

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 1992

S.P. 786

December 18, 2007

An Act To Amend the Laws Governing Agricultural Marketing and Bargaining

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 18, 2007. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.
Cosponsored by Representative JACKSON of Allagash and Representatives: FISCHER of Presque Isle, THERIAULT of Madawaska.

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

2 **Sec. 1. 7 MRSA §1012, sub-§1**, as amended by PL 1997, c. 606, §2, is further
3 amended to read:

4 **1. Agent.** "Agent" means any person who sells or distributes potatoes or rotation
5 crops in commerce for or on behalf of producers or others and whose operations may
6 include the planting, cultivating, harvesting, grading, packing and furnishing containers,
7 supplies or other services. "Agent" does not include an association as defined under Title
8 13, section 1774, subsection 3.

9 **Sec. 2. 7 MRSA §1012, sub-§3**, as amended by PL 1981, c. 513, §8, is further
10 amended to read:

11 **3. Broker.** "Broker" means any person engaged in the business of negotiating sales
12 of potatoes in commerce for or on behalf of the seller or the purchaser, respectively. The
13 term "broker" ~~shall apply~~ applies to nonresidents of this State who carry on such business
14 in this State, whether ~~such the~~ "broker" is licensed in the state of ~~his~~ that broker's
15 residence or not. "Broker" does not include an association as defined under Title 13,
16 section 1774, subsection 3.

17 **Sec. 3. 13 MRSA §1955, sub-§3**, as enacted by PL 1973, c. 621, §1, is amended
18 to read:

19 **3. Handler.** ~~"Handler," in the case of potatoes, means "processor" as defined under~~
20 ~~Title 7, section 1012, subsection 14 and in the case of other agricultural products means~~
21 any person engaged in the business or practice of:

- 22 A. Acquiring agricultural products from producers or associations of producers for
23 processing or sale;
- 24 B. Grading, packaging, handling, storing or processing agricultural products received
25 from producers or associations of producers;
- 26 C. Contracting or negotiating contracts or other arrangements, written or oral, with
27 or on behalf of producers or associations of producers with respect to the production
28 or marketing of any agricultural product; or
- 29 D. Acting as an agent or broker for a handler in the performance of any function or
30 act specified in paragraph A, B or C.

31 In the case of potatoes, "handler" means a processor as defined under Title 7, section
32 1012, subsection 14 or a person acting as an agent or broker for a processor located or
33 licensed in the State.

34 **SUMMARY**

35 This bill amends the laws governing agricultural marketing and bargaining by
36 amending the definition of "handler" to define that term as it pertains to potatoes. The

1 bill also amends the definitions of "agent" and "broker" to exclude from those definitions
2 associations that are cooperative associations of agricultural producers.