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An Act To Transfer the Seed Potato Board to the Maine Potato Board

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

Sec. 1. 7 MRSA §2151, as amended by PL 1989, c. 503, Pt. B, §45, is further amended to read:

§ 2151. Creation and membership

The Seed Potato Board, established by Title 5, section 12004-H, subsection 5, ~~and located in the Department of Agriculture, Food and Rural Resources, shall consist~~ is part of the Maine Potato Board, as established by Title 36, section 4603, and consists of the commissioner and 8 additional members. Two of the members are appointed by the commissioner and 6 of the members are appointed by the Maine Potato Board. Of the 8 appointed members, 7 shall~~must~~ be chosen from representatives of the potato industry in Aroostook County and one from elsewhere in the State, ~~provided that as long as one appointed member shall be~~ is primarily a table stock producer and ~~one~~2 are primarily a processor ~~producer~~producers. The commissioner shall appoint the member from elsewhere in the State and one of the processor producers. Members serve 4-year terms.

Sec. 2. 7 MRSA §2152, as amended by PL 1983, c. 565, §4, is further amended to read:

§ 2152. Terms; vacancies; salaries

Each appointed member ~~shall serve of the Seed Potato Board~~ serves for a term of ~~3~~2 years or until ~~his~~the member's successor has been appointed and qualified, except that ~~no~~a member may not serve for more than ~~2~~3 consecutive terms.

Upon the expiration of the term of office of any appointed member of the ~~board~~Seed Potato Board, ~~said~~the member's successor ~~shall~~must be appointed by the ~~commissioner~~member's appointing authority under section 2151, ~~or in~~. In the case of a vacancy for any reason, the ~~commissioner~~member's appointing authority under section 2151 shall appoint a member to fill the unexpired term.

The members of the Seed Potato Board ~~shall receive no salary~~are not entitled to compensation, but all their expenses incurred in attending meetings ~~shall be~~are paid out of the State Treasury, ~~on certificate of the commissioner, upon the audit and warrant of the State Controller~~Seed Potato Board account within the Maine Potato Board, as established by Title 36, section 4603.

Sec. 3. 7 MRSA §2153, first ¶ is amended to read:

The Seed Potato Board shall meet annually on such date and at such place as the board may appoint and shall meet at such other times as the board may ~~deem~~determine necessary or when called by the ~~chairman~~chair of the board or any 2 members ~~thereof~~of the board upon 2 days' notice. ~~The board may by resolution provide for a shorter notice made by telegraph, telephone or otherwise.~~

Sec. 4. 7 MRSA §2154, as amended by PL 1999, c. 16, Pt. N, §1, is further amended to read:

§ 2154. Powers; rules

The Seed Potato Board shall have, with the approval of the Maine Potato Board, as established by Title 36, section 4603, has the power and authority to produce, or cause to be produced through contract or otherwise, such acreages of foundation seed potatoes of various varieties as it may from time to time determine for distribution and sale to the potato growers of this State. The commitments of the board shallSeed Potato Board may not exceed in the aggregate the amount of funds whichthat may be made available to itthe Seed Potato Board and approved by the Maine Potato Board. In addition, the board shall beSeed Potato Board is advisory to and shall havehas authority to work with and through the Maine Agricultural Experiment Station of the University of Maine System and other public and private agencies; in conducting and carrying on a program of production of foundation seed potatoes annually. The board shall haveSeed Potato Board, with the approval of the Maine Potato Board, has authority to purchase, own or otherwise acquire farm real estate and farm equipment if necessary for the purpose of producing acreages of foundation seed potatoes or providing for the testing thereofof foundation seed potatoes, and any salable material resulting from the ownership or operation may be sold to the best advantage of the boardSeed Potato Board. The board shall haveSeed Potato Board, with the approval of the Maine Potato Board, has authority to sell or otherwise convey farm real estate and farm equipment no longer required for the purposes of this chapter. Proceeds from the sale shallmust be credited to the operating account of the boardSeed Potato Board.

The board shall haveSeed Potato Board has the responsibility and full power and authority to make, in a manner consistent with the Maine Administrative Procedure Act, rules and regulations not inconsistent with law pertaining tofor oversight of the seed production facilities and to make recommendations to the Maine Potato Board, as established by Title 36, section 4603, regarding its program of production, distribution and sales of foundation seed potatoes to the potato growers of the State, as it may from time to time determine, including. The program of production must include, but is not limited to, long-range projections of industry trends and needs, contracting with growers to reproduce nuclear seed stock normally grown at the state seed potato farm, determination of the varieties and volume of seed to be grown at the state seed potato farmproduction facilities, allocation of seed to growers for the benefit of the entire state potato industry;and development of aand recommendation to the Maine Potato Board regarding standardized commercial seed testing programs for new varieties, if no such procedure exists under the auspices of the Maine Agricultural Experiment Station;and to. The Seed Potato Board may exercise any other power whichthat may be conferred upon the boardSeed Potato Board by law.

