

CHAPTER 30

VEGETABLES, FRUIT

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30.001 DEFINITION. Subdivision 1. Except where the context otherwise indicates, for the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of the department of agriculture.

[1961 c 113 s 1; 1961 c 128 s 13]

ENFORCEMENT

30.002 ENFORCEMENT. It shall be the duty of the commissioner to enforce the provisions of this chapter.

[1931 c 70 s 11; 1933 c 420 s 2; *Ex*1934 c 41 s 4; 1935 c 164 s 8; 1937 c 282 s 5] (3945-11, 3945-18, 3945-18i, 3945-22)

POTATO GRADING, LABELING, AND INSPECTION

30.01 DEFINITIONS. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2 and 6 shall, for the purposes of sections 30.099 to 30.201, have the meanings given to them.

Subd. 2. **Person.** "Person" means any grower, dealer, shipper, trucker, society, association, organization, corporation, or their agents or representatives.

Subd. 3. [Repealed, 1961 c 145 s 14]

Subd. 4. [Renumbered 30.099]

Subd. 5. [Renumbered 30.159]

Subd. 6. **Container or package.** "Container" or "package" means cloth, burlap, or fibre sacks, barrels, boxes, crates, cartons, hampers, or baskets, or any container which is either sewed, tied, nailed, or otherwise secured.

Subd. 7. [Repealed, 1961 c 145 s 14]

Subd. 8. [Repealed, 1961 c 145 s 14]

[1935 c 164 s 2; 1961 c 145 s 1, 4] (3945-13)

30.02 [Repealed, 1961 c 145 s 14]

30.03 [Repealed, 1961 c 145 s 14]

30.04 [Renumbered 30.121]

30.05 [Repealed, 1961 c 145 s 14]

30.06 [Renumbered 30.151]

30.07 [Repealed, 1961 c 145 s 14]

30.08 [Renumbered 30.152]

30.09 [Repealed, 1961 c 145 s 14]

30.099 DEFINITION OF POTATOES. For the purposes of 30.10 to 30.152,

"potatoes" means all potatoes offered for sale within the state of Minnesota.

[1935 c 164 s 2; 1961 c 145 s 2] (3945-13)

30.10 POTATO GRADES. The intent and purpose of sections 30.10 to 30.15 is to regulate the grade of potatoes when the potatoes are offered for sale by any person, grower, firm, dealer, trucker, association, organization, or corporation, either by wholesale or retail, or in any other manner. Except where otherwise provided, the provisions of sections 30.10 to 30.15 shall not apply to the grower when hauling, transporting, delivering, consigning, or selling potatoes of his own production and excepting Minnesota grown potatoes marketed between July first and October first of each year.

[1935 c 164 s 1; 1961 c 145 s 7] (3945-12)

30.11 STANDARD GRADES. The standard grades for Minnesota potatoes shall be the United States potato grades and shall conform to, in all respects and be identical with, the latest standards established by the United States department of agriculture for potatoes, all of which grades and standards are hereby adopted and shall be used in this state in the grading of potatoes for sale. Potatoes not conforming to the established United States potato grades may be sold in this state if labeled, tagged, or branded in the same manner as graded potatoes, except that in place of specifying the grade, the word "unclassified" shall be used. Certified seed potatoes inspected and certified under the authority of the commissioner of agriculture shall not be affected by sections 30.10 to 30.15, but shall be graded and tagged as required under sections 21.111 to 21.122.

[1935 c 164 s 3; 1961 c 118 s 1; 1961 c 145 s 8] (3945-14)

30.12 ALL SHIPMENTS MUST BE TAGGED. It shall be unlawful for any person, firm, trucker, association, organization, or corporation, or any agent, representative, or assistant to any person, firm, trucker, association, organization, or corporation, except those hereinbefore exempted, to sell, transport, deliver, or consign potatoes prepared for market unless each container has been legibly and conspicuously tagged, branded, labeled, and stenciled before being moved from the premises of the person responsible for the grading and packing, and the name of the grade legibly placed thereon, together with the true net contents expressed in weight.

Bulk shipments shall be accompanied by two cards, not less than four by six inches in size, placed in the inside of the car near each door. Likewise cards, in size herein described, shall be prominently placed on all bulk shipments made by truck or other conveyance. Upon each card shall appear the name and address of the consignor, the name of the grade, the name of the loading station, the date of loading, and the name and address of the consignee, if known.

[1935 c. 164 s. 4] (3945-15)

30.121 MARKS AND BRANDS. The marks and brands prescribed in sections 30.10 to 30.13 may be accompanied by additional marks or brands which are not inconsistent with, or more conspicuous than, and which do not in any way obscure, the marks and brands prescribed.

