

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 358

H.P. 246

House of Representatives, February 23, 1989

Reference to the Committee on Agriculture suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative TARDY of Palmyra.

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STATE OF MAINE

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

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An Act Concerning Violations for the Misbranding of Potatoes.

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

3 7 MRSA §952, as amended by PL 1985, c. 655, §1, is further  
5 amended to read:

7 §952. Branding

9 It shall be unlawful for any person, firm, association,  
11 organization or corporation, or agent, representative or  
13 assistant to any person, firm, association, organization or  
15 corporation to expose for sale, or sell, at wholesale or retail,  
17 to ship, deliver or consign or have in possession potatoes  
19 prepared for market unless in containers which have been legibly  
21 and conspicuously tagged, branded, labeled or stenciled with the  
23 name and address of the person or persons responsible for packing  
25 and the name of the grade, net weight and the word "potatoes."  
27 All potatoes packed in this State must be packed in containers  
29 which conspicuously bear the name of the country where the  
31 potatoes were grown. The person or persons responsible for  
33 grading violations shall be as follows: ~~If the violation is  
35 discovered in the packing house then the person or persons  
37 packing the potatoes shall be responsible, if the violation is  
39 discovered at any other place, then the person or persons whose  
41 name appears on the container shall be responsible~~ the person or  
43 persons who pack the potatoes. Each lot of potatoes sold at  
45 wholesale shall be accompanied by a bill of lading or invoice  
47 stating grade, name and address of packer, name and address of  
49 the consignor, name and address of the consignee, date of loading  
and name of loading point. The bill of lading or invoice shall be  
prima facie evidence in any court of the person or persons  
packing potatoes. It shall be conclusive evidence that potatoes  
are exposed for sale when packed in containers for delivery or  
transit, or when the same are in the process of delivery or  
transit, or are located at a depot, station, warehouse, packing  
house, boat dock or any place where potatoes are held in storage,  
or loaded on a boat, truck, trailer or railroad car, for  
immediate or future sale or transit. For the purposes of this  
section only, potatoes located at warehouses, or packing houses  
at point of origin, shall not be deemed exposed for sale until  
they are loaded or are in the process of being loaded in vehicles  
of transportation. When a violation of this section occurs, it is  
deemed to have taken place at the loading point or where such  
violation first became evident to the commissioner or his a duly  
authorized representative. Upon request and submission of proof  
to the Department of Agriculture, Food and Rural Resources by a  
packer that he the packer has on hand a supply of bags that do  
not meet the requirement that the bags conspicuously bear the  
name of a country where the potatoes were grown, and those bags  
were purchased or contracted for before September 23, 1983, the

1 Commissioner of Agriculture, Food and Rural Resources shall  
2 exempt the packer from that requirement until January 1, 1986.  
3 The commissioner, at his the commissioner's discretion and upon  
4 unusual circumstances, may grant packers extended waivers until  
5 January 1, 1987.

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#### STATEMENT OF FACT

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11 This bill provides that the person responsible for violation  
of the potato branding laws shall be the persons who packed the  
potatoes.