

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of H.P. 158, L.D. 183)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1117

H.P. 869

House of Representatives, March 9, 1983

Reported by Representative Ainsworth from the Committee on Marine Resources and printed under Joint Rule No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Increase the Sardine Inspection
Tax.

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

Whereas, without increased revenues, the Maine sardine inspection program will be severely hampered; 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,

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

3 Sec. 1. 32 MRSA §4156, first ¶, as amended by PL
4 1979, c. 731, §16, is further amended to read:

5 Each packer shall pay monthly, not later than the
6 10th day of each month, 8¢ per case on the amount of
7 sardines packed during the previous month, toward the
8 cost of maintaining the inspection provided for in
9 section 4155 and as a part of the fee for obtaining
10 and retaining his license. The inspection fee pro-
11 vided for may be increased by the Commissioner of
12 Agriculture, Food and Rural Resources, in a manner
13 consistent with the rule-making provisions of the
14 Maine Administrative Procedure Act, after consulta-
15 tion with the Maine Sardine Council to an amount not
16 to exceed ~~12¢~~ 20¢ per case, in the event the fee of
17 8¢ per case is not adequate to cover the cost of the
18 inspection, but the increased fee shall be reasonable
19 and shall cover as nearly as may be possible the cost
20 of the inspection. All license fees and all money
21 received under this chapter by the commissioner shall
22 be paid by him to the Treasurer of State and the same
23 are hereby appropriated for carrying out this chap-
24 ter, and for no other purpose.

25 Sec. 2. 36 MRSA §4697, as amended by PL 1981, c.
26 614, §2, is further amended to read:

27 §4697. Reports of production and payment of tax

28 Every packer shall, on or before the 10th day of
29 each month, report to the State Tax Assessor the
30 quantity of sardines packed by him during the pre-
31 ceding calendar month, on forms furnished by the
32 State Tax Assessor, and pay to the State Tax Assessor
33 the tax of 30¢ per case on all sardines reported as
34 packed. If the State Tax Assessor determines that
35 overpayment of tax has been made, he shall make a
36 refund. In making additional assessment or refund
37 determinations, the State Tax Assessor shall rely on
38 the records of the Department of Agriculture, Food
39 and Rural Resources concerning the quantity of
40 sardines packed in each sardine plant, for sale and
41 suitable for human consumption. Any packer may pay
42 to the State Tax Assessor in advance a sum of money

1 based on an estimate of his tax for a given number of
2 months, and this sum shall be a credit against future
3 monthly reports of that packer.

4 **Emergency clause.** In view of the emergency cited
5 in the preamble, this Act shall take effect on June
6 1, 1983.

7 **STATEMENT OF FACT**

8 This new draft adds an emergency preamble to the
9 bill so that it may take effect on June 1, 1983. The
10 new draft also clarifies the method of determining
11 the quantities of sardines subject to the inspection
12 tax.

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