

MAINE STATE LEGISLATURE

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H. of S.

L.D. 1720

DATE: 3/6/06

(Filing No. H-805)

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1227, L.D. 1720, Bill, "An Act To Make Revisions to the Maine Revised Statutes Relating to Agriculture"

Amend the bill by inserting after section 27 the following:

Sec. 28. 7 MRSA §539, as amended by PL 1971, c. 13, §1, is further amended to read:

§539. Sale, exchange or transport of "controlled atmosphere" apples

No A person shall ~~may not~~ sell or exchange or offer or expose for sale or exchange or transport for sale any apples represented as having been exposed to "controlled atmosphere," or "modified atmosphere," alone or with other words, or ~~shall-se~~ use any such term or form of words or symbols of similar import on any container or lot of apples advertised, sold, offered for sale or transported for sale within this State unless such apples have been kept in a room or storage building with not more than 5% oxygen for a minimum of 90 45 days, except that the commissioner, after notice and public hearing, may change the minimum ~~of--90 days--to--any~~ number of less days, as conditions in the apple industry may require.

If within a period of ~~100~~ 50 consecutive days the oxygen content of a sealed storage room ~~shall-be~~ is at 5% or less for a total of 90 45 days, the room ~~shall-qualify~~ qualifies as a legal controlled atmosphere room.

Sec. 29. 7 MRSA §540-B, as amended by PL 1979, c. 731, §19, is further amended to read:

COMMITTEE AMENDMENT

2 §540-B. Department of Agriculture, Food and Rural Resources seal

4 All controlled atmosphere storage rooms shall must be sealed
6 by a Department of Agriculture, Food and Rural Resources seal,
8 affixed by an authorized representative of the department. All
10 storages to qualify for controlled atmosphere must have been
12 sealed by a department representative on or before November 15th
14 of the storage year.

16 No seal shall may be broken, nor any such room be entered
18 during the 90-day 45-day required period, except as provided in
20 section 539. Whenever such interruptions occur, the ~~Division of~~
22 ~~Markets of the Department of Agriculture, Food and Rural~~
24 ~~Resources~~ department must be notified within 48 hours after the
26 opening of such rooms. Such entered room shall must thereafter be
28 resealed by an authorized representative of the department.'

30 Further amend the bill by inserting after section 40 the
32 following:

34 'Sec. 41. 7 MRSA §1007-A, sub-§6, as enacted by PL 1997, c.
36 538, §1, is amended to read:

38 6. Civil penalties. Any person who violates any of the
40 requirements of this section or any rules adopted under this
42 section commits a civil violation for which a ~~forfeiture~~ fine of
44 not more than \$1,000 for each violation, together with not more
46 than ~~\$200~~ \$1,000 for each succeeding day of a continuing
violation, may be adjudged.'

Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

SUMMARY

This amendment revises the number of days that apples must
be kept under specified conditions to be represented as exposed
to "controlled storage" to reflect changes in technology and the
industry standards. It also increases the fine for violation of
laws pertaining to the disposal of cull potatoes.

FISCAL NOTE REQUIRED
(See attached)



Approved: 02/27/06 *MAC*

122nd MAINE LEGISLATURE

LD 1720

LR 3052(02)

An Act To Make Revisions to the Maine Revised Statutes Relating to Agriculture

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Minor revenue increase - General Fund

Correctional and Judicial Impact Statements:

Increases the penalty for violations pertaining to the disposal of cull potatoes.