

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

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**Augusta, Maine**  
**2019**

~~This subsection does not apply to policies, contracts or certificates covering employees of employers with 20 or fewer employees, whether the group policy is issued to the employer, to an association, to a multiple-employer trust or to another entity.~~

**Sec. D-4. 24-A MRSA §4234-A, sub-§7**, as amended by PL 2003, c. 20, Pt. VV, §21 and affected by §25, is repealed.

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

Effective March 19, 2019.

**CHAPTER 6**

**H.P. 109 - L.D. 127**

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

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

**Sec. 1. 36 MRSA §4602, sub-§3, ¶¶A to C**, as repealed and replaced by PL 2001, c. 164, §2, are amended to read:

A. District ~~One~~ 1: Connor, Cyr Plantation, Eagle Lake, Fort Kent, Fort Kent Mills, Frenchville, Grand Isle, Hamlin, Keegan, Lille, Madawaska, New Canada Plantation, New Sweden, Perham, Sinclair, Soldier Pond, St. Agatha, St. David, St. Francis, St. John, Stockholm, TR 17, Upper Frenchville, Van Buren, Wallagrass, Westmanland, Woodland and Winterville;

B. District 2: Ashland, Caribou, Castle Hill, Caswell Plantation, Connor, Connor Township, Chapman, Crouseville, Easton, Fort Fairfield, Garfield Plantation, Limestone, Perham Mapleton, Nashville Plantation, Portage Lake, Presque Isle, Wade, and Washburn, Westmanland and Woodland; and

C. District 3: Ashland, Blaine, Bridgewater, Castle Hill, Chapman, E Plantation, Easton, Garfield Plantation, Mapleton, Mars Hill, Masardis, Nashville, Presque Isle, Robbinston and Westfield; All municipalities and townships in the State not included in Districts 1 and 2.

**Sec. 2. 36 MRSA §4602, sub-§3, ¶D**, as repealed and replaced by PL 2001, c. 164, §2 and amended by PL 2017, c. 403, Pt. A, §3 and affected by §4, is repealed.

**Sec. 3. 36 MRSA §4602, sub-§3, ¶E**, as repealed and replaced by PL 2001, c. 164, §2, is repealed.

**Sec. 4. 36 MRSA §4603, sub-§2, ¶¶A to C**, as amended by PL 2001, c. 164, §3, are further amended to read:

A. There are ~~5~~ 3 assemblies of tablestock growers, one for each district. Subject to paragraph F, all tablestock growers in any district are entitled to membership in that district's tablestock growers' assembly.

B. There are ~~5~~ 3 assemblies of seed growers, one for each district. Subject to paragraph F, all seed growers in any district are entitled to membership in that district's seed growers' assembly.

C. There are ~~5~~ 3 assemblies of processing growers, one for each district. Subject to paragraph F, all processing growers in any district are entitled to membership in that district's processing growers' assembly.

**Sec. 5. 36 MRSA §4603, sub-§3, ¶¶A to C**, as amended by PL 2001, c. 164, §4, are further amended to read:

A. The executive council for the tablestock growers consists of ~~7~~ 5 members, one elected by the tablestock growers' assembly for each district and 2 additional members appointed by the board.

B. The executive council for the seed growers consists of ~~7~~ 5 members, one elected by the seed growers' assembly for each district and 2 additional members appointed by the board.

C. The executive council for the processing growers consists of ~~7~~ 5 members, one elected by the processing growers' assembly for each district and 2 additional members appointed by the board.

**Sec. 6. 36 MRSA §4603, sub-§3, ¶D**, as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

D. The executive council for the dealers shall consist of ~~7~~ 5 members elected by the dealers' assembly.

**Sec. 7. 36 MRSA §4603, sub-§5**, as amended by PL 2011, c. 7, §1, 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 once a year, upon call of the executive council chair, a majority of the executive council or 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, 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. 8. 36 MRSA §4604, sub-§2**, as amended by PL 2017, c. 288, Pt. A, §48, 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 in furtherance of its legislative purposes, ~~provided that as long as~~ programs undertaken by the board ~~must be~~ are designed to benefit the Maine potato industry at large or segments of the industry; ~~but may and 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, chapter 103, subchapter 10, 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 under section 4605 to carry out advertising and promotional programs in support of the industry.

See title page for effective date.

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**CHAPTER 7**

**H.P. 72 - L.D. 86**

**An Act To Provide That  
Persons Who Produce Maple  
Syrup and Honey  
Commercially Are Eligible for  
the Sales Tax Refund and  
Exemption for Commercial  
Agricultural Production**

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

**Whereas**, expansion of sales tax exemptions and refunds for producers of maple syrup and honey is needed as soon as possible to reduce the cost of production during the production seasons; 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 §2013, sub-§1, ¶A**, as amended by PL 2011, c. 657, Pt. N, §2 and affected by §3, is further amended to read:

A. "Commercial agricultural production" means commercial production of crops, maple syrup, honey, plants, trees, compost and livestock.

**Sec. 2. 36 MRSA §2013, sub-§1, ¶C**, as corrected by RR 2011, c. 2, §41, is amended to read:

C. "Depreciable machinery and equipment" means, except as otherwise provided by this paragraph, that part of the following machinery and equipment for which depreciation is allowable under the Code and repair parts for that machinery and equipment:

- (1) New or used machinery and equipment for use directly and primarily in commercial agricultural production, including self-propelled vehicles; attachments and equipment for the production of field and orchard crops; new or used machinery and equipment for use directly and primarily in production of milk, maple syrup or honey, animal husbandry and production of livestock, including poultry; new or used machinery and equipment used in the removal and storage of manure; and new or used machinery and equipment not used directly and primarily in commercial agricultural production, but used to transport potatoes from a truck into a storage location;
- (2) New or used watercraft, nets, traps, cables, tackle and related equipment necessary to and used directly and primarily in commercial fishing;
- (3) New or used watercraft, machinery or equipment used directly and primarily for commercial aquacultural production, including, but not limited to: nets; ropes; cables; anchors and anchor weights; shackles and other hardware; buoys; fish tanks; fish totes; oxygen tanks; pumping systems; generators; water-heating systems; boilers and related pumping systems; diving equipment; feeders and related equipment; power-generating equipment; tank water-level sensors; above-ground piping; water-oxygenating systems; fish-grading equipment; safety equipment; and sea cage systems, including walkways and frames, lights, netting, buoys, shackles, ropes, cables, anchors and anchor weights; and
- (4) New or used machinery and equipment for use directly and primarily in commercial