

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-726)

COMMITTEE AMENDMENT "A" to H.P. 913, L.D. 1119,
Bill, "AN ACT to Eliminate Tax on Marine Worms and Replace
it With a Fee for Inspection and to Specify Certain Offenses
Concerning the Sale of Marine Worms and Other Commodities."

Amend the Bill by inserting before the enacting clause
the following:

'Emergency preamble. Whereas, Acts of the Legislature
do not become effective until 90 days after adjournment unless
enacted as emergencies; and

Whereas, the taking and selling of marine worms is
a significant fishing industry in this State; and

Whereas, some regulation of this industry is vital to
its well-being; and

Whereas, additional research is crucial to a greater
understanding of the industry and to/^{the}development of conservation
measures to preserve the industry; and

Whereas, the present regulation of the industry and the
funding research is inadequate; and

Whereas, the new fiscal year will begin shortly, as
will the height of the digging season; and

Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health
and safety; now, therefore, '

Further amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 12 MRSA §4301-C, 1st ¶, is repealed and the following enacted in its place:

All license fees received from licenses issued under 4301-A and sections/4301-B and all fees allocated under section 4301-D are allocated to the Marine Worm Fund established by this section.

Sec. 2. 12 MRSA §4301-D is enacted to read:
§4301-D. Marine worm sale and inspection

1. Packaging and labeling. Every marine dealer 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.

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 Marine Resources.

All dealers shall seal and label all containers of marine worms in accordance with regulations established by the commissioner 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 may promulgate such rules and regulations as he deems necessary to achieve the purposes of this subsection.

2. Fee and records. Each marine worm dealer shall pay a fee of 5¢ per 100 marine worms sold by him to other than a licensed dealer.

Every dealer shall keep as part of his records a record of purchases and sales and such records shall be open for inspection at all reasonable times by the commissioner or his duly authorized agents. Every dealer shall render a report to the commissioner by the 15th of the month, stating the quantity of marine worms purchased for the preceding calendar month, and with such report each dealer shall forward payment of the fee due.

3. Fee allocation. Thirty percent of all fees received under this section shall be paid into the Marine Worm Fund. The remaining percentage of fees shall be paid into the General Fund.

4. Penalties. Any violation of this section or any rule or regulation promulgated hereunder shall be a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

Whenever any dealer shall fail to pay any fee due under this section, the Attorney General shall enforce payment of the fee by civil action against the dealer.

5. Inspection. The commissioner shall cause periodic inspections of marine worm dealers facilities and operations to insure compliance with this section. The commissioner or his duly authorized agents shall have free access, ingress and egress, at all reasonable hours, to any establishment where marine worms are held and may open any container of marine worms as may be required to make a proper inspection.

Sec. 3. 36 MRSA c. 706, as amended, is repealed.

Sec. 4. Appropriation. There is appropriated from the General Fund to the Department of Marine Resources the sum of \$38,500 to carry out the purposes of this Act. The breakdown shall be as follows:

	<u>1977-78</u>	<u>1978-79</u>
MARINE RESOURCES, DEPARTMENT OF		
Personal Services	(1) \$13,500	(1) \$14,200
All Other	2,300	2,600
Capital Expenditures	5,900	
	<u>\$21,700</u>	<u>\$16,800</u>

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Fiscal Note

The appropriation <-----> is to be used to hire one warden in order to provide the manpower to undertake the inspection program. The funding for this appropriation will be met by the percentage of the marine worm fee that is allocated to the General Fund. The total revenue anticipated from past experience is \$30,000 - \$35,000 per year.

Statement of Fact

This amendment transfers the marine worm tax inspection program on marine worms to the Department of Marine Resources. The Revenues from the tax will be used to pay for the extra manpower required, with the surplus to be used to further marine worm research. The additional research money will be used to investigate further possible conservation methods for marine worms.

Reported by the Committee on Marine Resources.

Reproduced and distributed under the direction of the Clerk of the House.
6/20/77

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