

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
114TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
AGRICULTURE

JUNE 1990

MEMBERS:

\*Sen. R. Donald Twitchell  
Sen. Judy C. Kany  
Sen. Jerome A. Emerson

\*Rep. Robert J. Tardy  
Rep. John A. Aliberti  
Rep. B.Carolyn T. Mahany  
Rep. John M. Nutting  
Rep. Robert E. Hussey, Jr.  
Rep. Wilfred J. Bell  
Rep. Weston R. Sherburne  
Rep. Susan J. Pines  
Rep. Paul Parent  
Rep. Walter E. Whitcomb

Staff:  
Hartley Palleschi, Legislative Analyst

Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207) 289-1670

\*Denotes Chair

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
GILBERT W. BREWER  
TODD R. BURROWES  
GRO FLATEBO  
DEBORAH C. FRIEDMAN  
JOHN B. KNOX



PATRICK NORTON  
HARTLEY PALLESCHI  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
JOHN R. SELSER  
HAVEN WHITESIDE  
JILL IPPOLITI, RES. ASST.  
BARBARA A. MCGINN, RES. ASST.  
BRET A. PRESTON, RES. ASST.

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

**One Hundred and Fourteenth Legislature  
Second Regular Session**

**Joint Standing Committee  
Bill Summaries**

**June 1990**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. Committee Reports and Floor Action are abbreviated as follows:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

The House and Senate amendments made technical changes in the bill and committee amendment and included a change in the fiscal note asserting that the board will absorb any additional costs that result from this legislation.

**LD 1847**      **An Act to Amend the Potato Branding Laws**

**PUBLIC 605  
EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
PINES TARDY PARENT MAHANY	OTP	

**SUMMARY**

The bill ensures that inferior potatoes seized by the Department of Agriculture, Food and Rural Resources will not be resold until they are regraded and accompanied by a federal and state inspection certificate showing that the potatoes meet the minimum grade requirement specified on the container. Enforcement of this law is enhanced by establishing a minimum penalty of \$1,000 for each violation of the potato inspection laws under the Maine Revised Statutes, Title 7, section 954-A.

The language enacted in this bill was later clarified in the errors bill, PL 1989, chapter 878.

**LD 1916**      **An Act to Increase Penalties for Violation of the Pesticide Laws**

**PUBLIC 841**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
DORE TITCOMB HEESCHEN MARTIN J	OTP-AM      MAJ OTP-AM      MIN	H-1022    MAJ REP

**SUMMARY**

This bill, as amended by the majority committee report, creates 3 levels of penalties for violations of the pesticide law. In most circumstances, the violation of a pesticide law is a civil violation and the court may adjudge a fine not to exceed \$1,500 for first violations and not to exceed \$4,000 for subsequent violations. Intentional and knowing violations may be prosecuted as a crime and the court may adjudge a fine not to exceed \$7,500, imprisonment not to exceed 30 days, or both. Private applicators who violate the returnable pesticide container law or drift management reporting requirements may receive a fine not to exceed \$500 for first violations and not to exceed \$1,000 for subsequent violations. The majority report also places violations by general use pesticide dealers under the general penalty structure.

The majority report provides the court a list of considerations to use when determining the penalty for a pesticide violation and gives the court authority to require that violators attend educational courses as a condition for retaining or regaining a license. In addition, the majority report establishes or reinterprets various requirements involving the procedures and operations of the Board of Pesticides Control. The minority report differed from the majority report by retaining the existing penalty structure.