

**§1012. Definitions**

As used in this Article, in addition to the meanings given to the terms set forth in section 993 which meanings are applicable to such terms when used in this Article, the following terms shall have the following meanings: [PL 1971, c. 366 (NEW).]

**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. [PL 1997, c. 606, §2 (AMD).]

**2. Applicant.** "Applicant" means any person applying for a license under this Article. [PL 1971, c. 366 (NEW).]

**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 to nonresidents of this State who carry on such business in this State, whether such "broker" is licensed in the state of his residence or not. [PL 1981, c. 513, §8 (AMD).]

**4. Buyer.** "Buyer" means any person other than a consumer who purchases or contracts to purchase potatoes or rotation crops. [PL 1997, c. 606, §2 (AMD).]

**5. Dealer.** "Dealer" means any person engaged in the business of buying or selling potatoes or rotation crops in wholesale or jobbing quantities in commerce and includes:

A. Jobbers, distributors and other wholesalers; [PL 1997, c. 606, §3 (AMD).]

B. Producers who buy and resell potatoes or rotation crops grown by others in wholesale or jobbing quantities; and [PL 1997, c. 606, §3 (AMD).]

C. Nonresidents of this State who carry on the business of buying and selling potatoes or rotation crops in this State, whether such dealer is licensed in that dealer's state of residence or not. [PL 1997, c. 606, §3 (AMD).]

The term "dealer" does not include persons buying potatoes or rotation crops for canning or processing, or both, within this State and persons buying potatoes or rotation crops for sale primarily to consumers. [PL 1997, c. 606, §3 (AMD).]

**6. Licensed federal-state potato inspector.** "Licensed federal-state potato inspector" means an authorized representative of the Federal-State Inspection Service. [PL 1971, c. 366 (NEW).]

**7. Licensee.** "Licensee" means any person who holds an unrevoked and valid unsuspended license issued under this Article. [PL 1971, c. 366 (NEW).]

**8. Maine Potato Council.**

[PL 1991, c. 837, Pt. A, §18 (RP).]

**9. Retailer.** "Retailer" means a person engaged in the business of buying potatoes or rotation crops in wholesale or jobbing quantities and reselling the potatoes or rotation crops bought primarily to consumers through at least 5 retail outlets located within or without the State. [PL 1997, c. 606, §4 (AMD).]

**9-A. Rotation crop.** "Rotation crop" means small grain, soybean or flax grown in rotation with potatoes. [PL 1997, c. 606, §5 (NEW).]

**10. Sale.** "Sale" includes every contract of purchase or sale, contract to purchase or sell, purchase, sale and disposition of potatoes or rotation crops for value.  
[PL 1997, c. 606, §6 (AMD).]

**11. Seller.** "Seller" means any person who sells or contracts to sell potatoes or rotation crops in the regular course of business.  
[PL 1997, c. 606, §6 (AMD).]

**12. Verified complaint.** "Verified complaint" means a writing signed by a person, who, under oath, swears that the person has reason to believe that a person required to be licensed under this Article has violated one or more of the provisions of this Article or of the rules and regulations promulgated thereunder, setting forth a short and plain statement of the allegations that are the basis for such belief.  
[RR 2021, c. 1, Pt. B, §116 (COR).]

**13. Wholesale or jobbing quantities.** "Wholesale or jobbing quantities" means aggregate quantities of potatoes totalling 25 tons, that is, 50,000 pounds, or more in weight purchased or contracted to be purchased in any calendar month.  
[PL 1979, c. 541, Pt. A, §63 (AMD).]

**14. Processor.** "Processor" means any person other than a consumer who purchases or contracts to purchase potatoes or rotation crops primarily for manufacture into articles of food or starch by operations that change the physical form the potatoes or rotation crops possessed when harvested. The effects of the following operations are considered as changing the physical form possessed by potatoes or rotation crops when harvested: Chopping, slicing, cutting, dicing, mashing, removal of skin or peel, frying or otherwise cooking, freezing, canning, dehydrating or comparable methods of preparation for marketing in what is generally considered to be a processed form.  
[PL 1997, c. 606, §7 (AMD).]

#### SECTION HISTORY

PL 1971, c. 366 (NEW). PL 1971, c. 600, §§2-4 (AMD). PL 1975, c. 555, §1 (AMD). PL 1979, c. 541, §A63 (AMD). PL 1981, c. 513, §§8,9 (AMD). PL 1991, c. 837, §A18 (AMD). PL 1997, c. 606, §§2-7 (AMD). RR 2021, c. 1, Pt. B, §116 (COR).

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