

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 1646, L.D. 2180)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document No. 2406

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H.P. 1816 House of Representatives, April 2, 1984

Reported by Representative Mahany from the Committee on Agriculture and printed under Joint Rule 2.

Original bill presented by Representative Conners of Franklin.  
Cosponsored by Senator Perkins of Hancock, Senator Erwin of Oxford and Senator Brown of Washington.

EDWIN H. PERT, Clerk

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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.A §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 this State and of the blueberry industry of the this 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

1 by encouraging the development of expanded market op-  
2 portunities and other promotional activities related  
3 to the blueberry industry.

4       Sec. 2. 36 MRSA §4302, sub-§1-A is enacted to  
5 read:

6       1-A. Grower. "Grower" means any person, firm,  
7 partnership, association or corporation engaged in  
8 the growing or selling of blueberries and which is  
9 not a "processor" as defined in subsection 2.

10       Sec. 3. 36 MRSA §4303, as amended by PL 1979, c.  
11 392, §1, is further amended to read:

12 §4303. Rate of tax

13       There is levied and imposed a tax at the rate of  
14 ~~3 mills~~ 1/2¢ per pound of fresh fruit on all blueber-  
15 ries grown, purchased, sold, handled or processed in  
16 this State. The tax shall be computed on a fresh  
17 fruit basis, regardless of how the blueberries are  
18 processed. Blueberry growers who produce or otherwise  
19 handle fresh fruit for sale on the fresh market are  
20 not subject to the tax imposed by this section.

21       Sec. 4. 36 MRSA §4303-A, as amended by PL 1979,  
22 c. 392, §2, is further amended to read:

23 §4303-A. Additional tax

24       There is levied and imposed an additional tax at  
25 the rate of ~~2 mills~~ 1/2¢ per pound of fresh fruit on  
26 all blueberries grown, purchased, sold, handled or  
27 processed in this State. The tax shall be computed on  
28 a fresh fruit basis, regardless of how the berries  
29 are processed, and shall be neither deducted from the  
30 purchase price nor collected from the seller under  
31 section 4306. Blueberry growers who produce or other-  
32 wise handle fresh fruit for sale on the fresh market  
33 are not subject to the tax imposed by this section.

34       Sec. 5. 36 MRSA §4306, as amended by PL 1979, c.  
35 392, §3, is further amended to read:

36 §4306. Tax deducted from purchase price

1 Each processor or shipper, purchasing blueberries  
2 and paying or becoming liable to pay the tax imposed  
3 by section 4303, shall charge and collect from the  
4 seller a tax at the rate of 3 mills 1/2¢ per pound,  
5 to be deducted from the purchase price of all blue-  
6 berries subject to the tax so purchased by such pro-  
7 cessor or shipper.

8 Sec. 6. 36 MRSA §4307, as amended by PL 1981, c.  
9 364, §44, is further amended to read:

10 §4307. Records and reports; payment of tax

11 Every processor or shipper shall, on or before  
12 November 1st of each year, report to the State Tax  
13 Assessor, the quantity of blueberries purchased or  
14 sold by him during the current season, on forms fur-  
15 nished by the State Tax Assessor. Said report shall  
16 contain such further information pertinent thereto as  
17 said State Tax Assessor shall prescribe. With said  
18 report, each processor or shipper shall forward pay-  
19 ment of the tax at the rate of 5 mills 1¢ per pound  
20 upon all blueberries so reported as sold or pur-  
21 chased.

22 Sec. 7. 36 MRSA §4311, as amended by PL 1977, c.  
23 533, §§4 and 5, is repealed.

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

25 §4311-A. Appropriations of money received

26 Money received from the tax levied by sections  
27 4303 and 4303-A shall be appropriated for the follow-  
28 ing purposes:

29 1. Collection and enforcement. For the collec-  
30 tion of the taxes imposed by this law and the en-  
31 forcement of this chapter. Any funds which accrue to  
32 the blueberry tax account and are held by the Trea-  
33 surer of State shall be invested by him until dis-  
34 bursement is authorized by the Maine Blueberry Com-  
35 mission. Income from any investment of blueberry tax  
36 funds shall accrue to the blueberry tax account and  
37 shall be appropriated for the same purposes as speci-  
38 fied elsewhere in this section;

