

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3 Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

Chapter 428

AN ACT Revising the Maine Potato Tax Law.

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

Sec. 1. R. S., T. 36, §§ 4562 and 4563, repealed and replaced. Sections 4562 and 4563 of Title 36 of the Revised Statutes are repealed and the following enacted in place thereof:

§ 4562. Definitions

The terms used in this chapter shall be construed as follows:

1. Districts. "Districts" means each one of the geographical divisions of Maine as follows:

A. District 1: Benedicta, Island Falls, Oakfield, Patten, Sherman Mills, Sherman Station, Smyrna Mills, Stacyville, Hodgdon, Houlton, Linneus, Ludlow, New Limerick, North Amity, Bridgewater, Littleton, Monticello.

B. District 2: Blaine, Mars Hill, Robinson, Westfield, Easton, East Chapman, Presque Isle, Castle Hill, Mapleton, West Chapman, Ashland, Garfield, Masardis, Portage.

C. District 3: Fort Fairfield, Caswell, Limestone, Caribou, Connor.

D. District 4: Crouseville, Perham, Wade, Washburn, Woodland, New Sweden, Stockholm, Westmanland, Cyr, Hamlin, Keegan, Van Buren, Frenchville, Grand Isle, Lille, Madawaska, St. Agatha, St. David, Upper Frenchville, Eagle Lake, Fort Kent, Fort Kent Mills, St. Francis, St. John, Soldier Pond, TR 17, Wallagrass, Winterville.

E. District 5: All the remaining counties, towns and townships in the State not included in Districts 1, 2, 3 and 4.

2. Fiscal year. "Fiscal year" means the 12-month period beginning September 1st and ending August 31st.

3. Potatoes. "Potatoes" shall mean and include all potatoes, whether graded or ungraded, including all potatoes sold for processing into food; but shall not include potatoes sold for processing into starch unless such potatoes are sold under a federal diversion program and paid for as grade potatoes.

4. Processor. "Processor" means any person, firm or corporation in Maine engaged in processing potatoes into food or starch.

5. Shipment. "Shipment" shall be deemed to take place when the potatoes are located within the State in the car, boat, truck or other conveyance in which the potatoes are to be transported.

6. Shipper. "Shipper" shall mean any person, partnership, association, firm or corporation engaged in the shipping of potatoes or transporting his own potatoes, whether as owner, agent or otherwise, to other than a licensed shipper, or engaged in the processing of potatoes into food or starch.

§ 4563. Potato Commission

1. **Membership.** The Maine Potato Commission shall consist of 7 members of whom 5 shall be growers, one shall be a processor and one shall be a shipper, appointed by the Commissioner of Agriculture in the following manner:

A. **Growers.** The commissioner shall, prior to September 1st of any year in which a grower member or members are to be appointed, appoint one grower member for each of the appropriate districts.

B. **Processors.** The commissioner shall, prior to September 1st of any year in which a processor member is to be appointed, appoint one processor member of the commission.

C. **Shippers.** The commissioner shall, prior to September 1st of any year in which a shipper member is to be appointed, appoint one shipper member of the commission.

2. **Qualifications.** Members of the commission shall be resident citizens of the State of Maine and be actively engaged in shipping or processing of potatoes produced in the State of Maine and in the case of grower members shall be actively engaged in the commercial production of potatoes in the district which they are appointed to represent.

3. **Term.** Each member appointed under this Act shall assume his office on September 1st of the year appointed and shall serve for a term of 3 years or until his successor is duly appointed and qualified, except that when the commission is first organized under this section the member who is a shipper and the members who are growers from districts 1 and 2 shall be appointed for one-year terms, the members who are growers from districts 3 and 4 shall be appointed for 2-year terms, and the member who is a processor and the member who is a grower from district 5 shall be appointed for 3-year terms. No member is eligible for reappointment to the commission for a period of one year from the date of expiration of a full 3-year term. To fill any vacancy, however caused, the commissioner shall appoint a successor for the unexpired term, which successor shall be appointed from the same district or industry segment as was represented by the predecessor member.

