

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2434

H.P. 1757

House of Representatives, March 15, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative TARDY of Palmyra.

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STATE OF MAINE

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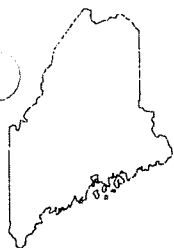
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act to Amend the Laws Concerning the Theft of Blueberries.

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(AFTER DEADLINE)



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

2           **Sec. 1. 36 MRSA §4315, sub-§1**, as enacted by PL 1989, c. 214,  
4       §2, is amended to read:

6           **1. Transportation of blueberries without permit.** It is  
8       unlawful for any person to transport blueberries in quantities  
10      exceeding 25 pounds without first obtaining a transportation  
12      permit on an official form to be furnished by the Maine Blueberry  
14      Commission. The Maine Blueberry Commission shall issue official  
16      transportation permit forms to owners who may issue the  
18      transportation permits to individuals. Each permit issued shall  
20      must bear a different number and shall expire at the end of the  
22      calendar year. When an owner issues a transportation permit, the  
24      owner shall immediately send a copy to the Maine Blueberry  
26      Commission. The commission shall keep a permanent record of all  
28      permits issued. The commission may promulgate rules establishing  
30      the form and content of transportation permits and governing the  
32      means of their issuance and establishing the record-keeping  
34      functions of the commission and the owners. Notwithstanding any  
36      provision of Title 1, chapter 13, subchapter I to the contrary,  
38      records pertaining to transportation permits required to be kept  
40      by the Maine Blueberry Commission under this section are  
42      confidential to the extent necessary to preserve the identity of  
44      parties to individual business transactions. The confidential  
46      status does not apply when records kept by the Maine Blueberry  
48      Commission are needed as evidence in any proceeding to enforce  
50      any provision of section 4314 or this section, or in any  
52      prosecution for a violation of any other criminal law.

**Sec. 2. 36 MRSA §4316, sub-§3**, as enacted by PL 1989, c. 214,  
§2, is amended to read:

**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 or any other violation of this section is  
a civil violation punishable by a fine of not more than \$1,000.

**Sec. 3. 36 MRSA §4316, sub-§4**, as enacted by PL 1989, c. 214,  
§2, is repealed and the following enacted in its place:

**4. Audits.** The Maine Blueberry Commission may request the  
Department of Agriculture, Food and Rural Resources to conduct  
audits of the records of receivers for the purpose of  
ascertaining compliance with this section. The commissioner, or  
a duly authorized agent, has free access to all records required  
to be kept by receivers pursuant to this section and also to  
receivers' accounts payable, accounts receivable, records of  
inventories, actual inventories, records of shipments and such  
other business records as are needed to ascertain compliance with  
this section. Any documents inspected or taken by the department

2 in furtherance of the audit functions or any other information  
3 collected by the department pursuant to the audit must be kept  
4 confidential notwithstanding any provision to the contrary  
5 contained in Title 1, chapter 13, subchapter I. This  
6 confidential status does not apply to any documents, records or  
7 information that is needed as evidence in any civil or criminal  
8 proceeding to enforce any law under this chapter or any other  
9 criminal law.

## 12 STATEMENT OF FACT

14 The purpose of this bill is to permit the Department of  
15 Agriculture, Food and Rural Resources greater access to  
16 receivers' records for the purpose of ascertaining compliance  
17 with the laws concerning the theft of blueberries. Other  
18 provisions of the bill operate to ensure that potentially  
19 sensitive business information that is made available to the  
20 department or the Maine Blueberry Commission is afforded  
21 confidential status and is thereby protected from the provisions  
22 of the freedom of access laws.