

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 1968

S.P. 726

In Senate, January 8, 1998

**An Act to Implement a Reorganization of the Maine Sardine Council by
the Maine Sardine Industry.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule
203.

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative ETNIER of Harpswell.

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, the number of companies comprising the sardine
industry continues to decline; and

8 Whereas, one of the main functions of the Maine Sardine
Council, to certify the quality of Maine sardines, is no longer
10 necessary since the implementation of the United States Food and
Drug Administration's mandatory seafood inspection program on
12 December 18, 1997; and

14 Whereas, the reorganization of the Maine Sardine Council is
necessary as soon as possible in order to support changes that
16 the Maine sardine industry has decided are in the industry's best
interest; and

18 Whereas, in the judgment of the Legislature, these facts
20 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
22 necessary for the preservation of the public peace, health and
safety; now, therefore,

24
26 **Be it enacted by the People of the State of Maine as follows:**

28 **Sec. 1. 32 MRSA §4166, sub-§§1 and 3,** as enacted by PL 1991, c.
446, Pt. C, §3, are repealed.

30 **Sec. 2. 32 MRSA §4166, sub-§4-A,** as enacted by PL 1993, c. 14,
§2, is repealed.

32 **Sec. 3. 32 MRSA §4167-A,** as amended by PL 1995, c. 307, §11,
34 is repealed.

36 **Sec. 4. 32 MRSA §4168,** as amended by PL 1995, c. 307, §§12 to
14, is repealed.

38 **Sec. 5. 32 MRSA §4169,** as amended by PL 1995, c. 307, §15, is
40 repealed.

42 **Sec. 6. 32 MRSA §4170,** as amended by PL 1995, c. 307, §16, is
repealed.

44 **Sec. 7. 32 MRSA §4170-A,** as enacted by PL 1993, c. 14, §10,
46 is repealed.

48 **Sec. 8. 36 MRSA §4695, 2nd paragraph,** as amended by PL 1995,
c. 307, §20, is further amended to read:

50

2 An excise tax of ~~30¢~~ 15¢ per case is levied and imposed upon
the privilege of packing sardines and an excise tax of ~~10¢~~ 15¢
4 per case is levied and imposed upon the privilege of packing
kippers, steaks or other canned herring products.

6 **Sec. 9. 36 MRSA §4697**, as amended by PL 1995, c. 307, §22, is
further amended to read:

8
10 **§4697. Reports of production and payment of tax**

12 Every packer shall, on or before the last day of each month,
report to the State Tax Assessor the quantity of sardines,
14 kippers, steaks or other canned herring products packed by the
packer during the preceding calendar month, on forms furnished by
the State Tax Assessor, and pay to the State Tax Assessor the tax
16 of ~~30¢~~ 15¢ per case on all sardines reported as packed and ~~10¢~~
15¢ per case on all kippers, steaks or other canned herring
18 products reported as packed. If the State Tax Assessor
determines that overpayment of tax has been made, the State Tax
20 Assessor shall make a refund. In making additional assessment or
refund determinations, the State Tax Assessor shall rely on the
22 records of the Maine Sardine Council concerning the quantity of
sardines, kippers, steaks or other canned herring products packed
24 in each sardine plant that is for sale and suitable for human
consumption. Any packer may pay to the State Tax Assessor in
26 advance a sum of money based on an estimate of the packer's tax
for a given number of months and this sum is a credit against
28 future monthly reports of that packer.

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

32
34 **SUMMARY**

36 This bill repeals certain laws relating to the operation of
the Maine Sardine Council. Specifically, it repeals the
38 council's authority to certify the quality and grade of sardines
and to embargo any lot of sardines that is not in conformance
40 with labeling standards. This bill also reduces the rate of the
Maine sardine excise tax to provide a future cost savings to the
42 industry and raises the excise tax on kippers, steaks and other
canned herring products. This bill contains an emergency
44 preamble so that the necessary statutory changes may be
implemented in support of the plans the Maine sardine industry
46 has already begun to put into place.