

MAINE STATE LEGISLATURE

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ROFS

L.D. 1586

Date: 2/26/14 Majority (Filing No. H-632)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1157, L.D. 1586, Bill, "An Act To Strengthen Enforcement Standards for Potatoes"

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

'Sec. 1. 7 MRSA §951-A, first ¶, as amended by PL 1985, c. 184, is further amended to read:

~~No~~ A person may not plant seed potato potatoes in the State, the product of which is intended for sale, may be planted in the State in lots of one or more acres unless that seed is certified in accordance with rules adopted by the commissioner. These rules may include without limitation requirements for filing reports with the commissioner and requirements for filing records to the commissioner or his the commissioner's designee, upon request, which that demonstrate that the potatoes so planted have been properly certified. A person, firm or corporation that plants potatoes in violation of this section shall be is subject to a civil penalty fine of not less than \$20 and \$1,000 plus not more than \$100 \$400 per acre for each acre or part of an acre planted in violation of this section; provided that failure. Failure to file complete and accurate reports or failure to provide complete and accurate records in accordance with the rules adopted by the commissioner shall be is an additional violation resulting in a separate civil penalty fine of not less than \$200 nor more than \$1,000 for each such failure. Any civil penalty fine collected under this section shall be is payable to the Treasurer of State and credited without lapsing to the commissioner for the enforcement of this section. The commissioner shall adopt and may amend rules consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this section. In addition to the enforcement powers and penalties established in this section, the commissioner may issue subpoenas to any individual in order to compel delivery of any reports or records which are required under this section. These subpoenas shall be are enforceable by any court of competent jurisdiction.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment, which is the majority report of the committee, clarifies the bill's intent that the fine for violating the provision of law regarding minimum standards for planting potatoes in the State is \$1,000 plus not more than \$400 per acre for each acre or part of an acre planted in violation of the law.

FISCAL NOTE REQUIRED
(See attached)



Approved: 02/19/14 *MAC*

126th MAINE LEGISLATURE

LD 1586

LR 2583(02)

An Act To Strengthen Enforcement Standards for Potatoes

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-632)
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Allowing the Department of Agriculture, Conservation and Forestry access to planted fields for auditing purposes and raising minimum fines from \$20 to \$1,000, as well as raising the maximum fine on planted acres from \$100 to \$400 per acre for planting potatoes using uncertified seeds, will increase revenue to the department beginning in fiscal year 2014-15.