

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2618

H.P. 1883

House of Representatives, March 10, 2000

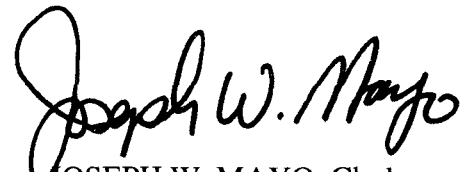
**An Act to Implement the Recommendations of the Joint Standing  
Committee on Marine Resources Relating to the Review of the Maine  
Sardine Council Under the State Government Evaluation Act.**

(EMERGENCY)

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Reported by Representative ETNIER for the Joint Standing Committee on Marine  
Resources pursuant to Maine Revised Statutes, Title 3, section 955, subsection 4.

Reference to the Joint Standing Committee on Marine Resources suggested and printing  
ordered under Joint Rule 218.

  
JOSEPH W. MAYO, Clerk

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 sardine packing companies comprising  
the Maine sardine industry and the Maine Sardine Council has  
declined; and

8

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

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

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

22       **Sec. 1.** 32 MRSA c. 61, sub-c. II, as amended, is repealed.

24       **Sec. 2.** 36 MRSA c. 713, as amended, is repealed.

26       **Sec. 3.** 36 MRSA §4821, first ¶, as enacted by PL 1981, c. 706,  
§32, is amended to read:

28

30       No special tax, under chapters 701, 707, 708, and 709 and  
713, may be imposed on any particular industry, nor may an  
existing special tax under those chapters be increased, unless  
32       the persons required to pay the tax within that industry have  
given their approval, according to the provisions of this chapter.

34

36       **Sec. 4. Transfer of assets.** On or before March 31, 2000, the  
Maine Sardine Council shall remit \$5,000 to the State Treasurer  
to be credited by the State Controller to the marine research  
38       fund established under the provisions of the Maine Revised  
Statutes, Title 12, section 6052, subsection 4. All remaining  
40       accrued net assets of the Maine Sardine Council as of March 31,  
2000, including, but not limited to, equipment, cash balances or  
42       other available funds, must be transferred in accordance with  
Title 32, section 4167, subsection 7 to the 3 packers with  
44       representatives on the Maine Sardine Council as of January 31,  
2000: Stinson Seafood Company, Lubec Packing Company and L. Ray  
46       Packing Company. The assets must be distributed among those 3  
packers based on each packer's percentage of the total quantity  
48       of sardines, kippers, steaks and other canned herring products  
packed during calendar years 1998 and 1999, as reported to the  
50       State Tax Assessor.

2 The State Auditor shall conduct the audit required by the  
Maine Revised Statutes, Title 32, section 4167, subsection 8 and  
4 shall include in the report to the Joint Standing Committee on  
Marine Resources a report on the assets that must be transferred  
under this section.

6  
8 **Sec. 5. Retroactivity; transition.** That section of this Act that  
repeals the Maine Revised Statutes, Title 36, chapter 713 applies  
retroactively to February 1, 2000. The State Tax Assessor shall  
10 refund to a packer of sardines any amount of tax paid under Title  
36, section 4697 on all sardines reported as packed between  
12 February 1, 2000 and the effective date of this Act.

14 **Sec. 6. Effective date.** That section of this Act that repeals  
the Maine Revised Statutes, Title 32, chapter 61, subchapter II  
16 takes effect on March 31, 2000 and the Maine Sardine Council  
shall cease its activities and terminate on that date.

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

## 22 SUMMARY

24  
26 This bill implements the recommendations made by the Joint  
Standing Committee on Marine Resources as a result of the  
committee's review of the Maine Sardine Council under the State  
28 Government Evaluation Act. The bill, which is an emergency,  
retroactively repeals the sardine excise tax on February 1, 2000  
30 and terminates the Maine Sardine Council on March 31, 2000. The  
bill requires the Maine Sardine Council to remit \$5,000 to the  
32 State Treasurer to be credited to the marine research fund at the  
Department of Marine Resources and requires the transfer of the  
34 remaining assets as of March 31, 2000 to the 3 packers  
represented on the Maine Sardine Council according to their share  
36 of the total quantity of sardines, kippers, steaks and other  
canned herring products packed during calendar years 1998 and  
38 1999.