

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1722

6  
7 S.P. 668

In Senate, December 23, 1985

8 Submitted by the Department of Agriculture, Food and Rural Resources  
pursuant to Joint Rule 24.

9 Received by the Secretary of the Senate on December 23, 1985. Referred  
10 to the Committee on Agriculture and 1,600 ordered printed pursuant to Joint  
Rule 14.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator Erwin of Oxford.

11 Cosponsored by Representative Tardy of Palmyra, Representative Ayer  
of Caribou and Representative Smith of Mars Hill.

12 STATE OF MAINE  
13

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

17 AN ACT to Improve Enforcement of the Potato  
18 Branding Law.  
19

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

22 Sec. 1. 7 MRSA §952, as amended by PL 1985, c.  
23 5, is further amended to read:

24 §952. Branding

25 It shall be unlawful for any person, firm, asso-  
26 ciation, organization or corporation, or agent, rep-  
27 resentative or assistant to any person, firm, associ-  
28 ation, organization or corporation to expose for  
29 sale, or sell, at wholesale or retail, to ship, de-  
30 liver or consign or have in possession potatoes pre-  
31 pared for market unless in containers which have been  
32 legibly and conspicuously tagged, branded, labeled or  
33 stenciled with the name and address of the person or  
34 persons responsible for packing and the name of the  
35 grade, net weight and the word "potatoes." All pota-

1 toes packed in this State must be packed in contain-  
2 ers which conspicuously bear the name of the country  
3 where the potatoes were grown. The person or persons  
4 responsible for grading shall be as follows: If the  
5 violation is discovered in the packing house then the  
6 person or persons packing the potatoes shall be re-  
7 sponsible; if the violation is discovered at any oth-  
8 er place, then the person or persons whose name ap-  
9 pears on the container shall be responsible. Each  
10 lot of potatoes sold at wholesale shall be accompa-  
11 nied by a bill of lading or invoice stating grade,  
12 name and address of packer, name and address of the  
13 consignor, name and address of the consignee, date of  
14 loading and name of loading point. The bill of lading  
15 or invoice shall be prima facie evidence in any court  
16 of the person or persons packing potatoes. It shall  
17 be conclusive evidence that potatoes are exposed for  
18 sale when packed in containers for delivery or trans-  
19 sit, or when the same are in the process of delivery  
20 or transit, or are located at a depot, station, ware-  
21 house, packing house, boat dock or any place where  
22 potatoes are held in storage, or loaded on a boat,  
23 truck, trailer or railroad car, for immediate or fu-  
24 ture sale or transit. ~~Potatoes located at warehouses,~~  
25 ~~or packing houses at point of origin, shall not be~~  
26 ~~deemed exposed for sale until they are loaded or are~~  
27 ~~in the process of being loaded in vehicles of trans-~~  
28 ~~portation.~~ When a violation of this section occurs,  
29 it is deemed to have taken place at the loading point  
30 or where such violation first became evident to the  
31 commissioner or his duly authorized representative.  
32 Upon request and submission of proof to the Depart-  
33 ment of Agriculture, Food and Rural Resources by a  
34 packer that he has on hand a supply of bags that do  
35 not meet the requirement that the bags conspicuously  
36 bear the name of a country where the potatoes were  
37 grown, and those bags were purchased or contracted  
38 for before September 23, 1983, the Commissioner of  
39 Agriculture, Food and Rural Resources shall exempt  
40 the packer from that requirement until January 1,  
41 1986. The commissioner, at his discretion and upon  
42 unusual circumstances, may grant packers extended  
43 waivers until January 1, 1987.

44 Sec. 2. 7 MRSA §956, as amended by PL 1979, c.  
45 731, §§10 and 11, is further amended by adding after  
46 the first paragraph a new paragraph to read:

1           Any person who refuses or interferes with access  
2 by the commissioner or his representative as provided  
3 for in this section, following oral request and warn-  
4 ing given by the commissioner or his representative  
5 regarding the contents of this section, shall be  
6 guilty of a separate civil violation under section  
7 957; provided that oral request and warning by the  
8 commissioner or his representative shall substitute  
9 for a first violation warning under section 957, sub-  
10 section 1, and any continued refusal or interference  
11 shall be subject to the civil penalties as provided  
12 in section 957, subsection 2.

13

STATEMENT OF FACT

14           The purpose of this bill is to provide an effec-  
15 tive means of enforcing the potato branding law by  
16 making it a separate civil offense to interfere with  
17 inspections of potatoes by the State to assure quali-  
18 ty control as required by the law.

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