

MAINE STATE LEGISLATURE

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L.D. 1753
(Filing No. H-279)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION

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HOUSE AMENDMENT "**A**" to H.P. 1280, L.D. 1753,
Bill, "AN ACT Relating to the Payment of Dues to
Grower Organizations by Handlers and Processors of
Farm Products."

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Amend the bill by striking out all of section 4
and inserting in its place the following:

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'Sec. 4. 7 MRSA §1096 is enacted to read:

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§1096. Violation; penalties

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1. Civil violation. Failure of a dealer or processor to pay assigned dues to an association within the time required by section 1093 is a civil violation for which a forfeiture of double the amount of the assigned dues that were not timely paid to the association shall be adjudged. The court shall order payment of the forfeiture to the association. In the event of a willful violation, the dealer or processor shall be subject to an additional civil penalty, payable to the State, of not more than \$1,000 for a first violation and not more than \$2,000 for each subsequent violation. The forfeiture and civil penalty created by this subsection are recoverable by the commissioner in a civil action.

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2. Private action. Any dealer or processor that fails to pay assigned dues to an association within the time required by section 1093 is liable to that association in a civil action for double the amount of the assigned dues that were not timely paid to the association, plus reasonable attorney fees, provided that the filing of a civil violation action, pursuant to subsection 1, shall bar the filing of a private action under this subsection arising from the same events of nonpayment.'

HOUSE AMENDMENT "*A*" to H.P. 1280, L.D. 1753

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STATEMENT OF FACT

2 This amendment replaces section 4 of the bill
3 which was redrafted by the Department of the Attorney
4 General to precisely define the nature of a viola-
5 tion. This modification stipulates that willful
6 failure to pay over assigned dues in a timely fashion
7 permits a court to assess civil penalties against a
8 dealer or processor. Failure to pay dues within the
9 prescribed time period is a civil violation requiring
10 a forfeiture of double the amount of the dues.

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Filed by Rep. Tardy of Palmyra
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House
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