

MAINE STATE LEGISLATURE

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L.D. 657

(Filing No. H- 220)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 477, L.D. 657, Bill, "An Act to Discourage the Theft of Blueberries"

Amend the bill by inserting after the title the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is the intent of the Legislature that the penalties and provisions of this Act be available to deter stealing of blueberries this coming summer; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend the bill in section 2 by striking out all of the first line (page 1, line 27 in L.D.) and inserting in its place the following:

Sec. 2. 36 MRSA §§4314 to 4318 are enacted to read:

Further amend the bill in section 2 in that part designated "~~§4314.~~" by striking out all of subsections 2, 3 and 4 and inserting in their place the following:

2. No effect on other laws. Nothing in this section may be construed:

A. To relieve any person of any obligation to obtain permission to enter upon the land or premises of another; or

B. To affect any criminal or civil liability which may exist for unauthorized entry, trespass, theft or conversion.

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3. Violation. Any violation of this section is a Class E crime.'

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Further amend the bill in section 2 in that part designated "§4315." in subsection 1 in the 3rd line (page 2, line 11 in L.D.) by striking out the underlined figure "5" and inserting in its place the underlined figure '25'

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Further amend the bill in section 2 in that part designated "§4315." by striking out all of subsections 3, 4 and 5 and inserting in their place the following:

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'3. Violation. Any person who transports blueberries in violation of this section is guilty of a Class E offense. Any other violation of this section is a civil violation punishable by a fine of not more than \$500.'

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4. Exceptions. A person is not guilty of transporting blueberries without a transportation permit if:

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A. The person is transporting blueberries that were not harvested in this State; or

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B. That person purchased the blueberries at a store, farm stand, produce market or other retail outlet.'

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Further amend the bill in section 2 in that part designated "§4316." by striking out all of subsection 3 and inserting in its place the following:

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'3. Violation. The failure to keep the permanent records of blueberries received as required in this section or failure to inspect the transportation permit of a driver of a vehicle used to deliver blueberries is a civil violation punishable by a fine of not more than \$1,000.'

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Further amend the bill by inserting at the end before the statement of fact the following:

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'§4318. Sunset provision

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Sections 4314 to 4317 are repealed on July 1, 1991.

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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

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FISCAL NOTE

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Enactment of this bill results in the Maine Blueberry Commission, with the assistance of the Department of Agriculture,

COMMITTEE AMENDMENT "A" to H.P. 477, L.D. 657

1 Food and Rural Resources, absorbing all costs relating to the
2 proposed permit requirements as well as the administrative
3 responsibilities utilizing existing resources. In addition, this
4 bill impacts the Judicial Department by a potential increase in
5 court cases. However, the exact impact could not be determined
6 at this time.'

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9 **STATEMENT OF FACT**

11 This amendment makes a number of substantive changes in the
12 bill. An exemption in the Maine Revised Statutes, Title 36,
13 section 4314 for persons harvesting or removing less than 5
14 pounds of blueberries from the land of another without permission
15 is removed.

Reported by the Committee on Agriculture
Reproduced and distributed under the direction of the Clerk of the
House
5/17/89

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