

CHAPTER 1

DEPARTMENTAL ORGANIZATION AND OPERATION

SUBCHAPTER 1

GENERAL PROVISIONS

§101. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

1. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry.

[PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

2. Department. "Department" means the Department of Agriculture, Conservation and Forestry.

[PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

2-A. Foodways.

[PL 2017, c. 314, §2 (RP).]

2-B. Local food system.

[PL 2017, c. 314, §3 (RP); PL 2017, c. 314, §7 (AFF).]

3. Seal. The department has an official seal, which must be judicially noticed.

[PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

SECTION HISTORY

PL 2011, c. 657, Pt. V, §1 (NEW). PL 2011, c. 657, Pt. V, §2 (AFF). PL 2013, c. 405, Pt. A, §7 (AMD). PL 2013, c. 405, Pt. A, §17 (AFF). PL 2017, c. 215, §1 (AMD). PL 2017, c. 314, §2, 3 (AMD). PL 2017, c. 314, §7 (AFF).

SUBCHAPTER 2

ORGANIZATION

§201. Department

1. Establishment. The Department of Agriculture, Conservation and Forestry is established as a cabinet-level department.

[PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

2. Divisions. The department consists of the divisions necessary to carry out the work of the department.

[PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

SECTION HISTORY

PL 2011, c. 657, Pt. V, §1 (NEW). PL 2011, c. 657, Pt. V, §2 (AFF). PL 2013, c. 405, Pt. A, §17 (AFF).

§201-A. Local food and rural economic development

(REPEALED)

SECTION HISTORY

PL 2013, c. 405, Pt. A, §8 (NEW). PL 2017, c. 314, §4 (RP).

§201-B. Local authority to regulate food systems

(REPEALED)

SECTION HISTORY

PL 2017, c. 215, §2 (NEW). PL 2017, c. 314, §5 (RP). PL 2017, c. 314, §7 (AFF).

§202. Mission; guiding principles

1. Mission. The mission of the department is to serve as a steward of Maine's agricultural and natural resources. The department shall implement public policy that:

A. Supports the work of citizens who derive their livelihood through agricultural, conservation and forest-based interests and supports those who enjoy parks and conservation lands; [PL 2013, c. 405, Pt. A, §9 (NEW).]

B. Through education, technical assistance, research, regulation and land conservation, promotes and protects the public health, the well-being of domestic animals, wise land usage and the preservation of the State's key conservation assets; and [PL 2013, c. 405, Pt. A, §9 (NEW).]

C. Assists in creating added value for land-derived and forest-derived products as well as creating outdoor-based recreational experiences for local, national and international markets. [PL 2013, c. 405, Pt. A, §9 (NEW).]

[PL 2013, c. 405, Pt. A, §9 (AMD); PL 2013, c. 405, Pt. A, §17 (AFF).]

2. Guiding principles. The following principles are adopted to guide the department in the performance of its duties:

A. Forestry, farming, conservation, public lands and other natural resource-based economic activity are important to the State's economy and quality of life; [PL 2013, c. 405, Pt. A, §9 (AMD); PL 2013, c. 405, Pt. A, §17 (AFF).]

A-1. The State's rural jobs and multifaceted natural resources are at the same time a rich heritage to be carefully passed to successive generations and an evolving economic engine driving the recreation, food and fiber components of the State's workplaces; [PL 2013, c. 405, Pt. A, §9 (NEW).]

B. Strengthening farming, forestry, conservation, recreation, state parks, public lands and public access to the State's natural resources is vital to enhancing the State's natural resources economy; and [PL 2013, c. 405, Pt. A, §9 (AMD); PL 2013, c. 405, Pt. A, §17 (AFF).]

C. The State's land and water are the common denominators for fresh, locally grown food, processed food, horticulture, livestock, sustainably managed forest products and the State's internationally recognized outdoor recreation and conservation areas. [PL 2013, c. 405, Pt. A, §9 (NEW).]

[PL 2013, c. 405, Pt. A, §9 (AMD); PL 2013, c. 405, Pt. A, §17 (AFF).]

SECTION HISTORY

PL 2011, c. 657, Pt. V, §1 (NEW). PL 2011, c. 657, Pt. V, §2 (AFF). PL 2013, c. 405, Pt. A, §9 (AMD). PL 2013, c. 405, Pt. A, §17 (AFF).

§203. Commissioner

The department is under the control and supervision of the Commissioner of Agriculture, Conservation and Forestry, who reports directly to the Governor. [PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

1. Appointment. The Governor shall appoint the commissioner, subject to review by the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters and confirmation by the Senate. The commissioner, who must be a person of recognized executive ability and who must possess training, knowledge or experience in agricultural production, conservation, forestry and natural resource management, serves at the pleasure of the Governor. [PL 2013, c. 405, Pt. A, §10 (AMD); PL 2013, c. 405, Pt. A, §17 (AFF).]

