

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1480

H. P. 1265

House of Representatives, March 26, 1981

Submitted by the Department of Conservation pursuant to Joint Rule 24.

Referred to the Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Pearson of Old Town.

Cosponsors: Representative Dexter of Kingfield, Senator O'Leary of Oxford and Senator McBreairty of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Make more Equitable the Computation of the Spruce Budworm Pre-project Excise Tax.

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

Whereas, the spruce budworm spray project for 1981 must be undertaken, in order to be effective, prior to the expiration of such 90-day period following adjournment; and

Whereas, it is necessary and appropriate to effectuate certain modifications in the manner in which spruce budworm spray projects and management programs are undertaken and financed; 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,

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

Sec. 1. 12 MRSA § 8406, sub-§ 1, as repealed and replaced by PL 1979, c. 737, § 5, is repealed and the following enacted in its place:

1. Pre-project excise tax. The pre-project excise tax for 1981 shall be computed in the following manner:

A. The ratio of the planned spray acres for each landowner to the total planned spray acres for all landowners controlling 1% or more of the total planned spray acres in the project;

B. The ratio computed in paragraph A shall be multiplied by the estimate of total project cost provided in section 8405, subsection 1; and

C. The pre-project excise tax shall be assessed and billed by the State Tax Assessor within 30 days following the effective date of this subsection.

Sec. 2. 12 MRSA § 8411, sub-§ 11 is enacted to read:

11, Charge for spraying services. The director shall charge the post-project spray tax for all acres sprayed on lands owned by any government or any agency, bureau or commission thereof.

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

STATEMENT OF FACT

The present tax rate for funding the spruce budworm project is insufficient for purposes of the 1981 program. Section 1 of this bill provides a formula to resolve this insufficiency.

Section 2 provides for charging the actual spray costs for public lands treated under the 1981 spruce budworm spray program as is provided in the law which will take effect on October 1, 1981.