

MAINE STATE LEGISLATURE

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L.D. 1182

DATE: 3-27-00

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MAJORITY
AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 848, L.D. 1182, Bill, "An Act to Amend the Qualifications of Weighmasters"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 10 MRSA §2501, as amended by PL 1997, c. 454, §6, is repealed and the following enacted in its place:

§2501. Qualifications

1. Individual license. A person wishing to be a licensed public weighmaster shall make application to the state sealer upon forms provided by the state sealer, and each application must be accompanied by an annual fee of \$25. When the state sealer receives an application and is satisfied that the applicant is of good moral character, has the ability to weigh accurately and to make correct weight certificates, has passed such oral or written examination as the state sealer may require and makes an oath to execute the requisite duties satisfactorily, the state sealer shall grant the applicant a license as a public weighmaster. A license expires on December 31st annually or in a manner consistent with the Maine Administrative Procedure Act, whichever is later, unless sooner revoked or suspended under section 2506.

Except as provided in subsection 2, a licensed public weighmaster shall, at the public weighmaster's own expense, procure an impression seal. The public weighmaster's name and the word "Maine" must be inscribed around the outer margin of the seal and

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2 the words "licensed public weighmaster" must appear in the center
3 of the seal. The seal must be impressed upon each weight
4 certificate issued by the licensed public weighmaster.

6 2. Corporate license. A business, company or corporation
7 wishing to be a licensed corporate public weighmaster shall make
8 application to the state sealer upon forms provided by the state
9 sealer. The application must name the owner or manager of the
10 business, company or corporation who is making the application.
11 Each application must be accompanied by an annual fee of \$250 and
12 a list of employees who hold valid individual licenses under
13 subsection 1. When the state sealer receives an application and
14 is satisfied that the business, company or corporation has the
15 ability to train its employees to weigh accurately and to make
16 correct weight certificates and that at least one employee of
17 that business, company or corporation holds a valid individual
18 license under subsection 1, the state sealer shall grant the
19 business, company or corporation a license as a corporate public
20 weighmaster. A license expires on December 31st annually or in a
21 manner consistent with the Maine Administrative Procedure Act,
22 whichever is later, unless sooner revoked or suspended under
23 section 2506.

24 The holder of a corporate license must notify the state sealer
25 when a licensed public weighmaster begins or leaves employment
26 with that business, company or corporation. The state sealer
27 shall assign a number to each licensed public weighmaster
28 operating under a corporate license. A corporate licensed public
29 weighmaster shall procure, at the corporation's expense, an
30 impression seal. The business, company or corporation name and
31 the word "Maine" must be inscribed around the outer margin of the
32 seal. The words "licensed corporate public weighmaster" must
33 appear in the center of the seal with a number identifying the
34 individual who is operating under the corporate weighmaster
35 license. The seal and correct identifying number must be
36 impressed upon each weight certificate issued under the corporate
37 license. A person who does not hold a valid license under
38 subsection 1 may not issue a weight certificate under a corporate
39 license.

40 **Sec. 2. 10 MRSA §2505 is amended to read:**

42 **§2505. Malfeasance**

44 Any licensed public weighmaster who falsifies a weight
46 certificate, or who delegates his authority to any person not
47 licensed as a licensed public weighmaster, or who preseals a
48 weight certificate with his the licensed public weighmaster's
49 official seal before performing the act of weighing, ~~shall be~~
50 ~~guilty of a misdemeanor and upon conviction shall be punished by~~

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2 a-fine commits a civil violation for which a forfeiture of not
more than \$100 may be adjudged.

4 A holder of a corporate public weighmaster's license who
6 allows a person not licensed as a licensed public weighmaster to
8 issue a weight certificate using the corporate seal commits a
10 civil violation for which a forfeiture not to exceed \$500 for a
12 first violation and not to exceed \$1,000 for a subsequent
violation may be adjudged. For the purposes of this section, the
person whose name appears on the application for a corporate
license pursuant to section 2501, subsection 2 is deemed to be
the holder of the corporate license.

14 **Sec. 3. 10 MRSA §2506**, as repealed and replaced by PL 1977,
16 c. 694, §182, is amended to read:

18 **§2506. Suspension or revocation of license**

20 The state sealer is authorized, in a manner consistent with
22 the Maine Administrative Procedure Act, to refuse to renew, and
24 the Administrative Court is authorized, on complaint of the state
26 sealer or the Attorney General, to suspend or revoke the license
of any licensed public weighmaster or licensed corporate public
weighmaster when the licensee has violated any provision of this
chapter or of any valid regulation of the state sealer affecting
a licensed public weighmaster.'

28 Further amend the bill by inserting at the end before the
30 summary the following:

32 **FISCAL NOTE**

34 The establishment of a corporate public weighmaster license
36 is likely to result in insignificant increases of General Fund
38 revenue collected by the Department of Agriculture, Food and
Rural Resources from corporate public weighmaster license fees.

40 The additional workload and administrative costs associated
42 with the minimal number of new cases filed in the court system
44 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
General Fund revenue by minor amounts.'

46 **SUMMARY**

48 This amendment is the majority report. This amendment
50 specifies that only a person holding an individual public
weighmaster's license is allowed to issue weight certificates

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2 under a corporate license. It also provides a penalty for a
corporate licensee who allows a nonlicensed individual to issue
4 weight certificates. The amendment also adds a fiscal note to
the bill.