individual distribution information shall not be a public record.

§1508. Delegation of duties

All authority vested in the board by virtue of this chapter may, with like force and effort, be executed by such employees of the board as the board may from time to time designate for that purpose.

§1509. Cooperation

The board may cooperate, receive grants-in-aid and enter into cooperative agreements with any agency of the Federal Government, of this State or its subdivisions, or with any agency of another state, in order, but not limited to:

1. Uniformity. Secure uniformity of regulations;
2. Cooperative agreements with EPA. Prepare and submit state plans and enter into cooperative agreements with EPA to register pesticides under the authority of this chapter and FIFRA;
3. Use of state and federal facilities. Cooperate in the enforcement of the federal pesticide control laws through the use of state or federal personnel, or both, and facilities and to implement cooperative enforcement programs including, but not limited to, the registration and inspection of establishments;
4. Contracts for monitoring pesticides. Enter into contracts for monitoring pesticides for the national plan; and
5. Preparation of state plans. Prepare and submit state plans to meet federal certification standards for issuing experimental use permits.

§1510. Disposition of funds

All moneys received by the board under this chapter shall be deposited in the State Treasury to the credit of a special fund to be used only for carrying out the work of the Board of Pesticides Control.

§1511. Separability

If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this chapter and applicability thereof to other persons and circumstances shall not be affected thereby.

§1512. Prior liability

The enactment of this chapter shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which is already in existence on October 1, 1975.

§1513. Jurisdiction

Jurisdiction in all matters pertaining to the registration, distribution and disposal of pesticides and devices is by this chapter vested exclusively in the board.

Sec. 49. 22 MRSA §2152, sub-§7-A is enacted to read:

7-A. Retail food establishment. "Retail food establishment" means any establishment where food and food products are offered for sale to the ultimate consumer and intended for off-premise consumption. Such food or food products may often need further preparation or processing after they have been purchased. "Retail food establishment" does not mean an eating establishment as defined in section 2491, subsection 7.

Sec. 50. 22 MRSA §2167 is enacted to read:

§2167. License required

No person, corporation, firm or copartnership shall operate for compensation, directly or indirectly, a factory, warehouse or establishment in which foods are manufactured, ^{processed,} packed or held for introduction into commerce, unless licensed by the Department of Agriculture. In the case of retail food establishments, licenses issued shall be displayed in a place readily visible to customers or other persons using a licensed establishment.

Sec. 51. 22 MRSA §2168 is enacted to read:

§2168. Fees

Each application for, or renewal of, a license to operate a food establishment within the meaning of this chapter shall be accompanied by a fee, appropriate to the size of the establishment of the licensee, determined by the department and not to exceed \$30. The fee shall not be refunded. No license shall be assignable or transferable. The fees so collected by the commissioner shall be deposited in the General Fund.

Sec. 52. 22 MRSA §2169 is enacted to read:

§2169. Issuance of licenses

The department shall, within 30 days following receipt of application, issue a license to operate any food establishment which is found to comply with this chapter and any rules and regulations adopted by the department. When any such applicant, upon inspection by the department, is found not to meet the requirements of this chapter or departmental regulations hereunder, the department is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the department shall be made by the applicant for compliance, or a conditional license setting forth conditions which shall be met by the applicant to the satisfaction of the department.

A full-year license shall be issued for one year from date of issuance and the prescribed fee shall accompany the application for license. Licenses may be renewed upon application therefor and payment of the annual fee, subject to the department's rules and regulations. Licenses erroneously issued by the department shall be considered void and shall be returned to the department on demand.

The department shall, during the 2-year period following the effective date of this section, redistribute the expiration dates of the existing licenses so that an equal number expire in each month of the year, thus allowing for distributing the work of relicensure evenly throughout the year.

The department shall notify license holders not less than 30 days prior to the expiration of their licenses and provide them

with any necessary relicensure forms.

Sec. 53. 22 MRSA §2170 is enacted to read:

§2170. Exception

Any establishment subject to this chapter and chapter 562 shall be required to have only one license and that license shall be issued on the predominate portion of the establishment's business.

