

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 520

House of Representatives, March 5, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Legal Affairs.

Committee on Reference.

Presented by Mr. Sanborn of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT To regulate Cold Storage of Certain Articles of
Food.

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

Section 1. For the purpose of this act, "cold storage"
2 shall mean the storage or keeping of articles of food at or be-
3 low a temperature above zero of 45 degrees Fahrenheit in a
4 cold storage warehouse: "cold storage warehouse" shall
5 mean any place artificially cooled to or below a temperature
6 above zero of 45 degrees Fahrenheit, in which articles of
7 food are placed and held for thirty days or more; "article
8 of food" shall mean fresh meat and fresh meat products
9 and all fish, game, poultry, eggs and butter.

Sect. 2. No person, firm or corporation shall maintain or
2 operate a cold storage warehouse without a license so to do
3 issued by the Commissioner of Agriculture. Any person,
4 firm or corporation desiring such a license shall make writ-
5 ten application to the Commissioner of Agriculture for that
6 purpose, stating the location of the warehouse. The Com-
7 missioner of Agriculture thereupon shall cause an examina-
8 tion to be made of said warehouse and, if it be found by
9 him to be in a proper sanitary condition and otherwise
10 properly equipped for its intended use, he shall issue a li-
11 cense authorizing the applicant to operate the same as a cold
12 storage warehouse during one year. The license shall be
13 issued upon payment by the applicant of a license fee of
14 five dollars to the Treasurer of the state.

Sect. 3. In case any cold storage warehouse, or any part
2 thereof, shall at any time be deemed by the Commissioner of
3 Agriculture to be in an unsanitary condition, or not proper-
4 ly equipped for its intended use, he shall notify the licensee
5 of such condition and upon the failure of the licensee to put
6 such cold storage warehouse in a sanitary condition or to
7 properly equip the same for its intended use, within a time
8 to be designated by the State Food Commissioner, he shall
9 revoke such license.

Sect. 4. Every such licensee shall keep accurate records of
2 the articles of food received in and of the articles of food
3 withdrawn from his cold storage warehouse, and the Com-
4 missioner of Agriculture shall have free access to such rec-

5 ords at any time. Every such licensee shall submit a month-
6 ly report to the Commissioner of Agriculture, setting forth
7 in itemized particulars the quantities and kinds of articles
8 of food in his cold storage warehouse. Such monthly re-
9 ports shall be filed on or before the fifth day of each month,
10 and the reports so rendered shall show the conditions exist-
11 ing on the last day of the preceding month reported and a
12 summary of such reports shall be prepared by the Commis-
13 sioner of Agriculture and shall be open to public inspection
14 on or before the tenth day of each month.

Sect. 5. The Commissioner of Agriculture shall inspect
2 and supervise all cold storage warehouses and make such
3 inspection of articles of food therein as he may deem neces-
4 sary to secure the proper enforcement of this act, and he
5 shall have access to all cold storage warehouses at all rea-
6 sonable times. The Commissioner of Agriculture may ap-
7 point such persons as he deems qualified to make any in-
8 spection under this act.

Sect. 6. No article of food intended for human consump-
2 tion shall be placed, received or kept in any cold storage
3 warehouse, if diseased, tainted, otherwise unfit for human
4 consumption, or in such condition that it will not keep
5 wholesome for human consumption. No article of food, for
6 use other than for human consumption, shall be placed, re-
7 ceived or kept in any cold storage warehouse unless previ-
8 ously marked, in accordance with forms to be prescribed by
9 the Commissioner of Agriculture in such a way as to indicate

10 plainly the fact that such article of food is not to be sold
11 or used for human food.

Sect. 7. No person, firm or corporation shall place, receive
2 or keep in any cold storage warehouse in this state articles
3 of food unless the same shall be plainly marked, stamped
4 or tagged, either upon the container in which they are
5 packed, or upon the article of food itself, with the date
6 when place therein; and no person, firm or corporation shall
7 remove, or allow to be removed, such article of food from
8 any cold storage warehouse unless the same shall be plainly
9 marked, stamped or tagged, either on the container in which
10 it is enclosed or upon the article of food itself, with the date
11 of such removal, and such marks, stamps and tags shall be
12 *prima facie* evidence of such receipt and removal and of the
13 dates thereof. All articles of food in any cold storage ware-
14 house at the time this act goes into effect shall, before being
15 removed therefrom, be plainly marked, stamped or tagged
16 with the date when this act goes into effect and the date of
17 removal therefrom.

Sect. 8. No person, firm or corporation shall hereafter
2 keep or permit to remain in any cold storage warehouse
3 any article of food which has been held in cold storage either
4 within or without the state, for a longer aggregate period
5 than twelve months, except with the consent of the Com-
6 missioner of Agriculture as hereinafter provided. The Com-
7 missioner of Agriculture shall, upon application during the
8 twelfth month, extend the period of storage beyond twelve

9 months for any particular article of food, provided the same
10 is found upon examination to be in proper condition for
11 further cold storage. The length of time for which such
12 further storage is allowed shall be specified in the order
13 granting the permission. A report on each case in which
14 such extension of storage may be permitted, including in-
15 formation relating to the reason for the action of the Com-
16 missioner of Agriculture the kinds and amounts of the ar-
17 ticles of food for which the storage period was extended,
18 and the length of time for which this continuance was grant-
19 ed, shall be filed, open to public inspection, in the office
20 of the Commissioner of Agriculture and shall be included
21 in his annual report. Such extension shall be not more than
22 sixty days; a second extension of not more than sixty days
23 may be granted upon a re-examination, but the entire ex-
24 tended period shall be not more than one hundred and twen-
25 ty days in all.

Sect. 9. It shall be unlawful to sell, or to offer for sale,
2 any article of food which has been held for a period of thir-
3 ty days or over in cold storage either within or without the
4 state, without notifying persons purchasing, or intending to
5 purchase, the same, that it has been so held, by the display
6 of a placard plainly and conspicuously marked, "Cold Stor-
7 age Goods" on the bulk mass or articles of food; and it
8 shall be unlawful to represent or advertise as fresh any ar-
9 ticle of food which has been held in cold storage for a per-
10 iod of thirty days or over.

Sect. 10. It shall be unlawful to return to any cold storage warehouse any article of food which has been once released from storage for the purpose of placing it on the market for sale. It shall be unlawful to transfer any article of food from one cold storage warehouse to another if such transfer is made for the purpose of avoiding any provision of this act, and such transfer shall be unlawful unless all prior stampings, markings and taggings upon such article shall remain thereon.

Sect. 11. The Commissioner of Agriculture may make all necessary rules and regulations to carry this act into effect. Such rules and regulations shall be filed in the Commissioner's office, and shall not take effect until 30 days after such filing.

Sect. 12. Any person, firm or corporation violating any provision of this act shall be guilty of a misdemeanor and shall upon conviction be punished for the first offense by a fine not exceeding fifty dollars (\$50) and for the second or any subsequent offense by a fine not exceeding \$200 or by imprisonment of not more than six months, or by both such fine and imprisonment in the discretion of the court.

Sect. 13. This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

Sect. 14. This act may be cited as the Uniform Cold Storage Act.

Sect. 15. All acts or parts of acts inconsistent with this act are hereby repealed.