

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

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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.

Augusta, Maine
2009

C. Electronic mailing of notification forms.

Telephone calls, either personal or automated, are an acceptable means of notification under subsection 3.

Sec. 2. 22 MRSA §1471-Z is enacted to read:

§1471-Z. Registry of citizens requesting additional information

The board shall develop and maintain a registry of residents and property owners in the State who request to be placed on a registry for the purpose of receiving information on the outdoor application of pesticides using aircraft or air-carrier equipment in addition to the information required under section 1471-Y.

1. Development of a registry of citizens. The board shall solicit participation in a registry of citizens through newspaper articles, public notices distributed to municipal offices and a notice posted on the board's publicly accessible website. To be placed on the registry, a person must submit to the board, using a form provided on the board's publicly accessible website or a paper copy provided by the board upon request, the following information:

A. The person's full name;

B. The person's telephone number;

C. The location of the property owned, leased or occupied by the person registering. The location must be described in sufficient detail to be located on a 7.5 or 15 minute series topographical map produced by the United States Geological Survey or a map of equivalent or superior detail;

D. The person's mailing address; and

E. The person's e-mail address.

Any resident, owner or lessee of property in the State is entitled to be placed on the registry of citizens. A fee may not be charged to register. Persons remain on the registry until they notify the board in writing that they want to be removed from the registry or until the board staff determines that the contact is no longer valid.

See title page for effective date.

CHAPTER 379

H.P. 982 - L.D. 1406

**An Act To Transfer the Seed
Potato Board to the Maine
Potato Board**

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

Sec. 1. 7 MRSA §2151, amended by PL 1989, c. 503, Pt. B, §45, is repealed and the following enacted in its place:

§2151. Creation and membership

The Seed Potato Board, established by Title 5, section 12004-H, subsection 5, is overseen by and is the responsibility of the Maine Potato Board, a public instrumentality of the State established in Title 36, section 4603. The Seed Potato Board, referred to in this chapter as "the seed board," consists of the commissioner and 8 members appointed in accordance with subsections 1 and 2.

1. Appointments by the commissioner. The commissioner shall appoint 2 members to the seed board as follows:

A. A representative of the potato industry in a county other than Aroostook County; and

B. A person producing potatoes in Aroostook County primarily for processing.

2. Appointments by the Maine Potato Board. The Maine Potato Board as established in Title 36, section 4603 shall appoint 6 members to the seed board representing the potato industry in Aroostook County, including:

A. One producing primarily tablestock potatoes; and

B. One producing potatoes primarily for processing.

Sec. 2. 7 MRSA §2152, as amended by PL 1983, c. 565, §4, is further amended to read:

§2152. Terms; vacancies; expenses

Each appointed member ~~shall serve~~ of the seed board serves for a term of ~~3~~ 2 years or until his the member's successor has been appointed and qualified, except that ~~no~~ a member may not serve for more than ~~2~~ 3 consecutive terms.

Upon the expiration of the term of office of any appointed member of the seed board, ~~said~~ the member's successor shall must be appointed by the ~~commissioner~~ member's appointing authority under section 2151, or in. In the case of a vacancy for any reason, the ~~commissioner~~ member's appointing authority under section 2151 shall appoint a member to fill the unexpired term.

The members of the ~~Seed Potato Board~~ shall receive no salary. seed board are not entitled to compensation, but all their expenses incurred in attending meetings shall must be paid by the Maine Potato Board as established in Title 36, section 4603 out of the State Treasury, on certificate of the commissioner, upon the audit and warrant of the State Controller seed potato account established in accordance with Title 36, section 4604, subsection 4.

