

# MAINE STATE LEGISLATURE

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1 (After Deadline)  
2 SECOND REGULAR SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 1790

7  
8 H.P. 1273 House of Representatives, January 2, 1986  
9 Approved for introduction by a majority of the Legislative Council  
pursuant to Joint Rule 27.

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

11 EDWIN H. PERT, Clerk

Presented by Representative Mayo of Thomaston.

12 Cosponsored by Senator Carpenter of Aroostook, Senator Shute of  
Waldo and Representative Whitcomb of Waldo.

13 STATE OF MAINE  
14

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

18 AN ACT to Amend the Maine Agricultural  
19 Marketing and Bargaining Act of 1973.  
20

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

23 Sec. 1. 13 MRSA §1957, sub-§6, as enacted by PL  
24 1973, c. 621, §1, is amended to read:

25 6. Annual report. A qualified association shall  
26 file an annual report with the board in such form as  
27 shall be required by the regulations of the board.  
28 The annual report shall contain such information as  
29 will enable the board to determine whether the asso-  
30 ciation continues to meet the standards for qualifi-  
31 cation, except that an association which the board  
32 has determined to be qualified shall not be required  
33 to have its qualification redetermined until it has  
34 negotiated and entered into a contract with a han-  
35 dler, with or without resort to arbitration.

1           Sec. 2. 13 MRSA §1957, sub-§7, as amended by PL  
2 1977, c. 694, §280, is further amended to read:

3           7. Revocation. If a qualified association ceases  
4 to maintain the standards for qualifications set  
5 forth in subsection 3, the board shall, in a manner  
6 consistent with the Maine Administrative Procedure  
7 Act, apply to the Administrative Court to revoke the  
8 qualification of such association, except that the  
9 board shall not seek revocation of an association's  
10 qualification during the period set out in subsection  
11 6 in which the association cannot be required to have  
12 its qualification redetermined.

13           Sec. 3. 13 MRSA §1958-A, sub-§§1 and 2, as en-  
14 acted by PL 1981, c. 274, are amended to read:

15           1. Purpose. The purpose of this section is to  
16 establish a system of final offer arbitration which  
17 may result in a contract for the sale of ~~potatoes~~ ag-  
18 ricultural products between a handler and a qualified  
19 association. This system is meant to encourage, and  
20 not to substitute for, the voluntary bargaining pro-  
21 vided for elsewhere in the article.

22           2. Application; definition. This section applies  
23 only to bargaining for ~~potatoes~~, ~~subject to this ar-~~  
24 ~~ticle,~~ by agricultural products between a handler and  
25 a qualified association. For purposes of this sec-  
26 tion, the term "party" means either a handler or a  
27 qualified association.

28           Sec. 4. 13 MRSA §1958-A, sub-§3, ¶B, as enacted  
29 by PL 1981, c. 274, is amended to read:

30           B. All bargaining for ~~potatoes~~ ~~subject to this~~  
31 ~~article~~ agricultural products to be grown during  
32 the current year shall cease at midnight, March  
33 15th.

1

STATEMENT OF FACT

2           This bill establishes conditions which stipulate  
3 that a qualified association, an organized seller of  
4 agricultural products, can maintain its standing un-  
5 til it has negotiated a contract with a handler, a  
6 buyer, even if the process of negotiation should con-  
7 tinue beyond a point in time when an annual review of  
8 the association status would be normally conducted to  
9 determine requalification.

10           Arbitration deadlines are established for final  
11 negotiation of contracts involving all agricultural  
12 products, not just potatoes.

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