[1931 c 70 s 4; 1961 c 145 s 5] (3945-4)

30.13 NOT TO BE SOLD OR TRANSPORTED UNLESS TAGGED. It shall be unlawful for any person, including but not limited to the grower, to sell, deliver, or consign potatoes which have not been graded and branded or tagged to conform to the requirements of the grade declared. The grade declared shall conform to the provisions of sections 30.10 to 30.15.

It shall be unlawful for any common carrier by railroad, or any person, to transport or deliver in any manner potatoes which have not been tagged or branded, and which tag or brand shall show the claimed grade of the potatoes. This section shall be subject to the conditions of section 30.10.

No person shall transport for sale any potatoes on the highways who is the owner thereof, unless the potatoes are being transported for the purposes set forth in section 30.10, unless the potatoes have been graded and branded to conform to the requirements of the grade declared. The grade declared shall conform to the provisions of sections 30.10 to 30.15.

When potatoes have been graded, branded, or tagged in an unlawful manner, the condition of these potatoes at the time when the tag, label, certificate or brand is found attached to them shall be prima facie evidence of the condition of these potatoes at the time of attaching.

[1935 c 164 s 5; 1961 c 145 s 9] (3945-16)

30.14 CERTIFICATE OF INSPECTORS. In determining controversies and

standards between the parties, including but not limited to growers, as to the quality and condition of potatoes offered for sale or tendered in performance of contracts for sale in this state, the certificates of a fully authorized and commissioned inspector of the commissioner shall be prima facie evidence both of the grade and quality of the potatoes offered for sale or tendered in performance of any such contract.

[1935 c 164 s 6; 1961 c 145 s 10] (3945-17)

30.15 COMMISSIONER TO ENFORCE. The commissioner shall at all times have access to all buildings, yards, warehouses, storage and transportation facilities in which potatoes are kept, stored, handled, or transported, to inspect the same as to grade, quality, condition, and packs, tagging, branding, and labeling.

[1935 c. 164 s. 8] (3945-18)

30.151 FREEDOM OF CONTRACT NOT IMPAIRED. Nothing in sections 30.10 to 30.15 shall be construed in any manner to impair the freedom of contract between individuals relative to the sale and disposal of potatoes between the owners thereof and the persons purchasing the same. When any seller or buyer of potatoes shall, by a contract in writing, agree to sell and dispose of to any person potatoes in any lots or quantities of the grades and varieties specified herein, or of any other grade and variety or quality concerning which the persons desire to contract, he shall have the legal right to do so and shall be bound by the terms of such contract so entered into, and in case any seller attempts to tender in fulfillment of any such contract potatoes of a lower standard or quality than those specified in such a contract the purchaser of the same shall have the legal right to either reject or accept them upon a tolerance basis commensurate in value between the market price of the grade and quality contracted for and the grade and quality of the potatoes tendered in delivery thereon.

[1931 c 70 s 6; 1961 c 145 s 6] (3945-6)

30.152 NOT TO PAY INSPECTORS. No person shall, directly or indirectly, hire or pay the compensation of any inspector whose duty it is to determine the grade or quality of potatoes offered or exposed for sale in the state, other than the state of Minnesota, whose duly constituted officers shall, in due form and in accordance with law, issue commissions to inspectors duly authorizing and empowering them to act as such.

Nothing herein shall prevent any person paying the proper inspection fees, duly established, to the proper persons duly authorized to receive the same, but the payment or allowance of any gratuity, commission, or allowance in addition thereto shall constitute the crime of bribery and shall be punished by law as such.

[1931 c. 70 s. 8; 1935 c. 164 s. 7] (3945-8) (3945-17a)

30.159 DEFINITION OF POTATOES. For the purposes of sections 30.16 to 30.20, "potatoes" means all the potatoes produced within the state and all potatoes offered for sale in lots of 3,000 pounds or more within the state.

[1937 c 282 s 7; 1961 c 145 s 3] (3945-18k)

30.16 POTATOES SHALL BE INSPECTED. All potatoes shipped by any person, in lots of 3,000 pounds or more from the state shall be inspected by an authorized federal-state inspector to determine the grade, quality, and condition of such shipment. All fees shall be assessed against the inspection certificate applicant and shall be collected by the commissioner from the firm or individual against whom the fee is assessed. Sections 30.16 to 30.20 shall not apply to Minnesota-grown potatoes between July 1 and October 1 of each year.

