

# MAINE STATE LEGISLATURE

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R d S.

L.D. 1149

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DATE: June 12, 1995

(Filing No. S-253 )

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**MARINE RESOURCES**

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Reported by: Senator PINGREE OF Knox for the Committee.

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Reproduced and distributed under the direction of the Secretary of the Senate.

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**STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

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COMMITTEE AMENDMENT "A" to S.P. 426, L.D. 1149, Bill, "An Act to Enhance Export Markets for Maine Sardines and Other Canned Herring Products by Clarifying the Maine Sardine Law"

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Amend the bill by inserting after the enacting clause the following:

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'Sec. 1. 10 MRSA §1704, as amended by PL 1977, c. 694, §169, is further amended to read:

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**§1704. Rules and regulations**

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The Maine Sardine Council may prescribe, in a manner consistent with the Maine Administrative Procedure Act, rules and regulations for carrying out the purposes of this chapter, and may issue licenses to processors who request authority to use the trademark and who shall abide by such those rules and regulations. The council may charge a fee on a case basis for the use of trademarks established by the council or for the use of the State of Maine trademark used on canned sardines. The Administrative Court, upon application of the ~~commissioner~~ the Maine Sardine Council or the Attorney General, shall have has the right to cancel any license for failure to abide by the rules and regulations prescribed by the council; and the council shall have has the right, after notice and opportunity for a hearing and in a manner consistent with the rule-making provisions of the Maine Administrative Procedure Act, to cancel all outstanding licenses at any time that the council deems such action necessary to the best interest of the sardine industry as a whole.'

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**COMMITTEE AMENDMENT**

R. d. S.

2 Further amend the bill by inserting after section 5 the  
following:

4 'Sec. 6. 32 MRSA §4166, sub-§4-B is enacted to read:

6 4-B. Other canned herring product. "Other canned herring  
8 product" means any canned herring product that is not kippers,  
sardines or steaks, but is predominantly herring.'  
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12 Further amend the bill in section 8 in subsection 1 in the  
6th line (page 3, line 24 in L.D.) by striking out the  
following: "Part" and inserting in its place the following:  
14 'Part chapter'

16 Further amend the bill in section 18 in that part designated  
"§4695." in the 2nd paragraph in the first line (page 10, line 15  
18 in L.D.) by striking out the following: "35¢" and inserting in  
its place the following: '35¢ 30¢'  
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22 Further amend the bill in section 18 in that part designated  
"§4695." in the 2nd paragraph in the 2nd line (page 10, line 16  
in L.D.) by striking out the following: "15¢" and inserting in  
24 its place the following: '15¢ 10¢'

26 Further amend the bill by relettering or renumbering any  
nonconsecutive Part letter or section number to read  
28 consecutively.

30 Further amend the bill by inserting at the end before the  
statement of fact the following:  
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34 **FISCAL NOTE**

36		<b>1995-96</b>	<b>1996-97</b>
38	<b>REVENUES</b>		
40	Other Funds	(\$35,051)	(\$46,735)

42 The reduction in the excise tax on herring products will  
decrease dedicated revenue to the Maine Sardine Council by  
44 \$35,051 and \$46,735 in fiscal years 1995-96 and 1996-97,  
respectively. These reductions in dedicated revenue will leave  
46 sufficient resources available to the council to cover its  
budgeted expenditures for the 1996-1997 biennium.  
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50 This bill may increase prosecutions for Class E crimes. If  
a jail sentence is imposed, the additional costs to the counties

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to S.P. 426, L.D. 1149

2 are estimated to be \$83.22 per day per prisoner. These costs are  
not reimbursed by the State. The number of prosecutions that may  
4 result in a jail sentence and the resulting costs to the county  
jail system are expected to be insignificant.

6 The additional workload and administrative costs associated  
with the minimal number of new cases filed in the court system  
8 can be absorbed within the budgeted resources of the Judicial  
Department. The collection of additional fines may increase  
10 General Fund revenue by minor amounts.'

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### 14 STATEMENT OF FACT

16 The amendment deletes an obsolete reference to the  
Commissioner of Agriculture, Food and Rural Resources from the  
laws concerning trademarks used by the Maine Sardine Council.  
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20 The amendment also adds a definition of the term "other  
canned herring product" to the sardine laws. It also reduces the  
excise tax on herring products by 5¢.  
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24 The amendment makes a technical change in the sardine laws  
to correct an error in reference.

26 The amendment also adds a fiscal note to the bill.