

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 360, L.D. 474)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1150

H.P. 856 House of Representatives, April 8, 1987  
Reported by Representative TARDY from the Committee on  
Agriculture and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative LISNIK of  
Presque Isle. Cosponsored by Speaker MARTIN of Eagle Lake,  
Representative TARDY of Palmyra and Senator COLLINS of  
Arroostook.

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

11 §1031. Purpose

12 The purpose of this Article ~~article~~ is to--use--a  
13 ~~public--and--private--partnership~~ to create a voluntary  
14 potato quality control system to promote the sale of

1 Maine potatoes. In order to further unify the Maine  
2 potato industry and to carry out the consolidation of  
3 potato industry organizations begun by the creation  
4 of the Maine Potato Board under Title 36, chapter  
5 710, the Maine Potato Quality Control Board estab-  
6 lished by this article is brought under the structure  
7 of the Maine Potato Board and the duties, responsi-  
8 bilities and programs of the Maine Potato Quality  
9 Control Board shall be carried out under the over-  
10 sight of the Maine Potato Board.

11 **Sec. 2.** 7 MRSa §1032, sub-§1, as enacted by PL  
12 1981, c. 513, §§10 and 12, is repealed.

13 **Sec. 3.** 7 MRSa §1032, sub-§2-A, as amended by PL  
14 1981, c. 698, §14, is repealed.

15 **Sec. 4.** 7 MRSa §1032, sub-§4, as enacted by PL  
16 1981, c. 513, §10 and 12, is amended to read:

17 4. Maine bag grade. "Maine bag grade" means any  
18 of the officially established grades of potatoes as  
19 adopted by the board commissioner.

20 **Sec. 5.** 7 MRSa §1032, sub-§5, as enacted by PL  
21 1981, c. 540, §5, is repealed.

22 **Sec. 6.** 7 MRSa §1033, sub-§1, as amended by PL  
23 1983, c. 812, §48, is further amended to read:

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

27 A. ~~One~~ Two ~~representative~~ representatives  
28 elected by the Maine Potato Commission executive  
29 council of the dealers assembly established pur-  
30 suant to Title 36, chapter 710;

31 B. ~~Five~~ Seven ~~representatives~~ representatives ~~elected~~ by ~~the~~  
32 ~~Maine Potato Council;~~ one from each of the 3 dis-  
33 tricts defined in section 993, subsection 3, par-  
34 agraphs A, C and D, and 2 from the district de-  
35 defined in section 993, subsection 3, paragraph B  
36 of growers of tablestock potatoes, one elected by  
37 the assembly of tablestock growers in each of the  
38 districts established pursuant to Title 36, sec-  
39 tion 4602, subsection 3;

1 ~~C. One representative elected by the Maine Potato~~  
2 ~~te Sales Association;~~

3 D. A representative of the department, appointed  
4 by the commissioner; and

5 E. A person appointed by the Governor to repre-  
6 sent consumers.

7 Members shall be elected or appointed, as the case  
8 may be, within 30 days of the effective date of this  
9 section as amended and shall serve for staggered  
10 2-year terms. In the initial membership, the board  
11 shall determine that 4 5 of its members shall serve  
12 for one-year terms. The board shall elect a chairman  
13 and shall meet at the call of the chairman and at the  
14 call of the Maine Potato Board. The members shall be  
15 compensated as provided in Title 5, chapter 379.

16 **Sec. 7.** 7 MRSA §1033, sub-§2, ¶B, as enacted by  
17 PL 1981, c. 513, §10, is amended to read:

18 B. To adopt ~~grades for potatoes and identifica-~~  
19 ~~tion to be used on consumer packs of potatoes to~~  
20 ~~be packed in Maine bags, as authorized in this~~  
21 ~~Article article;~~

22 **Sec. 8.** 7 MRSA §1033, sub-§2, ¶D, as enacted by  
23 PL 1981, c. 513, §10, is repealed.

24 **Sec. 9.** 7 MRSA §1033, sub-§2, ¶G, as repealed  
25 and replaced by PL 1983, c. 780, §2, is amended to  
26 read:

27 G. To recommend to the commissioner the maximum  
28 inspection fee which should be assessed for loads  
29 packed in Maine bags and to advise the commis-  
30 sioner of all factors necessary to achieve full  
31 industry participation in the Maine Bag Program,  
32 and.

33 **Sec. 10.** 7 MRSA §1033, sub-§2, ¶H, as enacted by  
34 PL 1983, c. 780, §2, is repealed.

35 **Sec. 11.** 7 MRSA §1033, sub-§3, as amended by PL  
36 1983, c. 812, §49, is repealed and the following en-  
37 acted in its place:

1        3. Finances. The Maine Potato Board may receive  
2 funds from any source and spend funds in furtherance  
3 of this article, in accordance with the plan and bud-  
4 get proposed by the Maine Potato Quality Control  
5 Board, as approved by the Maine Potato Board pursuant  
6 to subsection 4 or as the Maine Potato Board, in con-  
7 sultation with the Maine Potato Quality Control  
8 Board, shall determine to be appropriate and effec-  
9 tive in promoting tablestock potatoes. Any funds re-  
10 ceived by the Maine Potato Board shall be placed in a  
11 nonlapsing revolving fund.

12        Sec. 12. 7 MRSA §1033, sub-§4, as enacted by PL  
13 1981, c. 513, §§10 and 12, is repealed and the fol-  
14 lowing enacted in its place:

15        4. Relationship to Maine Potato Board. The  
16 Maine Potato Quality Control Board shall function un-  
17 der the oversight of the Maine Potato Board. The  
18 Maine Potato Quality Control Board shall annually  
19 prepare a plan and budget for the carrying out of its  
20 responsibilities under this article, shall submit the  
21 plan and budget to the Maine Potato Board for its ap-  
22 proval and, following approval, shall carry out the  
23 approved plan. If the plan and budget include the  
24 hiring of any staff, that staff shall be employees of  
25 the Maine Potato Board, in accordance with Title 36,  
26 section 4603, subsection 9.

27        Sec. 13. 7 MRSA §1033-A, sub-§§1 and 2, as en-  
28 acted by PL 1983, c. 780, §3, are amended to read:

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

38        2. Statement of basis for fee. Upon request of  
39 the board Maine Potato Quality Control Board, the  
40 commissioner shall provide to the board and other in-  
41 terested parties a written statement of the basis for  
42 the fee established under this section.

1       Sec. 14. 7 MRSA §1033-A, sub-§3 is enacted to  
2 read:

3       3. Maine bag grades. Pursuant to the rule-  
4 making provisions of the Maine Administrative Proce-  
5 dure Act, Title 5, chapter 375, the commissioner  
6 shall adopt the official grade or grades for potatoes  
7 to be packed in Maine bags. The commissioner and the  
8 Maine Potato Quality Control Board shall jointly pre-  
9 pare proposed rules. These rules as finally adopted  
10 shall become effective on August 1st, following the  
11 effective date of this section and may be amended on-  
12 ly annually thereafter, with amendments becoming ef-  
13 fective on August 1st of the year in which adopted.  
14 No Maine bag grade may be less than United States No.  
15 1.

16       Sec. 15. 7 MRSA §1034, as enacted by PL 1981, c.  
17 513, §§10 and 12, is amended to read:

18 §1034. Inspection.

19       ~~The--beard~~ As a part of an annual plan proposed  
20 and approved pursuant to section 1033, subsection 4,  
21 the Maine Potato Board may employ inspectors and may  
22 require payments for inspection at a rate and sched-  
23 ule to be determined established by rule by the board  
24 commissioner. The commissioner and the Maine Potato  
25 Quality Control Board shall jointly develop proposed  
26 rules.

27       Sec. 16. 7 MRSA §1035, as enacted by PL 1981, c.  
28 540, §6, is repealed and the following enacted in its  
29 place:

30 §1035. Maine bag logo

31       The Maine Potato Quality Control Board may adopt  
32 an official logo which, at a minimum, shall contain  
33 an outline of the shape of the State and may require  
34 its use on all Maine bags.

35       Sec. 17. 7 MRSA §1036, sub-§1, as enacted by PL  
36 1981, c. 513, §§10 and 12, is amended to read:

37       1. Packing and inspection. No person may pack  
38 potatoes in a Maine bag, unless he has given notice

1 of intent to pack to the board department, in such  
2 form as the department may require.

3 Sec. 18. 7 MRSA §1036, sub-§2-A is enacted to  
4 read:

5 2-A. Other than Maine bag. No person may pack  
6 potatoes in any consumer pack other than a Maine bag  
7 on which the word "Maine" appears, except that the  
8 word "Maine" may appear on such a consumer pack if it  
9 is in the name and address of a producer, packer or  
10 any other person, at the bottom of the bag and in  
11 letters not taller than 1/4 inch.

12 Sec. 19. 7 MRSA §1036-A is enacted to read:

13 §1036-A. Exemption

14 The requirements of this article do not apply to  
15 identification marks of bag manufacturers and bag  
16 distributors.

17 Sec. 20. 36 MRSA §4604, sub-§2, as enacted by PL  
18 1985, c. 753; §14 and 15, is amended to read:

19 2. Programs. The board may make studies, under-  
20 take research, marketing and promotional programs,  
21 publish and disseminate information and implement  
22 other programs as are in furtherance of its legisla-  
23 tive purposes, provided that programs undertaken by  
24 the board shall be designed to benefit the Maine po-  
25 tato industry at large or segments of the industry,  
26 but shall not be designed to benefit exclusively any  
27 one person or entity involved in the industry. The  
28 board shall carry out the duties, as set out in Title  
29 7, article 4 and known as the "Maine Bag Program,"  
30 and shall use any funds granted by the department to  
31 the board or obtained by the board from any other  
32 source for the Maine Bag Program to promote the sale  
33 of tablestock potatoes.

34 Sec. 21. Appropriation; intent. It is the in-  
35 tent of the Legislature that the funds formerly ap-  
36 propriated to the Maine Potato Quality Control Board  
37 instead be appropriated to the Department of Agricul-  
38 ture, Food and Rural Resources, to be granted to the  
39 Maine Potato Board for the promotion of tablestock

1 potatoes in accordance with Maine Revised Statutes,  
2 Title 7, article 4 and Title 36, section 4604, sub-  
3 section 2.

4

STATEMENT OF FACT

5 This new draft represents a more thorough revi-  
6 sion of statutory provisions which allow for the  
7 transfer of responsibilities from the Maine Potato  
8 Quality Control Board to the Maine Potato Board.

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