

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

H.P. 127 - L.D. 145

**An Act Regarding the Membership of the Wild Blueberry Commission of
Maine**

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

Sec. 1. 36 MRSA §4312, 2nd ¶, as enacted by PL 1983, c. 836, §9, is amended to read:

Current members of the advisory committee shall continue to serve for the duration of their current appointments. New appointments to the advisory committee ~~shall~~ must be for terms of 4 years, and ~~no appointee may be eligible for reappointment until the lapse of one year from the expiration of a previous appointment~~ members may be reappointed for additional terms.

Sec. 2. 36 MRSA §4312-C, sub-§1, ¶D is enacted to read:

D. An employee of the commission who leaves commission employment may not be a paid lobbyist as defined by Title 3, section 312-A, subsection 10 for a wild blueberry business for a period of one year after leaving commission employment.

Sec. 3. 36 MRSA §4312-C, sub-§2, as enacted by PL 1997, c. 511, §21 and affected by §25 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

2. Appointment. Appointments to the commission are made by the Commissioner of Agriculture, Conservation and Forestry. The commissioner shall call for and consider nominations for grower representative appointments to the commission from the wild blueberry grower community in the State. The commissioner shall call for nominations by January 15th of any year in which a grower representative term will expire and shall announce the call for nominations at a statewide agricultural trade show held in Augusta in January.

Sec. 4. 36 MRSA §4312-C, sub-§3, as enacted by PL 1997, c. 511, §21 and affected by §25 and amended by PL 2011, c. 657, Pt. W, §6, is repealed and the following enacted in its place:

3. Membership. The commission consists of 10 members who are active in and representative of the wild blueberry industry, appointed by the Commissioner of Agriculture, Conservation and Forestry.

A. Five members must be grower representatives. For the purposes of this section, "grower representative" means a person, firm, partnership, association or corporation engaged in the growing of wild blueberries in the State, including but not limited to those who engage in organic growing, other integrated crop management growing, fresh pack sales, wild blueberry business cooperative activities and wild blueberry value-added production and those representing a federally recognized Indian nation, tribe or band in the State. "Grower representative" does not include a processor representative. Grower representative members must be selected to represent grower representatives who pay both the processor and grower portions of the wild blueberry tax under this chapter and grower representatives who pay only the grower portion of the wild blueberry tax under this chapter.

B. Five members must be processor representatives. For purposes of this section, "processor representative" means a person, firm, partnership, association or corporation that processes 1,000,000 pounds or more of wild blueberries grown in the State in a calendar year.

Sec. 5. 36 MRSA §4312-C, sub-§4, as repealed and replaced by PL 2011, c. 579, §2 and amended by c. 657, Pt. W, §6, is further amended to read:

4. Term. Members are appointed to staggered 4-year terms so that the terms of at least 2 but not more than 3 members expire on August 31st of every year. If the Commissioner of Agriculture, Conservation and Forestry fails to make an appointment prior to the expiration of a member's term, that member continues to serve until the commissioner makes an appointment for the remainder of that term. If a vacancy occurs prior to the expiration of a specified term, the Commissioner of Agriculture, Conservation and Forestry shall appoint an individual to serve only the remainder of that term.

Sec. 6. Wild Blueberry Commission of Maine membership; staggered terms. Notwithstanding the Maine Revised Statutes, Title 36, section 4312-C, subsection 4, of the additional grower representatives appointed to the Wild Blueberry Commission of Maine pursuant to this Act, one serves an initial term of 4 years and one serves an initial term of 2 years.