

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

destination, the producer ~~shall be~~ is deemed not to have made any guarantees with regard to grade, size, weight or other specifications, and such omission by the buyer or broker or agent ~~shall constitute~~ constitutes a waiver of any and all claims against the producer for breach of warranty, expressed or implied.

Sec. 15. 7 MRSA §1023, sub-§2, as enacted by PL 1971, c. 366, is amended to read:

2. Duties of brokers. In addition to all the duties of the broker otherwise imposed by law or by agreement, the broker ~~shall have~~ has the following duties:

A. The broker shall invoice the buyer, shall collect and remit to the seller and any secured party noted on the record of the transaction any and all sums due on account of the sale, and shall render an itemized accounting to the seller promptly upon receipt of payment, showing the true gross selling price, all brokerage fees deducted, and any other charges or expenses incurred in connection with the sale of the potatoes or rotation crops. Agreement to collect from the buyer and remit to the seller is not a guarantee by the broker that the buyer will pay for the potatoes or rotation crops purchased, unless there is a specific agreement by the broker that the broker will pay if the buyer does not pay.

B. The broker shall, to the best of ~~his~~ the broker's ability, make all necessary arrangements to effect the transportation of said shipment to the buyer, but the broker, in the absence of a specific agreement, does not guarantee the carrier payment of carrier charges.

C. The broker shall prepare, file and fully process with the carrier any and all claims for the seller of the potatoes or rotation crops, including taking all necessary action to bring the matter to a conclusion.

Sec. 16. 7 MRSA §1023, sub-§§3 and 5, as enacted by PL 1971, c. 600, §9, are amended to read:

3. Agents contracts. ~~No~~ A person required to be licensed by this Article ~~shall~~ may not act as an agent for any grower without first having an agreement with the grower reduced to a written contract clearly defining the duties and responsibilities of both parties, the extent of the agent's authority in distributing the potatoes or rotation crops, and the agent's fee or selling charge, if any.

5. Duties of agents. In addition to all the duties of the agent of any grower otherwise imposed by law, rule or regulation, or by agreement, the agent ~~shall have~~ has the same duties as are imposed upon the broker by subsection 2, paragraphs A, B and C.

Sec. 17. 7 MRSA §1024, sub-§1, as enacted by PL 1971, c. 366, is amended to read:

1. Producers. Producers are exempt from this Article when selling potatoes ~~which~~ or rotation crops ~~that~~ they have grown, ~~which~~ that they are presently growing or ~~which~~ that they intend to grow, except when acting as an agent.

See title page for effective date.

CHAPTER 607

H.P. 1409 - L.D. 1973

An Act Regarding the Energy Testing Laboratory of Maine

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

Sec. 1. 20-A MRSA §10201, as amended by PL 1989, c. 700, Pt. A, §59, is further amended to read:

§10201. Establishment

The Energy Testing Laboratory of Maine, referred to in this chapter as "ETLM," is established ~~at Southern Maine Technical College, referred to in this chapter as "SMTC," within the Department of Education.~~

Sec. 2. 20-A MRSA §§10202 and 10203, as amended by PL 1991, c. 824, Pt. A, §33, are further amended to read:

§10202. Goals and objectives

The goals and objectives of ETLM are to provide those services ~~which~~ that, among others, must meet the safety needs of industry and the public regarding the quality of construction of products tested by ETLM, the maintenance of high standards for testing conducted by ETLM and the provision of ~~educational and other consultant services, and must merge with the educational goals and objectives of SMTC.~~

§10203. Authority

~~ETLM is an integral part of SMTC and may, among other things, conduct tests, list products, supply labels, make reports, provide consultant services, conduct educational programs and provide other services consistent with the overall goals and objectives of ETLM as set forth in section 10202.~~

See title page for effective date.