

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

—
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,~~ 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.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor