

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1586

H.P. 1157

House of Representatives, December 30, 2013

An Act To Strengthen Enforcement Standards for Potatoes

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SAUCIER of Presque Isle.
Cosponsored by Senator LANGLEY of Hancock and
Representatives: GIFFORD of Lincoln, MAREAN of Hollis.

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

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

4 ~~No~~ A person may not plant seed potato potatoes in the State, the product of which is
5 intended for sale, ~~may be planted in the State~~ in lots of one or more acres unless that seed
6 is certified in accordance with rules adopted by the commissioner. These rules may
7 include without limitation requirements for filing reports with the commissioner and
8 requirements for filing records to the commissioner or ~~his~~ the commissioner's designee,
9 upon request, ~~which that~~ demonstrate that the potatoes ~~so~~ planted have been properly
10 certified. A person, firm or corporation that plants potatoes in violation of this section
11 ~~shall be~~ is subject to a ~~civil penalty fine~~ fine of not less than \$20 and \$1,000; if the number of
12 acres planted in violation of this section exceeds 2, the fine may not be more than \$100
13 \$400 per acre for each acre or part of an acre planted in violation of this section; provided
14 that failure . Failure to file complete and accurate reports or failure to provide complete
15 and accurate records in accordance with the rules adopted by the commissioner ~~shall be~~ is
16 an additional violation resulting in a separate ~~civil penalty fine~~ fine of not less than \$200 nor
17 more than \$1,000 for each such failure. Any ~~civil penalty fine~~ fine collected under this
18 section ~~shall be~~ is payable to the Treasurer of State and credited without lapsing to the
19 commissioner for the enforcement of this section. The commissioner shall adopt and may
20 amend rules consistent with the Maine Administrative Procedure Act, ~~Title 5, chapter~~
21 ~~375~~, to implement this section. In addition to the enforcement powers and penalties
22 established in this section, the commissioner may issue subpoenas to any individual in
23 order to compel delivery of any reports or records ~~which are~~ required under this section.
24 These subpoenas ~~shall be~~ are enforceable by any court of competent jurisdiction.

25 **Sec. 2. 7 MRSA §956, first ¶**, as amended by PL 1979, c. 731, §§10 and 11, is
26 further amended to read:

27 The commissioner shall diligently enforce all of the provisions of sections 951 to
28 957. ~~He~~ The commissioner, either in person or by a duly authorized representative, ~~shall~~
29 ~~have~~ has free access, ingress and egress to any place or field or any building, boat, truck,
30 trailer, ~~or~~ railroad car, warehouse, depot, station, packing house, boat dock, or any
31 building wherein potatoes are packed, stored, transported, sold, offered or exposed for
32 sale or for transportation or for planting. ~~He~~ The commissioner may also, in person, or
33 by duly authorized representative, open any container and may take samples therefrom.
34 ~~He~~ The commissioner shall, upon written request, ~~therefor~~, pay the packer the fair market
35 value of any sample retained or destroyed by ~~him~~ the commissioner. ~~He~~ The
36 commissioner may recover ~~forfeitures~~ fines imposed for violation of those sections in a
37 civil action brought in ~~his~~ the commissioner's own name and, if ~~he~~ the commissioner
38 prevails in that action, ~~shall~~ recover full costs.

39 **SUMMARY**

40 This bill increases fines for violating the provisions of law regarding minimum
41 standards for planting potatoes in the State and allows the Department of Agriculture,
42 Conservation and Forestry access to planted fields for auditing purposes.