

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

Amend the bill by striking out all of section 1 and inserting the following:

**‘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~~is subject to a ~~civil penalty~~fine of ~~not less than \$20 and \$1,000 plus not more than \$100~~not less than \$1,000 plus not more than \$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~~is 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~~is 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~~are enforceable by any court of competent jurisdiction.’

## SUMMARY

This amendment, which is the majority report of the committee, clarifies the bill's intent that the fine for violating the provision of law regarding minimum standards for planting potatoes in the State is \$1,000 plus not more than \$400 per acre for each acre or part of an acre planted in violation of the law.