Sec. 54. 22 MRSA §2171 is enacted to read:

§2171. Licensing conditions

Notwithstanding any other provisions of this chapter, the department may issue a license required under section 2167 on the basis of an inspection performed by an inspector who works for and is compensated by the municipality in which the establishment is located, but only if the following conditions have been met:

1. Adopted rules, regulations; code of standards. The municipality involved has adopted a set of rules and regulations, ordinances or other code of standards for the establishments which has been approved by the department and which is consistent with the regulations used by the department for the issuance of the licenses in effect at the time of inspection.
2. Inspection to ascertain intent. The department may from time to time inspect the municipally-inspected establishments to ascertain that the intent of these statutes is being followed.
3. Inspection reports. The municipalities shall furnish the department copies of its inspection reports relating to the inspections on a monthly basis.
4. Charge. Municipalities may not charge the department for performing the inspections.
5. License fee. When a license is issued on the basis of a municipal inspection as specified in this section, the requirement for payment of a license fee to the department as set forth in section 2168 shall be waived. ← the licensee shall be required to pay the department a sum not to exceed \$5 to support the costs of mailing and handling.

Sec. 57. 22 MRSA §2497, as enacted by PL 1975, c. 496, §3, is amended by adding at the end the following new sentence:
The department and any duly designated officer or employee thereof shall not have the right to enter upon and into the premises of any establishment for inspection that is licensed under chapter 551, subchapter I.

Sec. 58. 25 MRSA §2108, as enacted by PL 1977, c. 622, is repealed.

Sec. 59. 30 MRSA §4601-A, sub-§1, ¶A, as repealed and replaced by PL 1975, c. 625, §7, is repealed.

Sec. 60. 36 MRSA §4441, 2nd sentence, as amended by PL 1971, c. 158, is further amended to read:
With the filing of said statement, each such person, firm or corporation shall pay to the State Tax Assessor a fee of ~~10¢~~ 12¢ a ton of 2,000 pounds for mixed fertilizer so sold.

Sec. 61. 36 MRSA §4442 is repealed and the following enacted in its place:

§4442. Disposition of fees

The fees so collected by the State Tax Assessor shall be deposited in the General Fund.

Sec. 62.36 MRSAs §4563, sub-§1, ¶¶A and C as repealed and replaced by PL 1975, c. 554, §1, are repealed and the following enacted in their place:

A. The commissioner shall, prior to September 1st of any year in which a grower member or members are to be appointed, appoint one grower member for each of the appropriate districts from nominations made in the following manner.

(1) Prior to July 1st of each year, the Maine Potato Commission shall hold or cause to be held in the affected district or districts a meeting of growers for the purpose of electing nominees for commission membership.

(2) In arranging for the meetings, the commission may, if it deems desirable, utilize the services and facilities of existing organizations and agencies.

(3) At the meetings, 3 nominees shall be elected for consideration by the commissioner, provided that at least 30% of the growers in the district are present.

(4) The commission shall establish procedures for holding the meetings and shall certify to the commissioner that the nominations have been made in compliance with this section and the procedures so established.

(5) The commission shall forward the nominations to the commissioner, in such manner and form as he may prescribe, not later than August 1st of each year.

(6) If nominations are not made within the time and manner specified by this section, the commissioner may, without regard to nomination, appoint any qualified grower to membership on the commission.

C. The commissioner shall, prior to September 1st of any year in which a shipper member is to be appointed, appoint the shipper member of the commission from nominations made in the following manner:

(1) Prior to July 1st of any year in which a shipper member is to be appointed, the Maine Potato Commission shall hold or cause to be held a meeting of shippers for the purpose of electing nominees for commission membership,

(2) In arranging for the meetings the commission may, if it deems desirable, utilize the services and facilities of existing organizations and agencies.

(3) At the meetings, 3 nominees shall be elected for consideration by the commissioner, provided that at least 30% of the shippers in the State are present.

(4) The commission shall establish procedures for holding the meetings, and shall certify to the commissioner that the nominations have been made in compliance with this section and the procedures so established.

