

# MAINE STATE LEGISLATURE

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## CHAPTER 305

## POTATOES

Sec.

1601. Trademarks.

1602. Licenses.

1603. Price.

1604. Buying and selling.

1605. Rules and regulations; contract.

1606. Enforcement; jurisdiction.

**§ 1601. Trademarks**

In order to better carry out the objectives of the Potato Tax Law, the Maine Potato Commission may develop and register trademarks. The Commissioner of Agriculture may delegate to the Maine Potato Commission the authority to regulate the use of the State of Maine trademark when used in packaging potatoes, both fresh and processed.

1963, c. 253.

**§ 1602. Licenses**

After notice of the establishment of a trademark by the commission, it shall be unlawful to use said trademark without first securing a permit or license from the Maine Potato Commission. Any violations of this section shall be punishable for the first offense by a fine of not more than \$50 and for any subsequent offenses by a fine of not more than \$200.

1963, c. 253.

**§ 1603. Price**

The Maine Potato Commission shall have the authority to set prices on trademarked potatoes sold by licensed shippers or processors.

1963, c. 253.

**§ 1604. Buying and selling**

In order to promote the prosperity of this State and of the potato industry by fostering and promoting better methods of production, processing, merchandising and advertising, the Maine

Potato Commission shall have the authority to buy and sell potatoes or processed potato products.

1963, c. 253.

**§ 1605. Rules and regulations; contract**

The Maine Potato Commission may prescribe rules and regulations for carrying out the purposes of this chapter, and may issue licenses to shippers or processors who shall enter into a contract with the commission and agree to abide by the rules and regulations. The commission may charge a fee on a per package or per hundred-weight basis for the use of trademarks established by the commission or of the State of Maine trademark used on potatoes, fresh or processed. The commission shall reserve the right to cancel any license for failure to abide by the rules and regulations of the commission, or for breach of the terms of any contract entered into with the commission; and the commission shall have the right to cancel all outstanding licenses at any time that the commission deems such action necessary to the best interest of the potato industry as a whole. The commission shall have the right to grant an exclusive license for the use of such trademarks to a single co-operative which shall, by contract with the commission, be empowered to issue licenses to shippers and processors on such terms and conditions as the commission may require.

1963, c. 253.

**§ 1606. Enforcement; jurisdiction**

The commission or a duly authorized representative may recover penalties imposed for violation of section 1602 in a civil action brought in the name of the commission, and if it prevails in such action shall recover full costs; or the commission may prosecute for violations thereof by complaint or indictment. The District Court and the Superior Court shall have concurrent jurisdiction of actions brought for the recovery of penalties imposed by section 1602, and of prosecutions for violations thereof. All fines received under section 1602 by county treasurers shall be paid by them to the Treasurer of State and the same are appropriated for carrying out this chapter.

1963, c. 253.