

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is important to authorize the issuance of agriculture education plates as soon as possible in order to allow funds to be raised for agriculture education, which in turn will help support agriculture, a vital sector of the Maine economy; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of section 1 and inserting the following:

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

4-C.

7 MRSA §242

Agriculture
Education

Maine
Agriculture in the
Classroom Council

Paid from
council funds in
accordance with
council bylaws

Sec. 2. 7 MRSA §242 is enacted to read:

§ 242. Maine Agriculture in the Classroom Council

1. Establishment. The Maine Agriculture in the Classroom Council, established in Title 5, section 12004-G, subsection 4-C and referred to in this section as "the council," has all the powers necessary to achieve the public purpose stated in subsection 2 and to carry out the powers conferred under this section.

The exercise of powers conferred by this section is held to be the performance of essential government functions.

A. Employees of the council may not be construed to be state employees for any purpose, including the state civil service provisions of Title 5, Part 2 and Title 5, chapter 372.

B. The council may not be construed to be a state agency for any purpose, including the budget, accounts and control, auditing, purchasing or other provisions of Title 5, Part 4.

C. Notwithstanding paragraphs A and B:

(1) Employees of the council may be state employees for the purposes of the state retirement provisions of Title 5, Part 20 and the state employee health insurance program under Title 5, chapter 13, subchapter 2; and

(2) For the purposes of the Maine Tort Claims Act, the council is a governmental entity and its employees and members are employees as those terms are defined in Title 14, section 8102.

D. Employees of the council are entitled to use the services of the Central Fleet Management Division in accordance with provisions established for state agencies under Title 5, section 1830.

2. Purpose. The purpose of the council is to promote an understanding of the food and fiber system in the State and the nation through the infusion of agricultural concepts into primary, secondary and postsecondary curricula. For the purposes of this section, "agricultural concepts" includes, but is not limited to:

A. The importance of agriculture in the State and in the nation's history and development;

B. The connections between geography, climate and agriculture;

C. The relationship between technology and agricultural success and development;

D. The economics of agriculture;

E. The global aspects of agriculture; and

F. The relationship of the food and fiber system to public policy issues.

3. Membership. The council consists of 9 members, appointed as follows:

A. One representative of the department, appointed by the commissioner;

B. One representative of the Department of Education, appointed by the Commissioner of Education;

C. Two members from the agricultural community with demonstrated interest in agriculture education, appointed by the commissioner;

D. One registered or licensed dietitian with a demonstrated interest in agriculture education, appointed by the commissioner;

E. One practicing kindergarten to grade 12 educator with knowledge of agriculture education, appointed by the Commissioner of Education;

F. One educator who teaches or has taught agriculture courses at the secondary school level, appointed by the Commissioner of Education;

G. One representative from the University of Maine Cooperative Extension with a demonstrated interest in agriculture education, appointed by the Director of the University of Maine Cooperative Extension; and

H. One representative of the soil and water conservation districts, appointed by the chair of the State Conservation District Advisory Council.

4. Term. Each member serves for a term of 4 years or until the member's successor is appointed. If a member is unable to complete a term, the appointing authority shall appoint a person to serve out the remainder of the unexpired term.

5. Compensation. Members may be compensated for expenses as provided in the council's bylaws from money received under subsection 10.

6. Chair. The council shall elect annually by majority vote one member of the council to serve as chair and one member to serve as vice-chair.

7. Executive director; personnel. The council may appoint by majority vote an executive director who is the council's chief administrator and who serves at the pleasure of the council. The executive director may employ, as the council directs, additional staff who serve at the pleasure of the executive director. The salaries paid to the executive director and other staff are fixed by the council and are not subject to the personnel laws of the State.

8. Powers and duties. The council shall expend funds received under subsection 10 to provide teacher training and educational resource materials, collect and distribute appropriate agricultural information and materials from industry and trade groups and incorporate new and innovative ideas and proven outreach strategies to increase agricultural literacy among teachers and their students. The council shall work cooperatively with state agencies, the University of Maine System, farm organizations, agribusinesses and private individuals and groups to collect, organize, develop and promote the use of agricultural curriculum materials in schools and learning centers.