[1937 c 282 s 1; 1941 c 292 s 1; 1957 c 379 s 1; 1963 c 96 s 1] (3945-18e)

30.17 PLACE OF INSPECTION. Inspection of lots of potatoes of 3,000 pounds or more shall be made at the point of origin when inspectors are available at such points. In cases where an authorized inspector is not available at such shipping points or adjacent to such shipping points, it shall be the duty of the commissioner to designate points at which lots of potatoes may be inspected.

[1937 c 282 s 2; 1961 c 145 s 11] (3945-18f)

30.18 [Repealed, 1961 c 145 s 14]

30.19 RULES. The commissioner shall promulgate in the manner provided by law, rules and regulations deemed necessary to the proper enforcement of the provisions of sections 30.16 to 30.20.

[1937 c 282 s 4; 1961 c 145 s 12] (3945-18h)

30.20 FEES. Fees for inspection shall be determined by the commissioner.

[1937 c. 282 s. 6] (3945-18j)

30.201 PENALTIES. Any person violating any of the provisions of sections 30.10 to 30.152 and 30.16 to 30.20 or any rules or regulations made thereunder, shall be guilty of a misdemeanor and such conviction may be proper cause for the suspension or forfeiture or cancelation of any license held by the person so convicted.

[1931 c 70 s 9; *Ex*1934 c 41 s 3; 1961 c 145 s 13] (3945-10)

30.21 [Renumbered 30.50]

30.22 [Renumbered 30.51]

30.23 [Renumbered 30.002]

30.24 Subdivision 1. [Renumbered 30.201]

Subd. 2. [Repealed, 1961 c 145 s 14]

Subd. 3. [Repealed, 1961 c 145 s 14]

POTATO MARKETING

30.31 CITATION; POTATO IMPROVEMENT, MARKETING, AND ADVERTISING ACT. Sections 30.31 to 30.46 may be cited as the potato improvement, marketing and advertising act.

[1951 c 543 s 1]

30.32 DECLARATION OF POLICY. Subdivision 1. It is hereby declared that the production, preparing for market, and marketing of Irish potatoes in Minnesota is important to the health, peace, safety, and general welfare of the people of the State of Minnesota. Economic waste is being fostered in the potato industry in Minnesota by lack of better methods of production, processing, and marketing of potatoes and by lack of advertising and promoting better markets for potatoes produced in the state; and the inability of individual producers, processors, and shippers to develop better methods and new and larger markets for Minnesota potatoes; resulting in unreasonable and unnecessary waste of the agricultural and human resources of the state. Such conditions and the accompanying waste jeopardize the future continued production of an important food supply for the people of the state and jeopardize the future and continued employment of local human resources within the state and prevent potato producers and people they employ from obtaining a fair return for their labor, their farms, and the potatoes which they produce. As a consequence, the purchasing power of potato producers, processors, potato shippers, and the persons within their employ has been and may continue to be in the future, unless such conditions are remedied, low in relationship to that of persons engaged in other gainful occupations within the state. Potato producers, potato processors, and shippers and the persons within their employ are thereby prevented from maintaining a proper standard of living and from contributing their fair share to the support of the necessary governmental and educational functions thus tending to increase unfairly the tax burdens of other citizens of the state.

Subd. 2. These conditions vitally concern the health, peace, safety, and general welfare of the people of this state. It is hereby declared to be the policy of this state to aid potato producers, processors, potato shippers, and the general welfare of the communities within the area in preventing economic waste and unemployment, and in the production, processing and marketing of potatoes, to develop new and better varieties of potatoes, more efficient and equitable methods of producing and marketing of potatoes, and to preserve this opportunity for employment of workers within the producing area, and to aid in restoring and maintaining their purchasing power at a more adequate, equitable, and reasonable level.

Subd. 3. The production, processing, and marketing of potatoes within this state is hereby declared to be affected with a public interest. The provisions of sections 30.32 to 30.46 are enacted in the exercise of the police powers of this state for the purposes of protecting the health, peace, safety, and general welfare of the people of this state.

[1951 c 543 s 2]

30.33 DECLARATION OF PURPOSES. The purposes of sections 30.32 to 30.46 are:

(a) To enable the potato producers, processors, and shippers of this state to better meet the competition from other states who are conducting potato improvement, marketing, and advertising programs.

(b) To establish and promote orderly marketing of potatoes, to provide for potato inspection by the established federal-state inspection service or the use of special permits or identification to permit storage or processing in transit, and to

provide methods and means for ascertaining and developing better methods of producing, processing, and marketing potatoes.

