

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

A. A person who is a law enforcement officer or a corrections officer acting within the course and scope of the officer's employment; or

B. A person possessing a firearm for the purpose of offering the firearm as evidence in a proceeding if the presiding judge or justice has provided prior written approval to the person and the person possesses a copy of the written approval.

3. A person who violates subsection 1 commits a Class D crime.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 20, 2005.

CHAPTER 176

H.P. 378 - L.D. 503

An Act To Make Changes to the Laws Governing the Maine Potato Board

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

Whereas, this legislation makes changes to the laws governing the Maine Potato Board; and

Whereas, it is critical to the proper functioning of the Maine Potato Board that these changes be implemented immediately; and

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,

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

Sec. 1. 36 MRSA §4602, sub-§4, as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

4. Potatoes. "Potatoes" means and includes all potatoes, whether graded or ungraded, including all potatoes sold for processing into food, ~~but does not include potatoes sold for processing into starch, unless the potatoes are sold under a federal diversion program and paid for as grade potatoes or animal feed.~~

Sec. 2. 36 MRSA §4603, sub-§5, as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

5. Meetings of executive councils and assemblies. Executive councils shall annually elect officers, including a ~~chairman chair, vice-chairman vice-chair~~ and secretary. Each executive council shall hold meetings from time to time, no less than ~~4~~ 2 times a year, upon call of the executive council ~~chairman chair~~, a majority of the executive council or upon call of the board. Each assembly shall hold meetings from time to time, no less than once a year, upon call of a majority of its executive council or upon call of the board, provided that district assemblies of growers may hold these meetings jointly in statewide sessions or in concert with other assemblies or groups of assemblies. All meetings of assemblies and executive councils ~~shall~~ must be open to the public and otherwise in compliance with Title 1, chapter 13.

Sec. 3. 36 MRSA §4604, sub-§2, as amended by PL 1987, c. 99, §20, is further amended to read:

2. Programs. The board may make studies; undertake research, development and investment in infrastructure, marketing and promotional programs; publish and disseminate information; and implement other programs ~~as are~~ in furtherance of its legislative purposes, provided that programs undertaken by the board ~~shall~~ must be designed to benefit the Maine potato industry at large or segments of the industry, but ~~shall~~ may not be designed to benefit exclusively any one person or entity involved in the industry. The board shall carry out the duties, as set out in Title 7, article 4 and known as the "Maine Bag Program," and shall use any funds granted by the department to the board or obtained by the board from any other source for the Maine Bag Program to promote the sale of tablestock potatoes, except that revenues from the potato tax under section 4605 may not be used to undertake promotional activities of the board. The board may use funds derived from sources other than the potato tax to carry out advertising and promotional programs in support of the industry.

Sec. 4. 36 MRSA §4604, sub-§5, as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

5. Books and records; confidentiality. The board shall keep books, records and accounts of all its activities, which ~~shall~~ must be open to inspection and audit by the State at all times. The State Auditor ~~shall~~ may conduct an annual audit of the financial records of the board and shall report the results of the audit to the board, the Commissioner of Agriculture, Food and Rural Resources, the Treasurer of State and the Legislature.

All books and records of the board ~~shall~~ must be open to public inspection in accordance with Title 1, chapter 13, ~~provided~~ except that records and meetings of the board may by vote be closed to the public ~~where~~ when

public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the Maine potato industry or segments of the industry.

Sec. 5. 36 MRSA §4606, first ¶, as amended by PL 1995, c. 702, §2 and affected by §4, is further amended to read:

Money received by the Treasurer of State under this chapter, including all receipts of taxes levied under section 4605, must be transferred to the board in its capacity as an independent agency on a monthly basis and used for all activities of the board authorized under this chapter. The board shall pay a sum to the State Tax Assessor representing the actual cost incurred by the State in collecting the taxes, except that the sum paid to the State Tax Assessor for collecting taxes may not be greater than 5% of the total tax collected annually. Notwithstanding section 4603, subsection 1, money received by the Treasurer of State under this chapter, including all receipts of taxes levied under section 4605, must be allocated or appropriated to the board by the Legislature.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 20, 2005.

CHAPTER 177

H.P. 316 - L.D. 431

An Act To Allow Certain Unregistered All-terrain Vehicles To Participate in Special Events in the State

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

Whereas, it is necessary that this legislation take effect immediately in order to allow nonresident all-terrain vehicle users to participate in special events in the State this spring and summer; and

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,

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

Sec. 1. 12 MRSA §13155, sub-§1-A, ¶A, as enacted by PL 2003, c. 655, Pt. B, §406 and affected by §422, is amended to read:

A. The following exceptions apply.

(1) Registration is not required for an ATV operated on land on which the owner lives or on land on which the owner is domiciled, as long as the ATV is not operated elsewhere within the jurisdiction of the State.

(2) Registration is not required for an ATV operated by a commercial ski area for the purpose of packing snow or for rescue operations on the commercial ski area, unless the ATV is required to cross a public way during that operation.

(3) An ATV owned and operated in the State by the Federal Government, the State or a political subdivision of the State is exempt from registration fees but must be registered and is required to display registration numbers.

(4) An ATV registration for the farm use specified in Title 29-A, section 501, subsection 8, paragraph E is not required for a vehicle registered with the Secretary of State under Title 29-A, section 501, subsection 8.

(5) An ATV registered in another state or in a Canadian province may be operated without being registered pursuant to this section at a special event organized to occur in this State if the special event organizer submits a request in writing to the commissioner 60 days prior to the special event and provides the commissioner with a map of the trails to be used during the special event and the commissioner approves the request.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 20, 2005.

CHAPTER 178

H.P. 715 - L.D. 1030

An Act To Strengthen Certain Student Support Services within the Maine Community College System

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