

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

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Legislative Document

No. 1888

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H.P. 1380

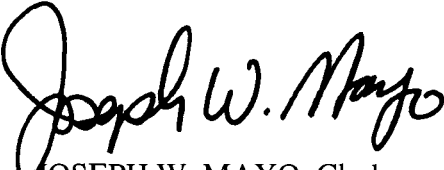
House of Representatives, March 29, 1996

**An Act Regarding the Maine Potato Board.**

(EMERGENCY)

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Reported by Representative SPEAR for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Joint Order H.P. 1368.

  
JOSEPH W. MAYO, Clerk

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           **Whereas,** Public Law 1995, chapter 502 established the Maine  
Potato Board as an incorporated public instrumentality of the  
State effective March 1, 1996; and

8  
10           **Whereas,** the timing of the transition of the Maine Potato  
Board from an agency of the State to an independent agency has a  
potentially detrimental impact on the application of retirement  
benefits to the Maine Potato Board's employees; and

12  
14           **Whereas,** there is a compelling need to clarify the  
retirement status of the Maine Potato Board's employees and have  
that clarification apply from March 1, 1996 onward; and

16  
18           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
safety; now, therefore,

20  
22  
24           **Be it enacted by the People of the State of Maine as follows:**

26           **Sec. 1. 36 MRSA §4603, sub-§12** is enacted to read:

28           12. State employees for certain purposes. Notwithstanding  
subsection 9, employees of the board, including employees hired  
30           after the effective date of this section, are state employees for  
the purposes of the state retirement provisions of Title 5, Part  
32           20 and the state employee health insurance program under Title 5,  
chapter 13, subchapter II.

34  
36           **Sec. 2. 36 MRSA §4606, first ¶,** as amended by PL 1995, c. 502,  
Pt. C, §18, is further amended to read:

38           Money received by the Treasurer of State under this chapter,  
including all receipts of taxes levied under section 4605, must  
40           be transferred to the board in its capacity as an independent  
agency on a monthly basis and used for all activities of the  
42           board authorized under this chapter. The board shall pay a sum  
to the State Tax Assessor representing the cost incurred by the  
44           State in collecting the taxes. Notwithstanding section 4603,  
subsection 1, money received by the Treasurer of State under this  
46           chapter, including all receipts of taxes levied under section  
4605, must be allocated or appropriated to the board by the  
48           Legislature.



2 State Retirement System and the state employee health insurance  
3 program. Public Law 1995, chapter 502 established the Maine  
4 Potato Board as an incorporated public instrumentality of the  
5 State effective March 1, 1996. It authorized the board to become  
6 a participating local district of the Maine State Retirement  
7 System. However, admission to the system is permitted annually  
8 on July 1st, leaving in question the retirement benefits of board  
9 employees between March 1, 1996 and the date of admission of a  
10 participating local district into the retirement system. This  
11 bill clarifies the retirement and health insurance status of the  
12 board's employees by making them state employees for the purposes  
13 of retirement and health insurance.

14 The bill also clarifies that any funds received by the State  
15 Treasurer from the potato tax must be allocated to the Maine  
16 Potato Board by the Legislature.