

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1847

H.P. 1330

House of Representatives, December 8, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 8, 1989. Referred to the Committee on Agriculture and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PINES of Limestone.

Cosponsored by Representative TARDY of Palmyra, Representative PARENT of Benton and Representative MAHANY of Easton.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend the Potato Branding Laws.

(EMERGENCY)



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

4
Whereas, existing law does not distinguish between violation
6 of an order of seizure and any other violation of the branding
laws; and

8
Whereas, the general fine structure currently applicable to
10 orders of seizure provides for fines that are so low that many
shippers found with misbranded potatoes that do not meet grade
12 requirements have elected to send these potatoes to market, in
deliberate disregard of seizure orders, knowing that costs of
14 regrading and repacking these potatoes would be much greater than
the potential fine for violating the seizure orders; and

16
Whereas, the current law therefore does not adequately deter
18 the shipment to market of low-quality, misbranded potatoes that
do not meet grade requirements to the detriment of the entire
20 potato industry; and

22
Whereas, in light of the current high market for potatoes,
the incentive to ship misbranded potatoes in violation of law is
24 even greater than usual; and

26
Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
28 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
30 safety; now, therefore,

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

34 7 MRSA §954-A, as amended by PL 1975, c. 687, §1, is
further amended by adding at the end a new paragraph to read:

36
Notwithstanding section 957, any violation of this section
38 shall constitute a separate civil violation with a minimum
penalty of \$1,000 for each occurrence. Each lot of potatoes
40 exposed or offered for sale, transported, shipped or dumped
without the requisite federal and state inspection certificate
42 required under this section showing that the potatoes meet the
minimum grade requirements specified on the container shall
44 constitute a separate violation. There shall be no violation
when the potatoes involved have been removed from the containers
46 and are to be used for processing or charitable purposes. These
potatoes must be handled under the supervision of the Department
48 of Agriculture, Food and Rural Resources.

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

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STATEMENT OF FACT

The purpose of this bill is to ensure that inferior potatoes seized by the Department of Agriculture, Food and Rural Resources are kept off traditional markets until those potatoes are regraded and accompanied by a federal and state inspection certificate showing that the potatoes meet the minimum grade requirement specified on the container. The bill deters a packer or shipper from shipping potatoes of known inferior quality by establishing a minimum penalty of \$1,000 for each occurrence of a violation of the potato inspection laws under the Maine Revised Statutes, Title 7, section 954-A.