

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

the board pursuant to section 584 or emission standards so established pursuant to section 585 or 585-B.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purpose of this Act.

1984-85

HUMAN SERVICES, DEPARTMENT OF

Bureau of Health

Positions	(1)
Personal Services	\$20,295
All Other	<u>10,000</u>
Total	\$30,295

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Bureau of Air Quality Control

Positions	(1)
Personal Services	\$24,000
All Other	18,000
Capital Expenditures	<u>7,000</u>
Total	\$49,000

Effective July 25, 1984.

CHAPTER 836

H.P. 1816 - L.D. 2406

AN ACT to Provide Funding from the
Blueberry Industry Tax to Promote Market
Development for the Blueberry Industry.

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

Sec. 1. 36 MRSa §4301 is amended to read:

§4301. Purpose

The production and marketing of blueberries is one of the most important agricultural industries of

the State, and this chapter is enacted into law to conserve and promote the prosperity and welfare of the this State and of the blueberry industry of the this State by conducting scientific investigations and extension work relating to the production, processing and marketing of blueberries grown in the State fostering research and extension programs and by encouraging the development of expanded market opportunities and other promotional activities related to the blueberry industry.

Sec. 2. 36 MRS A §4302, sub-§1-A is enacted to read:

1-A. Grower. "Grower" means any person, firm, partnership, association or corporation engaged in the growing or selling of blueberries and which is not a "processor" as defined in subsection 2.

Sec. 3. 36 MRS A §4303, as amended by PL 1979, c. 392, §1, is further amended to read:

§4303. Rate of tax

There is levied and imposed a tax at the rate of ~~3 mills~~ 1/2¢ per pound of fresh fruit on all blueberries grown, purchased, sold, handled or processed in this State. The tax shall be computed on a fresh fruit basis, regardless of how the blueberries are processed.

Sec. 4. 36 MRS A §4303-A, as amended by PL 1979, c. 392, §2, is further amended to read:

§4303-A. Additional tax

There is levied and imposed an additional tax at the rate of ~~2 mills~~ 1/2¢ per pound of fresh fruit on all blueberries grown, purchased, sold, handled or processed in this State. The tax shall be computed on a fresh fruit basis, regardless of how the berries are processed, and shall be neither deducted from the purchase price nor collected from the seller under section 4306.

Sec. 5. 36 MRS A §4306, as amended by PL 1979, c. 392, §3, is further amended to read:

§4306. Tax deducted from purchase price

Each processor or shipper, purchasing blueberries and paying or becoming liable to pay the tax imposed by section 4303, shall charge and collect from the

seller a tax at the rate of ~~3 mills~~ $1/2\text{¢}$ per pound, to be deducted from the purchase price of all blueberries subject to the tax so purchased by such processor or shipper.

Sec. 6. 36 MRSA §4307, as amended by PL 1981, c. 364, §44, is further amended to read:

§4307. Records and reports; payment of tax

Every processor or shipper shall, on or before November 1st of each year, report to the State Tax Assessor, the quantity of blueberries purchased or sold by him during the current season, on forms furnished by the State Tax Assessor. Said report shall contain such further information pertinent thereto as said State Tax Assessor shall prescribe. With said report, each processor or shipper shall forward payment of the tax at the rate of ~~5 mills~~ 1¢ per pound upon all blueberries so reported as sold or purchased.

Sec. 7. 36 MRSA §4311, as amended by PL 1977, c. 533, §§4 and 5, is repealed.

Sec. 8. 36 MRSA §4311-A is enacted to read:

§4311-A. Appropriations of money received

Money received from the tax levied by sections 4303 and 4303-A shall be appropriated for the following purposes:

1. Collection and enforcement. For the collection of the taxes imposed by this law and the enforcement of this chapter. Any funds which accrue to the blueberry tax account and are held by the Treasurer of State shall be invested by him until disbursement is authorized by the Maine Blueberry Commission. The first \$20,000, each year, of income from any investment of blueberry tax funds shall accrue to the General Fund undedicated revenue, any additional amounts shall accrue to the blueberry tax account and shall be appropriated for the same purposes as specified elsewhere in this section.

2. Promotion, advertising and market development. The Maine Blueberry Commission may implement programs and activities to promote and advertise blueberries; and join with any local, state, federal or private agency, department, firm, corporation or association to implement the purposes of this section. At least 25% of the funds collected shall be allocated for these purposes;

3. Research and extension educational programs. Thirty percent of the funds collected, but not to exceed \$85,000, shall be dedicated to the University of Maine for the purpose of supplementing its research and extension programs related to improved methods of growing, harvesting, processing and marketing of blueberries. The Maine Blueberry Commission may allocate additional funds to the University of Maine or other organizations for research and extension programs as may be appropriate to implement the purposes of this section; and

4. Administration. The Maine Blueberry Commission, as authorized under section 4312-B, shall allocate not more than 15% of the funds collected for employment of personnel and expenses incurred for the administration of this chapter; and

5. Balance of funds. Any funds remaining over and above the expenses incurred for subsections 1, 2, 3 and 4 shall not lapse, but shall be carried forward to the same fund and for the same purposes for the next fiscal year.

Sec. 9. 36 MRSA §4312, as amended by PL 1977, c. 533, §6, is repealed and the following enacted in its place:

§4312. Advisory committee

A University of Maine Blueberry Advisory Committee shall be appointed by the Maine Blueberry Commission. The committee shall consist of 7 members who are active in and representative of the blueberry industry. The duty of the committee will be to advise and work with the University of Maine to develop and approve a plan of work and budgets for research and extension programs related to the production and marketing of blueberries.

Current members of the advisory committee shall continue to serve for the duration of their current appointments. New appointments to the advisory committee shall be for terms of 4 years and no appointee may be eligible for reappointment until the lapse of one year from the expiration of a previous appointment.

Sec. 10. 36 MRSA §4312-B, as repealed and replaced by PL 1977, c. 533, §8, is repealed and the following enacted in its place:

§4312-B. Maine Blueberry Commission

The Maine Blueberry Commission heretofore established shall be reorganized as follows.

1. Appointment. Appointments shall be made by the Commissioner of Agriculture, Food and Rural Resources.

2. Membership. The commission shall consist of 8 members who are active in and representative of the blueberry industry. Three members shall be grower representatives. Five members shall be processor representatives.

3. Term of appointments. Members of the Maine Blueberry Commission with current appointments shall continue to serve for the duration of their appointment. The term of office for each new appointment or reappointment shall commence on September 1st of the year appointed and continue for a term of 4 years or until a successor is duly appointed and qualified, except that, when making the 3 additional appointments in 1984, 2 appointments shall be for terms of 3 years and one for 4 years. To fill any vacancy, however caused, the commissioner shall appoint a successor for the duration of the unexpired term.

4. Organization. Members of the commission shall elect annually by majority vote one member of the commission who shall serve as chairman. The chairman may appoint an executive director or such personnel as it deems necessary to administer policies and programs established by the commission. These officers or personnel shall not be subject to the Personnel Laws of the State.

5. Compensation of commissioners. Members of the commission shall be reimbursed for actual expenses incurred in the performance of their duties, but shall receive no compensation for their services.

6. Function of commission. It is the responsibility of the commission to utilize and allocate such funds as may be available from the funds collected under section 4307 and the commission may make contracts or enter into contracts with any local, state, federal or private agency, department, firm, corporation or association as may be necessary to carry out the purpose of this chapter.

Effective July 25, 1984.