The council may enter into contracts with any local, state, federal or private agency, department, firm, corporation or association as necessary to carry out the purposes of this section.

9. Debt. A debt or obligation incurred by the council is not a debt or obligation of the State.

10. Receipt of money and property. The council may accept grants or contributions of money or other things of value from any source, public or private. The council receives funds from the sale of agriculture education plates pursuant to Title 29-A, section 456-D. The grants, receipts and other contributions must be held by the council and used to carry out the purposes of this section, subject to any condition under which the grant or contribution was accepted by the council. Funds may be used to compensate members of the council for expenses in accordance with the council's bylaws. Funds received under this subsection are not state funds.

11. Books and records. The council shall keep books, records and accounts of all its activities, which must be open to inspection and audit by the State at all times. An independent accountant shall conduct an annual accounting review of the financial records of the council and report the results of the review to the council, the commissioner, the Treasurer of State and the Legislature.

12. Bylaws. The council may adopt bylaws to govern its functions.'

Amend the bill in section 2 in §456-D in subsection 1 in the 3rd line (page 1, line 13 in L.D.) by inserting after the following: "section 501" the following: ', section 504, subsection 1 or section 505'

Amend the bill in section 2 in §456-D in subsection 2 in paragraph A in the first line (page 1, line 21 in L.D.) by striking out the following: "Agriculture Education Plate Fund" and inserting the following: 'Maine Agriculture in the Classroom Council'

Amend the bill in section 2 in §456-D in subsection 4 in paragraph A in the first line (page 1, line 35 in L.D.) by striking out the following: "Agriculture Education Plate Fund" and inserting the following: 'Maine Agriculture in the Classroom Council'

Amend the bill in section 2 in §456-D in subsection 6 in the 5th line (page 2, line 11 in L.D.) by striking out the following: "Agriculture Education Plate Fund" and inserting the following: 'Maine Agriculture in the Classroom Council'

Amend the bill in section 2 in §456-D by striking out all of subsection 8 (page 2, lines 17 to 19 in L.D.) and inserting the following:

‘8. Eligibility; trucks. An agriculture education registration plate may be issued for:

A. A vehicle that qualifies for a specialty license plate under section 468, subsection 8; and

B. A truck registered under section 504, subsection 1 or section 505.’

Amend the bill by adding before the summary the following:

‘Sec. 3. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 7, section 242, subsection 4, initial appointments to the Maine Agriculture in the Classroom Council made pursuant to Title 7, section 242, subsection 3 are for terms specified as follows:

1. The 2 initial appointments made pursuant to Title 7, section 242, subsection 3, paragraphs A and B are for terms of 4 years;

2. The 2 initial appointments made pursuant to Title 7, section 242, subsection 3, paragraph C, one member is appointed to a term of 2 years and one member is appointed to a term of 4 years;

3. The initial appointments made pursuant to Title 7, section 242, subsection 3, paragraphs D and G are for terms of 2 years;

4. The initial appointments made pursuant to Title 7, section 242, subsection 3, paragraphs E and F are for terms of 3 years; and

5. The initial appointment made pursuant to Title 7, section 242, subsection 3, paragraph H is for a term of one year.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF

Administration - Motor Vehicles 0077

Initiative: Allocates funds on a one-time basis for the production and manufacture of the agriculture education registration plate.

HIGHWAY FUND	2007-08	2008-09
All Other	\$17,201	\$0
HIGHWAY FUND TOTAL	\$17,201	\$0

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment:

1. Allows agriculture education registration plates to be issued for commercial trucks and farm trucks;
2. Replaces the provision of the bill establishing the Agriculture Education Plate Fund with provisions establishing the Maine Agriculture in the Classroom Council. The council will receive revenues generated by the specialty plate created by the bill and may receive revenues from other sources;
3. Adds an appropriations and allocations section; and
4. Adds an emergency preamble and emergency clause to the bill.

FISCAL NOTE REQUIRED
(See attached)