

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

The Knowlton and McLeary Company
Farmington, Maine
1963

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundred and First Legislature

1963

Chapter 142

AN ACT Relating to Weights and Measures of Commodities.

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

Sec. 1. R. S., c. 32-A, § 8, amended. The next to the last sentence of section 8 of chapter 32-A of the Revised Statutes, as enacted by section 1 of chapter 260 of the public laws of 1957, is amended to read as follows:

'The specifications, tolerances and regulations for commercial weighing and measuring devices, ~~together with amendments thereto~~ as recommended by the National Bureau of Standards, and published in National Bureau of Standards Handbook 44 ~~and supplements thereto, or in any publication revising or superseding Handbook 44~~ shall be the specifications, tolerances and regulations for commercial weighing and measuring devices of the State of Maine, except insofar as specifically modified, amended or rejected by a regulation issued by the state sealer.'

Sec. 2. R. S., c. 32-A, § 8, amended. Section 8 of chapter 32-A of the Revised Statutes, as enacted by section 1 of chapter 260 of the public laws of 1957, is amended by adding at the end a new paragraph to read as follows:

'The state sealer shall issue reasonable regulations and methods for checking of weights of prepackaged contents, which regulations shall have the force and effect of law. These regulations shall conform as nearly as practicable with Handbook 67 of the National Bureau of Standards.'

Sec. 3. R. S., c. 32-A, § 26, amended. Section 26 of chapter 32-A of the Revised Statutes, as enacted by section 1 of chapter 260 of the public laws of 1957, is amended to read as follows:

'Sec. 26. Declarations of quantity and origin on packages; tolerances; exemptions. Except as otherwise provided in this chapter, any commodity in package form shall bear on the outside of the package a definite, plain and conspicuous declaration of:

I. Net quantity. The net quantity of the contents in terms of weight, measure or count; and

II. Name and place of business. In the case of any package not sold on the premises where packed, the name and place of business of the manufacturer, packer or distributor.

~~The~~ Neither the qualifying term "when packed," or words of similar import, nor any term qualifying a unit of weight, measure or count, such as "jumbo," "giant," "full" or the like, that tends to exaggerate the amount of the commodity shall ~~not~~ be used in connection with the declaration required by subsection I, or in the advertisement of a commodity. The term "advertisement" means all representation disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or in-

directly, the purchase of the commodity. Under subsection I, the state sealer shall, by regulation, establish reasonable variations or tolerances to be allowed, exemptions as to small packages, and exemptions as to commodities put up in variable weights or sizes for sale to the consumer intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.

Director's note: Amended by P. L., 1963, c. 297, § 1. See P. L., 1963, c. 297, § 3 re effective date of amendment.

All information required by this section to appear on a package shall be prominent, definite and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Such information shall appear on the principal display panel of the package. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

Director's note: Repealed by P. L., 1963, c. 297, § 2. See P. L., 1963, c. 279, § 3 re effective date of amendment.

All information required to appear on a package shall appear on any outside container or wrapper that is used, unless such container or wrapper is transparent and the information on the package is easily legible through such outside container or wrapper.'

Sec. 4. R. S., c. 32-A, § 25, amended. The 3rd sentence of section 25 of chapter 32-A of the Revised Statutes, as enacted by section 1 of chapter 260 of the public laws of 1957, is amended to read as follows:

~~The provisions of this~~ This section shall not apply to commodities when sold for immediate consumption on the premises where sold, to vegetables when sold by the head or bunch, to commodities ~~when in package form or~~ in containers standardized by a law of this State or by Federal law, to concrete aggregates, concrete mixtures and loose solid materials such as earth, soil, gravel, crushed stone and the like, when sold by cubic measure, or to unprocessed vegetable and animal fertilizer when sold by cubic measure.'

Sec. 5. R. S., c. 32-A, § 31, amended. Section 31 of chapter 32-A of the Revised Statutes, as enacted by section 1 of chapter 260 of the public laws of 1957, is amended by adding at the end 2 new paragraphs to read as follows:

'Whenever a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package.

Whenever an advertised, posted or labeled price per unit of weight, measure or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least ½ the height and width of the numerals representing the whole cents.'