

MAINE STATE LEGISLATURE

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L.D. 2211

(Filing No. H- 671)

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to
H.P. 1618, L.D. 2211, Bill, "AN ACT to Improve the
Potato Marketing Improvement Fund."

Amend the amendment by inserting at the end before
the Statement of Fact the following:

'Sec. 4 7 MRSA §1036, sub-§2, as enacted by PL
1981, c. 513, §§10 and 12, is repealed and the
following enacted in its place:

2. Shipping. No packer, shipper, dealer or
broker shall prepare for market, send to market or
arrange for the sale of, or have possession or control
of any potatoes in a Maine bag which have not been
determined at point of origin by a duly authorized
inspector to have met the standards required by this
article. For the purposes of this subsection, the
production of an unrestricted, original certificate of
inspection covering the entire manifest, or an
original or copy of a certificate of inspection
positively identifying the actual bags or containers
in question shall be deemed to satisfy the
requirements of this subsection. The commissioner may
promulgate rules consistent with the Maine
Administrative Procedure Act, Title 5, chapter 375, to
designate other circumstances which will be deemed to
satisfy the requirements of this subsection.

Sec. 5 7 MRSA §1036, sub-§3, as enacted by PL

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P.
1618, L.D. 2211

1 1981, c. 513, §§10 and 12, is repealed and the
2 following enacted in its place:

3 3. Penalty. Any person who violates subsection 1
4 or 2-A is subject to section 957 and any person who
5 violates subsection 2 is subject to the following
6 civil penalties and administrative action:

7 A. For the first violation, a forfeiture of \$500;

8 B. For the 2nd violation, a forfeiture of \$1,000;
9 and

10 C. For the 3rd and subsequent violations, no less
11 than \$1,000. After notice and opportunity for
12 hearing are provided by the commissioner in a
13 manner consistent with the Maine Administrative
14 Procedure Act, Title 5, chapter 375, for
15 adjudicatory proceedings, the violator shall, for
16 a period of one year from the date of the
17 violation, be subject to mandatory inspection in
18 the manner provided in section 446.'

19 STATEMENT OF FACT

20 This amendment addresses the unauthorized use of
21 the Maine Bag Program. Potatoes packed in the Maine
22 bag are required to be inspected; yet this requirement
23 has, at times, been ignored. The amendment clarifies
24 the duties of packers, shippers, dealers and brokers
25 with regard to the inspection requirements of the
26 Maine bag and sets up a penalty structure designed to
27 assure compliance.

28

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Filed by Rep. Tardy of Palymra
Reproduced and distributed under the direction of the Clerk of the
House
4/12/88

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