

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 122

H.P. 92

House of Representatives, January 21, 1993

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TARDY of Palmyra.
Cosponsored by Representative FARREN of Cherryfield.

STATE OF MAINE

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

An Act to Maintain the Integrity of Commodity Tax Accounts.

(EMERGENCY)

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

4
6 Whereas, a commodity tax is levied and imposed on a specific
industry to benefit that industry; and

8 Whereas, a commodity tax funds programs essential to
maintaining the viability of the industry; and

10
12 Whereas, reduction in funding to these programs is
detrimental to these industries and impacts the overall economic
health of the State; and

14
16 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
18 necessary for the preservation of the public peace, health and
safety; now, therefore,

20
22 **Be it enacted by the People of the State of Maine as follows:**

24 **Sec. 1.** PL 1991, c. 780, Pt. WW, §1-A is enacted to read:

26 Sec. WW-1-A. Exemptions. The provisions of this Part do not
apply to the following agencies: the Maine Blueberry Commission,
the Maine Potato Board, the Maine Sardine Council, the Maine
28 Dairy Promotion Board, the Maine Dairy and Nutrition Council and
the Lobster Promotion Council.

30 **Sec. 2.** PL 1991, c. 780, Pt. KKK, §1 is amended to read:

32 **Sec. KKK-1. Calculation and transfer.** Notwithstanding the
34 Maine Revised Statutes, Title 5, section 1585, the State Budget
Officer shall calculate the amount in sections 6 to 9 of this
36 Part that applies against each General Fund, Other Special
Revenue, enterprise or internal service fund account for all
38 departments and agencies based on the total appropriations and
allocations to those accounts, except for the following accounts:
40 General Purpose Aid to Local Schools; Education in the
Unorganized Territory; Debt Service - Treasury; Teacher
42 Retirement; Aid to Families with Dependent Children; Aid to
Families with Dependent Children - Foster Care; General
44 Assistance; Maine Health Program; Intermediate Care - Payments to
Providers; Medical Care - Payments to Providers; Bureau of
46 Rehabilitation; and Bureau of Rehabilitation - Vocational
Rehabilitation; Maine Blueberry Commission; Maine Potato Board;
48 Maine Sardine Council; Maine Dairy Promotion Board; Maine Dairy
and Nutrition Council; and

2 Lobster Promotion Council. In addition, the amount of funds
4 appropriated or allocated for higher education programs, grants
6 to municipalities and schools and grants to public and private
8 organizations are excepted from this calculation. The State
10 Budget Officer shall cause the calculated amount to be
12 transferred from each account.

14 **Sec. 3. Retroactivity.** That section of this Act that amends
16 Public Law 1991, chapter 780, Part KKK, section 1 applies
18 retroactively to April 1, 1992.

20 **Emergency clause.** In view of the emergency cited in the
22 preamble, this Act takes effect when approved.
24

26 STATEMENT OF FACT

28 This bill exempts 6 commodity tax accounts from the 0.9%
30 reallocation of funds mandated by Public Law 1991, chapter 780
and makes these exemptions apply retroactively to April 1, 1992.
Funds transferred to the General Fund from these accounts in
accordance with Public Law 1991, chapter 780 prior to the
effective date of this bill will be returned to the appropriate
accounts.

This bill also exempts employees subject to civil service
laws but funded by commodity taxes from the reduced workweek
provisions mandated in Public Law 1991, chapter 780, Part WW.