

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

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Augusta, Maine
2011

**CHAPTER 7
H.P. 34 - L.D. 41**

**An Act To Amend the Laws
Governing the Maine Potato
Board**

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 imperative that this legislation take effect immediately because the increase in the potato tax proposed in this legislation is scheduled to take effect September 1, 2011; 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 §4603, sub-§5, as amended by PL 2005, c. 176, §2, is further amended to read:

5. Meetings of executive councils and assemblies. Executive councils shall annually elect officers, including a chair, vice-chair and secretary. Each executive council shall hold meetings from time to time, no less than ~~2 times~~ once a year, upon call of the executive council 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 except~~ 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 must be open to the public and otherwise in compliance with Title 1, chapter 13.

Sec. 2. 36 MRSA §4603, sub-§6, as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

6. Composition of the board. ~~The board's members shall be selected from~~ board consists of the executive councils as follows. following members:

A. Two members ~~shall be~~ elected by the executive council of the tablestock growers' assemblies, ~~provided except~~ that no dealer may serve in this capacity;

B. Two members ~~shall be~~ elected by the executive council of the seed growers' assemblies, ~~provided except~~ that no dealer may serve in this capacity;

C. Two members ~~shall be~~ elected by the executive council of the processing growers' assemblies, ~~provided except~~ that no dealer may serve in this capacity;

D. ~~Three members shall be~~ One member elected by the executive council of the dealers' assembly; ~~provided that at least one dealer member must also be a potato grower;~~

E. Two members ~~shall be~~ elected by the executive council of the processors' assembly;

F. The immediate past president of the board; and

G. One grower member elected at large from all growers.

In the event of the permanent disqualification or resignation of a board member, the executive council responsible for electing that member shall elect a replacement for the balance of the term remaining.

Sec. 3. 36 MRSA §4603, sub-§8, as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

8. Board meetings. A regular annual meeting of the board ~~shall must~~ be held on a date determined by the board. Other meetings, ~~of which shall there must~~ be at least ~~monthly 6 per year, with the exception of the months of May and September, shall be may be~~ held upon call of the ~~chairman chair~~ or of a majority of the board or by vote of the board. A majority of the board's members ~~shall constitute~~ constitutes a quorum at any board meeting. The vote of a majority of board members present ~~shall constitute~~ constitutes the act of the board at a meeting where a quorum is present. All board meetings ~~shall must~~ be open to the public and ~~shall must~~ be in compliance with Title 1, chapter 13, except as otherwise provided in this chapter.

Sec. 4. 36 MRSA §4605, sub-§1, as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

1. Rate. A tax is levied and imposed at the rate of ~~\$.05~~ \$.06 per hundredweight, effective September 1, 2011, on all potatoes grown in this State, ~~provided except~~ that no tax may be imposed on any potatoes ~~which that~~ are retained by the grower to be used by ~~him the grower~~ for seed purposes or for home consumption and ~~provided further that~~ no tax may be imposed on any potatoes received by a processor ~~which that~~ are certified as unmerchantable by a federal state inspector.

Sec. 5. 36 MRSA §4605, sub-§6, as amended by PL 1991, c. 376, §58, is further amended to read:

6. Records and reports. Every shipper shall, on or before the last day of each month, report to the State Tax Assessor the quantity of potatoes received, sold or shipped by the shipper during the preceding calendar month and any additional information that the State Tax Assessor determines pertinent, on forms furnished by the State Tax Assessor. At the time of filing the

report, each shipper shall pay to the State Tax Assessor a tax at the rate of ~~\$.05~~ \$.06 per hundredweight upon all potatoes reported as purchased, sold or shipped, subject to subsection 1.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved except that those sections of this Act that amend the Maine Revised Statutes, Title 36, section 4605, subsections 1 and 6 take effect September 1, 2011.

Effective March 25, 2011, unless otherwise indicated.

CHAPTER 8

H.P. 188 - L.D. 235

An Act To Include Antique Motorcycles on the List of Vehicles That Are Exempt from Inspection

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

Whereas, antique motorcycles are driven in parades; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to be in effect for the parade season; 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. 29-A MRSA §1752, sub-§10, as amended by PL 2003, c. 397, §7, is further amended to read:

10. Experimental motor vehicle. A vehicle registered as an experimental motor vehicle pursuant to section 470. An experimental motor vehicle must meet minimum equipment standards pursuant to section 470, subsection 2; ~~and~~

Sec. 2. 29-A MRSA §1752, sub-§11, as enacted by PL 2003, c. 397, §8, is amended to read:

11. Low-speed vehicle. A low-speed vehicle registered pursuant to section 501, subsection 11. A low-speed vehicle must be equipped in accordance with section 1925-; and

Sec. 3. 29-A MRSA §1752, sub-§12 is enacted to read:

12. Antique motorcycle. An antique motorcycle registered under section 457.

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

Effective March 25, 2011.

CHAPTER 9

H.P. 295 - L.D. 369

An Act To Authorize the Sale of Surplus Property to Nonprofit Animal Shelters

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

Sec. 1. 5 MRSA §1828, sub-§1, ¶B, as enacted by PL 2005, c. 386, Pt. H, §10, is amended to read:

B. "Qualifying nonprofit organization" means:

(1) A public or private nonprofit entity that owns or operates a project or facility for the homeless;

(2) A nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501(c) and that provides services to persons with physical or mental handicaps as defined in section 4553, subsection 7-A; ~~or~~

(3) A nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501(c) and that contracts with the Department of Health and Human Services to provide vehicles to low-income families to assist them in participating in work, education or training-; or

(4) A nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501(c) and that houses animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.

Sec. 2. 5 MRSA §1828, sub-§2, as enacted by PL 2005, c. 386, Pt. H, §10, is amended to read:

2. Surplus property. Pursuant to this chapter and rules adopted under section 1813, the Department of Administrative and Financial Services through the