

# MAINE STATE LEGISLATURE

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1 (After Deadline)  
2 (EMERGENCY)  
3 SECOND REGULAR SESSION  
4

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5 ONE HUNDRED AND TENTH LEGISLATURE  
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7 **Legislative Document**

**No. 1918**

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9 H. P. 1942 House of Representatives, February 3, 1982  
Approved for introduction by a majority of the Legislative  
Council pursuant to Joint Rule 27.

Reference to the Committee on Agriculture suggested and  
ordered printed.

10 EDWIN H. PERT, Clerk  
Presented by Representative Mahany of Easton.

Cosponsors: Senator Hichens of York, Representative Sherburne  
of Dexter and Representative C.B. Smith of Island Falls.

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12 **STATE OF MAINE**  
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14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-TWO  
16

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17 **AN ACT to Amend the Maine Potato Quality**  
18 **Control Program.**  
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20 **Emergency preamble.** Whereas, Acts of the Legislature  
21 do not become effective until 90 days after adjournment  
22 unless enacted as emergencies; and

23 Whereas, the Maine Potato Quality Control Program was  
24 enacted by the First Regular Session of the 110th Legis-  
25 lature; and

26 Whereas, many potato bags in inventory will be techni-  
27 cally out of compliance with the law; and

28 Whereas, the Maine Potato Quality Control Program  
29 became fully operational on February 1, 1982, and being out  
30 of compliance will impose a hardship on many people in the  
31 potato industry; and

1           Whereas, in the judgment of the Legislature, these  
2 facts create an emergency within the meaning of the Consti-  
3 tution of Maine and require the following legislation as  
4 immediately necessary for the preservation of the public  
5 peace, health and safety; now, therefore,

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

7           **Sec. 1. 7 MRSA §951-B, last sentence, as enacted by PL**  
8 **1981, c. 513, §3, is amended to read:**

9 The potato inspection fee schedule may provide for a lower  
10 inspection rate for any person who is packing potatoes in a  
11 Maine bag as defined by section 1032, subsection ~~4~~ 3.

12           **Sec. 2. 7 MRSA §1032, sub-§2, as enacted by PL 1981,**  
13 **c. 513, §10, is amended by adding at the end a new sentence**  
14 **to read:**

15 Consumer pack shall not mean a master container.

16           **Sec. 3. 7 MRSA §1032, sub-§2-A is enacted to read:**

17 2-A. Identification marks of bag manufacturers and bag  
18 distributors. Identification marks of bag manufacturers and  
19 bag distributors are exempt from this Act.

20           **Sec. 4. 7 MRSA §1032, sub-§3, as enacted by PL 1981,**  
21 **c. 513, §10, is repealed and the following enacted in its**  
22 **place:**

23 3. Maine bag. "Maine bag" means any consumer pack for  
24 potatoes on which appears the word Maine in letters larger  
25 than 1/4 inch or a pictorial representation of the outline of  
26 the shape of the state.

27           **Sec. 5. 7 MRSA §1032, sub-§5 are enacted to read:**

28 5. Other than Maine bag. A bag other than a Maine bag  
29 may have the word "Maine" appear only in the name and ad-  
30 dress of the producer, packer or any other person, at the  
31 bottom of the bag, provided that the letters are not taller  
32 than 1/4 inch.

33           **Sec. 6. 7 MRSA §1035, sub-§2, as enacted by PL 1981,**  
34 **c. 513, §10, is amended to read:**

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

6           Sec. 7. PL 1981, c. 513, §13, last ¶ is repealed and  
7 the following enacted in its place:

8                         The Commissioner of Agriculture, Food and  
9                         Rural Resources shall provide no more  
10                        than \$30,000 each year to the Maine  
11                        Potato Quality Control Board which shall  
12                        use these funds for the purposes of the  
13                        Revised Statutes, Title 7, chapter 103,  
14                        subchapter X, article 4. The remaining  
15                        funds shall be used to reduce inspection  
16                        costs conducted under the authority of  
17                        the Revised Statutes, Title 7, chapter  
18                        103, subchapter X, article 4. The com-  
19                        missioner shall separately account for  
20                        any funds to implement article 4 and  
21                        shall not merge them with other accounts.  
22                        Funds appropriated for this program shall  
23                        not lapse before June 30, 1983.

24           Emergency clause. In view of the emergency cited in  
25 the preamble, this Act shall take effect when approved.

#### 26   STATEMENT OF FACT

27           The first session of the 110th Legislature enacted the  
28 Maine Potato Quality Control Program. That program became  
29 fully operational on February 1, 1982, at which time rules  
30 adopted by the board took effect.

31           The law establishing that program established certain  
32 information to be included on any bag subject to the pro-  
33 gram, called a "Maine bag," and prohibited other information  
34 from being included on consumer pack potato bags that are  
35 not in the program. It has since become apparent that many  
36 bags currently in inventory will be technically out of com-  
37 pliance with the law, and that this will create a hardship  
38 on many people in the potato industry.

39           This bill will correct these and other technical prob-  
40 lems, as follows.

1           1. Section 1 of the bill corrects an incorrect refer-  
2           ence;

3           2. Section 2 of the bill clarifies that the term "con-  
4           sumer pack" does not include a master container;

5           3. Sections 3, 4 and 5 of the bill change and clarify  
6           what is, and what need not be, a "Maine bag:"

7           A. A "Maine bag" is defined to be any consumer pack  
8           for potatoes on which appears the word "Maine" or the  
9           shape of the State except as otherwise provided. Sec-  
10           tions 4 and 6 delete from the law the requirement that  
11           Maine bags shall contain a statement that the contents  
12           have been inspected and meet the grade standards of the  
13           board; and

14           B. A consumer pack potato bag that is not a Maine bag  
15           may contain:

16           (1) The word "Maine" only in the name and address  
17           of the producer, packer or any other person, at  
18           the bottom of the bag in letters not taller than  
19           1/4 inch; and

20           (2) Any bag manufacturer's identification mark or  
21           bag distributor's identification mark is made ex-  
22           empt from Title 7, chapter 103, subchapter X,  
23           article 4.

24           4. Section 7 of the bill clarifies that funds appro-  
25           priated for potato inspection by the bill establishing the  
26           Maine Potato Quality Control Program shall be used only for  
27           inspections conducted under the program; requires the com-  
28           missioner to separately account for all funds appropriated  
29           for the program; and provides that funds for the program  
30           that were appropriated last year shall not lapse before June  
31           30, 1983.

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