

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Eighty-ninth and Ninetieth
Legislatures

OF THE
STATE OF MAINE

From April 21, 1939 to April 26, 1941
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
28, 1820, March 18, 1840, March 16, 1842, and Acts
approved August 6, 1930 and April 2, 1931.

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1941

PROPERTY OF THE
STATE OF MAINE
NOT TO BE SOLD

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninetieth Legislature

1941

CHAP. 166

public laws of 1935, as amended by section 2 of chapter 138 of the public laws of 1939, is hereby further amended by inserting therein at the end of the section the following paragraph:

'Milk received for sale by a dealer as the consignee or agent of a producer shall be deemed to have been sold to and purchased by such dealer within the meaning of this act.'

Sec. 3. P. L., 1935, c. 13, § 7, amended. The 2nd sentence of section 7 of chapter 13 of the public laws of 1935 is hereby amended to read as follows:

'Each licensed dealer and producer-dealer shall pay to said board an annual license fee of \$1 and such further sums not exceeding 1 cent per hundred-weight as monthly payments based on quantity of milk sold and distributed by dealers and producer-dealers in any market area, as in the opinion of the board may be necessary to meet the cost of administering this act. ~~in such market area.~~'

Approved April 4, 1941

Chapter 166

AN ACT Relating to the Sale of Nursery Stock.

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

Sec. 1. R. S., c. 43, § 3, amended. Section 3 of chapter 43 of the revised statutes, as amended by chapter 247 of the public laws of 1939, is hereby further amended to read as follows:

'**Sec. 3. Nurseries to be inspected annually.** All nurseries or places where nursery stock is grown, stored or offered for sale shall be inspected at least once a year by the state horticulturist or by some competent person acting under his direction, and all such premises shall be accessible at all reasonable times for inspection, and if no dangerous insects or fungous diseases are found therein a certificate to that effect shall be given. If such pests are found therein, the owner of the stock shall take such measures to destroy the same as the state horticulturist shall prescribe, and no certificate as aforesaid shall be given until the said horticulturist has satisfied himself that all such pests have been suppressed; during which period no stock shall be sold, exchanged or disposed of except such as is destroyed. Only sound, healthy nursery stock ~~stored or displayed under conditions and with proper equipment~~ which will maintain its vigor shall be offered for sale. Offering for sale of dead nursery stock or of stock so seriously weakened by drying, excessive heat or cold, or any other condition that makes it unable to grow or keep satisfactorily when

given reasonable care is deemed a violation of the provisions of sections 3, 5, 6 and 7 of this chapter.'

Sec. 2. R. S., c. 43, § 7, amended. Section 7 of chapter 43 of the revised statutes, as amended by chapter 247 of the public laws of 1939, is hereby further amended to read as follows:

'Sec. 7. Agents and dealers in nursery stock to obtain a license; fee; disposition of fees; revocation of license; penalty. No person, firm or corporation shall engage in, continue in, or carry on the business of selling or dealing in nursery stock, or solicit purchases of nursery stock within this state, either as owner thereof, or as agent of such owner, without first obtaining a license to carry on and conduct such business in this state. The form of license shall be prescribed by the state horticulturist, and the licenses shall be issued by him upon proper application therefor, and shall expire on December 31 of each year. The license fee shall be ~~55~~ \$1 per year, excepting that for growers of strawberry, blackberry and raspberry plants, gladiolus, dahlias, and herbaceous plants out-of-doors, and whose total area of land devoted to those plants does not exceed $\frac{1}{4}$ acre, there shall be no license fee. The license shall be issued in the name of the nurseryman, dealer, solicitor, salesman or agent, as the case may be, and no license shall be assigned or transferred. Licenses of salesmen, dealers, agents or solicitors shall show the name and location of nursery and place of business of the nurserymen or tree dealers whom they represent or from whom they purchase their stock. Each separate agent and each separate store acting under a general agent or store must have a license as provided in this section. Fees obtained from such licenses shall be paid into the state treasury and added to the appropriation of the bureau of horticulture, to carry out the purposes of sections 1 to 12, inclusive, of this chapter. Such license may be revoked at any time for failure to comply with the aforesaid requirements, or for such other causes as may in the opinion of the commissioner of agriculture be sufficient. Any violation of this section shall be punishable by a fine of not less than \$10, nor more than \$50 for each offense.'

Approved April 4, 1941

Chapter 167

AN ACT Relating to Pasteurized Milk.

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

P. L., 1937, c. 226, § 2, sub-section B, amended. Sub-section B of section 2 of chapter 226 of the public laws of 1937 is hereby amended to read as follows: