

MAINE STATE LEGISLATURE

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L.D. 1885

DATE: 3/7/94

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M A J O R I T Y
MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1386, L.D. 1885, Bill, "An Act to Implement the Recommendations of the Maine Sardine Council"

Amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 10 MRSA §1701, as amended by PL 1977, c. 694, §167, is further amended to read:

§1701. Trademarks

~~In order to carry out better the objectives of the Maine Sardine Tax Law, the~~ The Maine Sardine Council may, by regulation rule adopted in a manner consistent with the Maine Administrative Procedure Act, may develop and register trademarks, ~~---The Commissioner of Agriculture may delegate to the Maine Sardine Council the authority to~~ and regulate the use of the State of Maine trademark when used in the processing and sale of Maine sardines.'

Further amend the bill by striking out all of section 4.

Further amend the bill in section 7 by striking out all of the first 2 lines (page 3, lines 28 and 29 in L.D.) and inserting in their place the following:

'Sec. 7. 32 MRSA §4167, sub-§§4 and 5, as enacted by PL 1991, c. 446, Pt. C, §3, are amended to read:'

COMMITTEE AMENDMENT

A. of S.

2 Further amend the bill in section 7 in subsection 5 in the
first 2 lines (page 3, lines 40 and 41 in L.D.) by striking out
4 the following: ", in concurrence with the Commissioner of Marine
Resources," and inserting in its place the following: '~~in~~
6 ~~concurrence with the Commissioner of Marine Resources,~~'

8 Further amend the bill in section 7 by striking out all of
subsection 6 (page 4, lines 5 to 15 in L.D.).

10 Further amend the bill by striking out all of section 8 and
12 inserting in its place the following:

14 'Sec. 8. 32 MRSA §4168, sub-§3, as enacted by PL 1991, c. 446,
Pt. C, §3, is amended to read:

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18 3. Grades. The council may adopt rules establishing
official grades for sardines, kippers and steaks packed within in
the State, and for the marking, branding or labeling of sardines,
20 kippers and steaks and the use of the grades. Prior to adopting
rules under this section, the council shall hold public hearings
22 in places reasonably convenient for the packers. Notice of the
hearings and of the final action must be sent, by certified mail,
24 to all license holders under section 4153. The council may use
the seal of the State of Maine in support of all quality control
26 and promotion activities.

28 A. The grades may specify the number of fish per container;
the amount, quality and nature of the packing medium or
30 fill; the quality, appearance, odor, character, taste and
texture of the fish packed; the style of pack, the quality
32 of the packing and arrangement in the container; the quality
of the substances contained in the container; the size and
34 type of the container; and tolerances allowing for
reasonable variation from grades.

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38 B. When adopting rules under this section, the council may
consider packing practices in the State and in other
jurisdictions, consumer expectancy, habits and desires, the
40 types of fish available, conditions of sanitation, tastes
and preferences of varying parts of the consumer public,
42 marketing practices and market experience.'

44 Further amend the bill by striking out all of section 11 and
inserting in its place the following:

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48 'Sec. 11. 36 MRSA §4699, as amended by PL 1991, c. 446, Pt.
B, §8, is further amended by adding at the end a new paragraph to
read:

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The Maine Sardine Council may accept grants or contributions of money or other things of value from any source, public or private. Those grants or other contributions must be held by the council and used to carry out the purposes of this chapter, subject to any condition under which the grant or contribution was accepted by the council.

Further amend the bill in section 12 by striking out all of subsection 2 (page 5, lines 32 to 36 in L.D.) and inserting in its place the following:

'2. Debt or obligation. A debt or obligation incurred by the council on or after the effective date of this Act is not a debt or obligation of the State. A debt or obligation incurred by the council prior to the effective date of this Act that remains, in whole or in part, payable to any person becomes a debt or obligation of the council, not the State.'

Further amend the bill by inserting after section 12 the following:

'Sec. 13. Allocation. The following funds are allocated from the Maine Sardine Fund to carry out the purposes of this Act.

1994-95

MAINE SARDINE COUNCIL

Sardine Council

Positions	(-7.5)
Personal Services	(\$302,355)
All Other	(210,653)
Capital Expenditures	(13,000)
TOTAL	(526,008)

Provides for the deallocation of funds to reflect the Maine Sardine Council's status as an instrumentality of the State.

Sardine Council

All Other	526,008
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Provides for the allocation of funds to allow the payment of funds from the Maine Sardine Fund to the independent Maine Sardine Council.

R 9/5

MAINE SARDINE COUNCIL

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TOTAL

\$-0-

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Further amend the bill by renumbering the sections to read consecutively.

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Further amend the bill by inserting at the end before the statement of fact the following:

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FISCAL NOTE

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The establishment of the Maine Sardine Council as an instrumentality of the State will require the deallocation of \$526,008 and the deauthorization of 7.5 positions from the council in fiscal year 1994-95. These funds must be reallocated in All Other in fiscal year 1994-95 to the council to allow the payment of funds as a grant from the Maine Sardine Fund to the independent council.'

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STATEMENT OF FACT

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This amendment strikes those provisions of the bill that proposed to remove the Maine Sardine Council from the requirements of the Maine Administrative Procedure Act and the freedom of access laws. The amendment also allows the Maine Sardine Council to regulate the use of the State of Maine trademark in the processing and sale of sardines. The amendment also clarifies a provision in the bill that proposes to allow the Maine Sardine Council to accept grants or other things of value and use those gifts to carry out the purposes of the Maine Sardine Council. This amendment also adds an appropriation and a fiscal note to the bill.

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