

MAINE STATE LEGISLATURE

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1 (After Deadline)

2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 1642

7
8 S.P. 567

In Senate, May 18, 1983

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

11 Received by the Secretary of the Senate on May 18, 1983. Referred to the
Committee on Agriculture and ordered printed pursuant to Joint Rule 14.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Carpenter of Aroostook.

12 Cosponsors: Representative Smith of Island Falls and Senator Violette of
Aroostook.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-THREE
17

18 AN ACT Relating to the Branding of
19 Potatoes.
20

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

23 7 MRSA §952, as amended by PL 1981, c. 513, §4,
24 is further amended to read:

25 §952. Branding

26 It shall be unlawful for any person, firm, asso-
27 ciation, organization or corporation, or agent,
28 representative or assistant to any person, firm,
29 association, organization or corporation to expose
30 for sale, or sell, at wholesale or retail, to ship,
31 deliver or consign or have in possession potatoes
32 prepared for market unless in containers which have
33 been legibly and conspicuously tagged, branded,
34 labeled or stenciled with the name and address of the

1 person or persons responsible for packing and the
2 name of the grade, net weight and the word "pota-
3 toes." All potatoes packed in this State must be
4 packed in containers which conspicuously bear the
5 name of the county where the potatoes were grown. The
6 person or persons responsible for grading shall be as
7 follows: If the violation is discovered in the pack-
8 ing house then the person or persons packing the
9 potatoes shall be responsible; if the violation is
10 discovered at any other place, then the person or
11 persons whose name appears on the container shall be
12 responsible. Each lot of potatoes sold at wholesale
13 shall be accompanied by a bill of lading or invoice
14 stating grade, name and address of packer, name and
15 address of the consignor, name and address of the
16 consignee, date of loading and name of loading point.
17 The bill of lading or invoice shall be prima facie
18 evidence in any court of the person or persons pack-
19 ing potatoes. It shall be conclusive evidence that
20 potatoes are exposed for sale when packed in contain-
21 ers for delivery or transit, or when the same are in
22 the process of delivery or transit, or are located at
23 a depot, station, warehouse, packing house, boat dock
24 or any place where potatoes are held in storage, or
25 loaded on a boat, truck, trailer or railroad car, for
26 immediate or future sale or transit. Potatoes located
27 at warehouses, or packing houses at point of origin,
28 shall not be deemed exposed for sale until they are
29 loaded or are in the process of being loaded in vehi-
30 cles of transportation. When a violation of this
31 section occurs, it is deemed to have taken place at
32 the loading point or where such violation first
33 became evident to the commissioner or his duly
34 authorized representative.

35 STATEMENT OF FACT

36 The purpose of this bill is to ensure that the
37 county of origin of all potatoes packed in this State
38 will be conspicuously marked on each container of
39 potatoes.

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