

## CHAPTER 403

### SEED POTATO BOARD

#### §2151. Creation and membership

The Seed Potato Board, established by Title 5, section 12004-H, subsection 5, is overseen by and is the responsibility of the Maine Potato Board, a public instrumentality of the State established in Title 36, section 4603. The Seed Potato Board, referred to in this chapter as "the seed board," consists of the commissioner and 8 members appointed in accordance with subsections 1 and 2. [PL 2009, c. 379, §1 (RPR).]

**1. Appointments by the commissioner.** The commissioner shall appoint 2 members to the seed board as follows:

A. A representative of the potato industry in a county other than Aroostook County; and [PL 2009, c. 379, §1 (NEW).]

B. A person producing potatoes in Aroostook County primarily for processing. [PL 2009, c. 379, §1 (NEW).]

[PL 2009, c. 379, §1 (NEW).]

**2. Appointments by the Maine Potato Board.** The Maine Potato Board as established in Title 36, section 4603 shall appoint 6 members to the seed board representing the potato industry in Aroostook County, including:

A. One producing primarily tablestock potatoes; and [PL 2009, c. 379, §1 (NEW).]

B. One producing potatoes primarily for processing. [PL 2009, c. 379, §1 (NEW).]  
[PL 2009, c. 379, §1 (NEW).]

#### SECTION HISTORY

PL 1971, c. 594, §9 (RPR). PL 1983, c. 565, §3 (AMD). PL 1983, c. 812, §50 (AMD). PL 1989, c. 503, §B45 (AMD). PL 2009, c. 379, §1 (RPR).

#### §2152. Terms; vacancies; expenses

Each appointed member of the seed board serves for a term of 2 years or until the member's successor has been appointed and qualified, except that a member may not serve for more than 3 consecutive terms. [PL 2009, c. 379, §2 (AMD).]

Upon the expiration of the term of office of any appointed member of the seed board, the member's successor must be appointed by the member's appointing authority under section 2151. In the case of a vacancy for any reason, the member's appointing authority under section 2151 shall appoint a member to fill the unexpired term. [PL 2009, c. 379, §2 (AMD).]

The members of the seed board are not entitled to compensation, but all their expenses incurred in attending meetings must be paid by the Maine Potato Board as established in Title 36, section 4603 out of the seed potato account established in accordance with Title 36, section 4604, subsection 4. [PL 2009, c. 379, §2 (AMD).]

#### SECTION HISTORY

PL 1971, c. 594, §9 (RPR). PL 1983, c. 565, §4 (AMD). PL 2009, c. 379, §2 (AMD).

#### §2153. Meetings; quorums

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 determine necessary or when called by the chair of the board or any 2 members of the board upon 2 days' notice. [PL 2009, c. 379, §3 (AMD).]

The presence at any meeting of at least 5 members of the board shall be necessary to constitute a quorum, and the concurring votes of not less than a majority of the members present at any meeting shall be necessary to the decision of any question or issue or the authorization of any action. [PL 1983, c. 565, §5 (AMD).]

#### SECTION HISTORY

PL 1983, c. 565, §5 (AMD). PL 2009, c. 379, §3 (AMD).

#### §2154. Powers; responsibilities

**1. Production, distribution and sales.** The seed board, with the approval of the Maine Potato Board as established in Title 36, section 4603, may produce, or cause to be produced through contract or otherwise, seed potatoes for distribution and sale. The seed board, in consultation with the Maine Potato Board, shall determine the varieties and acreages of each variety to produce. The seed board shall oversee seed production facilities and make recommendations to the Maine Potato Board regarding the production, distribution and sales of seed potatoes. The production program developed by the seed board with approval and oversight by the Maine Potato Board must include, but is not limited to, long-range projections of industry trends and needs, contracting with growers to reproduce nuclear seed stock grown at the seed board's seed potato farm, a determination of the varieties and volume of seed to be grown at seed production facilities and allocation of seed to growers for the benefit of the entire state potato industry.

[PL 2009, c. 379, §4 (NEW).]

**2. Use of funds.** The seed board may not commit funds that exceed the amount of funds approved by the Maine Potato Board as established in Title 36, section 4603. The Maine Potato Board may pay from the seed potato account to the Town of Masardis in lieu of taxes a sum, in the discretion of the Maine Potato Board, that compensates the town in whole or in part for loss of real estate taxes due to tax exempt status of real estate used for seed potato purposes.

[PL 2009, c. 379, §4 (NEW).]

**3. Authority to acquire, hold and convey property.** The seed board, with the approval of the Maine Potato Board as established in Title 36, section 4603, may purchase, own or otherwise acquire farm real estate and farm equipment necessary to produce acreages of seed potatoes or for the testing of seed potatoes. The seed board, with the approval of the Maine Potato Board, may sell or otherwise convey farm real estate and farm equipment no longer required for the purposes of this chapter. Proceeds from the sale must be credited to an operating account for the seed board established in accordance with Title 36, section 4604, subsection 4.

[PL 2009, c. 379, §4 (NEW).]

**4. Cooperation with the University of Maine System.** The seed board is advisory to and may work with and through the Maine Agricultural Experiment Station of the University of Maine System and other public and private agencies to annually conduct a program for the production of seed potatoes. If a program for the standardized testing of new varieties of commercial seed does not exist under the auspices of the Maine Agricultural Experiment Station, the seed board shall provide the Maine Potato Board as established in Title 36, section 4603 with a recommendation for developing such a program.

