

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

The tax increment within a development district may be used as the local match for certain grant programs.

Sec. 11. 30 MRSA §4867, as enacted by PL 1977, c. 397, is amended to read:

§4867. Financing

The governing body of the municipality may authorize, issue and sell general obligation bonds, which shall mature within 30 years from the date of issue, to finance the acquisition and betterment of real and personal property all project costs as defined in section 4862, subsection 7-A, needed to carry out the development program within the development district, together with all relocation costs. All revenues derived under section 4864 or under section 4865, subsection 1, received by the municipality shall be pledged for the payment of these bonds the incurred indebtedness and used to reduce or cancel the taxes otherwise required to be expended for that purpose, and the bonds notes, bonds or other forms of financing shall not be included when computing the municipality's net debt.

Effective July 13, 1982.

CHAPTER 677

H.P. 2270 - L.D. 2117

AN ACT to Promote the Maine Groundfish Industry.

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

Sec. 1. 12 MRSA c. 621, sub-c. III is enacted to read:

SUBCHAPTER III

MAINE GROUND FISH ASSOCIATION

§6581. Findings and purpose

The Legislature finds that the Gulf of Maine supports a large industry engaged in harvesting and processing

groundfish within the State. This groundfish industry is a significant part of the economy and way of life of the State. Due to the fragmentation of the industry and the inability to privately fund meaningful comprehensive development programs, the full economic potential of groundfish harvesting, processing and sale is not being fully realized.

The purpose of this subchapter is to promote and enhance the development of the groundfish industry as a significant component of the Maine economy. To this end, the Legislature finds that the creation of the Maine Groundfish Association will greatly expand the potential for harvesting, processing and marketing groundfish to the benefit of the fishing industry and the entire State. To provide increased economic benefits to the State, the Maine Groundfish Association shall identify and pursue programs and initiatives which will advance the development of the groundfish industry through promotion and marketing of Maine groundfish products.

§6582. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Association. "Association" means the Maine Groundfish Association established under section 6583.

2. Board. "Board" means the Board of Directors of the Maine Groundfish Association.

3. Dealer. "Dealer" means any person who holds a state wholesale seafood license and who is engaged in the business of purchasing wholesale quantities of groundfish.

4. Groundfish. "Groundfish" means all bottom-dwelling finfish, including, but not limited to, cod, haddock, pollock, flounder, hake and cusk.

5. Groundfish industry. "Groundfish industry" means harvesters, processors, dealers and other wholesalers of groundfish or groundfish products.

6. Harvester. "Harvester" means any person who holds a state resident commercial fishing license and who is engaged in the business of commercial fishing for groundfish.

7. Logo. "Logo" means a service mark adopted by the Maine Groundfish Association under section 6584, subsection 2.

8. Maine groundfish. "Maine groundfish" means groundfish landed within the State, provided that the captain of the vessel holds a Maine resident commercial fishing license.

9. Processor. "Processor" means any person who holds a state wholesale seafood license and who is engaged in the business of processing groundfish.

§6583. Maine Groundfish Association

1. Establishment. The Maine Groundfish Association is established as a nonprofit corporation subject to the provisions of Title 13-B for the purposes of promoting groundfish and enhancing the development of the groundfish industry.

2. Membership. Membership of the association shall include all harvesters, processors and dealers who affirmatively apply for membership in the association by September 1st of each year on forms supplied by the commissioner. Each member shall indicate on his application whether he is to be enrolled as a harvester, processor or dealer member. No person may enroll in more than one category.

3. Benefits of membership. Only those persons who are members of the association may be eligible, consistent with bylaws established by the association, to participate in the programs or benefits obtained, established or funded by the association. All such members shall have equal access to any nonproprietary information and benefits resulting from activities undertaken or funded by the association.

4. Meetings. There shall be at least one meeting of the full membership of the association each calendar year to elect the board of directors and for any other business the membership wishes to conduct.

§6584. Powers and duties of the association

1. Groundfish logo. The association shall adopt an official logo which may include the name of the State. The association may adopt bylaws that restrict the use of the logo to members who comply with quality standards which have been adopted by the commissioner under section 6101.

2. Promotion. The association may advertise and promote groundfish and groundfish products and may designate, in addition to the groundfish logo, other labels or distinctive marks which may be utilized with Maine groundfish sold or processed by its members. The association may not promote or advertise the specific brands or products of any of its members.

3. Marketing. The association may support, develop and promote marketing operations subject to the limitations in section 6585.

4. Funds. The association may receive and expend funds from grants, donations, gifts or other private, local, state or federal sources. The Department of Marine Resources shall provide assistance to the association in administering these funds.

§6585. Limitation

The association or its board may not negotiate or set groundfish or groundfish products prices, supplies or markets; may not unreasonably exclude members from its activities; and may not engage in any activity in violation of the antitrust laws of this State or of the United States.

§6586. Board of directors

1. Establishment. There is established a board of directors of the association which shall consist of 11 members and 2 alternates as follows.

A. One director shall be the Commissioner of Marine Resources or his designee who shall serve ex officio. This director shall be referred to as the commissioner.

B. Three directors shall be appointed by the Fishermen's Cooperative Association of Maine. Two members and one alternate shall be elected by the members enrolled as harvester members. These 5 members and one alternate shall be considered the harvester directors.

C. Three directors shall be appointed by the Associated Fisheries of Maine. Two members and one alternate shall be elected by the members enrolled as processor or dealer members. These 5 members and one alternate shall be considered the wholesaler directors.

2. All directors shall be elected or appointed for 2-year terms, except that, in the initial year, one harvester and one wholesaler director shall be appointed for a one-year term, and one harvester and one wholesaler director shall be elected for a one-year term to create a staggering of terms. Alternates shall be elected for one-year terms.

3. Vacancies. If, for any reason, appointments to the board are not transmitted to the secretary of the association at least 30 days prior to the annual meeting of the

membership, those positions shall be filled by election of the harvester members for harvester directors, or wholesaler members for wholesaler directors. In the event of other vacancies, an election shall be held in accordance with subsection 1 to fill unexpired terms or for other such terms as will maintain a staggered board as defined in subsection 2.

4. Officers. The board shall elect a chairman, secretary and other officers as it may consider necessary from among their number.

5. Voting. Three harvester members and 3 wholesaler members shall be necessary to constitute a quorum. A majority of both the harvester members and the wholesaler members present and voting shall be necessary to pass any motion or otherwise approve any board action. An alternate may vote only when a sitting member of his respective group is absent. The commissioner shall be a nonvoting director.

6. Powers. The board may exercise any of the powers and duties of the association, including:

A. Adoption of bylaws for the association;

B. Employment of necessary personnel to carry out the programs of the association;

C. Authorization and supervision of the expenditure of funds; and

D. Taking other actions necessary to administer the programs of the association and to carry out the purposes of this subchapter.

7. Meetings. The board shall meet at least once a year and at other times as it deems appropriate. In addition, the board shall meet whenever a majority of the directors request that a meeting be held.

§6587. Repeal

This subchapter is repealed on January 1, 1985.

Sec. 2. Initial meeting. The Commissioner of Marine Resources shall call the initial meeting of the membership of the Maine Groundfish Association. This meeting shall be held not later than October 15, 1982.