

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## An Act To Amend the Laws Governing Agricultural Marketing and Bargaining

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

**Sec. 1. 7 MRSA §1012, sub-§1**, as amended by PL 1997, c. 606, §2, is further amended to read:

**1. Agent.** "Agent" means any person who sells or distributes potatoes or rotation crops in commerce for or on behalf of producers or others and whose operations may include the planting, cultivating, harvesting, grading, packing and furnishing containers, supplies or other services. "Agent" does not include an association as defined under Title 13, section 1774, subsection 3.

**Sec. 2. 7 MRSA §1012, sub-§3**, as amended by PL 1981, c. 513, §8, is further amended to read:

**3. Broker.** "Broker" means any person engaged in the business of negotiating sales of potatoes in commerce for or on behalf of the seller or the purchaser, respectively. The term "broker" ~~shall apply~~applies to nonresidents of this State who carry on such business in this State, whether ~~such~~the"broker" is licensed in the state of ~~his~~that broker's residence or not. "Broker" does not include an association as defined under Title 13, section 1774, subsection 3.

**Sec. 3. 13 MRSA §1955, sub-§3**, as enacted by PL 1973, c. 621, §1, is amended to read:

**3. Handler.** "Handler;" ~~in the case of potatoes, means "processor" as defined under Title 7, section 1012, subsection 14 and in the case of other agricultural products means any person engaged in the business or practice of:~~

- A. Acquiring agricultural products from producers or associations of producers for processing or sale;
- B. Grading, packaging, handling, storing or processing agricultural products received from producers or associations of producers;
- C. Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product; or
- D. Acting as an agent or broker for a handler in the performance of any function or act specified in paragraph A, B or C.

In the case of potatoes, "handler" means a processor as defined under Title 7, section 1012, subsection 14 or a person acting as an agent or broker for a processor located or licensed in the State.

## SUMMARY

SP0786, LD 1992, item 1, 123rd Maine State Legislature  
An Act To Amend the Laws Governing Agricultural Marketing and Bargaining

This bill amends the laws governing agricultural marketing and bargaining by amending the definition of "handler" to define that term as it pertains to potatoes. The bill also amends the definitions of "agent" and "broker" to exclude from those definitions associations that are cooperative associations of agricultural producers.