Sec. 3. 7 MRSA §2153, first ¶ is amended to read:

The Seed Potato Board shall meet annually on such date and at such place as the board may appoint and shall meet at such other times as the board may ~~deem~~ determine necessary or when called by the ~~chairman~~ chair of the board or any 2 members ~~thereof~~ of the board upon 2 days' notice. ~~The board may by resolution provide for a shorter notice made by telegraph, telephone or otherwise.~~

Sec. 4. 7 MRSA §2154, as amended by PL 1999, c. 16, Pt. N, §1, is repealed and the following enacted in its place:

§2154. Powers; responsibilities

1. Production, distribution and sales. The seed board, with the approval of the Maine Potato Board as established in Title 36, section 4603, may produce, or cause to be produced through contract or otherwise, seed potatoes for distribution and sale. The seed board, in consultation with the Maine Potato Board, shall determine the varieties and acreages of each variety to produce. The seed board shall oversee seed production facilities and make recommendations to the Maine Potato Board regarding the production, distribution and sales of seed potatoes. The production program developed by the seed board with approval and oversight by the Maine Potato Board must include, but is not limited to, long-range projections of industry trends and needs, contracting with growers to reproduce nuclear seed stock grown at the seed board's seed potato farm, a determination of the varieties and volume of seed to be grown at seed production facilities and allocation of seed to growers for the benefit of the entire state potato industry.

2. Use of funds. The seed board may not commit funds that exceed the amount of funds approved by the Maine Potato Board as established in Title 36, section 4603. The Maine Potato Board may pay from the seed potato account to the Town of Masardis in lieu of taxes a sum, in the discretion of the Maine Potato Board, that compensates the town in whole or in part for loss of real estate taxes due to tax exempt status of real estate used for seed potato purposes.

3. Authority to acquire, hold and convey property. The seed board, with the approval of the Maine Potato Board as established in Title 36, section 4603, may purchase, own or otherwise acquire farm real estate and farm equipment necessary to produce acreages of seed potatoes or for the testing of seed potatoes. The seed board, with the approval of the Maine Potato Board, may sell or otherwise convey farm real estate and farm equipment no longer required for the purposes of this chapter. Proceeds from the sale must be credited to an operating account for the seed board established in accordance with Title 36, section 4604, subsection 4.

4. Cooperation with the University of Maine System. The seed board is advisory to and may work with and through the Maine Agricultural Experiment Station of the University of Maine System and other public and private agencies to annually conduct a program for the production of seed potatoes. If a program for the standardized testing of new varieties of commercial seed does not exist under the auspices of the Maine Agricultural Experiment Station, the seed board shall provide the Maine Potato Board as established in Title 36, section 4603 with a recommendation for developing such a program.

Sec. 5. 7 MRSA §2155, as amended by PL 1985, c. 785, Pt. B, §47, is further amended to read:

§2155. Records and proceedings

1. Administration. The ~~Seed Potato Board~~ seed board shall elect a secretary, who need not be a member of the board, ~~and the commissioner shall have authority to.~~ The Maine Potato Board as established in Title 36, section 4603, upon recommendation of the seed board, may employ a managing director and ~~such agents as may be other employees necessary, subject to the Civil Service Law, to consummate any and fulfill the responsibilities and implement all programs which it may institute, as authorized under the terms of this chapter and.~~ The seed board shall keep a record of all of its proceedings, ~~and all.~~ All expenses ~~by it incurred shall by the seed board must be paid out of the State Treasury, on certification of the commissioner, upon the audit and warrant of the State Controller and charged against any and all appropriations which may be annually made available for its use as stipulated. The board shall be subject to the provisions of Title 5, chapter 379 by the Maine Potato Board from the seed potato account.~~

2. Program plan. The ~~managing director~~ seed board shall present to the ~~board~~ Maine Potato Board established in Title 36, section 4603, at least annually, a program plan for the ~~board's~~ Maine Potato Board's consideration and specific action, ~~which.~~ The plan ~~shall must~~ include an assessment of the seed potato industry, a projection of demand for seed by variety in the various marketing areas, the impact of significant changes in seed potato acreage, the capital needs of the ~~state seed potato farm~~ board's production facilities, considering current and future technology, proposals to improve the varieties and quality of Maine seed potatoes, recommendations to promote the sale of Maine seed, and ~~to other such matters the managing director deems~~ seed board determines appropriate.