The boardMaine Potato Board, as established by Title 36, section 4603, is authorized to pay from the Seed Potato Board account to the Town of Masardis in lieu of taxes a sum, in the discretion of the boardMaine Potato Board, which will compensatethat compensates the town in whole or in part for loss of real estate taxes due to state ownership of real estate now used for seed potato purposes.

Notwithstanding any provision in Title 5, chapter 155, the Seed Potato Board may purchase all services, supplies, materials and equipment required by the board to fulfill the purposes of this chapter. In addition, the board is exempt from the bidding, contract and review procedures contained in Title 5, chapter 153 for any public improvement project with a value of less than \$10,000.

Sec. 5. 7 MRSA §2155, as amended by PL 1985, c. 785, Pt. B, §47, is further amended to read:
§ 2155. Records and proceedings

1. Administration. The Seed Potato Board shall elect a secretary, who need not be a member of the ~~board~~Seed Potato Board, and the ~~commissioner shall have~~Maine Potato Board, as established by Title 36, section 4603, upon recommendation of the Seed Potato Board has authority to employ a ~~managing director~~manager and such ~~agents~~employees as may be necessary, subject to the Civil Service Law, to consummate ~~any and all~~the programs which ~~it~~that the Seed Potato Board may institute, as authorized under the terms of this chapter and shall keep a record of all of its proceedings, ~~and all~~. All expenses by it incurred shall ~~by the Seed Potato Board must~~ be paid out of the State Treasury, ~~on certification of the commissioner, upon the audit and warrant of the State Controller and charged against any and all appropriations which may be annually made available for its use as stipulated. The board shall be subject to the provisions of Title 5, chapter 379~~Seed Potato Board account by the Maine Potato Board.

2. Program plan. The ~~managing director~~Seed Potato Board shall present to the ~~board~~Maine Potato Board, as established by Title 36, section 4603, at least annually, a program plan for the ~~board's~~Maine Potato Board's consideration and specific action, ~~which~~. The plan shall ~~must~~ include an assessment of the seed potato industry, a projection of demand for seed by variety in the various marketing areas, the impact of significant changes in seed potato acreage, the capital needs of the state seed potato ~~farm~~production facilities, considering current and future technology, proposals to improve the varieties and quality of Maine seed potatoes, recommendations to promote the sale of Maine seed, and to other such matters the ~~managing director deems~~Seed Potato Board determines appropriate.

Sec. 6. Transition provisions.

1. Ownership. The Department of Agriculture, Food and Rural Resources and the Maine Potato Board, as established by the Maine Revised Statutes, Title 36, section 4603, shall co-manage the Seed Potato Board, under Title 7, section 2151, beginning July 1, 2009. The transition of ownership must be completed by January 1, 2010 or the beginning of the 2010 production cycle, whichever is earlier.

All assets of the Seed Potato Board, including real estate, equipment and personal property, must be transferred to the Maine Potato Board no later than July 1, 2010 or the beginning of the 2010 production cycle, whichever is earlier. The Maine Potato Board must use these assets to ensure the continued supply of seed potatoes.

2. Employees. All current full-time and part-time positions of the Seed Potato Board are terminated by the State prior to the time the Maine Potato Board assumes ownership and operation of the Seed Potato Board. Employees of the Seed Potato Board after the transfer are employees of the Maine Potato Board.

3. Transition of funds. No later than July 1, 2010 or, if earlier, at the time of transfer of the Seed Potato Board to the Maine Potato Board, and during subsequent years, all funds received by the Department of Agriculture, Food and Rural Resources or the Seed Potato Board for the operation of the Porter Seed Farm must be paid to the Maine Potato Board.

Sec. 7. Funding. The Department of Agriculture, Food and Rural Resources shall provide the Maine Potato Board, as established by the Maine Revised Statutes, Title 36, section 4603, funding in support of the Seed Potato Board not to exceed the sum of \$250,000 for fiscal year 2009-10 and the sum of \$175,000 for fiscal year 2010-11. These funds must be paid to the Maine Potato Board at the beginning of each fiscal year.

Sec. 8. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 7, section 2151, in making initial appointments to the Seed Potato Board, the Commissioner of Agriculture, Food and Rural Resources shall appoint the member that is a processor producer for a one-year term and the Maine Potato Board shall appoint 3 members for one-year terms. The other 4 members are appointed for 2-year terms.

SUMMARY

This bill transfers the ownership and operations of the Seed Potato Board from the Department of Agriculture, Food and Rural Resources to the Maine Potato Board. The bill requires the Department of Agriculture, Food and Rural Resources to provide funds to the Maine Potato Board in support of the Seed Potato Board for fiscal year 2009-10 in an amount not to exceed \$250,000 and for fiscal year 2010-11 in the amount of \$175,000.

The bill also strikes the provision of law that exempts the Seed Potato Board from the bidding, contract and review procedures contained in the Maine Revised Statutes, Title 5, chapter 153 for any public improvement project with a value of less than \$10,000.