

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

program, the Secretary of State may consult with other states that have early voting laws in order to use best practices of those states; and be it further

Sec. 2. Reporting date established. Resolved: That the Secretary of State shall submit a report by February 15, 2007 to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs detailing the plan for conducting a pilot program for early voting and outlining any issues of concern. The committee shall review the plan and by May 1, 2007 may submit legislation to the First Regular Session of the 123rd Legislature to authorize the Secretary of State to conduct the pilot program for the November ~~2008 general~~ 2007 election.

See title page for effective date.

CHAPTER 456

H.P. 746 - L.D. 986

An Act To Establish an Agriculture Education Registration Plate

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

Whereas, it is important to authorize the issuance of agriculture education plates as soon as possible in order to allow funds to be raised for agriculture education, which in turn will help support agriculture, a vital sector of the Maine economy; 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. 5 MRSA §12004-G, sub-§4-C is enacted to read:

4-C.

<u>Agriculture</u>	<u>Maine</u>	<u>Paid from</u>	<u>7 MRSA</u>
<u>Education</u>	<u>Agriculture</u>	<u>council</u>	<u>§242</u>
	<u>in the</u>	<u>funds in</u>	
	<u>Classroom</u>	<u>accordance</u>	
	<u>Council</u>	<u>with</u>	
		<u>council</u>	
		<u>bylaws</u>	

Sec. 2. 7 MRSA §242 is enacted to read:

§242. Maine Agriculture in the Classroom Council

1. Establishment. The Maine Agriculture in the Classroom Council, established in Title 5, section 12004-G, subsection 4-C and referred to in this section as "the council," has all the powers necessary to achieve the public purpose stated in subsection 2 and to carry out the powers conferred under this section.

The exercise of powers conferred by this section is held to be the performance of essential government functions.

A. Employees of the council may not be construed to be state employees for any purpose, including the state civil service provisions of Title 5, Part 2 and Title 5, chapter 372.

B. The council may not be construed to be a state agency for any purpose, including the budget, accounts and control, auditing, purchasing or other provisions of Title 5, Part 4.

C. Notwithstanding paragraphs A and B:

(1) Employees of the council may be state employees for the purposes of the state retirement provisions of Title 5, Part 20 and the state employee health insurance program under Title 5, chapter 13, subchapter 2; and

(2) For the purposes of the Maine Tort Claims Act, the council is a governmental entity and its employees and members are employees as those terms are defined in Title 14, section 8102.

D. Employees of the council are entitled to use the services of the Central Fleet Management Division in accordance with provisions established for state agencies under Title 5, section 1830.

2. Purpose. The purpose of the council is to promote an understanding of the food and fiber system in the State and the nation through the infusion of agricultural concepts into primary, secondary and post-secondary curricula. For the purposes of this section, "agricultural concepts" includes, but is not limited to:

A. The importance of agriculture in the State and in the nation's history and development;

B. The connections between geography, climate and agriculture;

C. The relationship between technology and agricultural success and development;

D. The economics of agriculture;

E. The global aspects of agriculture; and

F. The relationship of the food and fiber system to public policy issues.

3. Membership. The council consists of 9 members, appointed as follows:

A. One representative of the department, appointed by the commissioner;

B. One representative of the Department of Education, appointed by the Commissioner of Education;

C. Two members from the agricultural community with demonstrated interest in agriculture education, appointed by the commissioner;

D. One registered or licensed dietitian with a demonstrated interest in agriculture education, appointed by the commissioner;

E. One practicing kindergarten to grade 12 educator with knowledge of agriculture education, appointed by the Commissioner of Education;

F. One educator who teaches or has taught agriculture courses at the secondary school level, appointed by the Commissioner of Education;

G. One representative from the University of Maine Cooperative Extension with a demonstrated interest in agriculture education, appointed by the Director of the University of Maine Cooperative Extension; and

H. One representative of the soil and water conservation districts, appointed by the chair of the State Conservation District Advisory Council.

4. Term. Each member serves for a term of 4 years or until the member's successor is appointed. If a member is unable to complete a term, the appointing authority shall appoint a person to serve out the remainder of the unexpired term.

5. Compensation. Members may be compensated for expenses as provided in the council's bylaws from money received under subsection 10.

6. Chair. The council shall elect annually by majority vote one member of the council to serve as chair and one member to serve as vice-chair.

7. Executive director; personnel. The council may appoint by majority vote an executive director who is the council's chief administrator and who serves at the pleasure of the council. The executive director may employ, as the council directs, additional staff who serve at the pleasure of the executive director. The salaries paid to the executive director and other staff are fixed by the council and are not subject to the personnel laws of the State.

