

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

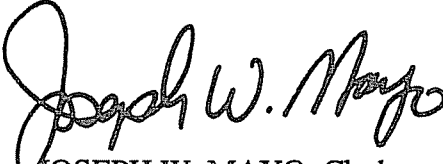
No. 332

H.P. 253

House of Representatives, February 4, 1993

An Act to Amend the Lobster Promotion Fund.

Reference to the Committee on Marine Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FARREN of Cherryfield.
Cosponsored by Representatives: CONSTANTINE of Bar Harbor, HEINO of Boothbay, LOOK of Jonesboro, TOWNSEND of Eastport, Senator: VOSE of Washington.

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

2 Sec. 1. 12 MRSA §6455, sub-§5, as enacted by PL 1991, c. 523,
4 §2, is amended to read:

6 5. Fund established; license surcharge assessed. The
8 Lobster Promotion Fund, referred to in this subchapter as the
"fund," is established in the department to carry out the
10 purposes of this subchapter. The council shall administer the
fund and the department shall transfer to the fund all money
12 appropriated or received by the department for the purposes of
this subchapter. The fund is capitalized from ~~the following~~
14 ~~annual surcharges assessed on the following licenses issued by~~
~~the department for calendar years 1992 and 1993;~~ the lobster tax
established in Title 36, chapter 720.

16 A. ~~Class I crab and lobster licenses for persons 18 to 69~~
18 ~~years of age, \$25;~~

20 B. ~~Class II crab and lobster licenses, \$50;~~

22 C. ~~Class III crab and lobster licenses, \$75;~~

24 D. ~~Wholesale seafood licenses with lobster permits, \$200;~~
and

26 E. ~~Lobster transportation licenses, \$200.~~

28 A ~~person holding more than one of the licenses listed in this~~
30 ~~subsection is assessed a surcharge only on the highest~~
32 ~~surchargeable license held.~~

34 The Treasurer of State shall hold all surcharges assessed by this
subsection in the fund and invest all money in the fund until
36 disbursement is authorized by the council. Interest from
investments accrues to the fund.

38 All money in the fund is subject to allocation by the
40 Legislature. Unexpended balances in the fund at the end of the
fiscal year may not lapse but must be carried forward to be used
42 for the same purposes.

44 Sec. 2. 36 MRSA c. 720 is enacted to read:

46 CHAPTER 720

48 LOBSTER TAX

50 §4841. Definitions

52 As used in this chapter, unless the context otherwise
indicates, the following terms have the following meanings.

2 1. Lobster. "Lobster" means all or any portion of a
3 crustacean of the genus Homarus americanus.

4 2. Lobster Promotion Fund. "Lobster Promotion Fund" means
5 the Lobster Promotion Fund established under Title 12, section
6 6455, subsection 5.

7 3. Person. "Person" means any natural person or any
8 business, firm or corporation.

9 4. Wholesale seafood license with a lobster permit.
10 "Wholesale seafood license with a lobster permit" means a
11 wholesale seafood license with a lobster permit issued pursuant
12 to Title 12, section 6851, subsection 2-A.

13 §4842. Lobster tax; statement and rate of tax

14 An excise tax of 2¢ per pound is imposed on the purchase or
15 importation of lobsters by any person holding a wholesale seafood
16 license with a lobster permit.

17 On or before September 1st of each year, a person holding a
18 wholesale seafood license with a lobster permit shall file with
19 the State Tax Assessor on forms prescribed by the State Tax
20 Assessor a statement listing the exact weight in pounds of all
21 lobster purchased or imported by that person during the 12 months
22 preceding July 1st of that year. Included with the filing of the
23 statement, that person shall pay to the State Tax Assessor a fee
24 of 2¢ for each pound of lobster purchased or imported that has
25 not previously been subject to taxation under this chapter.

26 §4843. Disposition of fees

27 The State Tax Assessor shall deposit fees collected under
28 this chapter into the Lobster Promotion Fund.

29 §4844. Civil violation

30 A person holding a wholesale seafood license with a lobster
31 permit who purchases lobsters and does not file the statement or
32 pay the tax required under this chapter commits a civil violation
33 for which a forfeiture not to exceed \$100 for the first violation
34 and \$500 for each subsequent violation may be adjudged. Each
35 lobster sold for which the tax is not paid is a separate
36 violation.

37 Sec. 3. Effective date. This Act takes effect January 1, 1994,
38 except that licenses sold before that date for calendar year 1994
39 must reflect the repealed surcharge.

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STATEMENT OF FACT

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This bill changes the funding mechanism for the Lobster Promotion Fund. The bill establishes a lobster tax of 2¢ per pound of lobster purchased or imported by any person holding a wholesale seafood license with a lobster permit.

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This bill takes effect January 1, 1994, except that fees for 1994 licenses sold before January 1, 1994 must reflect the repealed fees.

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