

§4603. Maine Potato Board

1. Establishment. The Maine Potato Board is a body corporate and politic and an incorporated public instrumentality of the State and the exercise of powers conferred by this Part is determined to be the performance of essential government functions. For the purposes of the budget, accounts and control, purchasing or other provisions of Title 5, Part 4, the board may not be construed to be a state agency. The board consists of 11 members who must be elected in accordance with the procedures set forth in this chapter and such additional procedures as the board may prescribe by rulemaking. Subject to such staggered terms as the board may provide by rule, board members shall serve 2-year terms, except that a board member may continue to serve until a successor is duly elected and qualified and that board members may not serve more than 3 consecutive terms.

[PL 2011, c. 548, §22 (AMD).]

2. Assemblies. Persons directly involved in the Maine potato industry shall be entitled to participate as members of an assembly as follows.

A. There are 3 assemblies of tablestock growers, one for each district. Subject to paragraph F, all tablestock growers in any district are entitled to membership in that district's tablestock growers' assembly. [PL 2019, c. 6, §4 (AMD).]

B. There are 3 assemblies of seed growers, one for each district. Subject to paragraph F, all seed growers in any district are entitled to membership in that district's seed growers' assembly. [PL 2019, c. 6, §4 (AMD).]

C. There are 3 assemblies of processing growers, one for each district. Subject to paragraph F, all processing growers in any district are entitled to membership in that district's processing growers' assembly. [PL 2019, c. 6, §4 (AMD).]

D. There shall be one assembly of dealers statewide. Subject to paragraph F, all dealers shall be entitled to membership in this assembly. [PL 1985, c. 753, §§14, 15 (NEW).]

E. There shall be one assembly of processors statewide. Subject to paragraph F, all processors shall be entitled to membership in this assembly. [PL 1985, c. 753, §§14, 15 (NEW).]

F. Notwithstanding paragraphs A to E, no person, firm or corporation may be a member of more than one assembly. Any person, firm or corporation which qualifies for membership in an assembly shall annually declare, in accordance with procedures prescribed by the board, the assembly in which membership is sought. [PL 1985, c. 753, §§14, 15 (NEW).]

[PL 2019, c. 6, §4 (AMD).]

3. Election of assembly executive councils. Pursuant to nomination and election procedures adopted by the board and under the supervision of the board, assemblies shall elect executive councils to serve as liaisons between the board and the respective assemblies and to carry out such other functions as the board may prescribe.

A. The executive council for the tablestock growers consists of 5 members, one elected by the tablestock growers' assembly for each district and 2 additional members appointed by the board. [PL 2019, c. 6, §5 (AMD).]

B. The executive council for the seed growers consists of 5 members, one elected by the seed growers' assembly for each district and 2 additional members appointed by the board. [PL 2019, c. 6, §5 (AMD).]

C. The executive council for the processing growers consists of 5 members, one elected by the processing growers' assembly for each district and 2 additional members appointed by the board. [PL 2019, c. 6, §5 (AMD).]

D. The executive council for the dealers shall consist of 5 members elected by the dealers' assembly. [PL 2019, c. 6, §6 (AMD).]

E. The executive council for the processors shall consist of 5 members elected by the processors' assembly. [PL 1985, c. 753, §§14, 15 (NEW).]
[PL 2019, c. 6, §§5, 6 (AMD).]

4. Terms of executive council membership. Once elected, executive council members serve for 2 years, provided that the members may continue to serve until a successor is duly elected and qualified and that executive council members may not serve more than 5 consecutive terms. The members appointed by the board serve for staggered 2-year terms to be determined by the board. [PL 2001, c. 164, §5 (AMD).]

5. Meetings of executive councils and assemblies. Executive councils shall annually elect a chair. Each executive council shall hold meetings from time to time, no less than once a year, upon call of the executive council chair, a majority of the executive council or the board. Each assembly shall hold meetings from time to time, no less than once a year, upon call of a majority of its executive council or upon call of the board, except that district assemblies of growers may hold these meetings jointly in statewide sessions or in concert with other assemblies or groups of assemblies. All meetings of assemblies and executive councils must be open to the public and otherwise in compliance with Title 1, chapter 13. [PL 2019, c. 6, §7 (AMD).]