(5) The commission shall forward the nominations to the commissioner, in such manner and form as he may prescribe, not later than August 1st of the year in which elections are held,

(6) If nominations are not made within the time and manner specified by this section, the commissioner may, without regard to nominations, appoint any qualified shipper to membership on the commission.

Sec. 63. 36 MRS §4563, sub-§3, as repealed and replaced by PL 1975, c. 554, §3, is amended by adding the following new paragraph:

In the case of a grower member, the vacancy shall be filled from the most recent list of nominees from the affected district.
In the case of a shipper member, the vacancy shall be filled from the most recent list of nominees.

Sec. 67. 37-A MRSA §23, as amended by PL 1977, c. 230, §4, is repealed.

Sec. 65. 37-A MRSA §24, as amended by PL 1977, c. 230, §5, is repealed.

Sec. 66. 37-A MRSA §25 as amended by PL 1977, c. 694, §738, is repealed.

Sec. 67. 37-A MRSA §26, as enacted by PL 1971, c. 580, §1, is repealed.

Sec. 68. 37-A MRSA §27, as amended by PL 1975, c. 293, §4, is repealed.

Sec. 69. 37-A MRSA §34, first sentence, as repealed and replaced by PL 1977, c. 694, §740, is amended to read:

Any person who is denied ~~a pension under section 23 or 24 or who is denied~~ or is not satisfied with the amount of aid allotted to him by the bureau shall have the right of appeal to the director.

Sec. 70. 37-A MRSA §50-K, as last amended by PL 1977, c. 694, §741, is further amended by adding at the end the following new sentence:

Assistance under this section shall not be paid to any person eligible for free tuition in accordance with section 50-L.

Sec. 70-A. 37-A MRSA §50-K-1 is enacted to read:

§50-K-1. Exception

Notwithstanding section 50-K, the bureau shall continue to pay benefits, in the same amount and under the same circumstances, to any eligible person receiving benefits under section 50-K as of June 30, 1980.

Sec. 71, 37-A MRSA §56, as last amended by PL 1975,
c. 771, §408, is repealed.

Sec. 72, 37-A MRSA §59, sub-§9, as last amended by PL 1979,
c. 51, §2, is further amended to read:

9. Preparation and implementation of plans. The Bureau of Civil Emergency Preparedness shall, in conjunction with all municipalities and state agencies it requires to provide assistance, prepare and implement those emergency plans, evacuation plans and other arrangements deemed necessary to protect the public and property in the State from hazards or dangers from radiation, radioactive materials, nuclear materials or the occurrence of a radiological incident as a result of the presence of, release of or emissions from radioactive materials, radioactivity or nuclear materials in this State. This subsection shall only apply to those hazards or dangers which arise from the peaceful use of nuclear or atomic materials.

Sec. 73. Resolves, 1929, c. 153 is repealed.

Sec. 74. Exception; sections 64 and 65. Notwithstanding sections 64 and 65, the Treasurer of State shall continue to pay benefits, in the same amount and under the same circumstances, to any eligible person receiving benefits under the Revised Statutes, Title 37-A, section 23 or 24, as of August 13, 1979.

PART B

Adjustments to General Fund. In order to provide for necessary adjustments of the General Fund for the fiscal year ending June 30, 1981, and in order to implement the recommendations of the ^{Joint Standing} Committee on Audit and Program Review, the appropriations provided by the first regular session of the 109th Legislature are decreased by the amounts designated in the following tabulations.

<u>DEPARTMENT OR AGENCY</u>	<u>APPROPRIATION FROM GENERAL FUND</u>
	<u>1980-81</u>
AGRICULTURE, DEPARTMENT OF	
Departmental Administrative Services	
All Other	(\$ 33,500)
Eliminates the \$.03 per inhabitant appropriation for the stipend fund.	
Agricultural Marketing Services	
Positions	(-7)
Personal Services	(100,000)
All Other	(28,200)
Provides for the transfer of positions and funds to the Division of Inspections to properly enforce the Branding Law.	
Animal Industry Services	
Positions	(-3)
Personal Services	(43,000)
All Other	(30,900)
Eliminates the appropriation for the Production and Pullet Test farm. Reduces General Fund revenues by an estim- ated \$35,900	

Department of Agency

Appropriation From
General Fund
1980 - 81

Plant Industry Services

All Other (\$ 3,000)

Eliminates the appropriation
for payment of claims for
damage to beehives by wild
animals.

