

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1489


H.P. 1060

House of Representatives, May 3, 1995

**An Act to Implement the Recommendations of the Commission to Study
Potato Quality Issues.**

Reported by Representative KNEELAND for the Commission to Study Potato Quality
Issues pursuant to Public Law 1993, chapter 699, section 8.

Reference to the Joint Standing Committee on Agriculture, Conservation and Forestry
suggested and printing ordered under Joint Rule 20.


JOSEPH W. MAYO, Clerk

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

Sec. 1. 7 MRSA §441, as repealed and replaced by PL 1979, c. 672, Pt.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

§441. Rules

The commissioner may prescribe, in a manner consistent with the Maine Administrative Procedure Act, rules ~~and regulations~~ for carrying out this subchapter, including the fixing of fees to be charged any individual, firm or organization requesting an inspection pursuant to section 446 ~~or receiving an inspection pursuant to section 951~~. These fees ~~shall~~ ~~must~~, as nearly as possible, cover the costs of the inspection services for the commodity inspected. All fees collected ~~shall~~ ~~must~~ 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~~ ~~may~~ not lapse, but ~~shall~~ ~~must~~ be carried forward to the same fund for the next fiscal year.

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

Notwithstanding the provisions of article 4, the commissioner after consultation with the Maine Potato Board may require, by rules adopted pursuant to the Maine Administrative Procedure Act, the inspection of all or a portion of consumer packs of potatoes for conformity with the U.S. #1 grade or other grades. Inspection under any rule adopted pursuant to this section must be performed by a licensed federal-state potato inspector, state potato inspector or seed potato inspector. At the request of and in consultation with the Maine Potato Board, the commissioner shall initiate rulemaking to require inspection of consumer packs of potatoes.

A person who violates rules adopted under 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.

STATEMENT OF FACT

This bill is legislation recommended by the Commission to Study Potato Quality Issues. This bill establishes the legal authority for the Commissioner of Agriculture, Food and Rural Resources to require through rulemaking inspection for specific grades of consumer packs of Maine potatoes. The commissioner must initiate rulemaking to require inspection at the request of the Maine Potato Board.