(c) To provide means and methods for the development of new and larger markets for potatoes grown within the state.

(d) To eliminate or reduce the economic waste in production, processing, and marketing of potatoes grown within the state.

[1951 c 543 s 3]

30.34 DEFINITIONS. Subdivision 1. **Terms.** For the purposes of sections 30.32 to 30.46 the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Potatoes.** The term "potatoes" means any and all white Irish potatoes produced or handled within the state.

Subd. 3. **Producer.** "Producer" means any person engaged in the business of producing or causing to be produced for market any potatoes within the state.

Subd. 4. **Shipper.** "Shipper" means any person in the business of buying, receiving, selling, or shipping potatoes grown by either himself or another, for profit or remuneration.

Subd. 5. **Person.** "Person" means an individual, partnership, corporation, association, grower, or any other business unit.

Subd. 6. **Grower.** The term "grower" means any person who grows or shares in the ownership of potatoes grown for market on one or more acres.

Subd. 7. **Commission.** "Commission" means the Minnesota potato development commission.

Subd. 8. **Commission's order.** The term "commission's order" means any order issued by the commission pursuant to sections 30.32 to 30.46, prescribing rules and regulations pertaining to the collection of fees and disbursement of funds and restricting or regulating the sale of cull potatoes.

Subd. 9. **Cull potatoes.** The term "cull potatoes" means any potatoes which because of quality, condition, or size, fail to meet any of the standard classifications described in the official United States or Minnesota regulations as applied to potatoes.

Subd. 10. **Processing.** The term "processing" means receiving, grading, packing, or loading potatoes in preparation for marketing or offering on the market.

Subd. 11. **Processor.** The term "processor" means any person engaged within this state in any of the activities set forth in subdivision 10.

[1951 c 543 s 4]

30.35 MINNESOTA POTATO DEVELOPMENT COMMISSION. A commission is hereby created to be known as the Minnesota potato development commission and shall consist of five members and shall be appointed by the governor of Minnesota with one member to be appointed from each of the areas as defined in section 30.36, subdivision 1, and who shall be potato growers in that area, the fifth member shall be the commissioner of agriculture. The term of office of the members of the commission shall be one year from and after the first day of July of each year.

[1951 c 543 s 5; 1961 c 113 s 1]

30.36 AREAS. Subdivision 1. For the purpose of administration of sections 30.32 to 30.46 the state is divided into four areas. Area number one includes all of the ninth congressional district as it existed before any congressional redistricting occurring after the 1960 federal census except the counties of Roseau, Lake of the Woods, Beltrami, and Clearwater. Area number two includes all of the eighth congressional district as it existed before any congressional redistricting occurring after the 1960 federal census and, in addition thereto, the counties of Roseau, Lake of the Woods, Clearwater, and Beltrami. Area number three includes all of congressional districts one, two, and seven as they existed before any congressional redistricting occurring after the 1960 federal census. Area number four includes all of the remainder of the state.

Subd. 2. Sections 30.32 to 30.46 shall apply to and be in force in any area of the state wherein the commission hereby created shall so determine, after approval by referendum of the potato growers as provided in section 30.37, subdivision 4.

Subd. 3. Upon the filing of a petition with the commission signed by 25 growers residing in one area praying that such sections shall apply in all or a stated part of the area, such commission shall carry seven days public notice to be published in a legal newspaper in each county affected of the time and place within the area when and where such petition will be heard and determined by the com-

mission. At the time and place so stated the commission shall meet and hear all persons interested for and against the granting of such petition. All growers interested may then appear and be heard upon all matters pertaining to the granting or denial of such petition. Thereupon the commission shall make and file an order finding the proposed area suitable or unsuitable to the application of such sections. Thereupon the commission shall give like published notice of a referendum to be held in such area to such growers and if approved by two-thirds of the growers voting at such referendum such area shall be deemed organized under such sections and such sections shall apply thereto. Such commission shall thereupon file an order finding such facts and such order shall be evidence of the facts so found. Such proceedings shall have no effect beyond the boundaries of the area wherein held.

[1951 c 543 s 6; 1957 c 245 s 1; 1961 c 50 s 1]

30.37 COMMISSION; POWERS, DUTIES. Subdivision 1. The commission shall administer and enforce the provisions of sections 30.32 to 30.46 and shall have and may exercise any or all of the administrative powers conferred by such sections, except such as are herein given to the board of control hereinafter provided for in such sections. In order to effectuate the declared purposes of such sections, the commission is hereby authorized to issue, administer, and enforce the provisions of the commission's orders hereunder regulating the shipment of cull potatoes and the collection of fees, which shall not exceed one cent per hundredweight of potatoes shipped, or sold, and the disbursement of funds as provided in such sections.

