

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 285

H.P. 183

House of Representatives, January 27, 2023

**An Act to Remove the Requirement for Wild Blueberry
Transportation Permits**

(EMERGENCY)

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Calais.
Cosponsored by Senator MOORE of Washington and
Representatives: DANA of the Passamaquoddy Tribe, DAVIS of East Machias, STROUT of
Harrington.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Wild Blueberry Commission of Maine, representing the State's wild
4 blueberry industry, has determined that theft of wild blueberries from fields is no longer a
5 significant concern because of the food traceability requirements imposed by the federal
6 Food and Drug Administration's Food Safety Modernization Act; and

7 **Whereas,** removing the permits currently required for transporting wild blueberries
8 would reduce the paperwork burden on farmers and businesses that transport wild
9 blueberries in the State for the upcoming growing season; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

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

15 **Sec. 1. 36 MRSA §4302, sub-§5,** as amended by PL 1997, c. 511, §9, is repealed.

16 **Sec. 2. 36 MRSA §4314,** as amended by PL 2007, c. 694, §§6 to 8, is further
17 amended by amending the section headnote to read:

18 **§4314. Permit Permission required**

19 **Sec. 3. 36 MRSA §4315, sub-§1,** as amended by PL 2007, c. 694, §9, is repealed.

20 **Sec. 4. 36 MRSA §4315, sub-§1-A,** as amended by PL 2007, c. 694, §9, is
21 repealed.

22 **Sec. 5. 36 MRSA §4315, sub-§2,** as enacted by PL 1989, c. 214, §2, is repealed.

23 **Sec. 6. 36 MRSA §4315, sub-§3, ¶A,** as amended by PL 2007, c. 694, §9, is further
24 amended to read:

25 A. ~~Except as provided in subsection 4, a~~ A person who transports wild blueberries in
26 violation of this section commits:

27 (1) A Class E crime; or

28 (2) A Class D crime if the person has 2 or more prior convictions under this
29 paragraph.

30 ~~A violation under this paragraph is a strict liability crime as defined in Title 17-A,~~
31 ~~section 34, subsection 4-A.~~

32 **Sec. 7. 36 MRSA §4315, sub-§3, ¶B,** as amended by PL 2007, c. 694, §9, is
33 repealed.

34 **Sec. 8. 36 MRSA §4315, sub-§4,** as amended by PL 2007, c. 694, §9, is repealed.

35 **Sec. 9. 36 MRSA §4316, sub-§1,** as amended by PL 2019, c. 222, §4 and affected
36 by §7, is further amended to read:

37 **1. Record keeping required.** A shipper or processor who transports or receives wild
38 blueberries shall keep a permanent record of each lot or load of wild blueberries. The

1 record must include the name of the driver of the vehicle used to deliver the wild
2 blueberries, the date of delivery, the delivery point, ~~a copy of the transportation permit, the~~
3 ~~driver's license number,~~ the total pounds of wild blueberries delivered, the origin of the
4 delivery and, if the origin is a location in the State, the name and address of the grower or
5 seller and the grower's or seller's certificate number if the grower or seller is certified under
6 section 4305.

7 **Sec. 10. 36 MRSA §4316, sub-§2,** as amended by PL 2007, c. 694, §10, is repealed.

8 **Sec. 11. 36 MRSA §4316, sub-§3,** as amended by PL 2007, c. 694, §10, is further
9 amended to read:

10 **3. Violation; civil.** The failure to keep the permanent records of wild blueberries
11 transported or received as required in this section, ~~failure to inspect the transportation~~
12 ~~permit of a driver of a vehicle used to deliver wild blueberries~~ or any other violation of this
13 section is a civil violation punishable by a fine of not more than \$5,000 for a first-time
14 violation and punishable by a fine of not more than \$10,000 when the person is found to
15 have committed a prior civil violation of this section within the prior 5 years.

16 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
17 takes effect when approved.

18 SUMMARY

19 This bill removes the requirement that persons transporting wild blueberries have a
20 transportation permit.