

§2992-A. Maine Dairy Promotion Board

1. Board established as a public instrumentality. The Maine Dairy Promotion Board is established as a public body corporate and politic and a public instrumentality of the State. The exercise of powers conferred by this chapter is held to be the performance of essential government functions.

A. Employees of the board may not be construed to be state employees for any purpose, including the state civil service provisions of Title 5, Part 2 and Title 5, chapter 372. [PL 1995, c. 693, §8 (NEW); PL 1995, c. 693, §25 (AFF).]

B. The board may not be construed to be a state agency for any purposes, including the budget, accounts and control, auditing, purchasing or other provisions of Title 5, Part 4. [PL 1995, c. 693, §8 (NEW); PL 1995, c. 693, §25 (AFF).]

C. Notwithstanding paragraphs A and B:

(1) Employees of the board, including employees hired after July 1, 1996, 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 2;

(2) All meetings and records of the board are subject to the provisions of Title 1, chapter 13, subchapter 1, except that, by majority vote of those members present recorded in a public session, records and meetings of the board may be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the milk industry of the State. The Commissioner of Agriculture, Conservation and Forestry and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over agricultural, conservation and forestry matters have access to all material designated confidential by the board;

(3) 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;

(4) Funds received by the board pursuant to chapter 611 must be allocated to the board by the Legislature in accordance with Title 5, section 1673; and

(5) Except for representation of specific interests required by subsection 2, members of the board are governed by the conflict of interest provisions set forth in Title 5, section 18. [PL 2019, c. 667, Pt. B, §6 (AMD).]

[PL 2019, c. 667, Pt. B, §6 (AMD).]

2. Board membership. The board consists of the following 5 members:

A. Four members appointed by organizations of producers. Not more than 2 members appointed under this paragraph may be from the same marketing organization. At least one member must be appointed by an independent organization of Maine milk producers; and [PL 2005, c. 382, Pt. E, §1 (AMD).]

B. [PL 2005, c. 382, Pt. E, §2 (RP).]

C. The Commissioner of Agriculture, Conservation and Forestry. [PL 1995, c. 693, §8 (NEW); PL 1995, c. 693, §25 (AFF); PL 2011, c. 657, Pt. W, §6 (REV).]

[PL 2005, c. 382, Pt. E, §1, 2 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

3. Board chair. The board shall annually elect a chair.

[PL 1995, c. 693, §8 (NEW); PL 1995, c. 693, §25 (AFF).]

4. Producer members.

[PL 2005, c. 382, Pt. E, §3 (RP).]

5. Cross membership; prohibition. A board member may not be a member of the Maine Dairy and Nutrition Council, established under section 2998-B.

[PL 1995, c. 693, §8 (NEW); PL 1995, c. 693, §25 (AFF).]

6. Quorum; voting. Fifty-one percent of the members of the board constitutes a quorum and the affirmative vote of at least 51% of members present at a meeting is necessary to transact all business and carry out the duties of the board.

[PL 1995, c. 693, §8 (NEW); PL 1995, c. 693, §25 (AFF).]

7. Terms. Board members are appointed to 4-year terms and may not serve more than 2 consecutive terms. A vacancy caused by death, resignation or otherwise must be promptly filled by the appointing authority for the vacated position. A producer member who changes the market in which the member sells milk is considered to have vacated membership if the change continues in excess of 6 months.

[PL 1995, c. 693, §8 (NEW); PL 1995, c. 693, §25 (AFF).]

8. Compensation. The members of the board are entitled to compensation from funds received pursuant to chapter 611 according to such guidelines as the board may establish.

[PL 1995, c. 693, §8 (NEW); PL 1995, c. 693, §25 (AFF).]

9. Executive director; staff. The board shall appoint an executive director who is the board's chief administrative officer and serves at the pleasure of the board. The executive director shall employ, as the board directs, additional staff who serve at the pleasure of the executive director. 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 the board's oversight.

[PL 1995, c. 693, §8 (NEW); PL 1995, c. 693, §25 (AFF).]

10. Sharing of staff. The board and the Maine Dairy and Nutrition Council, established in section 2998-B, may share an executive director and staff. The total salary of a shared employee may be agreed to by the board and council and the percentage of the salary paid by the board must be proportional to the work performed for the board by the shared employee. The board shall utilize accounting procedures adequate to track the proportion of work a shared employee performs for the board.

[PL 1995, c. 693, §8 (NEW); PL 1995, c. 693, §25 (AFF).]

11. Debt. A debt or obligation incurred by the board is not a debt or obligation of the State.

[PL 1995, c. 693, §8 (NEW); PL 1995, c. 693, §25 (AFF).]

SECTION HISTORY

PL 1995, c. 693, §8 (NEW). PL 1995, c. 693, §25 (AFF). RR 1997, c. 2, §30 (COR). PL 2005, c. 382, §§E1-3 (AMD). PL 2007, c. 597, §9 (AMD). PL 2011, c. 657, Pt. W, §6 (REV). PL 2019, c. 667, Pt. B, §6 (AMD).

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