Subd. 2. Whenever the commission has reason to believe that the issuance of a commission's order will tend to affect the declared policy of such sections with respect to potatoes, it shall give due notice of and an opportunity for a public hearing upon a proposed commission's order.

Subd. 3. Due notice of any hearing called for such purpose shall be given to all persons, who may be directly affected by any action of the commission pursuant to the provisions of such sections, and whose names appear upon lists to be filed by such potato industry with the commission. Such hearing shall be open to the public. All testimony shall be received under oath and a full and complete record of all proceedings at any such hearing shall be made and filed by the commission in the office of the attorney general.

Subd. 4. In order to effectuate the declared policy of such sections, the commission shall have the power, after due notice and opportunity for hearing, to prepare a commission's order and submit same to the potato growers for approval. Such order shall not become effective unless it is approved in a public referendum by at least two-thirds of the potato growers voting in such referendum. The provisions of such commission's order shall be only those provisions provided for in this section.

[1951 c 543 s 7]

30.38 BOARDS OF CONTROL. Subdivision 1. Any commission's order issued pursuant to sections 30.32 to 30.46 shall provide for the establishment of a board of control to administer such order in accordance with its terms and provisions. The members of the board of control shall be appointed by the commission from nominations submitted by the growers within the affected area and shall hold office until the expiration of term or until such appointment is withdrawn by the commission for cause. Such board of control shall consist of seven members to be selected by the commission from the nominees submitted by the potato industry, and, in addition the commissioner of agriculture, the state superintendent of seed potato certification, and the director of the experiment station of the university of Minnesota shall be ex officio members. The ex officio members shall meet with the board and act in an advisory capacity but shall have no vote. The term of office of the appointed members shall be two years from and after July 1, except that of the first seven members appointed, four shall serve for two years and three shall serve for one year.

Subd. 2. Upon organization of the board, the members thereof shall hold their first meeting as soon as possible and shall elect a chairman and such other officers from their membership as they may deem necessary. At the first meeting the board shall establish rules governing its procedure.

Subd. 3. No member of any such board shall receive a salary but each shall be entitled to his actual expenses incurred while engaged in performing his duties herein authorized. The commission may authorize such board to employ necessary

personnel, including an attorney approved by the attorney general, fix their compensation and terms of employment, and to incur such expenses, to be paid by the board of control from moneys collected as herein provided, as the commission may deem necessary and proper to enable such board properly to perform such of its duties as are authorized herein. The powers and duties of any such board of control shall be administrative only and shall include the following:

- (1) Subject to the approval of the commission to administer such commission's orders.
- (2) To recommend to the commission administrative rules and regulations relating to the commission's orders.
- (3) To receive and report to the commission complaints of violations of the orders.
- (4) To recommend to the commission for its approval an estimated budget of expense necessary for the operation of any commission's order established by authority of sections 30.32 to 30.46; and also submit for approval a method of assessing and collecting such funds as the commission may find necessary for the administration of such orders.
- (5) To recommend to the commission amendments to the commission's orders.
- (6) To assist the commission in the collection of such necessary information and data as the commission may deem necessary to the proper administration of such sections.

[1951 c 543 s 8; 1961 c 113 s 1]

30.39 ORDERS OF COMMISSION; PROVISIONS, TERMINATION. Subdivision 1. In accordance with the provisions, restrictions, and limitations set forth herein any order issued by the commission pursuant to sections 30.32 to 30.46 may contain any or all of the following provisions, but no others:

- (1) Provisions for entering into contracts with corporations, organizations, or agencies which have facilities, personnel, or knowledge which in the opinion of the board of control would make such corporation, organization, or agency competent to carry out the program or portions thereof outlined by the board of control and recommend to the commission payment for such services from the funds collected by the board under the commission's order.
- (2) Provision for the compulsory inspection by the established federal-state inspection service, or special permit or identification to allow for storage or processing in transit.
- (3) Provisions for establishment of plans for research and advertising and sales promotion to create new and larger markets for potatoes grown in this state, provided that any such plans shall be directed towards increased sale of potatoes without reference to a particular brand or trade name which is the private property of any person.
- (4) Provisions for prohibiting the sale or offering for sale or shipment of cull potatoes on the commercial market, except such potatoes as carry the official tag or other official designation of the Minnesota seed certification department.
- (5) Provisions authorizing the control board to obtain a special mark or insignia and establishing rules and regulations governing its use and making the same available to any and all potato producers, or handlers, who are willing to abide by such rules and regulations. Such mark or insignia may be copyrighted in the name of the control board and can be used only on specific permission granted by the control board.
- (6) Provisions for entering into cooperative arrangements with organizations or state and federal agencies, including those of other states, whenever, in the opinion of the board of control and the commission, such cooperative arrangements will assist in furthering the declared policies of such sections, and to make payment from the funds collected under such sections for such cooperative arrangement.
- (7) Provisions fixing fees and the method of collecting the same as herein-after provided.
- (8) Provisions for regulating the shipment of particular grades, sizes, or qualities of potatoes differently, for different varieties, for table stock or seed, for different packs, or for any combination of the foregoing, for any period.
- (9) Provisions for regulating the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.
- (10) Provisions that would require that potatoes offered for sale or shipment

