

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 85

8 S.P. 59

In Senate, January 17, 1985

9 Reference to the Committee on Agriculture suggested and ordered
10 printed.

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

Presented by Senator Carpenter of Aroostook.

12 Cosponsored by Representative Lisnik of Presque Isle, Senator Erwin of
Oxford and Senator McBreairty of Aroostook.

13 STATE OF MAINE
14

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

18 AN ACT Relating to Potato Labeling.
19

20 Emergency preamble. Whereas, Acts of the Legis-
21 lature do not become effective until 90 days after
22 adjournment unless enacted as emergencies; and

23 Whereas, the potato labeling requirements enacted
24 in the 111th Legislature have proven to be a hardship
25 on certain potato packers who have large supplies of
26 unlabeled potato bags; and

27 Whereas, unless an exemption is granted to those
28 packers, they will be unable to use those bags, thus
29 causing them severe economic hardship; and

30 Whereas, in the judgment of the Legislature,
31 these facts create an emergency within the meaning of
32 the Constitution of Maine and require the following
33 legislation as immediately necessary for the preser-
34 vation of the public peace, health and safety; now,
35 therefore,

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

3 7 MRSA §952, as amended by PL 1983, c. 462, is
4 further amended to read:

5 §952. Branding

6 It shall be unlawful for any person, firm, asso-
7 ciation, organization or corporation, or agent, rep-
8 resentative or assistant to any person, firm, associ-
9 ation, organization or corporation to expose for
10 sale, or sell, at wholesale or retail, to ship, de-
11 liver or consign or have in possession potatoes pre-
12 pared for market unless in containers which have been
13 legibly and conspicuously tagged, branded, labeled or
14 stenciled with the name and address of the person or
15 persons responsible for packing and the name of the
16 grade, net weight and the word "potatoes." All pota-
17 toes packed in this State must be packed in contain-
18 ers which conspicuously bear the name of the country
19 where the potatoes were grown. The person or persons
20 responsible for grading shall be as follows: If the
21 violation is discovered in the packing house then the
22 person or persons packing the potatoes shall be re-
23 sponsible; if the violation is discovered at any oth-
24 er place, then the person or persons whose name ap-
25 pears on the container shall be responsible. Each
26 lot of potatoes sold at wholesale shall be accompa-
27 nied by a bill of lading or invoice stating grade,
28 name and address of packer, name and address of the
29 consignor, name and address of the consignee, date of
30 loading and name of loading point. The bill of lading
31 or invoice shall be prima facie evidence in any court
32 of the person or persons packing potatoes. It shall
33 be conclusive evidence that potatoes are exposed for
34 sale when packed in containers for delivery or trans-
35 sit, or when the same are in the process of delivery
36 or transit, or are located at a depot, station, ware-
37 house, packing house, boat dock or any place where
38 potatoes are held in storage, or loaded on a boat,
39 truck, trailer or railroad car, for immediate or fu-
40 ture sale or transit. Potatoes located at warehouses,
41 or packing houses at point of origin, shall not be
42 deemed exposed for sale until they are loaded or are
43 in the process of being loaded in vehicles of trans-
44 portation. When a violation of this section occurs,

1 it is deemed to have taken place at the loading point
2 or where such violation first became evident to the
3 commissioner or his duly authorized representative.
4 The Commissioner of Agriculture, Food and Rural Re-
5 sources has the temporary authority for 6 months from
6 the effective date of this section, as amended, to
7 exempt packers who have purchased a substantial sup-
8 ply of bags before June 1, 1983, which do not comply
9 with this section. Upon submission of proof by a
10 packer that he contracted for the purchase of or pur-
11 chased a substantial supply of bags before September
12 23, 1983, the Commissioner of Agriculture, Food and
13 Rural Resources shall exempt that packer from the re-
14 quirement that the bags conspicuously bear the name
15 of the country where the potatoes were grown until
16 that supply of bags is exhausted.

17 Emergency clause. In view of the emergency cited
18 in the preamble, this Act shall take effect when ap-
19 proved.

20 STATEMENT OF FACT

21 The purpose of this bill is to exempt potato
22 packers from the requirement of using labeled bags if
23 they can prove that they had a supply of unlabeled
24 bags prior to the effective date of Public Law 1983,
25 chapter 462, which required labeled bags.

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