1           2. Promotion, advertising and market develop-  
2 ment. The Maine Blueberry Commission may implement  
3 programs and activities to promote and advertise  
4 blueberries; and join with any local, state, federal  
5 or private agency, department, firm, corporation or  
6 association to implement the purposes of this sec-  
7 tion. At least 25% of the funds collected shall be  
8 allocated for these purposes;

9           3. Research and extension educational pro-  
10 grams. Thirty percent of the funds collected, but  
11 not to exceed \$85,000, shall be dedicated to the Uni-  
12 versity of Maine for the purpose of supplementing its  
13 research and extension programs related to improved  
14 methods of growing, harvesting, processing and mar-  
15 keting of blueberries. The Maine Blueberry Commis-  
16 sion may allocate additional funds to the University  
17 of Maine or other organizations for research and ex-  
18 ension programs as may be appropriate to implement  
19 the purposes of this section; and

20           4. Administration. The Maine Blueberry Commis-  
21 sion, as authorized under section 4312-B, shall allo-  
22 cate not more than 15% of the funds collected for em-  
23 ployment of personnel and expenses incurred for the  
24 administration of this chapter; and

25           5. Balance of funds. Any funds remaining over  
26 and above the expenses incurred for subsections 1, 2,  
27 3 and 4 shall not lapse, but shall be carried forward  
28 to the same fund and for the same purposes for the  
29 next fiscal year.

30           Sec. 9. 36 MRSA §4312, as amended by PL 1977, c.  
31 533, §6, is repealed and the following enacted in its  
32 place:

33           §4312. Advisory committee

34           A University of Maine Blueberry Advisory Commit-  
35 tee shall be appointed by the Maine Blueberry Commis-  
36 sion. The committee shall consist of 7 members who  
37 are active in and representative of the blueberry in-  
38 dustry. The duty of the committee will be to advise  
39 and work with the University of Maine to develop and  
40 approve a plan of work and budgets for research and  
41 extension programs related to the production and mar-  
42 keting of blueberries.

1 Current members of the advisory committee shall  
2 continue to serve for the duration of their current  
3 appointments. New appointments to the advisory com-  
4 mittee shall be for terms of 4 years and no appointee  
5 may be eligible for reappointment until the lapse of  
6 one year from the expiration of a previous appoint-  
7 ment.

8 Sec. 10. 36 MRSA §4312-B, as repealed and re-  
9 placed by PL 1977, c. 533, §8, is repealed and the  
10 following enacted in its place:

11 §4312-B. Maine Blueberry Commission

12 The Maine Blueberry Commission heretofore estab-  
13 lished shall be reorganized as follows.

14 1. Appointment. Appointments shall be made by  
15 the Commissioner of Agriculture, Food and Rural Re-  
16 sources.

17 2. Membership. The commission shall consist of  
18 8 members who are active in and representative of the  
19 blueberry industry. Three members shall be grower  
20 representatives. Five members shall be processor  
21 representatives.

22 3. Term of appointments. Members of the Maine  
23 Blueberry Commission with current appointments shall  
24 continue to serve for the duration of their appoint-  
25 ment. The term of office for each new appointment or  
26 reappointment shall commence on September 1st of the  
27 year appointed and continue for a term of 4 years or  
28 until a successor is duly appointed and qualified,  
29 except that, when making the 3 additional appoint-  
30 ments in 1984, 2 appointments shall be for terms of 3  
31 years and one for 4 years. To fill any vacancy, how-  
32 ever caused, the commissioner shall appoint a succes-  
33 sor for the duration of the unexpired term.

34 4. Organization. Members of the commission  
35 shall elect annually by majority vote one member of  
36 the commission who shall serve as chairman. The  
37 chairman may appoint an executive director or such  
38 personnel as it deems necessary to administer poli-  
39 cies and programs established by the commission.  
40 These officers or personnel shall not be subject to  
41 the Personnel Laws of the State.