to the commercial market have the container labeled, marked, or branded to show the official grade thereof.

Subd. 2. Any order established under such sections may be terminated as under any area by the growers of said area in the following manner; a petition signed not later than July 1 in any year by at least 25 potato growers affected by the order in that area, or such greater number of potato growers affected by the order as may be established by the commission in the order establishing such area, will make it mandatory upon the commission to call a meeting of the growers of that area at a central point therein, if the meeting has a total attendance of at least 50 growers affected by the order in that area, two-thirds of whom vote in favor of a referendum election, the commission shall arrange for such referendum. If the majority of said area voted in such referendum election which favor a termination of the order, the order shall be terminated as under said area, within 30 days after the results of the referendum are determined.

Subd. 3. Upon the issuance of any commission's order, or any suspension, amendment or termination thereof, a notice shall be posted on a public bulletin board to be maintained by the control board at its office and a copy of such notice shall be published in a newspaper of general circulation published in the area to which the order applies and in such other newspaper or newspapers as the commission may prescribe.

No order or any suspension, amendment or termination thereof shall become effective until the termination of a period of five days from the date of such posting and publication. It shall also be the duty of the commission to mail a copy of the notice of said issuance to all persons directly affected by the terms of such order, suspension, amendment or termination, whose names and addresses may be on file in the office of the board of control and to every person who files in the office of the board of control a written request for such notice.

[1951 c 543 s 9; 1955 c 443 s 1]

30.40 COSTS; EXPENSES; BUDGET; ASSESSMENTS; STAMPS. Subdivision 1. For the purpose of providing funds to defray the necessary expenses incurred by the board of control in the formation, issuance, administration, and enforcement of any order issued by the commission hereunder, the board of control shall prepare the necessary budget for the cost of same. Likewise the board shall prepare a budget for administration and operating cost and expenses, including amounts to be spent for research and development work, for advertising, sales promotion, and for contractual operations, whenever in its judgment such contracts are most desirable to carry out the declared provisions of the order. Both budgets, with the provision for collection of such necessary fees, the time and conditions of such payment, and in no case to exceed one cent per hundred weight on any one lot of all potatoes sold or shipped within the area covered by the order, shall be subject to approval by the commission. Each and every person engaged in the production, processing, or shipping of potatoes sold or shipped within the state and directly affected by any order issued pursuant to sections 30.32 to 30.46 shall pay to the control board at such time and in such manner prescribed by the order as adopted an assessment covering the budgets provided by such sections. That fraction which the general budget shall have allocated to advertising and promotion of all fees which are collected upon certified seed potatoes shall be remitted to the state certified seed potato advisory committee for disbursement by them for the advertisement and promotion of Minnesota certified seed potatoes.

Subd. 2. The commission shall have the power, if deemed feasible, to provide by order for the issuance of "Potato Promotion Stamps" to be purchased from the board of control and to be affixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets, or such other containers or records as may adequately provide notice that such tax has been paid, and for the cancelation of such stamps and all regulations to be followed in connection therewith.

Subd. 3. The commission shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes.

Subd. 4. Any money collected by the control board or its authorized employees shall be deposited in a bank approved by the commission and may be disbursed by the board of control or its authorized representative for the actual expenses incurred in carrying out the provisions of the order. All persons authorized to control, handle,

or disburse such funds shall provide bond in such manner and in such amount as required by the commission.

[1951 c 543 s 10]

30.41 ORDERS OF COMMISSION; APPLICATION. Orders issued by the commission under sections 30.32 to 30.46 may be limited in their application by prescribing the areas or portions of the areas in which a particular order shall be effective; however, no order shall be issued by the commission unless it embraces all persons of a like class in a given area who are engaged in processing, production, or marketing potatoes.

