

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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PUBLIC LAWS
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days prior to any change of residence of the child, provided that the prior notice is practicable and in the best interest of the child.

Effective July 6, 1978

CHAPTER 653

AN ACT to Readjust Disbursement of the Potato Tax Fund.

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

Sec. 1. 36 MRSA § 4571, sub-§ 1-A is enacted to read:

1-A. Maine Potato Council.

A. The Legislature finds and declares that the activities of the Maine Potato Council are of great benefit to the Maine economy and to the health and welfare of Maine citizens. The Legislature further finds that public support for the activities of the Maine Potato Council work, in promotion of Maine potatoes and improvement of potato industry practices, will benefit Maine citizens and the Maine economy. Therefore, the Legislature finds that use of a portion of the potato tax proceeds to support the Maine Potato Council is an expenditure in the public interest.

B. Subject to the provisions of this section, 20% of the total moneys received in any given year under section 4565 shall be paid quarterly to the Maine Potato Council which shall use those funds for improvements in the coordination of efforts to improve the potato industry, promotion of Maine potatoes and the Maine potato industry, assistance to potato farmers in improving potato farming practices and necessary administrative support to the Maine Potato Council. The council shall pay from the funds dues to the National Potato Council and any successor organization. The balance of these tax funds remaining shall be used in research and programs to improve the quality of potatoes.

The Commissioner of Agriculture shall promulgate rules:

- (1) Requiring the Maine Potato Council to submit to the commissioner, prior to the beginning of any fiscal year, a budget showing, for funds paid to the council under this section, actual and estimated amounts available and expended for that fiscal year and the fiscal year immediately preceding; the budget shall be a form prescribed by the commissioner and shall be available for public inspection in his office and in the office of the council; and

(2) Governing the expenditure of funds paid to the council under this section for travel out of State; to the extent possible, the rule shall be identical to rules governing such travel by State employees, provided that the rule shall require that the commissioner shall have the authority to approve or disapprove for conformance to the rule all the expenditures before they are made.

Sec. 2. 36 MRSA § 4571, sub-§ 5, as repealed and replaced by PL 1975, c. 554, § 7, is amended to read:

5. **Balance of funds.** The funds remaining over and above the expenses of carrying out this chapter, including the expenditures authorized under subsections 1, 1-A, 2, 3 and 4, shall not lapse, but shall be carried in a continuous carrying account to be expended for the purposes of this chapter.

Sec. 3. **Study authorized.** The Commissioner of Agriculture shall conduct a study of current and alternate procedures for electing and appointing grower members to the Maine Potato Commission. In conducting the study, the commissioner shall consult with others as is appropriate, including, but not limited to, the Maine Potato Commission, Maine Potato Council, Maine Potato Sales Association, Central Aroostook Young Farmers and Aroostook County Farm Bureau. The commissioner shall submit a description of the study, and any recommendations including drafts of proposed legislation, to the First Regular Session of the 109th Legislature.

Effective July 6, 1978

CHAPTER 654

AN ACT to Amend the Charitable Solicitations Act to Change the Responsibilities of Religious and Small Organizations.

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

Sec. 1. 9 MRSA § 5003, sub- § 9, 2nd sentence, as enacted by PL 1977, c. 488, § 1, is repealed and the following enacted in its place:

A bona fide salaried officer or employee of a charitable organization, including an employee of a parent organization, shall not be deemed to be a professional fund-raising counsel unless that person's salary or other compensation is computed on the basis of funds to be raised or actually raised or the services performed by the person are performed on behalf of some organization other than the one which employs that person or a chapter, branch or affiliate thereof.