

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1357

S. P. 422

In Senate, February 24, 1965

Referred to the Committee on Agriculture, sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Manuel of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Revising the Potato Grading Law.

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

Sec. 1. R. S., T. 7, § 950, additional. Title 7 of the Revised Statutes is amended by adding a new section 950, to read as follows:

‘§ 950. Definitions:

1. Expose for sale. Potatoes packed in any type or kind of container, and found in any place in the State of Maine, whether that place shall be a depot, station, warehouse, packing house, boat dock or any place where potatoes are held in storage, or loaded on a boat, truck, trailer, or railroad car or motor vehicle, shall be deemed to be exposed for sale under this subchapter.

Potatoes in any dwelling house for the purpose of consumption on the premises shall not be deemed to be exposed for sale.’

Sec. 2. R. S., T. 7, § 951, repealed and replaced. Section 951 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 951. Official standards

The commissioner is authorized and empowered, after holding public hearing, to establish and promulgate official definitions and standards for grading, or classifying, packing and labeling potatoes and to change such official standards from time to time.

Such official standards shall not be lower in their requirements than the minimum requirements of the official standards for corresponding grades or

classifications as promulgated from time to time by the Secretary of Agriculture of the United States, commonly known as U. S. Grades.'

Sec. 3. R. S., T. 7, § 952, amended. Section 952 of Title 7 of the Revised Statutes is amended to read as follows:

§ 952. Branding

It shall be unlawful for any person, firm, association, organization or corporation, or agent, representative or assistant to any person, firm, association, organization or corporation to expose for sale, or sell, at wholesale or retail, to ship, deliver or consign or have in possession potatoes prepared for market unless ~~such container has in containers which have~~ been legibly and conspicuously tagged, branded, labeled or stenciled ~~before being removed from the premises where prepared for market~~ with the name and address of the person or persons responsible for the grading and packing, and the name of the grade, net weight and the word "potatoes." ~~It shall be unlawful for any person, firm, association, organization or corporation or agent, or representative, or assistant to any person, firm, association, organization or corporation to expose for sale or sell at wholesale or retail any potatoes unless the container in which such potatoes have been placed has been legibly and conspicuously tagged, branded, labeled or stenciled with the name and address of the person or persons responsible for the grading and packing and the names of the grade together with the true net contents of said container. Bulk shipments shall be accompanied by 2 cards not less than 4 by 6 inches in size, placed on the inside of ear near each door. Likewise cards in size as described shall be prominently displayed on all bulk shipments made by truck or other conveyance. Upon each card shall appear the name and address of the consignor, the name of the grade, the name of the loading station, the date of loading and the name and address of the consignee, if known. The person or persons packing potatoes shall be responsible for the grading. Each lot of potatoes sold at wholesale shall be accompanied by a bill of lading or invoice stating grade, name and address of packer, name and address of the consignor, name and address of the consignee, date of loading and name of loading point. The bill of lading or invoice shall be prima facie evidence in any court of the person or persons packing potatoes. It shall be conclusive evidence that potatoes are exposed for sale when contained packed in containers intended for delivery or transit, or when the same are exposed for sale, or when the same are in the process of delivery or transit, or are located at a depot, station, warehouse, packing house, boat dock or any place where potatoes are held in storage, or loaded on a boat, truck, trailer or railroad car, for immediate or future sale or transit. When a violation of the above provisions occurs, it is deemed to have taken place at the point where such violation first became evident to the commissioner or his duly authorized representative.'~~

Sec. 4. R. S., T. 7, § 953, repealed. Section 953 of Title 7 of the Revised Statutes is repealed.

Sec. 5. R. S., T. 7, § 954, amended. Section 954 of Title 7 of the Revised Statutes is amended to read as follows:

§ 954. Sale without grading by grower

No provisions of sections 951 to 957 shall be construed to prevent a grower or shipper of potatoes from selling or delivering the same within the State unpacked, or selling his crop in bulk, or any part thereof, to a packer for grading, packing or storage within the State; nor shall any provision of said sections prevent any person from manufacturing the same into any by-product, or from selling the same unpacked to any person actually engaged in the operation of a commercial by-products factory for the sole and express purpose of being used within the State in the manufacture of a by-product ~~for resale.~~'

Sec. 6. R. S., T. 7, § 954-A, additional. Title 7 of the Revised Statutes is amended by adding a new section 954-A, to read as follows:

§ 954-A. Seizure of misbranded, mislabeled or misrepresented product

Whenever the commissioner or his duly authorized representative shall find from inspection, as authorized in section 956, that potatoes are being sold, exposed for sale, or shipped for sale in containers, and the containers bear any statements, design or device regarding such potatoes which shall be false or misleading, in any particular, or if potatoes are packed in such manner that the face or shown surface is not an average of the contents of the package, or if such potatoes fail to meet the minimum grade requirements established as a state grade by the Commissioner of Agriculture, or if the potatoes are not accompanied by a proper bill of lading or invoice as provided by section 952, then the commissioner, or his duly authorized representative, may seize such potatoes so that they cannot be sold, offered, exposed for sale or transported until such potatoes have been regraded or relabeled and accompanied by a federal-state inspection certificate showing that the potatoes in such containers conform in every particular to the markings on such containers, or until a proper bill of lading or invoice is produced.'

Sec. 7. R. S., T. 7, § 956, amended. The first paragraph of section 956 of Title 7 of the Revised Statutes is amended to read as follows:

'The commissioner shall diligently enforce all of the provisions of sections 951 to 957. He, either in person or by a duly authorized representative, shall have free access, ingress and egress ~~during business hours~~ to any place **or any building, boat, truck, trailer, or railroad car, warehouse, depot, station, packing house, boat dock,** or any building wherein potatoes are packed, stored, transported, sold, offered or exposed for sale or for transportation. He may **also**, in person, or by duly authorized representative, open any ~~box, barrel or other~~ container and may, upon tendering market price, take samples therefrom. He may recover penalties imposed for violation of said sections in a civil action brought in his own name and if he prevails in such action shall recover full costs; or he may prosecute for violations thereof by complaint or indictment.'

Sec. 8. R. S., T. 7, § 957, amended. Section 957 of Title 7 of the Revised Statutes is amended to read as follows:

§ 957. Penalties

Any person, firm or corporation who shall violate any of the provisions of

sections 951 to 957 or neglect or refuse to comply with any of the provisions required therein or in any way violate any of said provisions shall be punished by a fine of not more than \$100 for the first offense and by a fine of not more than ~~\$200~~ \$300 for each subsequent offense.'