

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

within the boundaries of each a rectangle measuring 200 feet and 300 feet, which abuts at one point the principal access way or the lots have at least 75 feet of frontage on a cul-de-sac which provides access; or

C. All the lots are at least 5 acres, but do not make up a total of more than 100 acres and the lots less than 10 acres are of such dimensions as to accommodate within the boundaries of each a rectangle measuring 200 feet and 300 feet, which abuts at one point the principal access way or the lots have at least 75 feet of frontage on a cul-de-sac which provides access.

Effective July 29, 1976

CHAPTER 713

AN ACT to Revise the Potato Licensing Law.

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

Sec. 1. 7 MRSA § 1015, 5th ¶, as enacted by PL 1971, c. 366, is amended to read:

Each license shall plainly state the name and business address or addresses of the licensee and shall be posted in a conspicuous place in each office where the business is transacted. The initial fee for each license shall be ~~\$50~~ \$80. Such license shall be automatically renewed for successive periods of one year each upon payment of the renewal fee which shall be ~~\$25~~ \$80. If the licensee desires to carry on business in more than one place within the State, he shall procure additional copies of the license, certified by the commissioner, for each place where the business is to be conducted. The fee for each such certification shall be ~~\$2~~ \$80.

Sec. 2. 7 MRSA § 1017, sub-§ 4, is enacted to read:

4. Notification of insufficient or no payment. Producers may notify the Department of Agriculture of insufficient or no payment for potatoes delivered to any processor in the State in violation of subsection 1, paragraph B.

A. Action by the commissioner. The Commissioner of Agriculture or his agent, upon notification by producers of insufficient or no payment shall immediately investigate the complaint and shall hold a hearing within 10 days from the date the complaint was filed, unless such hearing is waived by the processor against whom the charge has been made. The processor accused of nonpayment shall provide the commissioner with a copy of the contract, if any, and all other materials and information to enable the commissioner to carry out the provisions of this section. Upon finding, after investigation that the processor has violated the contract, express or implied, the commissioner shall require the processor to post a bond sufficient to cover the debt owed to the producer or producers.

- (1) The commissioner may require the licensee, who has been accused or found guilty after a hearing of insufficient payment or nonpayment of debts owed a producer, to formulate a schedule of payments to the producer that is satisfactory to the commissioner. The schedule of payments shall not exceed a 30-day period.
- (2) The licensee accused of or found by a hearing to be in default of payment to a producer shall submit a payment schedule to the commissioner within one week from the commissioner's request for a payment schedule. In the event that the schedule of payment is not satisfactory to the commissioner, the commissioner shall establish the schedule of payment not to exceed a 30-day period.
- (3) The commissioner shall suspend the license of any licensee who fails to conform to the payment schedule established in this section until the producer is paid the total claim to which the producer is entitled.
- (4) A licensee found guilty of insufficient payment or nonpayment of debts owed a potato producer may appeal the decision in accordance with the procedure defined in section 1021. The licensee shall post a bond sufficient to cover the total claim owed the producer on the date on which the licensee files an appeal as established in this subsection. The bond required for an appeal procedure may be waived by the commissioner in the event that the bond required in paragraph A is valid and sufficient to cover the total claim owed the producer.
- (5) Nothing in this section shall be construed to prohibit a producer from seeking redress for insufficient payment or nonpayment from licensees in any court or in accordance with any federal procedure established to obtain redress.

Effective July 29, 1976

CHAPTER 714

AN ACT to Allocate Part of Lobster and Crab Fishing License Fees to the Lobster Fund and Boat Fund.

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

12 MRSA § 4404, sub-§ 6 is repealed and the following enacted in place thereof:

6. Lobster Fund and Boat Fund. Five dollars of each license fee received for lobster and crab fishing licenses shall be allocated to the Lobster Fund, as heretofore established, and the Boat Fund, herein established as follows:

A. Five dollars of each lobster and crab fishing license fee shall be allo-