

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
110TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-430)

HOUSE AMENDMENT "C" to H.P. 1486, L.D. 1613, Bill, "AN ACT to Promote the Maine Potato Industry by Improving the Quality of Packing and Marketing Maine Potatoes."

Amend the bill in section 4 by striking out everything after the amending clause and inserting in its place the following:

'The person or persons responsible for grading shall be as follows: If the violation is discovered in the packing house then the person or persons packing the potatoes shall be responsible; if the violation is discovered at any other place, then the person or persons whose name appears on the container shall be responsible.'

Further amend the bill by inserting after section 4 the following:

'Sec. 5. 7 MRSA §953, first sentence, as amended by PL 1979, c. 541, Pt. A, §60, is further amended to read:

† Notwithstanding section 952, it shall be unlawful for any person, firm, association, organization or corporation to expose for sale or sell at full sale or retail, to ship, deliver or consign, or have in possession potatoes prepared for market in containers which bear any statements, design or device regarding

such potatoes which shall be false or misleading, in any particular, or potatoes packed in such manner that the face or shown surface is not an average of the contents of the package, or potatoes that fail to meet the grade requirements established and promulgated by the commissioner or potatoes that are accompanied by a bill of lading false or misleading in any particular.'

Further amend the bill by renumbering sections 5 to 12 to be 6 to 13.

Statement of Fact

This amendment provides that the responsibility for grading shall be as follows: If the violation is discovered in the packing house, the person or persons packing the potatoes shall be responsible; if the violation is discovered at any other place, then the person or persons whose name appears on the container shall be responsible.

In addition, amending language is added to section 953 to clarify that, despite the new provisions of section 952, discretion is retained to prosecute others who maybe responsible for packing violations.

Filed by Mr. Mahany of Easton.
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