[1951 c 543 s 11]

30.42 ADMINISTRATION, ENFORCEMENT. Subdivision 1. The commission and the board of control shall be responsible for the administration and enforcement of sections 30.32 to 30.46.

Subd. 2. All fees herein provided for shall be collectible by the board of control through civil action; and injunction shall be available as a remedy for the violation or to prohibit future avoidance or violation or any orders issued pursuant to such sections. Violations of such section, or any commission's order issued pursuant thereto, shall be punishable by a fine of not to exceed \$100 or confinement in the county jail for not to exceed 30 days. The county attorney of each county within the affected area shall represent the board of control and assist in the collection of fees and the enforcement of such sections and orders issued pursuant thereto.

Subd. 3. Upon the filing of a verified complaint charging violation of any provisions of such sections or of any provisions of any order issued by the commission thereunder, and prior to the institution of any court proceeding authorized herein-after, the board of control may in its discretion refer the matter to the attorney general or any county attorney for action pursuant to the provisions of such sections, or call a hearing to consider the charges set forth in such verified complaint. In such case, the board of control shall cause a copy of such complaint, together with a notice of the time and place of hearing of such complaint, to be served personally, or by mail, upon the person named as respondent therein. Such service shall be made at least three days before said hearing shall be held in the city or town in which is situated the principal place of business of the respondent, or in which the violation complained of is alleged to have occurred, at the discretion of the board. At the time and place designated for such hearing the board of control or its agents shall hear the parties to said complaint and shall enter in the office of the attorney general, its findings based upon facts established at such hearing.

Subd. 4. If the commission finds that no violation has occurred, it shall forthwith dismiss such complaint and notify the parties to such complaint.

Subd. 5. If the commission finds that a violation has occurred, it shall so enter its findings and notify the parties to such complaint. Should the respondent thereafter fail, neglect, or refuse to desist from such violation, within the time specified by the commission, the commission may thereupon file a complaint against such respondent in a court of competent jurisdiction as set forth hereinafter.

Subd. 6. Each county attorney may, upon his own initiative, and shall upon any complaint of any person, if, after investigation, he believes a violation to have occurred, bring a criminal action in the proper court in his district in the name of the people of this state against any person violating any provision of such sections or of any order duly issued by the commission hereunder.

Subd. 7. The board of control, upon approval of the attorney general, may, if after investigation he believes a violation to have occurred, bring an action in the name of the people of this state in the proper court for an injunction against any person violating any provisions of such sections or any order duly issued by the commission hereunder.

Subd. 8. The court may issue a temporary restraining order and preliminary injunction as in other actions for injunctive relief and upon trial of such action and, if judgment be in favor of the plaintiff, the court shall permanently enjoin defendant from further violations.

Subd. 9. The judgment, if in favor of the plaintiff, shall provide that the defendant pay to the plaintiff reasonable costs of such suit including attorney's fees incurred by the board of control in the prosecution of such action.

Subd. 10. Any such action may be commenced either in the county where defendant resides, or where any act or omission or part thereof complained thereof occurred.

Subd. 11. The penalties and remedies herein prescribed with respect to any violation mentioned herein shall be concurrent and alternative and neither singly nor combined shall the same be exclusive and either singly or combined the same shall be cumulative with any and all other civil, criminal, or administrative rights, remedies, forfeitures, or penalties provided or allowed by law with respect to any such violation.

[1951 c 54 § s 18]

30.43 ASSESSMENTS. Any assessment herein levied, in such specified amount as may be determined by the commission pursuant to the provisions of sections 30.32 to 30.46 shall constitute a personal debt of every person so assessed and shall be due and payable to the board of control when payment is called for by the board. In the event of failure of such person to pay any such assessment upon the date determined by the board, the board may file a complaint against such person in a state court of competent jurisdiction for the collection thereof, as provided in section 30.41.

[1951 c 54 § s 19]

30.44 INDIVIDUAL RESPONSIBILITY. The members of any such board of control duly appointed by the commission, including employees of such board, shall not be held responsible individually in any way to any producer, processor, distributor, or other handler or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of such board. The liability of the members of such board shall be several and not joint and no member shall be liable for the default of any other member.

[1951 c 54 § s 14]

30.45 BOOKS, RECORDS; HEARINGS. Subdivision 1. The board of control may require any and all processors or distributors subject to the provisions of any marketing order issued pursuant to sections 30.32 to 30.46, to maintain books and records reflecting their operations under said marketing order, and to furnish to the board of control or its duly authorized or designated representatives, such information as may be from time to time requested by them relating to operations under any such order, and to permit the inspection by said board of control or its duly authorized or designated representatives of such portions of such books and records as relate to operations under said marketing order.

