

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2009**

provider for a credit card or debit card transaction. If there is not a cost assessed by an authorized 3rd-party payment service provider for a debit card transaction, the governmental entity may not impose a surcharge associated with a debit card transaction.

A governmental entity shall disclose to the consumer that the surcharge may be avoided if the consumer makes payments by cash, check or other means not a credit card or debit card. A governmental entity is not subject to any liability to the issuer of a credit card or an authorized 3rd-party payment service provider for nonpayment of credit card charges by the consumer. As used in this subsection, "governmental entity" means a county established or governed by Title 30-A, Part 1, a municipality as defined in Title 30-A, section 2001, subsection 8, a quasi-municipal corporation as defined in Title 30-A, section 2604, subsection 3 or the Judicial Department as described in Title 4.

See title page for effective date.

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**CHAPTER 114**  
**S.P. 94 - L.D. 277**

**An Act To Clarify the Income-producing Requirement for Land in the Farm and Open Space Tax Program**

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

**Sec. 1. 36 MRSA §1102, sub-§4**, as amended by PL 1999, c. 731, Pt. Y, §1, is further amended to read:

**4. Farmland.** "Farmland" means any tract or tracts of land, including woodland and wasteland, of at least 5 contiguous acres on which farming or agricultural activities have contributed to a gross annual farming income of at least \$2,000 per year from the sales value of agricultural products as defined in Title 7, section 152, subsection 2 in one of the 2, or 3 of the 5, calendar years preceding the date of application for classification. The farming or agricultural activity and income derived from that activity may be achieved by either the owner or a lessee of the land.

Gross income as used in this ~~section~~ subsection includes the value of commodities produced for consumption by the farm household. Any applicant for assessment under this subchapter bears the burden of proof as to the applicant's qualification.

See title page for effective date.

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**CHAPTER 115**  
**S.P. 298 - L.D. 771**

**An Act Regarding Raffles Conducted by Nonprofit Organizations**

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

**Sec. 1. 17 MRSA §331, sub-§8-B** is enacted to read:

**8-B. Raffle tickets sold by volunteers.** Notwithstanding section 332, subsection 2, tickets for raffles licensed in accordance with subsection 7 or 8-A may be sold by persons other than members of the licensed organization as long as the persons selling the tickets are uncompensated volunteers for the organization and the names of the volunteers who sell the tickets are provided to the Chief of the State Police within 10 days of issuance of the raffle license.

See title page for effective date.

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**CHAPTER 116**  
**S.P. 231 - L.D. 616**

**An Act To Strengthen the Board of the Maine Insurance Guaranty Association**

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

**Sec. 1. 24-A MRSA §4437, first ¶**, as amended by PL 1985, c. 279, §3, is further amended to read:

The board of directors of the association ~~shall~~ must consist of not less than 7 persons serving terms as established in the plan of operation, and not less than 3 of the persons must represent members of the association that are domiciled in the State. The members of the board ~~shall~~ must be selected by member insurers subject to the approval of the superintendent. A member insurer serving on the board must resign if the member insurer ceases writing new insurance business in the State. Vacancies on the board ~~shall~~ must be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the superintendent.

See title page for effective date.

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