

§957. Violations

Any person, firm or corporation who violates any of the provisions of sections 952 to 957 or to Article 4 or neglects or refuses to comply with any of the provisions required therein or in any way violates any of those provisions shall be subject to warning and to civil penalties payable to the State to be recovered in a civil action as provided in this section. [PL 1981, c. 513, §6 (RPR).]

1. First violation.

[PL 1993, c. 699, §2 (RP).]

1-A. Penalty. The following civil penalties apply:

A. For the first violation committed during a shipping season, a forfeiture of not more than \$200; [PL 1993, c. 699, §3 (NEW).]

B. For the 2nd violation committed during a shipping season, a forfeiture of \$1,000; and [PL 1993, c. 699, §3 (NEW).]

C. For the 3rd and subsequent violations committed during a shipping season, a forfeiture of not less than \$1,500. [PL 1993, c. 699, §3 (NEW).]

[PL 1993, c. 699, §3 (NEW).]

1-B. Mandatory inspection. After notice and an opportunity for hearing in an adjudicatory proceeding in accordance with the Maine Administrative Procedure Act, the commissioner may order a person the commissioner finds has violated this chapter 3 or more times in a shipping season to undergo mandatory inspection in the manner provided in section 446 for a period of one year from the date of the final administrative determination. If the inspection order is stayed during appeal of the administrative determination, the period of the stay is not counted in calculating the one-year period. A person subject to mandatory inspection under this subsection may not ship potatoes packed in consumer packs unless the packs are accompanied by an unrestricted, original certificate of inspection covering the entire manifest, or an original or a copy of a certificate of inspection positively identifying the actual bags or containers in the shipment. Shipment of potatoes without the certificate required by this subsection is a separate violation subject to the penalties provided by this section.

[PL 1993, c. 699, §3 (NEW).]

2. Violations subsequent to the first.

[PL 1993, c. 699, §4 (RP).]

2-A. No violation. There shall be no violation of section 952 or 953 where the lot of potatoes involved has been segregated and conspicuously marked with a sign stating that the potatoes are known to be out of grade or that the potatoes are awaiting state inspection under section 1036; provided that no such potatoes may be moved without consent of the department, except for purposes of repacking or regrading; and provided further that the department has been notified of the location and quantity of the potatoes involved. Any potatoes segregated under this subsection must be inspected by the department prior to shipment.

[PL 1985, c. 655, §3 (NEW).]

3. Third and subsequent violations.

[PL 1981, c. 513, §6 (RP).]

SECTION HISTORY

PL 1965, c. 219, §8 (AMD). PL 1975, c. 687, §2 (RPR). PL 1977, c. 696, §82 (RPR). PL 1979, c. 454 (AMD). PL 1979, c. 532, §2 (AMD). PL 1981, c. 513, §6 (RPR). PL 1985, c. 655, §3 (AMD). PL 1993, c. 699, §§2-4 (AMD).

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