

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 735

H. P. 559

House of Representatives, February 10, 1971

Referred to Committee on Fisheries and Wildlife. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lewis of Bristol.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Amend the Marine Worm Tax.

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

Sec. 1. R. S., T. 36, §§ 4451, 4453, and 4456, repealed and replaced. Sections 4451, 4453 and 4456 of Title 36 of the Revised Statutes, as enacted by chapter 461 of the public laws of 1969, are repealed and the following enacted in place thereof:

§ 4451. Definitions

As used in this section the following words shall have the following meaning:

1. Dealer. "Dealer" shall mean any person, firm or corporation engaged in purchasing and selling marine worms.

2. Digger. "Digger" shall mean any person engaged in digging or extracting marine worms from the land or tidal areas for the purposes of sale.

§ 4453. Rate of tax

Each dealer selling marine worms shall pay a tax of 5¢ per 100 marine worms sold by him to other than a licensed dealer.

§ 4456. Packaging and labeling

Dealers shall furnish facilities for the storing, protection and security of trays, containers and worms belonging to diggers. Such facilities shall be constructed and located on the dealer's premises in accordance with regulations established by the Commissioner of Agriculture.

All diggers shall count all marine worms sold to dealers in the facilities provided by dealers as required by this section, and shall place such worms

in containers provided by the dealer. The digger shall seal and conspicuously label all such containers in accordance with regulations established by the Commissioner of Agriculture. Storage or counting of marine worms by a digger in a facility provided by a dealer shall constitute the offering or exposing for sale of such marine worms within the meaning of Title 10, section 2751.

All dealers shall seal and label all containers of marine worms in accordance with regulations established by the Commissioner of Agriculture prior to such worms being offered, sold or transported for sale. Such labeling shall include a statement as to the quantity of marine worms contained therein and the name of the dealer.

The Commissioner of Agriculture may promulgate such rules and regulations as he deems necessary to achieve the purposes of this section.

Any person, firm, corporation or other legal entity that violates any provision of this section or any rule or regulation promulgated hereunder shall be punished by a fine of not less than \$100 nor more than \$500.

Dealers, diggers and marine worms of any kind shall be subject to Title 10, section 2751.

Sec. 2. R. S., T. 36, § 4457, sub-§ 2, repealed and replaced. Subsection 2 of section 4457 of Title 36 of the Revised Statutes, as enacted by chapter 461 of the public laws of 1969, is repealed and the following enacted in place thereof:

2. Balance of funds. The remainder of the funds shall be used by the Department of Agriculture for inspection of packaged marine worms and for the enforcement of section 4456 and Title 10, sections 2406 and 2751.

STATEMENT OF FACT

Section 4453 is amended in order to specify that transactions between dealers of marine worms are not taxable.

The remainder of the amendments relate to enforcement. Recently it has been difficult to enforce the requirements of Title 10, section 2751, subsections 5 and 6 as they relate to marine worms. In order to insure that packages of marine worms will contain the amounts they are stated to contain, it is necessary to have certain packaging requirements in the law. In addition, the amendment also requires dealers to provide facilities on their premises for the transferring of worms from diggers to dealers. The facilities should prevent unauthorized persons from tampering with the contents of diggers' trays or pails. The amendment also clearly spells out that diggers and dealers and marine worms are subject to the provisions of Title 10 of the Revised Statutes, section 2751. This is especially important since Title 10, section 2751 has been judicially construed not to apply to marine worms.