

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)

S.
D. OF R.

L.D.1230

STATE OF MAINE
SENATE
109TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-318)

SENATE AMENDMENT "A " to H.P. 993, L.D. 1230, Bill, "AN ACT Relating to Potato Quality."

Amend the Bill by inserting at the beginning of the first line after the enacting clause the underlined abbreviation and figure 'Sec. 1.'

Further amend the Bill in that part designated "\$951-A." in the first paragraph by striking out all of the 2nd underlined sentence and inserting in its place the following:

'A person, firm or corporation that plants potatoes in violation of this section shall be subject to a fine of up to \$20 per acre, based on total acreage of potatoes planted by that person, firm or corporation for that growing season. The fine shall be payable to the Treasurer of State and credited without lapsing to the commissioner for the enforcement of this section. The commissioner shall adopt rules consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this section. Prior to their adoption, these rules shall be reported to the Joint Standing Committee on Agriculture by January 15, 1980 for its review.'

Further amend the Bill by inserting at the end before the Statement of Fact the following:

'Sec. 2. 7 MRSA §957, first sentence, as repealed and replaced by PL 1977, c. 696, §2, is amended to read:

Any person, firm or corporation who shall violate any of the provisions of sections ~~951~~ 952 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 subject to the following civil penalties payable to the State to be recovered in a civil action:

Sec. 3. Effective date. This Act shall become effective on January 1, 1981.'

Statement of Fact

Section one of this amendment removes the power of the commissioner to prescribe terms of sale for potatoes planted in violation of the bill. It increases the amount of the fine that can be assessed and makes the fine applicable to every acre of potatoes planted by a person, firm or corporation, rather than only those acres planted in violation. In addition, it changes the basis of the fine from "hundredweight harvested" to "acres planted" The addition of review of rules by the committee will assure that the implementation will be effective and consistent with the intent of the legislation.

Section 2 of this amendment eliminates additional penalties for violation of section 951-A.

Section 3 of this amendment allows for a delayed effective date in order to give the department and growers sufficient time to change present practices and will not interfere with current plans and arrangements being made for the next crop year.

(McBreairty)

NAME:

James McBriarty

COUNTY: Aroostook

Reproduced and distributed pursuant to Senate Rule 11-A.

June 6, 1979

(Filing No. S-318)