Consumer Services

Positions (-1)

Personal Services (2,800)

All Other (700)

Eliminates the appropriation
for a seasonal Blueberry
Inspector Supervisor.

Positions (-6)

Personal Services (83,000)

All Other (17,900)

Eliminates the appropriation
for the State Meat Inspection
Program.

State Harness Racing Commission

Personal Services (2,100)

Reduces the salary of the
members of the commission
to \$50 per diem.

Maine Agricultural Bargaining Board

Personal Services (1,000)

All Other (2,000)

Eliminates the appropriation
for the Agricultural Bargain-
ing Board.

EXECUTIVE DEPARTMENT

State Planning Office

Positions (-2)

Personal Services (25,900)

All Other (21,900)

Eliminates positions and funds
from General Policy Activity area.

DEPARTMENT OR AGENCY

APPROPRIATION FROM
GENERAL FUND
1980-81

DEFENSE AND VETERANS SERVICES, DEPARTMENT OF

Services to Veterans

All Other (5 12,500)

Begins implementation of the elimination of up to \$300 payment for veterans' dependents eligible for free tuition at State-supported institutions.

TOTAL PART B - GENERAL FUND (\$411,400)

PART C

Appropriations from General Fund. In order to provide for expenditures of State Government and other purposes for the fiscal year ending June 30, 1981, and in order to implement the recommendations of the Joint Standing Committee on Audit and Program Review, the sums designated in the following tabulations are appropriated out of moneys in the General Fund not otherwise appropriated.

DEPARTMENT OR AGENCY

APPROPRIATION FROM
GENERAL FUND
1980-81

AGRICULTURE, DEPARTMENT OF

Consumer Services

Positions (7)
Personal Services \$100,000
All Other 28,200

Provided for by transfer from Agricultural Marketing Services.

Positions (6)
Personal Services 88,300
All Other 87,900

Provided for by transferring a number of dedicated accounts to General Fund accounts, increasing fees in some instances and establishing new fees in some instances. Total new revenues to General Fund from fees amount to \$221,250.

TOTAL PART C - GENERAL FUND \$304,400

PART D

PL 1977, chapter 380, Part B, section 11 and PL 1977, chapter 579, Section B, section 5 are repealed.

This section forgives all remaining loans payable to the General Fund by the Seed Potato Board. The amount of these loans as of the effective date of this Act is \$60,000, payable at the rate of \$20,000 per year. Therefore, this section will reduce General Fund revenues in Fiscal Year 1981 by \$20,000.

Statement of Fact

This bill implements the recommendations of the Joint Standing Committee on Audit and Program Review in accordance with the Maine Sunset Law. Part A makes statutory amendments to repeal, modify or leave intact the programs reviewed. Parts B,C, and D make necessary adjustments to current appropriations.

PART A

3 M.R.S.A. § 507-B continues, with or without legislative change, the independent agencies scheduled for termination on June 30, 1980.

5 M.R.S.A. § 1510-A eliminates state payments for damage to livestock by wild animals.

§ 1510-B provides specifically that the State will not pay wild animal damage claims.

§ 3305 eliminates the State Planning Office mandate to develop a comprehensive plan and adds a mandate to develop coordinated goals and policies in specific areas. Paragraph B. clarified the mandate to provide technical assistance.

§ 3311 clarifies intent that the Critical Areas program is primarily an identification and voluntary conservation program.

§ 3312 and 3314 eliminates "historic" as a criteria for inclusion on the Register of Critical Areas. Sub-section 4 repeals the requirement that owners of critical areas notify the Critical Areas Advisory Board of potential changes.

