

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2221

S. P. 702

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 Revise the Potato Licensing Law.

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

Sec. 1. 7 MRSA, § 1015, 5th ¶, as enacted by PL 1971, c. 366, is amended to read:

Each license shall plainly state the name and business address or addresses of the licensee and shall be posted in a conspicuous place in each office where the business is transacted. The initial fee for each license shall be ~~\$50~~ \$80. Such license shall be automatically renewed for successive periods of one year each upon payment of the renewal fee which shall be ~~\$25~~ \$80. If the licensee desires to carry on business in more than one place within the State, he shall procure additional copies of the license, certified by the commissioner, for each place where the business is to be conducted. The fee for each such certificate shall be ~~\$2~~ \$80.

Sec. 2. 7 MRSA § 1017, sub-§ 4, is enacted to read:

4. Notification of insufficient or no payment. Producers may notify the Department of Agriculture of insufficient or no payment for potatoes delivered to any processor in the State in violation of section 1017, subsection 1, paragraph B.

Upon notification in regard to insufficient payment or nonpayment to producers, the Commissioner of Agriculture shall investigate the complaint and shall hold a hearing within 40 days from date the complaint was filed in accordance with the procedures established in sections 1018 to 1020, unless such hearing is waived by the processor against whom the charge has been made.

**The commissioner may require the licensee, who has been accused or found guilty after a hearing of insufficient payment or nonpayment of debts owed a producer, to formulate a schedule of payments to the producer that is satisfactory to the commissioner.**

**The licensee accused of or found by a hearing to be in default of payment to a producer shall submit a payment schedule to the commissioner within one week from the commissioner's request for a payment schedule. In the event that the schedule of payment is not satisfactory to the commissioner, the commissioner shall establish the schedule of payment.**

**A licensee found guilty of insufficient payment or nonpayment of debts owed a potato producer may appeal the decision in accordance with the procedure defined in section 1021.**

**Nothing in this section shall be construed to prohibit a producer from seeking redress for insufficient payment or nonpayment from licensees in any court or in accordance with any federal procedure established to obtain redress.**

#### STATEMENT OF FACT

The intent of this legislation is to encourage producers to notify the Commissioner of Agriculture in regard to no payment or insufficient payment from processors. This bill also provides for additional revenues to enforce the present law.