6. Composition of the board. The board consists of the following members:

A. Two members elected by the executive council of the tablestock growers' assemblies, except that no dealer may serve in this capacity; [PL 2011, c. 7, §2 (AMD).]

B. Two members elected by the executive council of the seed growers' assemblies, except that no dealer may serve in this capacity; [PL 2011, c. 7, §2 (AMD).]

C. Two members elected by the executive council of the processing growers' assemblies, except that no dealer may serve in this capacity; [PL 2011, c. 7, §2 (AMD).]

D. One member elected by the executive council of the dealers' assembly; [PL 2011, c. 7, §2 (AMD).]

E. Two members elected by the executive council of the processors' assembly; [PL 2011, c. 7, §2 (AMD).]

F. The immediate past president of the board; and [PL 2011, c. 7, §2 (NEW).]

G. One grower member elected at large from all growers. [PL 2011, c. 7, §2 (NEW).]

In the event of the permanent disqualification or resignation of a board member, the executive council responsible for electing that member shall elect a replacement for the balance of the term remaining. [PL 2011, c. 7, §2 (AMD).]

7. Board officers and committees. The board shall annually elect officers, including a president, vice-president, secretary and treasurer and such other officers as it deems necessary. The board may appoint committees from its membership and assign to each committee such tasks as it deems appropriate, subject to the regular oversight of the entire board. [PL 1985, c. 753, §§14, 15 (NEW).]

8. Board meetings. A regular annual meeting of the board must be held on a date determined by the board. Other meetings, of which there must be at least 6 per year, may be held upon call of the chair or of a majority of the board or by vote of the board. A majority of the board's members constitutes a quorum at any board meeting. The vote of a majority of board members present constitutes the act of

the board at a meeting where a quorum is present. All board meetings must be open to the public and must be in compliance with Title 1, chapter 13, except as otherwise provided in this chapter.

[PL 2011, c. 7, §3 (AMD).]

9. Staff. The board shall appoint an executive director who is the board's chief administrative officer and who serves at the pleasure of the board. The executive director shall employ such additional staff as the board directs and the staff serves at the pleasure of the executive director. Staff of the board is not subject to the Civil Service Law. The salary paid to the executive director and other staff of the board must be fixed by the board. The board may delegate to its staff the power to execute the board's policies and programs, subject to regular oversight of the board. After March 1, 1996, employees of the board may not be considered to be state employees for any purpose. For the purposes of the Maine Tort Claims Act, the board is a "governmental entity" and its employees are "employees" as those terms are defined in Title 14, section 8102.

[PL 1995, c. 502, Pt. C, §15 (AMD).]

10. Compensation. Board members and members of executive councils may be compensated and reimbursed for expenses in accordance with such guidelines as the board may establish.

[PL 1995, c. 502, Pt. C, §16 (AMD).]

11. Transition.

[PL 2011, c. 548, §23 (RP).]

12. State employees for certain purposes. Notwithstanding subsection 9, employees of the board, including employees hired after the effective date of this section, are 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 II.

[PL 1995, c. 702, §1 (NEW); PL 1995, c. 702, §4 (AFF).]

SECTION HISTORY

PL 1985, c. 753, §§14,15 (NEW). PL 1989, c. 503, §B170 (AMD). RR 1993, c. 1, §108 (COR). PL 1993, c. 561, §1 (AMD). PL 1995, c. 502, §§C14-16 (AMD). PL 1995, c. 702, §1 (AMD). PL 1995, c. 702, §4 (AFF). PL 2001, c. 164, §§3-5 (AMD). PL 2005, c. 176, §2 (AMD). PL 2011, c. 7, §§1-3 (AMD). PL 2011, c. 548, §§22, 23 (AMD). PL 2019, c. 6, §§4-7 (AMD).

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