

§1047. Powers

For the purpose of carrying out this subchapter, the commissioner or the commissioner's duly authorized agents have authority: [RR 2021, c. 1, Pt. B, §123 (COR).]

1. Stop-sale orders. To issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural, vegetable or tree and shrub seeds which the commissioner finds is in violation of any of the provisions of this subchapter, which order shall prohibit further sale of such seed until such officer has evidence that the law has been complied with. The issuance of such an order shall not be considered licensing or an adjudicatory proceeding, as defined by the Maine Administrative Procedure Act. No "stop-sale" order shall be issued or attached to any lot of seed without first giving the owner or custodian of such seed an opportunity to comply with the law. The owner or custodian of seeds which have been denied sale by a "stop-sale" order shall have the right to appeal from such order to a court of competent jurisdiction in the locality in which the seeds are found, praying for a judgment as to the justification of said order and for the discharge of such seed from the order. This subsection shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other provisions of this subchapter.

[PL 1977, c. 694, §114 (AMD).]

2. Employ qualified persons. To employ qualified persons under the Civil Service Law and to incur such expenses as may be necessary to carry out this subchapter; and

[PL 1985, c. 785, Pt. B, §44 (AMD).]

3. Cooperate with Federal Government. To cooperate with the Federal Government in seed law enforcement.

SECTION HISTORY

PL 1969, c. 42, §9 (AMD). PL 1977, c. 694, §114 (AMD). PL 1985, c. 785, §B44 (AMD). RR 2021, c. 1, Pt. B, §123 (COR).

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