

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1439**

S. P. 517

In Senate, March 24, 1981

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator McBreairty of Aroostook.

Cosponsors: Representative C. W. Smith of Mars Hill, Representative Peterson of Caribou and Representative H. Martin of Van Buren.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Promote the Maine Potato Industry.**

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

Sec. 1. 7 MRSA c. 103, sub-c. X-A is enacted to read:

**SUBCHAPTER X-A**

**MAINE POTATO QUALITY CONTROL ACT**

§ 1031. Purpose

The purpose of this subchapter is to use a public and private partnership to create a voluntary potato quality control system to promote the sale of Maine potatoes.

§ 1032. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Board. "Board" means the Maine Quality Control Board.
2. Consumer pack. "Consumer pack" means a unit of less than 50 pounds net weight of potatoes contained in a bag or other type container.

3. **Grade.** "Grade" means any one of the officially established grades of potatoes as adopted by the board.

4. **Inspector.** "Inspector" means any authorized inspector of the Federal-State Inspection Service, or inspector licensed pursuant to section 1036.

5. **Maine bag.** "Maine bag" means any consumer pack for potatoes on which appear the word "Maine" or a logo containing an outline of the State and the grade of potatoes therein. The address of the producer, packer or any other person may appear only at the bottom of the bag in letters not taller than 1/4 inch.

6. **Market year.** "Market year" means the period August 1st to July 31st.

**§ 1033. Maine Potato Quality Control Board**

1. **Board.** The Maine Potato Quality Control Board is established, to consist of the following members:

A. A representative of and appointed by:

- (1) The Maine Potato Commission;
- (2) The Maine Potato Council;
- (3) The Maine Farm Bureau Potato Committee;
- (4) The Agricultural Bargaining Council; and
- (5) The Maine Potato Sales Association:

B. A representative of the Department of Agriculture, Food and Rural Resources, appointed by the commissioner; and

C. A person appointed by the Governor to represent consumers, appointed for a 2-year term.

2. **Duties.** The board shall have the following duties:

- A. To promote the quality control of potatoes made subject to this subchapter;
- B. To adopt grades for potatoes and identification to be used on consumer packs of potatoes to be packed in Maine bags, as authorized in this subchapter;
- C. To hear and resolve grievances regarding inspections;
- D. To employ and supervise staff as necessary;
- E. To require reports of inspectors on work done under this subchapter; and
- F. To do other acts necessary to implement this subchapter.

3. **Procedures.** The board is not subject to the Maine Administrative Procedure Act, Title 5, chapter 375, but shall conduct its business in an open manner.

4. **Finances.** The board may receive funds from any source and spend funds

in furtherance of this subchapter. It shall be paid mileage at the rate authorized for state employees, and a per diem to be determined by the board. It may employ staff and hire consultants. All fees paid to inspectors pursuant to this subchapter shall be paid by the board. Any funds received by the board, including inspection fees and civil penalties, shall be placed in a nonlapsing revolving fund.

§ 1034. Grades

1. Grades. Prior to August 1st of each year, the board shall adopt official grades for potatoes. Prior to adoption, the board shall hold at least one public hearing where the public shall be given an opportunity to comment on the proposed grades. At least 7 days prior to the hearing, the board shall place a notice of the hearing in newspapers in all sections of the State. Once adopted for the marketing year, the grades shall not change for that year.

2. Logo and Maine bag. The board shall adopt an official logo which at a minimum shall contain an outline of the shape of the State. Any Maine bag shall contain a statement that the contents have been inspected and meet the grade standards of the board.

§ 1035. Packing and inspection; shipping penalty; enforcement

1. Packing and inspection. No person may pack potatoes in a Maine bag or in a consumer pack containing the word "Maine" anywhere, except in the address at the bottom, in letters taller than 1/4 inch, an outline of the shape of the State, or the logo adopted by the board, unless:

A. He has given notice of intent to pack to the board; and

B. An inspection fee of 5¢ per hundred weight is paid to the board by the packer according to a schedule and procedure adopted by the board.

2. Shipping. A packer shall ship potatoes in the Maine bag only those potatoes that have been inspected and determined by the inspector to have met the standards required by this subchapter.