4. **Officers.** At their first meeting of any fiscal year commission members shall select both a chairman and a vice-chairman from among their number. Five members of the commission shall be necessary to constitute a quorum and 4 concurring votes shall be required to pass any motion or approve any commission action. The members of the commission shall serve without pay except the chairman, or vice-chairman when acting as chairman, who shall receive a per diem of \$25 when in the performance of his duties and all commissioners shall be reimbursed for expenses incurred in the performance of their duties.

5. **Administration.** The commission is authorized to select and employ an executive director to administer the policies established by the commission, and to fix his salary and term of employment. The executive director, with the consent of the commission, is authorized to engage sufficient clerical

personnel and other employees for the efficient performance of his duties. Neither the employment of the executive director by the commission nor the employment of other employees by the executive director shall be subject to the Personnel Law.

Sec. 2. R. S., T. 36, § 4565, repealed and replaced. Section 4565 of Title 36 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4565. Rate of tax

A tax is levied and imposed at the rate of \$.012 per hundredweight on all potatoes raised in this State, except that no tax shall be imposed upon any potatoes which are retained by the grower to be used by him for seed purposes or for home consumption.

Sec. 3. R. S., T. 36, § 4568, repealed and replaced. Section 4568 of Title 36 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4568. Tax deducted from selling price

Each shipper purchasing potatoes and paying, or becoming liable to pay, the tax imposed by section 4565 shall charge and collect from the seller a tax at the rate of \$.006 per hundredweight, to be deducted from the purchase price of all potatoes subject to the tax so purchased by such shipper.

Sec. 4. R. S., T. 36, § 4569, amended. The next to the last sentence of section 4569 of Title 36 of the Revised Statutes is repealed and the following enacted in place thereof:

At the time of filing said report, each shipper shall pay to the State Tax Assessor a tax at the rate of \$.012 per hundredweight upon all potatoes so reported as purchased, sold or shipped.

Sec. 5. R. S., T. 36, § 4571, repealed and replaced. Section 4571 of Title 36 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 4571. Appropriation of moneys received

Moneys received through this chapter by the Treasurer of State shall be appropriated and used for the following purposes:

1. Collection and enforcement. For the collection of the tax provided for by section 4565 and the enforcement of this chapter;

2. Better methods. A sum which shall equal at least \$50,000 shall be used and applied for the purpose of investigating and determining better methods of production, shipment and merchandising of potatoes, and for the manufacture and merchandising of potato by-products under the supervision of the Maine Potato Commission;

3. Advertising. For the general purpose of merchandising and advertising Maine potatoes for food and for seed purposes under the direction of the Maine Potato Commission. The commission may use the advice and facilities of the Department of Economic Development and the Department of Agriculture in carrying out this subsection.

4. Balance of funds. The funds remaining over and above the expenses of carrying out this chapter, including the expenditures authorized under subsections 2 and 3, may be expended by the Potato Commission for such purposes as it may determine to be in the best interests of the Maine potato industry.

Effective September 23, 1971

Chapter 429

AN ACT Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission.

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

Sec. 1. R. S., T. 12, § 602, sub-§ 4, amended. Subsection 4 of section 602 of Title 12 of the Revised Statutes is amended by adding a new paragraph at the end, to read as follows:

Fifteen percent of all day use and camping fees received under this subsection in any state-owned land under jurisdiction of the commission shall be apportioned and paid to all municipalities having such land within their boundaries. In determining the payment to each municipality, the commission shall assign one unit per front foot for each foot of lake, pond, ocean or major river frontage and 5 units for each acre of all said lands within the municipality. Frontage and acreage shall be determined as of April 1st for the year in which revenue is being apportioned and shall be computed to the nearest whole unit. The commission shall increase the fees charged by it under this subsection by an amount which will reflect the loss of revenue to the State occasioned by such payment to the municipalities.

Sec. 2. Effective date. This Act shall become effective January 1, 1972.

Effective January 1, 1972

Chapter 430

AN ACT to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers.

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

Sec. 1. R. S., T. 28, § 604, amended. Section 604 of Title 28 of the Revised Statutes, as amended, is further amended by inserting after the first paragraph a new paragraph, to read as follows: