

MAINE STATE LEGISLATURE

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New Draft of: H. P. 922, L. D. 1274

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1785

H. P. 1368

House of Representatives, May 27, 1971

Reported by Mr. Ross from Committee on Taxation and printed under
Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT Levying a Tax for Research and Promotion of Maine Wild
Blueberries.**

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

Sec. 1. R. S., T. 36, § 4303-A, additional. Title 36 of the Revised Statutes is amended by adding a new section 4303-A to read as follows:

§ 4303-A. Additional tax

There is levied and imposed an additional tax at the rate of 1 mill per pound of fresh fruit on all blueberries grown, purchased, sold, handled or processed in this State. The tax shall be computed on a fresh fruit basis, regardless of how the berries are processed, and shall be neither deducted from the purchase price nor collected from the seller under section 4306.

Sec. 2. R. S., T. 36, § 4304, amended. Section 4304 of Title 36 of the Revised Statutes is amended to read as follows:

§ 4304. Due date

The tax imposed by section 4303 and the additional tax imposed by section 4303-A shall be due upon any particular lot or quantity of blueberries under section 4307.

Sec. 3. R. S., T. 36, § 4307, amended. The 3rd sentence of section 4307 of Title 36 of the Revised Statutes, is amended to read as follows:

With said report, each processor or shipper shall forward payment of the tax at the rate of ~~1 1/4~~ 2 1/4 mills per pound upon all blueberries so reported as sold or purchased.

Sec. 4. R. S., T. 36, § 4311, amended. The first sentence of section 4311 of Title 36 of the Revised Statutes is amended to read as follows:

Moneys received ~~through this chapter~~ from the tax levied by section 4303 by the Treasurer of State shall be appropriated and used for the following purposes:

Sec. 5. R. S., T. 36, §§ 4312-A and 4312-B, additional. Title 36 of the Revised Statutes is amended by adding 2 new subsections 4312-A and 4312-B to read as follows:

§ 4312-A. Appropriation of moneys received

Moneys received from the tax levied by section 4303-A by the Treasurer of State shall be appropriated and used for the following purposes:

1. **Collection and enforcement.** Collection of the tax provided for by section 4303-A and the enforcement of this chapter as it pertains to processors and shippers, and actual expenses of the advisory board;

2. **Balance of funds.** The remainder for the purpose of research, extension and promotion of Maine wild blueberries under the auspices of the advisory board established in section 4312-B and these funds shall be expended in such a manner and amount as determined by a majority of this advisory board. Any unexpended balance from the apportionment shall not lapse, but shall be carried forward to the same fund for the same purpose for the next fiscal year.

§ 4312-B. Advisory Board

A Blueberry Industry Advisory Board consisting of 5 members shall be established and shall be appointed by the Commissioner of Agriculture. Two members shall be appointed for a term of 3 years and 3 members shall be appointed for a term of 2 years. Any vacancy on this board shall be filled for unexpired terms by the Commissioner of Agriculture. Members appointed to this board by the Commissioner of Agriculture shall have an interest and a general knowledge of the blueberry industry as a whole and shall be a processor or shipper. One member shall be chosen from among the membership by a majority vote to serve as chairman of the advisory board and each member shall be compensated for his actual expenses. For the purpose of conducting business and carrying out the general purposes, the chairman may call meetings or any 3 members may call a meeting in the absence of the chairman.

STATEMENT OF FACT

The intent of this Act is to impose an additional tax of one mill per pound upon the processor and shipper only for the express purpose of research and merchandising of Maine wild blueberries under the auspices of an advisory board.