

MAINE STATE LEGISLATURE

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L.D. 1105

(Filing No. S-63)

STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 395, L.D.
1105, Bill, "AN ACT to Clarify the Laws Requiring
Certification of Seed Potatoes."

Amend the bill by inserting after the title and
before the enacting clause the following:

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

Whereas, the quality of the Maine potato sold in
the market place is essential to maintain the econom-
ic viability of the potato industry in Maine; and

Whereas, the quality of the Maine potato sold is
determined in large part by the quality of the seed;
and

Whereas, certified seed potatoes must meet mini-
mum standards for planting to insure quality and to
promote the reduction of disease, thereby protecting
farmers from the spread of potato diseases from field
to field; and

Whereas, available evidence supports the conten-
tion that requiring the planting of certified seed
has, in fact, contributed to the decrease in the ap-
pearance of bacterial ring rot; and

Whereas, the Department of Agriculture, Food and
Rural Resources is responsible for enforcement of the
certification program and requests these changes in
law to strengthen their enforcement capability; and

Whereas, in the judgment of the Legislature,
these fact create an emergency within the meaning of

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COMMITTEE AMENDMENT " A " to S.P. 395, L.D. 1105

1 the Constitution of Maine and require the following
2 legislation as immediately necessary for the preser-
3 vation of the public peace, health and safety; now,
4 therefore, '

5 Further amend the bill by striking out everything
6 after the amending clause and before the statement of
7 fact and inserting in its place the following:

8 'No seed potato seed, the product of which is in-
9 tended for sale, ~~shall~~ may be planted in the State in
10 lots of one or more acres unless that seed meets the
11 minimum disease standards of Maine certified seed po-
12 tatoes as defined is certified in accordance with
13 rules adopted by the commissioner. These rules may
14 include without limitation requirements for filing
15 reports with the commissioner and requirements for
16 filing records to the commissioner or his designee,
17 upon request, which demonstrate that the potatoes so
18 planted have been properly certified. A person, firm
19 or corporation that plants potatoes in violation of
20 this section shall be subject to a fine of \$20 civil
21 penalty of not less than \$20 and not more than \$100
22 per acre for each acre or part of an acre planted in
23 violation of this section; provided that failure to
24 file complete and accurate reports or failure to pro-
25 vide complete and accurate records in accordance with
26 the rules adopted by the commissioner shall be an ad-
27 ditional violation resulting in a separate civil pen-
28 alty of not less than \$200 nor more than \$1,000 for
29 each such failure. The fine Any civil penalty col-
30 lected under this section shall be payable to the
31 Treasurer of State and credited without lapsing to
32 the commissioner for the enforcement of this section.
33 The commissioner shall adopt and may amend rules con-
34 sistent with the Maine Administrative Procedure Act,
35 Title 5, chapter 375, to implement this section. Pri-
36 or to their adoption, these rules shall be reported
37 to the Joint Standing Committee on Agriculture by
38 January 15, 1980 for its review. In addition to the
39 enforcement powers and penalties established in this
40 section, the commissioner may issue subpoenas to any

