

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 183 - L.D. 285

An Act to Remove the Requirement for Wild Blueberry Transportation Permits

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Wild Blueberry Commission of Maine, representing the State's wild blueberry industry, has determined that theft of wild blueberries from fields is no longer a significant concern because of the food traceability requirements imposed by the federal Food and Drug Administration's Food Safety Modernization Act; and

Whereas, removing the permits currently required for transporting wild blueberries would reduce the paperwork burden on farmers and businesses that transport wild blueberries in the State for the upcoming growing season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 36 MRSA §4302, sub-§5, as amended by PL 1997, c. 511, §9, is repealed.

Sec. 2. 36 MRSA §4314, as amended by PL 2007, c. 694, §§6 to 8, is further amended by amending the section headnote to read:

§4314. Permit Permission required

Sec. 3. 36 MRSA §4315, sub-§1, as amended by PL 2007, c. 694, §9, is repealed.

Sec. 4. 36 MRSA §4315, sub-§1-A, as amended by PL 2007, c. 694, §9, is repealed.

Sec. 5. 36 MRSA §4315, sub-§2, as enacted by PL 1989, c. 214, §2, is repealed.

Sec. 6. 36 MRSA §4315, sub-§3, ¶A, as amended by PL 2007, c. 694, §9, is further amended to read:

A. ~~Except as provided in subsection 4, a~~ A person who transports wild blueberries in violation of this section commits:

- (1) A Class E crime; or
- (2) A Class D crime if the person has 2 or more prior convictions under this paragraph.

~~A violation under this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.~~

Sec. 7. 36 MRSA §4315, sub-§3, ¶B, as amended by PL 2007, c. 694, §9, is repealed.

Sec. 8. 36 MRSA §4315, sub-§4, as amended by PL 2007, c. 694, §9, is repealed.

Sec. 9. 36 MRSA §4316, sub-§1, as amended by PL 2019, c. 222, §4 and affected by §7, is further amended to read:

1. Record keeping required. A shipper or processor who transports or receives wild blueberries shall keep a permanent record of each lot or load of wild blueberries. The record must include the name of the driver of the vehicle used to deliver the wild blueberries, the date of delivery, the delivery point, ~~a copy of the transportation permit, the driver's license number,~~ the total pounds of wild blueberries delivered, the origin of the delivery and, if the origin is a location in the State, the name and address of the grower or seller and the grower's or seller's certificate number if the grower or seller is certified under section 4305.

Sec. 10. 36 MRSA §4316, sub-§2, as amended by PL 2007, c. 694, §10, is repealed.

Sec. 11. 36 MRSA §4316, sub-§3, as amended by PL 2007, c. 694, §10, is further amended to read:

3. Violation; civil. The failure to keep the permanent records of wild blueberries transported or received as required in this section, ~~failure to inspect the transportation permit of a driver of a vehicle used to deliver wild blueberries~~ or any other violation of this section is a civil violation punishable by a fine of not more than \$5,000 for a first-time violation and punishable by a fine of not more than \$10,000 when the person is found to have committed a prior civil violation of this section within the prior 5 years.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.