

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47

L.D. 790

(Filing No. H- 449)

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

COMMITTEE AMENDMENT "A" to H.P. 586, L.D. 790, Bill, "An Act Concerning Potato Varieties"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 7 MRSA §1033, sub-§2, ¶G, as amended by PL 1987, c. 99, §9, is further amended to read:

G. To recommend to the commissioner the maximum inspection fee which should be assessed for loads packed in Maine bags and to advise the commissioner of all factors necessary to achieve full industry participation in the Maine Bag Program; and

Sec. 2. 7 MRSA §1033, sub-§2, ¶I is enacted to read:

I. To promote, in cooperation with the commissioner, a voluntary program of variety labeling for Maine bags and other consumer packs of potatoes. This paragraph is repealed July 1, 1991.

Sec. 3. 7 MRSA §1034-A is enacted to read:

§1034-A. Variety labeling

There is established a voluntary potato variety labeling program to provide consumers with accurate information on the varieties of potatoes that are available and to assist the industry in establishing markets for new varieties.

1. Rules. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, concerning the program, including, but not limited to, program participation, identification of the varieties of

1 potatoes eligible for inclusion in the potato variety labeling
2 program, requirements of the inspection of potatoes in the
3 program and appropriate methods of labeling. No rule may be
4 adopted that requires the inspection of potatoes labeled by
5 variety when the packer is not a participant in the potato
6 variety labeling program.

7
8 2. Fees. The commissioner shall establish inspection fees
9 for potatoes packed in bags labeled in accordance with the potato
10 variety labeling program at a level 3¢ below the inspection fees
11 established pursuant to sections 1033-A and 1034.

12 3. Violation. Any participant in the potato variety
13 labeling program who packs potatoes in a bag labeled with the
14 name of a different potato variety commits a civil violation.
15 The first violation shall result in a forfeiture of not more than
16 \$1,000, with each subsequent violation subject to a penalty of
17 not more than \$2,000. For the purposes of this section, each
18 load of potatoes constitutes a separate violation.

19
20 4. Sunset. This section is repealed on July 1, 1991.

21
22 **Sec. 4. Report.** The Maine Potato Quality Control Board shall
23 submit a report by March 1, 1991, to the Joint Standing Committee
24 on Agriculture describing the participation, results and any
25 problems associated with the voluntary potato variety labeling
26 program. The board shall recommend whether to continue or
27 discontinue the program and may propose changes.

28

29

FISCAL NOTE

30

This legislation will result in:

31

32
33 1. A potential reduction in dedicated revenue to the
34 Department of Agriculture, Food and Rural Resources, Marketing
35 Services, Acct. #04101.3, of approximately \$15,000 annually.
36 This decrease in revenue is due to the 3¢ reduction in the
37 inspection fee for voluntary potato variety labeling; and
38

39

40 2. A potential increase in court filings in the state court
41 system due to the establishment of a civil violation for
42 mislabeling potato varieties. The Judicial Department is
43 expected to absorb all costs associated with this legislation by
44 utilizing existing resources.
45

46

47 Finally, it is anticipated that all costs associated with
48 the report requirement, the promulgation of rules, the reduction
49 in dedicated revenue and the potential costs for testing potatoes
50 to determine specific variety will be absorbed by the Department
51 of Agriculture, Food and Rural Resources by utilizing existing
52 resources.'

53

1

STATEMENT OF FACT

3

5 The amendment strikes the original bill and replaces it with
7 provisions creating a voluntary program of potato variety
9 labeling. Inspection of potatoes is required for inclusion in
11 the program, but a 3¢ reduction in the inspection fee is provided
13 as an incentive to label by variety. The packing of potatoes
15 labeled by a variety without inspection is allowed when the
packer is not a program participant. The Commissioner of
Agriculture, Food and Rural Resources will adopt rules for
program participation, including eligible potato varieties and
methods of labeling. Mislabeled potato varieties by program
participants is a civil violation with a fine of not more than
\$1,000 for the first violation and not more than \$2,000 for each
subsequent violation.

Reported by the Committee on Agriculture
Reproduced and distributed under the direction of the Clerk of the
House
6/8/89

(Filing No. H-449)