8. Powers and duties. The council shall expend funds received under subsection 10 to provide teacher training and educational resource materials, collect and distribute appropriate agricultural information and materials from industry and trade groups and incorporate new and innovative ideas and proven outreach strategies to increase agricultural literacy among teachers and their students. The council shall work

cooperatively with state agencies, the University of Maine System, farm organizations, agribusinesses and private individuals and groups to collect, organize, develop and promote the use of agricultural curriculum materials in schools and learning centers.

The council may enter into contracts with any local, state, federal or private agency, department, firm, corporation or association as necessary to carry out the purposes of this section.

9. Debt. A debt or obligation incurred by the council is not a debt or obligation of the State.

10. Receipt of money and property. The council may accept grants or contributions of money or other things of value from any source, public or private. The council receives funds from the sale of agriculture education plates pursuant to Title 29-A, section 456-D. The grants, receipts and other contributions must be held by the council and used to carry out the purposes of this section, subject to any condition under which the grant or contribution was accepted by the council. Funds may be used to compensate members of the council for expenses in accordance with the council's bylaws. Funds received under this subsection are not state funds.

11. Books and records. The council shall keep books, records and accounts of all its activities, which must be open to inspection and audit by the State at all times. An independent accountant shall conduct an annual accounting review of the financial records of the council and report the results of the review to the council, the commissioner, the Treasurer of State and the Legislature.

12. Bylaws. The council may adopt bylaws to govern its functions.

Sec. 3. 29-A MRSA §456-D is enacted to read:

§456-D. Agriculture education registration plate

1. Agriculture education plates. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501, section 504, subsection 1 or section 505 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of agriculture education special registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters.

2. Contribution; credit to Agriculture Education Plate Fund. In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for agriculture education plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Agriculture in the Classroom Council established in Title 7, section 242; and

B. Ten dollars to the Highway Fund for administrative and production costs.

3. Design; review; vanity plates. The Secretary of State, in consultation with the Maine Agriculture in the Classroom Association, shall determine a design for the agriculture education special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request agriculture education plates that are also vanity plates. Agriculture education plates are issued in accordance with the provisions of this section and section 453.

4. Renewal fee. In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for agriculture education special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Agriculture in the Classroom Council established in Title 7, section 242; and

B. Five dollars to the Highway Fund for administrative and production costs.

5. Reimbursement for production and issuance costs for first 2,000 plates. The sponsor of the agriculture education plate pursuant to section 468, subsection 1 shall provide \$40,000 to the Secretary of State for costs associated with the production and issuance of plates. The Secretary of State shall deposit these funds in the Highway Fund. After the production and issuance of the first 2,000 plates, the Treasurer of State shall reimburse the sponsor \$20,000 of the original payment from the Highway Fund.

6. Production and issuance costs for plates produced after first 2,000 plates. After the first 2,000 plates issued, the Secretary of State shall deposit to the Highway Fund \$20 for each initial set of agriculture education registration plates and \$15 for each renewal of agricultural education registration plates. The Treasurer of State shall transfer quarterly from the Highway Fund to the Maine Agriculture in the Classroom Council established in Title 7, section 242 \$10 for each set of agriculture education registration plates issued and for each renewal of agriculture education registration plates.

7. Duplicate plates. The Secretary of State shall issue an agriculture education plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

8. Eligibility; trucks. An agriculture education registration plate may be issued for:

A. A vehicle that qualifies for a specialty license plate under section 468, subsection 8; and

B. A truck registered under section 504, subsection 1 or section 505.

9. Date of first issue. The Secretary of State shall issue the first agriculture education plate no later than October 1, 2007.

Sec. 4. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 7, section 242, subsection 4, initial appointments to the Maine Agriculture in the Classroom Council made pursuant to Title 7, section 242, subsection 3 are for terms specified as follows:

1. The 2 initial appointments made pursuant to Title 7, section 242, subsection 3, paragraphs A and B are for terms of 4 years;

2. The 2 initial appointments made pursuant to Title 7, section 242, subsection 3, paragraph C, one member is appointed to a term of 2 years and one member is appointed to a term of 4 years;

3. The initial appointments made pursuant to Title 7, section 242, subsection 3, paragraphs D and G are for terms of 2 years;

4. The initial appointments made pursuant to Title 7, section 242, subsection 3, paragraphs E and F are for terms of 3 years; and

5. The initial appointment made pursuant to Title 7, section 242, subsection 3, paragraph H is for a term of one year.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF
Administration - Motor Vehicles 0077**

Initiative: Allocates funds on a one-time basis for the production and manufacture of the agriculture education registration plate.

HIGHWAY FUND	2007-08	2008-09
All Other	\$17,201	\$0
HIGHWAY FUND TOTAL	\$17,201	\$0

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

Effective June 28, 2007.