Sec. 6. 36 MRSA §4604, sub-§4, as amended by PL 1995, c. 502, Pt. C, §17, is further amended to read:

4. Funding; accounts. In addition to the money received by the board pursuant to section 4606, the board may receive and expend funds from any source,

public or private, that it considers necessary to carry out its legislative purposes. The board shall establish an account, known as the seed potato account, to receive and expend funds for carrying out the board's responsibilities under Title 7, chapter 403.

Sec. 7. Transition provisions.

1. Management; ownership. The Department of Agriculture, Food and Rural Resources and the Maine Potato Board established under the Maine Revised Statutes, Title 36, section 4603 shall cooperatively oversee the Seed Potato Board, established under Title 5, section 12004-H, subsection 5, and manage the production of seed potatoes during a transition period. The transition in oversight and management responsibilities from the Department of Agriculture, Food and Rural Resources to the Maine Potato Board must be completed no later than April 1, 2010.

By April 1, 2010, the Department of Agriculture, Food and Rural Resources shall transfer to the Seed Potato Board assets of the department used by the Seed Potato Board in the production and certification of seed potatoes. The Seed Potato Board must use the transferred assets to ensure a continued supply of seed potatoes.

2. Employees. All current full-time and part-time positions of the Seed Potato Board are terminated by the State prior to the time the Maine Potato Board assumes ownership and operation of the Seed Potato Board. Employees of the Seed Potato Board after the transfer are employees of the Maine Potato Board.

3. Transition of funds. No later than July 1, 2010 or, if earlier, at the time of transfer of the Seed Potato Board to the Maine Potato Board, and during subsequent years, all funds received by the Department of Agriculture, Food and Rural Resources or the Seed Potato Board for the operation of the Porter Seed Farm must be paid to the Maine Potato Board.

Sec. 8. Funding. The Department of Agriculture, Food and Rural Resources shall provide the Maine Potato Board, as established by the Maine Revised Statutes, Title 36, section 4603, funding in support of the Seed Potato Board not to exceed the sum of \$250,000 for fiscal year 2009-10 and the sum of \$175,000 for fiscal year 2010-11. These funds must be paid to the Maine Potato Board at the beginning of each fiscal year.

Sec. 9. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 7, section 2151, in making initial appointments to the Seed Potato Board, the Commissioner of Agriculture, Food and Rural Resources shall appoint the member that is a processor producer for a one-year term and the Maine Potato Board shall appoint 3 members for one-year terms. The other 4 members are appointed for 2-year terms.

Sec. 10. Appropriations and allocations.

The following appropriations and allocations are made.

POTATO BOARD, MAINE

Potato Board 0429

Initiative: Establishes the Seed Potato Account within the Maine Potato Board with a base allocation of \$500.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$500	\$500
OTHER SPECIAL	\$500	\$500
REVENUE FUNDS TOTAL		

See title page for effective date.

CHAPTER 380

S.P. 551 - L.D. 1476

An Act Regarding the Transfer of Licenses for Energy Recovery Facilities

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

Sec. 1. 38 MRSA §1310-Q, as amended by PL 2005, c. 612, §3, is further amended to read:

§1310-Q. Transfer of license

1. Transfer. ~~No~~ A person may not transfer a license issued pursuant to this Title without the transfer of the license being approved by the department prior to transfer of the ownership of the property, facility or structure that constitutes or is part of the solid waste disposal facility. The department, at its discretion, may require that the proposed new owner of the facility apply for a new license or may approve the transfer of the existing license upon a satisfactory showing that the new owner can abide its terms and conditions and will be able to comply with the provisions of this Title, except that the department may not approve the transfer of an existing license of a municipal solid waste disposal facility to a private entity and the department may not approve the transfer of the license of a solid waste facility subject to subsection 2 unless the provisions of that subsection are satisfied. The department shall consider the extent to which the disposal facility was sited and developed and is currently operated to meet the capacity needs of municipalities within a specific geographic region. The department shall approve the transfer of license when, in addition to all other requirements of this Title, the applicant has demonstrated that: