

# MAINE STATE LEGISLATURE

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(After Deadline)

SECOND REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 2180

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H.P. 1646

House of Representatives, March 6, 1984

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Referred to the Committee on Agriculture. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Conners of Franklin.

Cosponsors: Senator Perkins of Hancock, Senator Erwin of Oxford and Senator Brown of Washington.

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STATE OF MAINE

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

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AN ACT to Provide Funding from the  
Blueberry Industry Tax to Promote Market  
Development for the Blueberry Industry.

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

Sec. 1. 36 MRS §4301 is amended to read:

§4301. Purpose

The production and marketing of blueberries is one of the most important agricultural industries of the State, and this chapter is enacted into law to conserve and promote the prosperity and welfare of the State and of the blueberry industry of the State by conducting scientific investigations and extension work relating to the production, processing and marketing of blueberries grown in the State fostering research and extension programs and by encouraging

1 the development of new market opportunities and other  
2 promotional activities related to the blueberry  
3 industry.

4 Sec. 2. 36 MRSA §4303, as amended by PL 1979, c.  
5 392, §1, is further amended to read:

6 §4303. Rate of tax

7 There is levied and imposed a tax at the rate of  
8 ~~3 mills~~ 1¢ per pound of fresh fruit on all blueber-  
9 ries grown, purchased, sold, handled or processed in  
10 this State. The tax shall be computed on a fresh  
11 fruit basis, regardless of how the blueberries are  
12 processed.

13 Sec. 3. 36 MRSA §4303-A, as amended by PL 1979,  
14 c. 392, §2, is repealed.

15 Sec. 4. 36 MRSA §4304, as amended by PL 1971, c.  
16 425, §2, is repealed and the following enacted in its  
17 place:

18 §4304. Due date

19 The tax imposed by section 4303 shall be due upon  
20 any particular lot or quantity of blueberries as  
21 specified under section 4307.

22 Sec. 5. 36 MRSA §4306, as amended by PL 1979, c.  
23 392, §3, is repealed and the following enacted in its  
24 place:

25 §4306. Tax deducted from purchase price

26 Each processor or shipper, purchasing blueberries  
27 and paying or becoming liable to pay the tax imposed  
28 by section 4303, shall charge and collect from the  
29 seller an amount equal to 1/2 the rate of tax imposed  
30 by section 4303. This amount may be deducted from the  
31 purchase price of all blueberries subject to the tax  
32 and so purchased or handled by that processor or  
33 shipper.

34 Sec. 6. 36 MRSA §4307, as amended by PL 1981, c.  
35 364, §44, is further amended to read:

1        §4307. Records and reports; payment of tax

2            Every processor or shipper shall, on or before  
3 November 1st of each year, report to the State Tax  
4 Assessor, the quantity of blueberries purchased or  
5 sold by him during the current season, on forms fur-  
6 nished by the State Tax Assessor. ~~Said~~ The report  
7 shall contain such further information pertinent  
8 thereto as said State Tax Assessor shall prescribe.  
9 With ~~said~~ the report, each processor or shipper shall  
10 forward payment of the tax at the rate of 5 mills 1¢  
11 per pound upon all blueberries so reported as sold or  
12 purchased. All such money so collected shall be  
13 transmitted forthwith by the State Tax Assessor to  
14 the Treasurer of State.

15            Sec. 7. 36 MRSA §4311, as amended by PL 1977, c.  
16 533, §§4 and 5, is repealed.

17            Sec. 8. 36 MRSA §4311-A is enacted to read:

18        §4311-A. Appropriation; moneys received

19            Moneys received from the tax levied by section  
20 4303 by the Treasurer of State shall be appropriated  
21 and used for the following purposes:

22            1. Collection and enforcement. For the collec-  
23 tion of the tax provided for by section 4303 and the  
24 enforcement of this chapter, and actual expenses of  
25 members of the Maine Blueberry Commission;

26            2. Promotion, advertising and market develop-  
27 ment. The Maine Blueberry Commission may implement  
28 programs and activities to promote and advertise  
29 blueberries, to join with any local, state, federal  
30 or private agency, department, firm, corporation or  
31 association to implement the purposes of this sec-  
32 tion. At least 25% of the funds collected shall be  
33 allocated for these purposes;

