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

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

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

15.

Maine Maple Promotion Board

Expenses Only

7 MRSA §2432

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

CHAPTER 417

MAINE MAPLE PROMOTION BOARD

§ 2431. Purpose

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

§ 2432. Maine Maple Promotion Board

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

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

- A. One current officer from a statewide association of maple producers in this State;
- B. Two producers of maple sugar products with more than 25,000 taps;
- C. One producer of maple sugar products with between 5,001 and 25,000 taps;
- D. One producer of maple sugar products with between 1,501 and 5,000 taps; and

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

Subject to such staggered terms as the board may provide by rule, board members serve 3-year terms, except that the board member from a statewide association of maple producers in this State serves only a one-year term and that a board member may continue to serve until a successor is duly elected. Board members may not serve more than 3 consecutive terms. Every board member has one vote, except that the 2 board members who are producers of maple sugar products with more than 25,000 taps have 2 votes each.

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

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

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

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

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

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

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

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

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

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

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

§ 2434. Tap fees

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

The following fee schedule is established:

- A. For producers with 1 to 250 taps, the fee is \$20;
- B. For producers with 251 to 1,000 taps, the fee is \$40;
- C. For producers with 1,001 to 5,000 taps, the fee is \$80;
- D. For producers with 5,001 to 20,000 taps, the fee is \$200; and
- E. For producers with more than 20,000 taps, the fee is \$0.01 per tap.

§ 2435. Money received

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

SUMMARY

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