

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 Strengthen Enforcement Standards for Potatoes

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

Sec. 1. 7 MRSA §951-A, first ¶, as amended by PL 1985, c. 184, is further amended to read:

~~No~~A person may not plant seed potatoes in the State, the product of which is intended for sale, may be planted in the State in lots of one or more acres unless that seed is certified in accordance with rules adopted by the commissioner. These rules may include without limitation requirements for filing reports with the commissioner and requirements for filing records to the commissioner or ~~his~~the commissioner's designee, upon request, ~~which~~that demonstrate that the potatoes so planted have been properly certified. A person, firm or corporation that plants potatoes in violation of this section shall be subject to a civil penalty fine of not less than \$20 and \$1,000; if the number of acres planted in violation of this section exceeds 2, the fine may not be more than \$100\$400 per acre for each acre or part of an acre planted in violation of this section; provided that failure. Failure to file complete and accurate reports or failure to provide complete and accurate records in accordance with the rules adopted by the commissioner shall be an additional violation resulting in a separate civil penalty fine of not less than \$200 nor more than \$1,000 for each such failure. Any civil penalty fine collected under this section shall be payable to the Treasurer of State and credited without lapsing to the commissioner for the enforcement of this section. The commissioner shall adopt and may amend rules consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this section. In addition to the enforcement powers and penalties established in this section, the commissioner may issue subpoenas to any individual in order to compel delivery of any reports or records which are required under this section. These subpoenas shall be enforceable by any court of competent jurisdiction.

Sec. 2. 7 MRSA §956, first ¶, as amended by PL 1979, c. 731, §§10 and 11, is further amended to read:

The commissioner shall diligently enforce all of the provisions of sections 951 to 957. ~~He~~The commissioner, either in person or by a duly authorized representative, shall have has free access, ingress and egress to any place or field or any building, boat, truck, trailer, or railroad car, warehouse, depot, station, packing house, boat dock; or any building wherein potatoes are packed, stored, transported, sold, offered or exposed for sale or for transportation or for planting. ~~He~~The commissioner may also, in person, or by duly authorized representative, open any container and may take samples therefrom. ~~He~~The commissioner shall, upon written request, therefor, pay the packer the fair market value of any sample retained or destroyed by himthe commissioner. ~~He~~The commissioner may recover forfeitures fines imposed for violation of those sections in a civil action brought in ~~his~~the commissioner's own name and, if ~~he~~the commissioner prevails in that action, shall recover full costs.

SUMMARY

This bill increases fines for violating the provisions of law regarding minimum standards for planting potatoes in the State and allows the Department of Agriculture, Conservation and Forestry access to planted fields for auditing purposes.