

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 474

H.P. 360 House of Representatives, February 20, 1987
Reference to the Committee on Agriculture suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative LISNIK of Presque Isle.
Cosponsored by Speaker MARTIN of Eagle Lake,
Representative TARDY of Palmyra and Senator COLLINS of
Aroostook.

STATE OF MAINE

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

1 AN ACT to Strengthen the Efforts of the Maine
2 Potato Industry and the Responsibility
3 of the Maine Potato Board to Improve
4 the Quality of Maine Tablestock
5 Potatoes.
6

7 Be it enacted by the People of the State of Maine as
8 follows:

9 Sec. 1. 5 MRSA §12004, sub-§9, ¶A, sub-¶(7) is
10 repealed.

11 Sec. 2. 7 MRSA §1031, as enacted by PL 1981, c.
12 513, §§10 and 12, is amended to read:

13 §1031. Purpose

1 The purpose of this ~~Article~~ article is to use a
2 ~~public and private partnership~~ to create a voluntary
3 potato quality control system, operated through the
4 Maine Potato Board and the department, to promote the
5 sale of Maine potatoes.

6 Sec. 3. 7 MRSA §1032, as enacted by PL 1981, c.
7 698, §§14 and 15, is amended to read:

8 §1032. Definitions

9 As used in this ~~Article~~ article, unless the con-
10 text otherwise indicates, the following terms have
11 the following meanings.

12 1. Board. "Board" means the Maine Potato ~~Quality~~
13 ~~Centrel~~ Board established pursuant to ~~section 1033~~
14 Title 36, chapter 710.

15 2. Consumer pack. "Consumer pack" means a unit
16 of 50 pounds or less net weight of potatoes contained
17 in a bag or other type of container. Consumer pack
18 shall not mean a master container.

19 2-A- ~~Identification marks of bag manufacturers~~
20 ~~and bag distributors. Identification marks of bag~~
21 ~~manufacturers and bag distributors are exempt from~~
22 ~~this Article.~~

23 3. Maine bag. "Maine bag" means any consumer
24 pack for potatoes on which appears the word Maine in
25 letters larger than 1/4 inch or a pictorial represen-
26 tation of the outline of the shape of the state
27 State.

28 4. Maine bag grade. "Maine bag grade" means any
29 of the officially established grades of potatoes as
30 adopted by the ~~board~~ commissioner.

31 5- ~~Other than Maine bag:~~ A bag other than a
32 Maine bag may have the word "Maine" appear only in
33 the name and address of the producer, packer or any
34 other person, at the bottom of the bag, provided that
35 the letters are not taller than 1/4 inch.

36 Sec. 4. 7 MRSA §1033, as amended by PL 1983, c.
37 812, §§48 and 49, is further amended to read:

1 §1033. Duties of the board; finances

2 1. Board. The Maine Potato Quality Control Board
3 established by Title 5, section 12004, subsection 9,
4 shall consist of the following members:

5 A. One representative elected by the Maine Potato
6 Commission;

7 B. Five representatives elected by the Maine Potato
8 Council, one from each of the 3 districts
9 defined in section 993, subsection 3, paragraphs
10 A, C and D, and 2 from the district defined in
11 section 993, subsection 3, paragraph B;

12 C. One representative elected by the Maine Potato
13 Sales Association;

14 D. A representative of the department, appointed
15 by the commissioner, and

16 E. A person appointed by the Governor to represent
17 consumers.

18 Members shall serve for staggered 2-year terms. In
19 the initial membership, the board shall determine
20 that 4 of its members shall serve for one-year terms.

21 2. Duties. The board shall have the following
22 duties:

23 A. To promote the quality control of potatoes
24 made subject to this ~~Article~~ article;

25 B. To adopt grades ~~for~~ potatoes and identifica-
26 tion to be used on consumer packs of potatoes to
27 be packed in Maine bags, as authorized in this
28 ~~Article~~ article;

29 C. To hear and resolve grievances regarding in-
30 spections;

31 D. To employ and supervise staff, which staff
32 shall not be considered state employees;

33 E. To require reports of inspectors on work done
34 under this ~~Article~~ article;

1 F. To adopt a fee schedule and require the pay-
2 ment of a fee to cover such portion of the ex-
3 penses of the board as the board determines nec-
4 essary;

5 G. To recommend to the commissioner the maximum
6 inspection fee which should be assessed for loads
7 packed in Maine bags and to advise the commis-
8 sioner of all factors necessary to achieve full
9 industry participation in the Maine Bag Program;
10 and

11 H. To do other acts necessary to implement this
12 Article article.

13 3. Finances. The board may receive funds from
14 any source for the purpose of implementing this
15 article and shall spend those funds in furtherance of
16 this Article for that purpose. The members shall be
17 compensated as provided in Title 5, chapter 379. The
18 board may employ staff and hire consultants. Any
19 funds received by the board shall be placed in a non-
20 lapsing revolving fund.

21 4. Standards. The board shall conduct its busi-
22 ness consistent with the Maine Administrative Proce-
23 dure Act, Title 5, chapter 375, and the Freedom of
24 Access laws, Title 1, chapter 13, subchapter 1, but
25 shall not be considered a state agency.

