

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 736

H.P. 529

House of Representatives, January 26, 1999

An Act to Further Discourage the Field Theft of Wild Blueberries.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.
Cosponsored by Senator GOLDTHWAIT of Hancock and
Representatives: BAGLEY of Machias, DUGAY of Cherryfield, GOODWIN of Pembroke,
PIEH of Bremen, SANBORN of Alton, Senators: CASSIDY of Washington, KILKELLY of
Lincoln.

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

2 **Sec. 1. 36 MRSA §4315, sub-§1**, as amended by PL 1997, c. 511,
4 §23, is further amended to read:

6 **1. Transportation of wild blueberries without permit.** It
8 is unlawful for a person to transport wild blueberries in
quantities exceeding 25 pounds without first obtaining a
10 transportation permit on an official form to be furnished by the
Wild Blueberry Commission of Maine. The Wild Blueberry
12 Commission of Maine shall issue upon request official
transportation permit forms to ~~owners~~ shippers and processors
certified under section 4305. ~~Shippers and processors~~ may issue
14 the transportation permits to ~~individuals~~ owners or owner's
transportation agents with written authorization from owners.
16 Each permit issued must bear a different number and expire at the
end of the calendar year. When an ~~owner~~ a shipper or processor
18 issues a transportation permit, the ~~owner~~ shipper or processor
shall immediately send a copy to the Wild Blueberry Commission of
20 Maine. The commission shall keep a permanent record of all
permits issued. The commission ~~may--adopt--rules--establishing~~
22 shall establish the form and content of transportation permits
~~and--governing--the--means--of--their--issuance~~ and establishing
24 establish the record-keeping ~~functions~~ requirements of the
commission ~~and---the---owners,~~ shippers and processors.
26 Notwithstanding any provision of Title 1, chapter 13, subchapter
I to the contrary, records pertaining to transportation permits
28 required to be kept by the Wild Blueberry Commission of Maine
under this section are confidential to the extent necessary to
30 preserve the identity of parties to individual business
transactions. The confidential status does not apply when
32 records kept by the Wild Blueberry Commission of Maine are needed
as evidence in any proceeding to enforce any provision of section
34 4314 or this section, or in any prosecution for a violation of
any other criminal law. This subsection does not apply to wild
36 blueberries that have been received by a certified shipper or
processor and have been weighed, logged into a permanent
38 record-keeping system and reloaded onto a vehicle for shipping
under a bill of lading.

42 **SUMMARY**

44 This bill discourages the theft of wild blueberries by
strengthening the laws concerning the illegal transportation of
46 blueberries by extending liability from owners alone to any
shipper or processor, limiting issuance of transportation permits
48 to owners or owners' transportation agents and requiring the Wild
Blueberry Commission of Maine to establish and administer the

form and record-keeping requirements of transportation permits.
2 The bill does not apply to shipments of wild blueberries that
have been received by a shipper or processor, logged into a
4 record-keeping system and reloaded into a vehicle for shipping
under a bill of lading.