Subd. 2. Information obtained by any person hereunder shall be confidential and shall not be by him disclosed to any other person save to a person with like right to obtain the same or any attorney employed to give legal advice thereupon, or by court order.

Subd. 3. For the purpose of carrying out the purposes of such sections, the commission or the board of control may hold hearings, take testimony, administer oaths, subpoena witnesses, and issue subpoenas for the production of books, records, or documents of any kind.

Subd. 4. No person shall be excused from attending and testifying or from producing documentary evidence before the commission or board of control in obedience to the subpoena of the commission or board of control on the ground or for the reason that the testimony or evidence, documentary, or otherwise, required by him may tend to incriminate him or subject him to a penalty or forfeiture. No natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may be so required to testify, or produce evidence, documentary or otherwise, before the commission or board of control in obedience to a subpoena issued by him. No natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

[1951 c 54 § s 15]

30.46 DEPOSIT, PAYMENT OF EXPENSE FOR MARKETING ORDER. Prior to the issuance of any marketing order by the commission, under sections 30.32 to 30.46 the commission may require the applicants therefor to deposit with it such amount as the commission may deem necessary to defray the expenses of preparing and making effective such marketing order. Such funds shall be received, deposited, and disbursed by the commission in accordance with the provisions set forth in section 30.40.

30.50 VEGETABLES, FRUIT

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The commission may reimburse the applicant in the amount of any such deposit from any funds received by the commission pursuant to the provisions of section 30.40.

[1951 c 543 s 16; 1957 c 342 s 1]

STRAWBERRIES AND RASPBERRIES

30.50 SALE OF STRAWBERRIES AND RASPBERRIES REGULATED. All fresh strawberries and raspberries that are offered for sale, packed for sale, or shipped for sale, by any person other than the grower thereof, in the state shall be handled and sold under rules and regulations made and designated by the commissioner. The grades and the regulations controlling the handling of strawberries and raspberries shall be only determined by the commissioner after due notice and public hearings with the producers of the same have been held.

[1933 c. 420 s. 1] (3945-21)

30.51 LICENSE REVOKED. The commissioner may revoke any license issued under his authority upon proof of violation of the provisions of section 30.50 and any rules and regulations made in pursuance thereof.

[1933 c. 420 s. 3] (3945-23)

APPLES

30.55 APPLES, STANDARD GRADES. The commissioner shall by rule establish official standards for grading and classifying all apples offered for sale in Minnesota.

[1941 c 371 s 1; 1953 c 94 s 1; 1955 c 435 s 1]

30.56 APPLES, PACKAGES PLAINLY MARKED. All apples offered for retail sale and each closed package of apples offered or exposed or packed for retail sale shall be conspicuously marked with a label bearing the name and address of the grower or packer, the name of the variety, the minimum size and the grade, except that when apples are sold at retail from open bins, open containers, or in bags, each bin or display of such containers or bags shall be marked with a label bearing the name of the variety and the grade. All apples which fail to meet the requirements of any of the established Minnesota grades shall be plainly and conspicuously marked with a label bearing the word "utility" in letters of a size and form to be prescribed by the commissioner.

[1941 c 371 s 2; 1955 c 435 s 2]

30.57 ENFORCEMENT. The commissioner shall be charged with the enforcement of the provisions of sections 30.55 to 30.57 and for that purpose has the power:

(1) To enter and inspect personally, or through any authorized representative, any place within the state where apples are sold, offered or exposed or packed for sale, and to inspect such places and all apples and apple containers found in any such place.

(2) To make, publish, and enforce such uniform rules and regulations as are necessary for carrying out the provisions of sections 30.55 to 30.57.

[1941 c 371 s 3; 1955 c 435 s 3]

30.58 APPLICATION. Sections 30.55 to 30.57 shall not apply to any grower or producer selling less than 25 bushels of apples in any year.

[1941 c 371 s 5; 1955 c 435 s 4]

30.59 PENALTY. Any person violating any of the provisions of sections 30.55 to 30.58 shall be guilty of a misdemeanor. In addition, any apples found to be offered or exposed or packed for sale in violation of these sections may be ordered temporarily withdrawn from sale by the commissioner pending either (1) informal adjustment according to law between the commissioner, or his duly authorized representative, and the person in charge of the apples in question, or (2) by the filing of a formal complaint, without undue delay, with the attorney general or prosecuting attorney.

[1941 c 371 s 6]