

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.

Augusta, Maine
2019

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.

**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

wood harvesting, including, but not limited to, chain saws, skidders, delimiters, forwarders, slashers, feller bunchers and wood chippers.

"Depreciable machinery and equipment" does not include a motor vehicle as defined in section 1752, subsection 7 or a trailer as defined in section 1752, subsection 19-A.

Sec. 3. Application. This Act applies to sales made on or after July 1, 2019.

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

Effective March 25, 2019.

CHAPTER 8

H.P. 98 - L.D. 116

An Act To Extend the Duration of Temporary Licenses for Sale and Consumption of Liquor

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

Whereas, this Act extends the permissible duration of a temporary license for the sale of alcoholic beverages that may be issued to an incorporated civic organization from 7 consecutive days to 10 consecutive days; and

Whereas, it is necessary that this Act take effect before the expiration of the 90-day period in order to ensure that agricultural fairs that take place in the summer and fall may obtain licenses of the necessary length; 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. 28-A MRSA §1071, sub-§3, as amended by PL 1997, c. 373, §97, is further amended to read:

3. Length of licenses. One license issued under this section to each incorporated civic organization is valid for up to ~~7~~ 10 consecutive days. The other 4 licenses for which the incorporated civic organization is eligible are valid for one day each. The bureau may not issue separate licenses under this section to the

same incorporated civic organization for events or gatherings held on consecutive days.

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

Effective March 25, 2019.

CHAPTER 9

H.P. 941 - L.D. 1298

An Act To Enhance Fish and Wildlife Laws

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

Whereas, the open-water fishing season is scheduled to begin April 1, 2019 and the Department of Inland Fisheries and Wildlife intends to conduct emergency rulemaking this year regarding that date; 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 §12456, sub-§2, ¶E, as enacted by PL 2013, c. 3, §2, is amended to read:

E. In accordance with section 10104, the commissioner may change the established opening date of an ~~open~~ open-water recreational fishing season ~~and may change the established closing date of a recreational ice-fishing season~~ if, in the commissioner's opinion, the change is ~~necessary~~ warranted due to ~~earlier than normal seasonal temperature changes or~~ weather conditions.

Sec. 2. 12 MRSA §12456, sub-§3, as enacted by PL 2003, c. 655, Pt. B, §244 and affected by §422, is amended to read:

3. Rules. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and may be adopted by emergency rulemaking pursuant to Title 5, section 8054.

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

Effective March 25, 2019.
