



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1203

H.P. 839

House of Representatives, March 28, 2017

**An Act To Increase Transparency in Cooperative Agreements
within the Department of Agriculture, Conservation and Forestry**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HICKMAN of Winthrop.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: ACKLEY of Monmouth, DUNPHY of Old Town, GRANT of Gardiner,
GROHMAN of Biddeford, KINNEY of Knox, MAREAN of Hollis, MARTIN of Eagle Lake,
Senator: DAVIS of Piscataquis.

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

2 **Sec. 1. 7 MRSA §9**, as amended by PL 1973, c. 44, is further amended to read:

3 **§9. Cooperative agreements or arrangements**

4 The ~~commissioner~~ department may enter into cooperative agreements or ~~cooperative~~
5 arrangements, in accordance with this section, with a state or federal agency or with any
6 person, firm or corporation for the purpose of controlling diseases of plants and domestic
7 animals, advertising and increasing the sale and consumption of Maine food products or
8 disseminating information concerning the grade, quality or condition of ~~same~~ Maine food
9 products, and supplying inspection and grading services with respect to ~~such~~ Maine food
10 products. ~~He~~ The department may receive, administer and disburse any funds or
11 contributions from ~~such~~ a state or federal agency, person, firm or corporation, either
12 independently or in conjunction with state funds allocated to ~~said~~ that purpose. Funds ~~so~~
13 contributed ~~shall~~ in accordance with this section do not lapse at the end of any fiscal year
14 but ~~shall be~~ are carried forward to be used for the purpose originally intended.

15 **1. Public notice.** The department shall provide public notice of each proposed
16 cooperative agreement or arrangement by posting on the department's publicly accessible
17 website a detailed description of each cooperative agreement or arrangement proposed or
18 entered into during the previous fiscal year. The description and notice must include the
19 expected benefits to the State, the department, the regulated community and the public
20 and must include a solicitation of public comments.

21 **2. Solicitation of comments; response.** The department shall solicit public
22 comments on a proposed cooperative agreement or arrangement for which notice is
23 provided in accordance with subsection 1, and shall provide responses to questions and
24 comments from the public and interested parties to the best of the department's
25 knowledge. If a person submits in writing a request that the department decline to receive
26 future funding from a cooperative agreement or arrangement, the department shall
27 consider the request, determine whether the benefits of the cooperative agreement or
28 arrangement outweigh the person's concerns and inform the person in writing of the
29 department's decision.

30 **3. Annual report.** No later than March 1st annually, the department shall report to
31 the joint standing committee of the Legislature having jurisdiction over agricultural
32 matters regarding the cooperative agreements and arrangements entered into in
33 accordance with this section during the previous fiscal year.

34 **4. Public hearing.** Upon receipt of the annual report submitted in accordance with
35 subsection 3, the joint standing committee of the Legislature having jurisdiction over
36 agricultural matters may schedule a public hearing on any cooperative agreement or
37 arrangement about which the committee has questions.

1 **SUMMARY**

2 This bill amends the law governing cooperative agreements and arrangements entered
3 into by the Department of Agriculture, Conservation and Forestry for the purpose of
4 controlling diseases of plants and domestic animals and advertising or disseminating
5 information concerning Maine food products. This bill requires the department to:

- 6 1. Provide public notice of each proposed cooperative agreement or arrangement;
- 7 2. Solicit public comments and provide responses regarding proposed cooperative
8 agreements or arrangements;
- 9 3. Consider requests submitted in writing to decline to receive future funding from a
10 cooperative agreement or arrangement; and
- 11 4. Report annually to the joint standing committee of the Legislature having
12 jurisdiction over agricultural matters regarding the cooperative agreements and
13 arrangements entered into during the previous fiscal year.

14 Under the bill, the joint standing committee of the Legislature having jurisdiction
15 over agricultural matters may schedule a public hearing on any cooperative agreement or
16 arrangement about which the committee has questions.