

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 739

H. P. 598

House of Representatives, March 8, 1977

Speaker laid before the House and on motion of Mr. Curran of South Portland, referred to Committee on State Government and sent up for concurrence. On motion of Mr. MacEachern of Lincoln, reconsidered reference. Subsequently referred to Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Connors of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to the Regulation of the Blueberry Industry.

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

Sec. 1. 36 MRSA § 4303, is amended to read:

§ 4303. Rate of tax

There is levied and imposed a tax at the rate of $\frac{1}{4}$ 2 mills 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 blueberries are processed.

Sec. 2. 36 MRSA § 4306 is amended to read:

§ 4306. Tax deducted from purchase price

Each processor or shipper, purchasing blueberries and paying or becoming liable to pay the tax imposed by section 4303, shall charge and collect from the seller a tax at the rate of $\frac{1}{4}$ 2 mills per pound, to be deducted from the purchase price of all blueberries subject to the tax so purchased by such processor or shipper.

Sec. 3. 36 MRSA § 4307, 3rd sentence, as last amended by PL 1971, c. 425, § 3, is further amended to read:

With said report, each processor or shipper shall forward payment of the tax at the rate of $\frac{3}{4}$ 3 mills per pound upon all blueberries so reported as sold or purchased.

Sec. 4. 36 MRSA § 4311, sub-§ 1, is amended to read:

1. Collection and enforcement. For the collection of the tax provided for by section 4303 and the enforcement of this chapter, and actual expenses of the ~~advisory committee~~ **University of Maine Blueberry Advisory Committee;**

Sec. 5. 36 MRSA § 4311, sub-§ 2, is amended to read:

2. Balance of funds. The remainder for the purpose of conducting scientific research and extension work relating to the production, processing and marketing of blueberries through the Maine Agricultural Experiment Station and the Agricultural Extension Service of the University of Maine, in such manner and amounts as the ~~trustees of the university~~ **President of the University of Maine at Orono** shall determine. Any unexpended balance from the above apportionment shall not lapse but shall be carried forward to the same fund for the next fiscal year.

Sec. 6. 36 MRSA § 4312 is amended to read:

§ 4312. Advisory committee

~~A Blueberry Industry Advisory Committee~~ **A University of Maine Blueberry Advisory Committee** of 7 members, as heretofore established, shall be appointed by the President of the University of Maine at Orono. Each member shall be appointed for a term of 5 years. Vacancies shall be filled for unexpired terms and no member of said committee may succeed himself. Their duty shall be to work with the Director of the Maine Agricultural Experiment Station and the Director of the ~~Agricultural~~ **Maine Cooperative** Extension Service in an advisory capacity.

Sec. 7. 36 MRSA § 4312-A, sub-§§ 1 and 2, as enacted by PL 1971, c. 425, § 5, are amended to read:

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~~ **commission;**

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~~ **commission** 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~~ **commission**. 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.

Sec. 8. 36 MRSA § 4312-B, as enacted by PL 1971, c. 425, § 5, is repealed and the following enacted in its place:

§ 4312-B. Maine blueberry commission

1. Established. There shall be established a **Maine Blueberry Commission** consisting of 5 members who shall be appointed by the **Commissioner of Agriculture**. Each member appointed to this commission shall assume office on September 1st of the year appointed and shall serve for a term of 3 years

or until a successor is duly appointed and qualified, except that when the commission is first organized under this section, one member shall be appointed for a term of one year; 2 members shall be appointed for a term of 2 years; and 2 members shall be appointed for a term of 3 years. To fill any vacancy, however caused, the commissioner shall appoint a successor for the duration of the unexpired term.

2. **Qualifications.** Members of the commission shall have an interest in and general knowledge of the blueberry industry as a whole and shall be a processor or shipper.

3. **Organization and administration.** At the first meeting of the commission, and annually thereafter, one member of the commission shall be elected as chairman by a majority vote. The commission is authorized to appoint an executive secretary or such personnel as it deems necessary to administer policies and programs established by the commission. None of these officers or personnel shall be subject to the Personnel Laws of the State of Maine.

4. **Function of commission.** It shall be the responsibility of the commission to allocate such funds as are available from the additional tax as provided in section 4303-A and for such purposes as specified in section 4312-A.

5. **Compensation of commissioners.** Members of the commission shall be reimbursed for actual expenses incurred in the performance of their duties but shall receive no compensation for their services.

Sec. 9. Terms. The terms of the present members of the Blueberry Industry Advisory Board shall expire upon the effective date of this Act. The terms of the present members of the Blueberry Industry Advisory Committee shall continue until their expiration.

STATEMENT OF FACT

The purpose of this bill is to reorganize the laws relating to the blueberry tax. The tax rate imposed on blueberries is increased from $1\frac{1}{4}$ mills to 2 mills and from $2\frac{1}{4}$ mills to 3 mills. It also replaces the Blueberry Industry Advisory Committee and the Advisory Board with a University of Maine Blueberry Advisory Committee and a Maine Blueberry Commission. The committee members would be appointed by the President of the University of Maine at Orono and the commission members would be appointed by the Commissioner of Agriculture.