2. Deputies; staff. [PL 2013, c. 405, Pt. A, §11 (RP); PL 2013, c. 405, Pt. A, §17 (AFF).]

2-A. Deputy; staff. The commissioner shall appoint a deputy commissioner to assist the commissioner with the operations of the department. The commissioner shall also appoint a natural resource marketing and economic development specialist, who shall assist the commissioner in the identification and tracking of natural resource industry trends, who shall work with natural resource groups to identify value-added opportunities and who shall coordinate with other governmental agencies to help management to improve the sustainability of the State's agricultural resources and the long-term health of the State's agricultural, forestry and natural resource-based industries. [PL 2013, c. 405, Pt. A, §12 (NEW).]

3. Vacancy; commissioner. A vacancy in the office of the commissioner must be filled as follows.

A. A vacancy in the commissioner's position must be filled in accordance with Title 5, section 1. [PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

B. The commissioner shall appoint one of the department's deputy commissioners to perform the duties of the commissioner, in addition to the duties of that deputy commissioner, during the commissioner's temporary absence or disability. [PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

[PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

SECTION HISTORY

PL 2011, c. 657, Pt. V, §1 (NEW). PL 2011, c. 657, Pt. V, §2 (AFF). PL 2013, c. 405, Pt. A, §§10-12 (AMD). PL 2013, c. 405, Pt. A, §17 (AFF).

§204. Powers and duties of commissioner

The commissioner has all of the powers and duties necessary to carry out the mission and responsibilities of the department. The commissioner has the power to distribute the functions and duties given to the commissioner under this Title, Title 7 and Title 12 among the various bureaus of the department so as to integrate the work properly and to promote the most economical and efficient administration of the department. Powers and duties given to the commissioner or the department in this Title, Title 7 or Title 12 must be assumed and carried out by the bureaus that the commissioner designates and may in turn be delegated to subordinates by bureau directors with the approval of the commissioner. [PL 2013, c. 405, Pt. A, §13 (AMD); PL 2013, c. 405, Pt. A, §17 (AFF).]

1. Administration. The commissioner shall administer the department in accordance with the requirements of this Title and shall fulfill the duties prescribed to the commissioner by state and federal law.

[PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

2. Rulemaking. The commissioner shall adopt rules to implement this Title. Rules adopted pursuant to this subsection are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, unless otherwise specified.

[PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

3. Employees. The commissioner may employ personnel as necessary to carry out the work of the department. Except as otherwise provided by law, all personnel of the department are under the

immediate supervision, direction and control of the commissioner. Department personnel are subject to the Civil Service Law, except for positions subject to appointment by the commissioner under subsection 4 and as otherwise specified.

[PL 2011, c. 657, Pt. V, §1 (NEW); PL 2013, c. 405, Pt. A, §17 (AFF).]

4. Appointments. The deputy commissioner and bureau directors of the department are appointed by the commissioner and serve at the pleasure of the commissioner, except as otherwise provided by law. The deputy commissioner and bureau directors appointed pursuant to this Title must have educational qualifications and professional experience directly related to the functions of and services provided by the relevant unit or bureau.

[PL 2013, c. 405, Pt. A, §14 (AMD); PL 2013, c. 405, Pt. A, §17 (AFF).]

SECTION HISTORY

PL 2011, c. 657, Pt. V, §1 (NEW). PL 2011, c. 657, Pt. V, §2 (AFF). PL 2013, c. 405, Pt. A, §§13,14 (AMD). PL 2013, c. 405, Pt. A, §17 (AFF).

§205. Department organization; divisions

(REPEALED)

SECTION HISTORY

PL 2011, c. 657, Pt. V, §1 (NEW). PL 2011, c. 657, Pt. V, §2 (AFF). PL 2013, c. 405, Pt. A, §15 (RP). PL 2013, c. 405, Pt. A, §17 (AFF).

§206. Department organization; bureaus

The department is composed of the following bureaus, each of which is under the direction and supervision of a director: [PL 2013, c. 405, Pt. A, §16 (NEW).]

1. Bureau of Agriculture, Food and Rural Resources. The Bureau of Agriculture, Food and Rural Resources, which is composed of the former Department of Agriculture, Food and Rural Resources and all associated units and programs;

[PL 2013, c. 405, Pt. A, §16 (NEW).]

2. Bureau of Forestry. The Bureau of Forestry, which is composed of the former Division of Forestry and all associated units and programs;

[PL 2013, c. 405, Pt. A, §16 (NEW).]

3. Bureau of Parks and Lands. The Bureau of Parks and Lands, which is composed of the former Division of Parks and Public Lands and all associated units and programs;

[PL 2013, c. 405, Pt. A, §16 (NEW).]

4. Bureau of Resource Information and Land Use Planning. The Bureau of Resource Information and Land Use Planning, which is composed of the Division of Land Use Planning, Permitting and Compliance, the Division of Geology, Natural Areas and Coastal Resources, the Land for Maine's Future Program, the units of municipal planning assistance and flood plain management and all other associated units and programs.

[PL 2013, c. 424, Pt. K, §1 (AMD).]

The commissioner shall appoint a director for each bureau, giving preference to existing directors or other staff from within the bureau. [PL 2013, c. 405, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2013, c. 405, Pt. A, §16 (NEW). PL 2013, c. 424, Pt. K, §1 (AMD).

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