34            3. Research and extension education programs.  
35 Thirty percent of the funds collected, not to exceed  
36 \$100,000, shall be allocated to the University of  
37 Maine for the purpose of supplementing its research  
38 and extension programs related to improved methods of  
39 growing, harvesting, processing and marketing of

1 blueberries. The Maine Blueberry Commission may allo-  
2 cate additional funds to the University of Maine or  
3 other organizations for research and extension pro-  
4 grams as may be appropriate to implement the purposes  
5 of this section;

6 4. Administration. The Maine Blueberry Commis-  
7 sion, as authorized under section 4312-C, shall allo-  
8 cate not more than 20% of the funds collected for em-  
9 ployment of personnel and expenses incurred for the  
10 administration of this chapter; and

11 5. Balance of funds. Any funds remaining over  
12 and above the expenses incurred for subsections 1, 2,  
13 3 and 4, shall not lapse, but shall be carried for-  
14 ward to the same fund and for the same purposes for  
15 the next fiscal year.

16 Any funds which accrue to the Blueberry Tax Ac-  
17 count and held by the Treasurer of State shall be in-  
18 vested by the treasurer until disbursement is autho-  
19 rized by the Maine Blueberry Commission. Income from  
20 any investment of blueberry tax funds shall accrue to  
21 the Blueberry Tax Fund and shall be appropriated for  
22 purposes as specified in this section.

23 Sec. 9. 36 MRSA §4312, as amended by PL 1977, c.  
24 533, §6, is repealed and the following enacted in its  
25 place:

26 §4312. Advisory committee

27 A University of Maine Blueberry Advisory Commit-  
28 tee shall be appointed by the Maine Blueberry Commis-  
29 sion. The committee shall consist of 7 members who  
30 are active in and representative of the blueberry in-  
31 dustry. The duty of the committee will be to advise  
32 and work with the University of Maine to develop and  
33 approve a plan of work and budgets for research and  
34 extension programs related to the production and mar-  
35 keting of blueberries.

36 Current members of the advisory committee shall  
37 continue to serve for the duration of their current  
38 appointment. New appointments to the advisory commit-  
39 tee shall be for a term of 4 years and no appointee  
40 may be eligible for reappointment until the lapse of

1 one year from the expiration of a previous appoint-  
2 ment.

3       Sec. 10. 36 MRSA §4312-A, as amended by PL 1977,  
4 c. 533, §7, is repealed.

5       Sec. 11. 36 MRSA §4312-B, as repealed and re-  
6 placed by PL 1977, c. 533, §8, is repealed.

7       Sec. 12. 36 MRSA §4312-C is enacted to read:

8 §4312-C. Maine Blueberry Commission

9       The Maine Blueberry Commission shall be reorga-  
10 nized as follows.

11       1. Appointments. Appointments shall be made by  
12 the Commissioner of Agriculture, Food and Rural Re-  
13 sources.

14       2. Membership. The commission shall consist of 7  
15 members who are active in and representative of the  
16 blueberry industry.

17       3. Term of appointments. Members of the Maine  
18 Blueberry Commission with current appointments shall  
19 continue to serve for the duration of their appoint-  
20 ment. The term of office for each new appointment or  
21 reappointment shall commence on September 1st of the  
22 year appointed and continue for a term of 4 years or  
23 until a successor is duly appointed and qualified,  
24 except that when making the 2 additional appointments  
25 in 1984, one appointment shall be for a term of 3  
26 years. To fill any vacancy, however caused, the com-  
27 missioner shall appoint a successor for the duration  
28 of the expired term.

29       4. Organization. Members of the commission shall  
30 elect annually by majority vote one member of the  
31 commission who will serve as chairman. The commission  
32 may appoint an executive director or such personnel  
33 as it deems necessary to administer policies and pro-  
34 grams established by the commission. None of these  
35 officers or personnel shall be subject to the person-  
36 nel laws of the State.

