## §1956. Maine Agricultural Bargaining Board

**1. Board.** The Maine Agricultural Bargaining Board, established by Title 5, section 12004-B, subsection 7, and located in the Department of Agriculture, Conservation and Forestry, shall administer this article.
[PL 1989, c. 503, Pt. B, §69 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

**2. Membership.** The Maine Agricultural Bargaining Board established by Title 5, section 12004-B, subsection 7, shall consist of 5 members and 2 alternates, who shall be appointed by the Governor. One member and one alternate shall be appointed from a list of names submitted by agricultural producer organizations organized under this subchapter and chapter 81. One member and one alternate shall be appointed from a list of names submitted by processors of agricultural products. In appointing these members and alternates, the Governor shall seek to represent as many different agricultural products as possible and a member and the alternate for that member may not be associated with the same agricultural product, unless suitable persons cannot otherwise be appointed. An alternate shall serve when for any reason the respective member is unable to serve. Three members shall be representatives of the public. A public member may not hold any interest or stock or securities in any producer, dealer, processor or other person whose activities are subject to the jurisdiction of the board.

A. The term of office for all members and alternates shall be 3 years. Members selected from lists submitted by agricultural producer organizations and by processors of agricultural products may serve no more than 2 terms in succession, not to include the current term of a member serving at the time this section becomes effective. The limitation to 2 successive terms may not apply to the public members or to alternates. [PL 1989, c. 703, §1 (AMD).]

B. Board members serving at the time this section becomes effective shall continue as members for the duration of their present terms. The Governor shall appoint 2 alternate members in accordance with this subsection. The initial terms of these alternates expire at the same time as that of the current respective members. The Governor shall designate one of the public members to be the board's chair. In the event of a vacancy, the Governor shall, within one month, appoint a successor to fill the unexpired term. All appointments to the board must be made in conformity with the foregoing plan. Members shall take the oath of office prescribed for state officers. [PL 1989, c. 503, Pt. B, §70 (AMD); PL 1989, c. 703, §1 (AMD).]

[PL 1989, c. 503, Pt. B, §70 (AMD); PL 1989, c. 703, §1 (AMD).]

**3. Removal.** Members of the board shall be removed by the Commissioner of Agriculture, Conservation and Forestry upon notice and hearing for neglect of duty or malfeasance in office but for no other cause. If a member is absent from 3 successive meetings of the board and if the board finds the member's reasons for the absence to be without merit, that member's conduct shall be considered to be neglect of duty.
[PL 1987, c. 155, §3 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

**4. Quorum.** A vacancy in the board shall not impair the right of the remaining members to exercise all of the powers of the board. Three members of the board shall, at all times, constitute a quorum of the board, provided that reasonable notice has been given to all members of the board of the subject matter and date of any meeting at which the board is to exercise any of its powers.
[PL 1973, c. 621, §1 (NEW).]

**5. Expenses.** Members and alternate members of the board shall be compensated according to the provisions of Title 5, chapter 379 and shall receive necessary expenses.
[PL 1987, c. 155, §4 (AMD).]

**6. Rules.** The board shall have authority from time to time to adopt, amend and repeal, in the manner prescribed by the Maine Administrative Procedure Act, such rules and regulations as may be

necessary or appropriate to carry out this Article. The board shall act as expeditiously as possible to adopt interpretive and procedural rules for carrying out the purposes of this article.
[PL 1987, c. 155, §5 (AMD).]

**7. Board's staff and attorney.** In hearings under sections 1958 and 1965, neither the board's staff nor its attorney shall function as an advocate for any party.
[PL 1987, c. 155, §6 (NEW).]

**8. Annual report.** The board shall issue an annual report to the Commissioner of Agriculture, Conservation and Forestry and to the joint standing committee of the Legislature having jurisdiction over agriculture on or before January 15th of each year regarding the operation of this subchapter. This annual report shall take into consideration the following issues as the Maine Agricultural Bargaining Board reviews the effectiveness of the Maine Agricultural Marketing and Bargaining Act of 1973:

A. Unfair practices; [PL 1987, c. 155, §6 (NEW).]

B. Qualification of grower associations; [PL 1987, c. 155, §6 (NEW).]

C. Funding of the Maine Agricultural Bargaining Board; [PL 1987, c. 155, §6 (NEW).]

D. Investigation and hearing procedures; [PL 1987, c. 155, §6 (NEW).]

E. Any other issues relating to this subchapter; and [PL 1987, c. 155, §6 (NEW).]

F. Any recommended changes to this subchapter. [PL 1987, c. 155, §6 (NEW).]
[PL 1987, c. 155, §6 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

SECTION HISTORY

PL 1973, c. 621, §1 (NEW). PL 1977, c. 564, §§67,68 (AMD). PL 1977, c. 694, §277 (AMD). PL 1979, c. 731, §19 (AMD). PL 1983, c. 812, §§95,96 (AMD). PL 1987, c. 155, §§2-6 (AMD). PL 1989, c. 503, §§B69,B70 (AMD). PL 1989, c. 703, §1 (AMD). PL 2011, c. 657, Pt. W, §§5, 6 (REV).

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