

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1717

H.P. 1273

House of Representatives, January 13, 1994

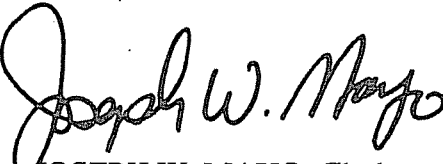
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**An Act Regarding the Inspection of Maine Potatoes.**

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Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

Reference to the Committee on Agriculture suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative TARDY of Palmyra.

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

2  
4 Sec. 1. 7 MRSA §441, as repealed and replaced by PL 1979, c.  
672, Pt. A, §16, is amended to read:

6 §441. Rules

8 The commissioner may prescribe, in a manner consistent with  
10 the Maine Administrative Procedure Act, rules and ~~regulations~~ for  
12 carrying out this subchapter, including the fixing of fees to be  
14 charged any individual, firm or organization requesting an  
16 inspection pursuant to section 446 or receiving an inspection  
18 pursuant to section 951. These fees shall, as nearly as possible,  
20 cover the costs of the inspection services for the commodity  
inspected. All fees collected shall be paid by the commissioner  
to the Treasurer of State and are appropriated for the purposes  
of this subchapter. Any unexpended balance from the funds thus  
appropriated shall not lapse, but shall be carried forward to the  
same fund for the next fiscal year.

22 Sec. 2. 7 MRSA §951, as amended by PL 1979, c. 731, §19, is  
further amended by adding at the end 3 new paragraphs to read:

24 Notwithstanding the provisions of article 4, the  
26 commissioner may require, by rules adopted pursuant to the Maine  
28 Administrative Procedure Act, the inspection of all or a portion  
30 of consumer packs of potatoes for conformity with the U.S. #1  
32 grade or other grades. Inspection under any rule adopted  
34 pursuant to this section must be performed by a licensed  
federal-state potato inspector, state potato inspector or seed  
potato inspector. Before proposing rules under this section, the  
commissioner shall consult with the Maine Potato Quality Control  
Board.

36 For the shipping season ending July 31, 1994, all consumer  
38 packs of Maine potatoes exposed for sale and labelled U.S. #1  
40 must be inspected by a licensed federal-state potato inspector,  
42 state potato inspector or seed potato inspector for conformity  
with the grade prior to sale or transport. For the shipping  
season ending July 31, 1994, this paragraph does not apply to  
consumer packs in lots of less than 2,500 pounds.

44 A person who violates this section or rules adopted under  
46 this section commits a civil violation for which a forfeiture not  
to exceed \$1,000 for the first offense and \$2,000 for any  
subsequent offense may be adjudged.

48  
50 STATEMENT OF FACT

52 This bill establishes the legal authority for the  
Commissioner of Agriculture, Food and Rural Resources to require

2 inspection for specific grades of consumer packs of Maine  
potatoes. The bill also creates a requirement for the inspection  
4 of all U.S. #1 packages of Maine potatoes for the current  
shipping season and establishes sanctions for violations.

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10 This document has not yet been reviewed to determine the  
need for cross-reference, stylistic and other technical  
12 amendments to conform existing law to current drafting standards.