5 M.R.S.A. c. 313 eliminates statutory reference to the Commission on Maine's Future.

7 M.R.S.A. § 62 eliminates the mandated 3¢ per inhabitant General Fund contribution to the Stipend Fund and modifies the distribution formula to give more assistance to small fairs.

§ 402, 441 and 446 clarifies that shipping point inspection programs are intended to be voluntary, self-financing activities.

§ 486 allows the Commissioner of Agriculture to choose where laboratory analysis may be conducted.

c. 103-11A removes pesticide registration and control activities from the Department of Agriculture.

§ 714 eliminates dedicated funding of the food inspection program.

c 103 VI, VII, IX and XII repeals unenforced statutes regulating flour, bread and rolls, mineral oil and vinegar. Section VII repeals the present frozen dairy product law, but it is reenacted under s 2901.

§ 743 increases the fertilizer registration fee.

§ 1015 increases the amount of bond required for potato dealers.

§ 1044-A establishes fees and reporting requirements for seed inspection services.

§ 2501 increases the beehive license fees.

§ 2552 eliminates restrictions on the compensation of the State bee inspector.

§ 2901 through 2903 provide for the licensing and inspection of wholesale frozen dairy product manufacturers under dairy regulation statutes and revise licensing fees and provisions for milk dealers, produce-dealers and wholesale frozen dairy product manufacturers.

§ 3652 eliminates state payments of wild animal damage to livestock.

§ 3654 eliminates state payments of wild animal damage to beehives.

8 M.R.S.A. § 265 replaces the fixed salary of Harness Racing Commissioners with per diem compensation.

§ 274 increases the percentage of harness racing wagers credited to the Stipend Fund.

10 M.R.S.A. § 2701 eliminates dedicated funding of the weights and measures inspection program.

12 M.R.S.A. § 4814 allows municipalities the request the District Attorney to prosecute violators of local ordinances.

§ 6102 eliminates the potential for duplicate sanitation inspections by Marine Resources and Agriculture.

22 M.S.S.A. c 564 repeals the Maine Meat Inspection Act.

c 259-A establishes pesticide registration and control activities under the Board of Pesticide Control and dedicates all fees collected to the work of the Board.

§ 2152 defines retail food establishments.

§ 2167 through 2169 provides for the licensing of food establishments inspected by the Department of Agriculture.

§ 2170 prohibits duplicate licensing of food establishments by Agriculture and Human Services.

§ 2171 permits municipal inspections of food establishments in lieu of state inspections in some cases.

§ 2497 prohibits inspections of eating establishments licensed under the Department of Agriculture by the Department of Human Services.

25 M.R.S.A. § 2108 eliminates the Hazardous Materials Advisory Board.

30 M.R.S.A. § 4601-A eliminates the Maine State Housing Authority mandate to collect housing data because it duplicates the State Planning Office mandate.

36 M.R.S.A. § 4441 increases the fertilizer tax rate.

§ 4442 removes the dedicated funding of the fertilizer program.

§ 4563 modifies the nomination procedure for membership on the Potato Commission.

37-A M.R.S.A. § 23 through 34 repeals pre World War 1 pension laws.

§ 50-K eliminates the \$300 grant for students receiving free in-state tuition.

§ 50-k-1 continues benefits until recipients are no longer eligible.

§ 56 eliminates the Civil Emergency Preparedness Council.

§ 59 modifies the CEP mandate to prepare emergency plans by encouraging greater cooperation between state agencies and municipalities.

37-A M.R.S.A. Resolves, 1929 c 153 eliminates the statutory basis for the Department of Agriculture's Poultry Test facility in Monmouth.

Exception to sections 64 and 65 allows present recipients of the State pension to continue to receive benefits until no longer eligible.

PART B

Makes adjustments to the General Fund by decreasing appropriations provided by the first session of the 109th Legislature.

PART C

Makes adjustments to the General Fund by appropriating funds for the year ending June 30, 1981.

PART D

Eliminates repayment of loans made by the Seed Potato Board from the General Fund.