26 Sec. 5. 7 MRSA §1033-A, as enacted by PL 1983,
27 c. 780, §3, is amended to read:

28 §1033-A. Duties of the commissioner

29 1. Inspection fee. After considering the recom-
30 mendations of the board, as provided in section 1033,
31 subsection 2, paragraph G, subsection 1, paragraph F,
32 and after considering available money appropriated
33 from the General Fund, the commissioner shall set the
34 inspection fee for loads packed in Maine bags pursu-
35 ant to rule rules adopted pursuant to the Maine Ad-
36 ministrative Procedure Act, Title 5, chapter 375.

37 2. Statement of basis for fee. Upon request of
38 the board, the commissioner shall provide to the
39 board and other interested parties a written state-

1 ment of the basis for the fee established under this
2 section.

3 3. Maine bag grades. After consultation with
4 the board and pursuant to the rule-making provisions
5 of Title 5, chapter 375; the commissioner shall adopt
6 the official grade or grades for potatoes to be
7 packed in Maine bags. These rules become effective
8 on August 1st following the effective date of this
9 subsection and may be amended only annually after
10 that date, with amendments becoming effective on Au-
11 gust 1st of the year in which adopted. No Maine bag
12 grade may be less than United States No. 1.

13 Sec. 6. 7 MRSA §1035, as amended by PL 1981, c.
14 540, §6, is repealed and the following enacted in its
15 place:

16 §1035. Maine bag logo

17 The board shall adopt an official logo which, at
18 a minimum, shall contain an outline of the shape of
19 the State.

20 Sec. 7. 7 MRSA §1036, as enacted by PL 1981, c.
21 513, §§10 and 12, is amended to read:

22 §1036. Packing and inspection; shipping penalty; en-
23 forcement

24 1. Packing and inspection. No person may pack
25 potatoes in a Maine bag, unless he has given notice
26 of intent to pack to the board department, in such
27 form as the department may require.

28 2. Shipping. A packer shall ship in a Maine bag
29 only those potatoes that have been determined by a
30 duly authorized inspector to have met the standards
31 required by this Article article.

32 2-A. Other than Maine bag. No person may pack
33 potatoes in any consumer pack other than a Maine bag
34 on which the word "Maine" appears, except that the
35 word "Maine" may appear on such a consumer pack if it
36 is in the name and address of producer, packer or any
37 other person, at the bottom of the bag and in letters
38 not taller than 1/4 inch.

1 3. Penalty. Any person who violates this section
2 is subject to the provisions of section 957.

3 Sec. 8. 7 MRSa §1036-A is enacted to read:

4 §1036-A. Exemption

5 The requirements of this article do not apply to
6 identification marks of bag manufacturers and bag
7 distributors.

8 Sec. 9. 36 MRSa §4604, sub-§2, as enacted by PL
9 1985, c. 753, §§14 and 15, is amended to read:

10 2. Programs. The board may make studies, under-
11 take research, marketing and promotional programs,
12 publish and disseminate information and implement
13 other programs as are in furtherance of its legisla-
14 tive purposes, provided that programs undertaken by
15 the board shall be designed to benefit the Maine po-
16 tato industry at large or segments of the industry,
17 but shall not be designed to benefit exclusively any
18 one person or entity involved in the industry. The
19 board shall carry out the duties set forth in Title
20 7, chapter 103, subchapter X, article 4, and known as
21 the "Maine Bag Program," and shall use any funds
22 granted by the department to the board for the Maine
23 Bag Program to produce the sale of tablestock pota-
24 atoes.

25 Sec. 10. Elimination of the Maine Potato Quality
26 Control Board. It is the intent of the Legislature
27 that the Part I Budget reflect the elimination of the
28 Maine Potato Quality Control Board and that the funds
29 formerly appropriated to the board be appropriated to
30 the Department of Agriculture, Food and Rural Re-
31 sources, to be granted to the Maine Potato Board for
32 the promotion of tablestock potatoes.

1

STATEMENT OF FACT

2 The 112th Legislature enacted legislation which
3 consolidated the previously highly fragmented organi-
4 zation of the Maine Potato Industry into a
5 single-industry organization, the Maine Potato Board.
6 In the legislative findings for the legislation which
7 created the Maine Potato Board, the 112th Legislature
8 stated that its purpose was to "create a unified or-
9 ganizational structure to provide for the advancement
10 of the Maine Potato Industry" in which "all elements
11 of the Maine Potato Industry will be represented and
12 will work together under the leadership of a unified,
13 public board to solve the problems facing the indus-
14 try." The Maine Potato Quality Board was not in-
15 cluded in this consolidation. This bill is intended
16 to continue the effort begun by the 112th Legisla-
17 ture. The bill transfers to the Maine Potato Board
18 the responsibilities presently exercised by the Pota-
19 to Quality Control Board for the operation of the
20 Maine Bag Program and other promotion of tablestock
21 potatoes. The Quality Control Board is abolished and
22 the bill expresses the Legislature's intention that
23 the appropriation formerly made to the Quality Con-
24 trol Board instead be made to the Department of Agri-
25 culture, Food and Rural Resources to be granted to
26 the Maine Potato Board for the promotion of
27 tablestock potatoes. This intention is to be carried
28 out in the relevant provisions of the Part I Budget
29 legislation.

30 The authority to adopt grades for potatoes to be
31 packed in Maine bags is transferred from the Quality
32 Control Board to the Commissioner of Agriculture,
33 Food and Rural Resources, who must establish those
34 grades through rulemaking, following consultation
35 with the Maine Potato Board.

36

0917012987