

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2220

S. P. 701

In Senate, February 17, 1976

Reported by Senator Hichens of York from Committee on Agriculture, pursuant to Joint Order S. P. 530 and printed under Joint Rules No. 3.

HARRY N. STARBRANCH, Secretary

Filed under Joint Rule 3 pursuant to S. P. 530.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT to Promote the Sale of Maine Potatoes.

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

Sec. 1. 7 MRSA § 952, first 2 sentences, as repealed and replaced by PL 1965, c. 219, § 3 and as amended by PL 1965, c. 464, are further amended to read:

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 in containers which have been legibly and conspicuously tagged, branded, labeled or stenciled with the name and address of the person, ~~or persons~~ firm or corporation responsible for packing and the name of the grade, net weight and the word "potatoes." The person ~~or persons~~, firm or corporation packing potatoes shall be responsible for the grading.

Sec. 2. 7 MRSA § 954, as amended by PL 1965, c. 219, § 5, is repealed and the following enacted in place thereof:

§ 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; and the name and address of the person, firm or corporation doing the packing and the information required in section 952 shall appear on the container. No provision of those sections

shall 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.

Sec. 3. 7 MRSA § 954-A, as enacted by PL 1965, c. 219, § 6, is amended to read:

§ 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~~ commissioner, 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.~~ Any potatoes seized by the commissioner or his duly authorized representative for failure to meet the minimum grade requirements established by the commissioner shall be returned to the person, firm, or corporation responsible for packing the potatoes at the point of origin. Misbranded potatoes shall not be exposed or offered for sale or transported until such potatoes have been regraded and are accompanied by a federal-state inspection certificate showing that the potatoes meet the minimum grade requirements specified on the container.

Sec. 4. 7 MRSA § 957, as amended by PL 1965, c. 219, § 8, is repealed and the following enacted in place thereof:

§ 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 those provisions shall be punished by a fine of not less than \$100 nor more than \$200 for the first offense, and a fine of not less than \$400 nor more than \$500 for the 2nd offense, and a fine of not less than \$1,000 for the 3rd and subsequent offenses committed during the year from September 1st to August 31st.

STATEMENT OF FACT

The intent of this legislation is to increase the quality of Maine potatoes sold as fresh stock on the open market. This bill will increase the penalties for selling misbranded potatoes and will require persons, firms or corporations actually doing the packaging of potatoes to place their names and addresses on the container to indicate the actual packer responsible for packing the potatoes.