

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 835

6
7 S.P. 272

In Senate, February 22, 1983

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

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Carpenter of Aroostook.

Cosponsors: Senator Violette of Aroostook, Speaker Martin of Eagle
Lake and Representative Lisnik of Presque Isle.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to Agricultural Contracts.
18

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

21 Sec. 1. 7 MRSA §1017, sub-§1, ¶B, as enacted by
22 PL 1971, c. 366, is amended to read:

23 B. That the applicant or licensee has failed or
24 refused to render a true account of sales, or to
25 make a settlement thereon, within the time and in
26 the manner required by this Article, or has
27 failed or refused to pay for potatoes purchased
28 by the applicant or licensee within 20 days after
29 ~~acceptance~~ taking control of ~~said~~ those potatoes;

30 Sec. 2. 7 MRSA §1017, sub-§1, ¶L, as enacted by
31 PL 1971, c. 366, is amended to read:

1 L. That the applicant or licensee has committed
2 any act or conduct with regard to the handling,
3 sale or storage of potatoes whether of the same
4 or different character than ~~hereinabove~~
5 in this subsection, which constitutes or demon-
6 strates bad faith, incompetency or untrustworthi-
7 ness, or dishonest, fraudulent or improper deal-
8 ings; or

9 Sec. 3. 7 MRSA §1017, sub-§1, ¶M is enacted to
10 read:

11 M. That the applicant or licensee has failed to
12 deliver to the seller the confirmation required
13 by section 1022 within the time specified.

14 Sec. 4. 7 MRSA §1022, sub-§1, as enacted by PL
15 1971, c. 366, is amended to read:

16 1. Record. Every person required to be licensed
17 under this Article, upon having negotiated a sale of
18 potatoes for others or upon having purchased potatoes
19 from the producer, shall cause a record of such that
20 transaction to be made, and deliver promptly to the
21 seller a copy thereof to the seller within 24 hours
22 of when the sale unit leaves the control of that
23 seller, setting forth the following with reference to
24 the handling, sale and storage of such those pota-
25 toes;:

26 A. Date of sale;

27 B. Name and address of producer;

28 C. Name and address of seller;

29 D. Name and address of buyer;

30 E. Name and address of broker, if any;

31 F. Name and address of handler, if any;

32 G. Name and address of any person designated as
33 a secured party on a financing statement naming
34 the seller as debtor filed in accordance with
35 Title 11, section 9-401, covering the potatoes,
36 if any;

- 1 H. Mode of transportation of shipment, if known;
2 if unknown, such information shall be provided
3 the seller prior to shipment;
- 4 I. Name of carrier, if known; if unknown, such
5 information shall be provided the seller prior to
6 shipment;
- 7 J. If there is a broker or a retailer involved
8 in a transaction, point of final destination;
- 9 K. Date of shipment;
- 10 L. If there is a broker or a retailer involved
11 in the transaction, contemplated date of arrival
12 at final destination;
- 13 M. Grade, size, weight and amount and other
14 specifications;
- 15 N. Price for the potatoes, per unit and total;
- 16 O. Any deductions to be made from the proceeds
17 for expenses to be borne by the seller or
18 handler;
- 19 P. All other essential details of the purchase
20 or sale; and
- 21 Q. If there is a broker involved in the trans-
22 action, an itemized accounting which separately
23 sets forth all charges in connection with the
24 sale, including the brokerage fee, if any.

25 Sec. 5. 7 M RSA §1022, sub-§4 is enacted to read:

26 4. Record copies. The buyer shall forward to
27 the Commissioner of Agriculture, Food and Rural
28 Resources a copy of the record of transaction, re-
29 quired by this section, within 48 hours of when the
30 sale unit leaves the control of the seller. Failure
31 to comply with this requirement is a violation of
32 section 1017, subsection 1, paragraph B.

1 STATEMENT OF FACT

2 The purpose of this bill is to make changes in
3 the laws relating to potato contracts.

4 Section 1 clarifies when a licensee is considered
5 to have violated the requirement of making payment.

6 Section 3 establishes failure to deliver a sales
7 confirmation form within the specified time a viola-
8 tion of the law.

9 Section 4 clarifies when a sales transaction
10 record must be given to the seller.

11 Section 5 establishes a new requirement that the
12 Commissioner of Agriculture, Food and Rural
13 Resources must be mailed a copy of the sales trans-
14 action record within 48 hours of when the potatoes
15 leave the seller's control.

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