

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 213

H.P. 169 House of Representatives, February 4, 1987
Reference to the Committee on Agriculture suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative LISNIK of Presque Isle.
Cosponsored by Representatives MAHANY of Easton, PARADIS
of Frenchville and Senator COLLINS of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Relating to the Payment of Dues to
2 Grower Organizations by Handlers and
3 Processors of Farm Products.
4

5 Be it enacted by the People of the State of Maine as
6 follows:

7 Sec. 1. 7 MRSa §1091, as enacted by PL 1971, c.
8 438, is repealed and the following enacted in its
9 place:

10 §1091. Dues

11 If any grower or producer of any farm product
12 within this State voluntarily executes and causes a
13 certified list to be delivered to a dealer or proces-
14 sor of farm products by the growers' organization ei-

1 ther as a clause in a sales contract or other instru-
2 ment in writing, a notice of assignment of dues to a
3 nonprofit agricultural commodity organization direct-
4 ly representing the producer of a specific product
5 involved, by which the processor or dealer is autho-
6 rized to deduct a sum from the price to be paid for
7 that product and to pay that sum to such organization
8 as dues for the grower or producer. The processor or
9 dealer shall deduct from the price to be paid for any
10 farm product being sold by any such grower or produc-
11 er to any such processor or dealer the amount autho-
12 rized and pay it to the organization as assignee.
13 Delivery to the processor or dealer by the commodity
14 organization of a certified list of the names and ad-
15 resses of its members, together with a certification
16 that the members have voluntarily executed an assign-
17 ment of dues to the organization, shall be prima fa-
18 cie evidence that the voluntary assignment of dues
19 has been made.

20 Sec. 2. 7 MRSa §1092, as enacted by PL 1971, c.
21 438, is amended by adding at the end a new paragraph
22 to read:

23 An assignment of dues may not exceed 1% of the
24 total value of the product which is delivered by the
25 grower or producer to the dealer or processor.

26 Sec. 3. 7 MRSa §1094, as enacted by PL 1971, c.
27 438, is amended to read:

28 §1094. -- liability

29 Any dealer or processor who pays any dues to an
30 asseeiation organization pursuant to the assignment
31 of dues governed by this chapter shall not be liable
32 for such sums upon any seed lien, farm laborer's lien
33 or any other lien or encumbrance which has priority
34 by law upon the proceeds of the farm crop or product.
35 Any lienholder who has priority upon the proceeds
36 from such farm crop or product whose lien remains un-
37 satisfied shall have the right to receive all sums
38 paid to any asseeiation organization pursuant to the
39 assignment of dues. Such asseeiation The organization
40 shall remit all dues paid pursuant to the assignment
41 to the priority lienholder upon the receipt of notice
42 and proof that a valid prior lien exists against such
43 farm crop or product.

