

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1432

H.P. 1006

House of Representatives, March 15, 2007

An Act To Create a Voluntary Checkoff for the Income Tax Form for Forest Disease Prevention and Control

Reference to the Committee on Taxation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CARTER of Bethel.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: BRYANT of Windham, BURNS of Berwick, JACKSON of Allagash, JOY of
Crystal, THERIAULT of Madawaska, WALCOTT of Lewiston, Senators: BRYANT of
Oxford, GOOLEY of Franklin.

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

2 **Sec. 1. 12 MRSA §8102** is enacted to read:

3 **§8102. Tree Disease Prevention and Control Fund**

4 **1. Fund established.** The Tree Disease Prevention and Control Fund, referred to in
5 this section as the "fund," is established. The fund receives money deposited by the
6 Treasurer of State pursuant to Title 36, section 5291, revenues generated in accordance
7 with this section and any money contributed voluntarily to the fund. All money deposited
8 in the fund and the earnings on that money remain in the fund to be used for the purposes
9 specified in this chapter and specifically to assist landowners and municipalities with the
10 prevention and control of insects and disease in trees and for necessary administrative and
11 personnel costs associated with those purposes and may not be deposited in the General
12 Fund or any other fund, except as specifically provided by law.

13 **2. Report and allocation.** The commissioner shall submit a report on the fund and
14 its uses to the joint standing committee of the Legislature having jurisdiction over
15 fisheries and wildlife matters. The commissioner shall submit a budget for each
16 biennium in accordance with Title 5, sections 1663 to 1666. The State Controller shall
17 authorize expenditures from the fund as allocated by the Legislature.

18 **3. Grants.** Any person, organization or agency of the State may apply to the
19 department for a grant to undertake research into the prevention and control of insects and
20 disease in trees or actual prevention and control of insects and disease in trees. The
21 department may award grants out of the fund.

22 **4. Fund-raising.** The commissioner or the commissioner's authorized agent may
23 provide for the creation, reproduction, sale, licensing, distribution and other disposal of
24 any art or products for the purpose of generating revenues for the prevention and control
25 of insects and disease in the forests of this State. All money generated from the sale of
26 these items must be deposited in the fund.

27 **Sec. 2. 36 MRSA §5291** is enacted to read:

28 **§5291. Tree Disease Prevention and Control Fund voluntary checkoff**

29 **1. Tree Disease Prevention and Control Fund checkoff.** Taxpayers who, when
30 filing their return, are entitled to a refund under this Part may designate that a part of that
31 refund be paid into the Tree Disease Prevention and Control Fund established in Title 12,
32 section 8102. A taxpayer who is not entitled to a refund under this Part may contribute to
33 the Tree Disease Prevention and Control Fund by including with that taxpayer's return
34 sufficient funds to make the contribution. The contribution may not be less than \$1. Each
35 individual income tax return form must contain a designation in substantially the
36 following form: "Contribution to Tree Disease Prevention and Control Fund: () \$5, ()
37 \$10, () \$25 or () Other \$..."

38 **2. Contributions credited to Tree Disease Prevention and Control Fund.** The
39 State Tax Assessor shall determine annually the total amount contributed pursuant to

1 subsection 1. Prior to the beginning of the next year, the assessor shall deduct the cost of
2 administering the Tree Disease Prevention and Control Fund checkoff, but not exceeding
3 \$5,000 annually, and report the remainder to the Treasurer of State, who shall credit that
4 amount to the Tree Disease Prevention and Control Fund, which is established in Title 12,
5 section 8102.

6 **SUMMARY**

7 This bill establishes the Tree Disease Prevention and Control Fund to assist the
8 Director of the Bureau of Forestry in the Department of Conservation in monitoring the
9 health of the forests, including maintaining a statewide surveillance system to detect and
10 monitor insects, diseases and abiotic agents, including air pollution and acid deposition
11 potentially injurious to the forest resources of the State, providing information and
12 technical advice and assistance to individuals and other state and federal agencies on the
13 identification and control of forest insects and diseases and conducting applied research
14 related to the management of insects, diseases and abiotic agents potentially injurious to
15 the forest resources of the State. The fund is supported by contributions through a
16 voluntary checkoff on the income tax return form and through direct donations.