

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 841, L.D. 1173, Bill, "An Act to Provide Final Price Disclosure to Potato Growers"

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

'7 MRSA §1022, sub-§2, as amended by PL 1979, c. 541, Pt. A, §64, is further amended to read:

2. Guarantees. In any sale in which the buyer of such potatoes is a person required to be licensed by this ~~Article~~ article and has a place of business in this State except a retailer, any guarantees with regard to grade, size, weight or other specifications, made by the producer shall be deemed satisfied when the grade, size, weight or specifications, as certified by a licensed federal-state potato inspector, or seed potato inspector, after said ~~the~~ potatoes have been or while they are being loaded for transit, equals or exceeds the grade, size, weight or other specifications of such ~~the~~ potatoes stated in such ~~the~~ record of transaction. Any producer making any such guarantees shall at all ~~time~~ times prior to shipment have the option to determine whether or not said ~~the~~ potatoes shall be inspected in accordance with this subsection. Any attempt by a dealer to coerce or influence a producer to forego an inspection shall be a civil violation subject to section 1028. Any agreement the effect of which is to deny the producer ~~of his~~ the right to satisfy ~~his~~ the producer's guarantee obligations and any agreement conflicting with this subsection are ~~null--and~~ void; provided that a producer ~~shall-be-deemed-to-waive-his~~ waives any rights under this subsection or he may sell his potatoes under an agreement conflicting with this subsection when the record of transaction required by this ~~Article~~ article contains the following additional information:

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A. Name and address of the person to whom the dealer resold the potatoes and any other person to whom the producer is obligated, directly or indirectly, by making any guarantees with regard to grade, size, weight or other specifications;

B. Point of final destination for said the shipment of potatoes; and

C. Price for the potatoes, per unit at final destination.

A buyer or dealer who attempts to enforce or hold a producer liable under a guarantee obligation, when the potatoes have been inspected in accordance with this subsection, without supplying the information in paragraphs A, B and C commits a civil violation and shall be subject to section 1028.

FISCAL NOTE

It is anticipated that any additional costs resulting from the establishment of a new civil violation will be absorbed by the Judicial Department by utilizing existing resources.'

STATEMENT OF FACT

This amendment replaces the original bill. The amendment adds price per unit at final destination to the information that must be provided by a dealer in order to hold a producer to a contract guarantee when the producer has a shipment of potatoes inspected prior to shipment. The amendment also makes it a civil violation for a dealer to attempt to hold a producer liable for an inspected shipment without providing on the record of transaction the name and address of the person to whom the dealer resells the potatoes, the point of final destination and the price per unit at the final destination. Finally, a dealer of potatoes who attempts to prevent a shipment of potatoes from being inspected commits a civil violation. These civil violations use the existing penalty structure of a fine of up to \$1,000 for the first offense and up to \$2,000 for subsequent offenses.

Reported by the Committee on Agriculture
Reproduced and distributed under the direction of the Clerk of the House
5/30/89

(Filing No. H-330)