



127th MAINE LEGISLATURE

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Legislative Document

No. 1178

H.P. 811

House of Representatives, April 1, 2015

An Act To Implement the Recommendations of the Maple Syrup Task Force

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BLACK of Wilton.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: KINNEY of Knox, MAREAN of Hollis, McCABE of Skowhegan, PICKETT
of Dixfield, SKOLFIELD of Weld, TIMBERLAKE of Turner, Senators: DILL of Penobscot,
SAVIELLO of Franklin.

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

2 **Sec. 1. 5 MRSA §12004-H, sub-§15** is enacted to read:

3 **15.**

4 Maine Maple Promotion Board Expenses Only 7 MRSA §2432

5 **Sec. 2. 7 MRSA c. 417** is enacted to read:

6 **CHAPTER 417**

7 **MAINE MAPLE PROMOTION BOARD**

8 **§2431. Purpose**

9 The purpose of this chapter is to create a unified organizational structure, under the
10 auspices of a state agency, to provide for the advancement of the maple industry in this
11 State in the public interest and for the public good. Under this organizational structure,
12 all elements of the maple industry in this State must be represented and work together
13 under the leadership of a unified, public board to solve the problems facing the industry.

14 **§2432. Maine Maple Promotion Board**

15 **1. Establishment.** The Maine Maple Promotion Board, as established by Title 5,
16 section 12004-H, subsection 15 and referred to in this chapter as "the board," is a body
17 corporate and politic and an incorporated public instrumentality of the State and the
18 exercise of powers conferred by this chapter is determined to be the performance of
19 essential government functions. For the purposes of the budget, accounts and control,
20 purchasing or other provisions of Title 5, Part 4, the board may not be construed to be a
21 state agency. The board consists of 7 members who must be elected in accordance with
22 the procedures set forth in this chapter and such additional procedures as the board may
23 prescribe by rulemaking.

24 **2. Composition of the board; voting.** The board consists of the following 7
25 members:

26 A. One current officer from a statewide association of maple producers in this State;

27 B. Two producers of maple sugar products with more than 25,000 taps;

28 C. One producer of maple sugar products with between 5,001 and 25,000 taps;

29 D. One producer of maple sugar products with between 1,501 and 5,000 taps; and

30 E. Two producers of maple sugar products with between 50 and 1,500 taps.

31 Subject to such staggered terms as the board may provide by rule, board members serve
32 3-year terms, except that the board member from a statewide association of maple
33 producers in this State serves only a one-year term and that a board member may
34 continue to serve until a successor is duly elected. Board members may not serve more
35 than 3 consecutive terms. Every board member has one vote, except that the 2 board

1 members who are producers of maple sugar products with more than 25,000 taps have 2
2 votes each.

3 **3. Board officers and committees.** The board shall annually elect officers,
4 including a president, vice-president, secretary and treasurer and such other officers as it
5 determines necessary. The board may appoint committees from its membership and
6 assign to each committee tasks it determines appropriate, subject to the regular oversight
7 of the entire board.

8 **4. Board meetings.** A regular annual meeting of the board must be held on a date
9 determined by the board. Other meetings, of which there must be at least 6 per year, may
10 be held upon the call of the chair or of a majority of the board or by vote of the board. A
11 majority of the board's members constitutes a quorum at any board meeting. The vote of
12 a majority of board members present constitutes the act of the board at a meeting where a
13 quorum is present. All board meetings must be open to the public and must be in
14 compliance with Title 1, chapter 13, except as otherwise provided in this chapter.

15 **5. Staff.** The board shall appoint an executive director who is the board's chief
16 administrative officer and who serves at the pleasure of the board. The executive director
17 shall employ such additional staff as the board directs, and the staff serves at the pleasure
18 of the executive director. Staff of the board is not subject to the Civil Service Law. The
19 salary paid to the executive director and other staff of the board must be fixed by the
20 board. The board may delegate to its staff the power to execute the board's policies and
21 programs, subject to regular oversight by the board.

22 **6. Compensation.** Board members may be compensated and reimbursed for
23 expenses such as travel, meals, lodging and other necessary costs in accordance with such
24 guidelines as the board may establish.

25 **§2433. Powers and duties of the Maine Maple Promotion Board**

26 To carry out the purposes of this chapter, the board has the following powers and
27 duties.

28 **1. Bylaws.** The board may adopt bylaws to govern its functions.

29 **2. Programs.** The board may make studies; undertake research, development and
30 investment in infrastructure, marketing and promotional programs; publish and
31 disseminate information, including, but not limited to, information related to consumer
32 education and quality assurance; and implement other programs in furtherance of its
33 legislative purposes, provided that the programs undertaken by the board are designed to
34 benefit the maple industry in this State or segments of the industry, but may not be
35 designed to benefit exclusively any one person or entity involved in the industry.

36 **3. Funding; accounts.** In addition to the money received by the board pursuant to
37 section 2434, the board may receive and expend funds from any source, public or private,
38 that it considers necessary to carry out its legislative purposes. The board shall establish
39 an account, known as the maple promotion account, to receive and expend funds for
40 carrying out the board's responsibilities.

1 **4. Books and records; confidentiality.** The board shall keep books, records and
2 accounts of all its activities, which must be open to inspection and audit by the State at all
3 times. The State Auditor may conduct an annual audit of the financial records of the
4 board and shall report the results of the audit to the board, the commissioner, the
5 Treasurer of State and the Legislature. All books and records of the board must be open
6 to public inspection in accordance with Title 1, chapter 13, except that records and
7 meetings of the board may by vote be closed to the public when public disclosure of
8 subject matter of the records or meetings would adversely affect the competitive position
9 of the maple industry in this State or segments of the industry.

10 **5. Rules.** The board shall adopt routine technical rules, as described in Title 5,
11 chapter 375, subchapter 2-A, to implement this chapter.

12 **§2434. Tap fees**

13 **1. Tap fees.** Producers of maple sugar products licensed in this State pursuant to
14 Title 7, chapter 101 shall pay an annual tap fee. Fees paid pursuant to this section must
15 be collected directly by the board and deposited into the maple promotion account
16 established in section 2433, subsection 3.

17 The following fee schedule is established:

18 A. For producers with 1 to 250 taps, the fee is \$20;

19 B. For producers with 251 to 1,000 taps, the fee is \$40;

20 C. For producers with 1,001 to 5,000 taps, the fee is \$80;

21 D. For producers with 5,001 to 20,000 taps, the fee is \$200; and

22 E. For producers with more than 20,000 taps, the fee is \$0.01 per tap.

23 **§2435. Money received**

24 Money received by the board, including all fees collected under section 2434, must
25 be used for the activities of the board authorized under this chapter.

26 **SUMMARY**

27 This bill establishes the Maine Maple Promotion Board and creates its basic structure,
28 core functions and duties.