

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 967

H. P. 794

House of Representatives, March 6, 1975

Referred to Committee on Agriculture. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Albert of Limestone.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Making Potato Processors Subject to Certain Provisions of the
Licensing and Bonding Statutes for the Bonding of Potatoes.

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

Sec. 1. 7 MRSA § 1014, as last amended by PL 1971, c. 600, § 5, is further amended to read:

§ 1014. Licensing; agents

No person shall act as a dealer, **processor**, broker, agent or retailer unless duly licensed as provided in this Article. Every person, before acting as a dealer, **processor**, broker, agent or retailer, shall file an application with the commissioner for a license to transact the business of a dealer, **processor**, broker, agent or retailer and such application shall be accompanied by the license fee provided in this Article.

No person shall buy, solicit or negotiate the sale of any potatoes in this State as a representative of any dealer, **processor**, broker or retailer, unless such representative has been so authorized by a duly licensed dealer, **processor**, broker or retailer in writing, and a copy of such authorization is filed with the commissioner, except where such representative conducts business in the office of said dealer, **processor**, broker or retailer. The commissioner shall be notified in writing by said dealer, **processor**, broker or retailer immediately upon the termination of such authorization.

Sec. 2. 7 MRSA § 1016, first sentence, as enacted by PL 1971, c. 366 is amended to read:

The commissioner or his duly authorized agent shall have full authority to investigate upon the verified complaint of any interested person, or on his

own motion, the conduct and activities of any person applying for or holding a license as dealer, **processor**, broker, agent or retailer and for such purpose may examine the books and papers of any such person and may take testimony and affidavits thereon under oath.

Sec. 3. 7 **MRSA** § 1017, sub-§ 1, ¶ **D**, 2nd sentence, as enacted by PL 1971, c. 366, is amended to read:

This shall not prevent any dealer, **processor**, broker, agent or retailer, in order to close the day's business, from taking into account in his record of sales miscellaneous lots or parcels of potatoes remaining unsold, if such dealer, **processor**, broker, agent or retailer on the business day next following shall properly enter such transaction in his accounts;

Sec. 4. 7 **MRSA** § 1017, sub-§ 1, ¶ **G**, as enacted by PL 1971, c. 366, is amended to read:

G. That a dealer, **processor**, broker, agent or retailer to whom any consignment is made has reconsigned such consignment to another dealer, **processor**, broker, agent or retailer and has received, collected or charged by such means more than one commission for making the sale therefor for the consignor without written consent of such consignor;

Sec. 5. 7 **MRSA** § 1024, sub-§ 2, as enacted by PL 1971, c. 366, is repealed.

STATEMENT OF FACT

This bill will bring potato processors under the provisions of the statutes concerning the licensing and bonding statutes for the marketing of potatoes.