3. Penalty. Any person who violates this section is subject to the following civil penalties payable to the board to be recovered in a civil action:

A. For the first violation, a civil penalty of \$100;

B. For the 2nd violation, a civil penalty of \$250; and

C. For the 3rd and subsequent violations, a civil penalty of \$500. Any person who is fined for a 3rd violation shall be required to pay to the board the full inspection cost for potatoes subsequently inspected under this subchapter.

4. Enforcement. In order to determine whether an inspection is being conducted or has been conducted pursuant to this subchapter, an employee of the board, or its duly authorized representative, shall have free access, ingress and egress to any place or any building, boat, truck, trailer, 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.

§ 1036. Inspector licensing

The Commissioner of Agriculture, Food and Rural Resources shall establish standards for licensing inspectors for the purposes of this subchapter; conduct examinations to license; and license successful applicants. The commissioner shall charge a fee of \$10 for taking the examination and \$15 for a license. A license shall be for 2 years and may be renewed.

**Sec. 2. Transition provisions.** Any grades, sizes and the form of the Maine bag approved prior to the effective date of this subchapter by a board identical in composition to the Maine Potato Quality Control Board by the procedure set out in this subchapter is deemed ratified on the effective date of this subchapter.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

MAINE POTATO QUALITY CONTROL BOARD

	1981-82	1982-83
Unallocated	\$131,250	\$150,000

**Sec. 4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1981-82	1982-83
<b>SEED POTATO BOARD</b>		
Positions	(1)	(1)
Personal Services	\$ 23,438	\$ 31,250
Plant Pathologist		
All Other	14,063	18,750
Capital Expenditures:	105,500	313,000
Disinfecting wheel bath	\$3,000	\$ —
Greenhouse	7,500	—
Potato storage addition	—	48,000
Laboratory and greenhouse	—	175,000
Refinish existing buildings	—	15,000
Seedling storage	40,000	—
Irrigation equipment	35,000	—
Machinery storage buildings (repair old, build new)	20,000	75,000
<b>TOTAL</b>	<b>\$143,001</b>	<b>\$363,000</b>

STATEMENT OF FACT

The purpose of this bill is to promote the Maine potato industry by:

- 1. Establishing a voluntary quality control program; and
- 2. Strengthening programs of the Seed Potato Board.

VOLUNTARY QUALITY CONTROL PROGRAM

The bill proposes a quality control program as follows:

- 1. A Maine Potato Quality Control Board is established consisting of representatives of the potato industry, the Department of Agriculture, Food and Rural Resources and consumers. The board will be assisted by a staff.
- 2. The board will adopt official grades for potatoes.
- 3. Any person packing potatoes may voluntarily participate in the program by having his potatoes inspected, he then may pack them in the Maine bag.
- 4. The inspection may be accomplished by an inspector of the Federal-State Inspection Service or an inspector licensed under the authority of the bill.
- 5. Civil penalties are provided for violation of the law.
- 6. The costs of inspection and administration will be paid through a 5¢ per hundredweight inspector fee paid by the packer and by a state appropriation.

SEED POTATO BOARD

The Seed Potato Board will continue to play a major role for the state's potato industry by developing and growing new, healthy varieties of potato seed, to be used by producers. The board needs new operating and capital funds to permit it to provide a service comparable to the service provided by facilities in other states and Canadian provinces.

If the board is not able to perform this service, it will place the Maine potato industry at a competitive disadvantage with other states and the Canadian provinces. This bill authorizes appropriations for the following:

- 1. Salary and related costs for a plant pathologist ..... \$ 50,000  
(per year annualized rate)
- 2. An additional disinfecting wheel bath .....3,000
- 3. Plastic greenhouse for seedling testing.....7,500
- 4. Potato storage addition for improved handling ..... 48,000
- 5. Repair to existing machine shop ..... 20,000
- 6. Refinishing for existing buildings (aluminum siding) ..... 15,000
- 7. Laboratory and greenhouse .....175,000

8. Seedling storage (to replace one built in 1930's) .....	40,000
9. Irrigation update (new main line pump) .....	35,000
10. Machinery storage building .....	75,000