[PL 2009, c. 379, §4 (NEW).]

#### SECTION HISTORY

PL 1971, c. 553 (AMD). PL 1975, c. 283 (AMD). PL 1977, c. 694, §132 (AMD). PL 1979, c. 541, §A71 (AMD). PL 1983, c. 565, §6 (AMD). PL 1985, c. 779, §37 (AMD). PL 1999, c. 16, §N1 (AMD). PL 2009, c. 379, §4 (RPR).

**§2155. Records and proceedings**

**1. Administration.** The seed board shall elect a secretary, who need not be a member of the board. The Maine Potato Board as established in Title 36, section 4603, upon recommendation of the seed board, may employ a managing director and other employees necessary to fulfill the responsibilities and implement all programs authorized under this chapter. The seed board shall keep a record of all of its proceedings. All expenses incurred by the seed board must be paid by the Maine Potato Board from the seed potato account.

[PL 2009, c. 379, §5 (AMD).]

**2. Program plan.** The seed board shall present to the Maine Potato Board established in Title 36, section 4603, at least annually, a program plan for the Maine Potato Board's consideration and specific action. The plan 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 seed board's 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 other such matters the seed board determines appropriate.

[PL 2009, c. 379, §5 (AMD).]

**SECTION HISTORY**

PL 1971, c. 594, §10 (AMD). PL 1983, c. 565, §7 (RPR). PL 1983, c. 812, §51 (AMD). PL 1985, c. 785, §B47 (AMD). PL 2009, c. 379, §5 (AMD).

**§2156. Appropriation**

**(REPEALED)**

**SECTION HISTORY**

PL 1973, c. 625, §42 (RP).

**§2157. Potato Variety Development Program**

**1. Promotion.** The Maine Potato Board shall be responsible for developing, each year, a program to promote new potato varieties.

[PL 1987, c. 813, §1 (NEW).]

**2. Breeding.** The Maine Agricultural Experiment Station shall be responsible for breeding and testing of new potato varieties.

[PL 1987, c. 813, §1 (NEW).]

**3. Testing.** The Maine Agricultural Experiment Station shall hire an agronomist to work with the Maine Potato Breeding Program in Presque Isle to test new potato varieties. The agronomist shall be responsible for:

A. Developing the best cultural practices for new varieties; [PL 1987, c. 813, §1 (NEW).]

B. Promoting new varieties of Maine seed potatoes to farmers in Maine and other areas; [PL 1987, c. 813, §1 (NEW).]

C. Establishing field trials of new varieties; and [PL 1987, c. 813, §1 (NEW).]

D. Monitoring the sales and performance of the new varieties. [PL 1987, c. 813, §1 (NEW).]  
[PL 1987, c. 813, §1 (NEW).]

**4. Multiplication.** The Seed Potato Board shall be responsible for multiplying seedstocks of advanced selections from breeding programs. The board shall establish an isolated facility at the Porter Farm to produce a sufficient volume of pathogen-free seedstocks of advanced selections from breeding programs, in order to:

A. Provide extensive and rigorous pathogen testing on the seedstocks introduced, cultured and multiplied in the facility; [PL 1987, c. 813, §1 (NEW).]

B. Establish systematic production of pathogen-free seedstocks by meristem culture after heat therapy to free the stocks of any infectious viruses; and [PL 1987, c. 813, §1 (NEW).]

C. Provide limited increase of the pathogen-free seedstocks in the field to produce quality seed potatoes for further evaluation by breeders and growers. [PL 1987, c. 813, §1 (NEW).]

[PL 1987, c. 813, §1 (NEW).]

**5. Challenge grants.** The commissioner shall establish a challenge grant program to help in establishing field trials for new potato varieties. Grant proposals must be approved by the commissioner after review and recommendation by the Potato Plant Breeder at the Maine Agricultural Experiment Station in Presque Isle, the director of the division of animal and plant health, the chair of the seed grower's executive council of the Maine Potato Board and the Director of the Seed Potato Board. Grants may be given to farmers outside of this State. Grants may consist of seed, and assistance in determining cultural practices, and a percentage of the farmer's production costs to be determined by the commissioner. Those receiving grants shall cooperate with the agronomist of the Maine Agricultural Experiment Station in developing the best cultural practices and sharing production and marketing information.

[PL 2011, c. 420, Pt. A, §6 (AMD).]

**6. Reporting.** The agronomist of the Maine Agricultural Experiment Station shall monitor the sales and performance of new potato varieties and shall report annually to the commissioner and the joint standing committee of the Legislature having jurisdiction over agriculture. The report shall summarize the field trial program and address total sales of new seedstock, adoption of new varieties by the State's farmers, yields, quality and other indicators of performance.

[PL 1987, c. 813, §1 (NEW).]

**7. Potato Variety Development Fund.** There is established a nonlapsing Potato Variety Development Fund. The Commissioner of Agriculture, Conservation and Forestry may accept money for this fund from the Federal Government or any public or private source and make expenditures from this fund in order to carry out activities relative to the program. Any General Fund money appropriated for potato variety development shall be deposited into the Potato Variety Development Fund.

[PL 1987, c. 813, §1 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

**8. Rules.** The commissioner shall adopt rules, according to the requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, for the interpretation and implementation of this section.

[PL 1987, c. 813, §1 (NEW).]

#### SECTION HISTORY

PL 1987, c. 813, §1 (NEW). PL 2011, c. 420, Pt. A, §6 (AMD). PL 2011, c. 657, Pt. W, §6 (REV).

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