

MAINE STATE LEGISLATURE

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FIFTH REVISION.

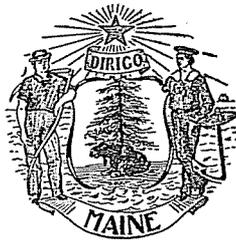
THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

CHAP. 39.

Port wardens,
their fees
of office.
R. S., c. 36, § 31.

SEC. 31. Port wardens shall be allowed fees to be paid by the person requesting their services, as follows: For survey of hatches, two dollars; for each survey of cargo on shipboard, one dollar; for certificate of stowage of cargo, two dollars; for each subsequent certificate, one dollar; for each survey to ascertain extent of damage, two dollars; for each certificate thereof, two dollars; for each survey required by section twenty-nine, four dollars; for each certificate thereof, two dollars; on each survey as required by section thirty, for each person, two dollars; for each certificate thereof, two dollars.

Jurisdiction.
R. S., c. 36, § 32.

—penalty for
performing
duties of port
wardens with-
out authority.

SEC. 32. In the cities and towns for which they are elected, port wardens shall have exclusive jurisdiction in all matters pertaining to their duties, as specified in this chapter; and any other person who performs or attempts to perform any such duties in any city or town wherein there is a port warden, forfeits for each offense one hundred dollars, to be recovered in an action of debt by any prosecutor.

CHAPTER 39.

INSPECTION AND SALE OF AGRICULTURAL PRODUCTIONS, COMMERCIAL FERTILIZERS, COMMERCIAL FEEDING STUFF, AGRICULTURAL SEEDS, NURSERY STOCK, STANDARD WEIGHT, MARKING OF SHEEP, AND HORSE RECORDS.

INSPECTION OF FLOUR.

Inspectors,
how appoint-
ed.
R. S., c. 38, § 36.

SEC. 1. The municipal officers of towns may appoint annually in their towns, one or more suitable persons not interested in the manufacture and sale of flour to be inspectors thereof for one year from the date of appointment.

Inspectors to
be sworn and
to receive
certificate of
appointment.
R. S., c. 38, § 37.

SEC. 2. Such inspector, before entering upon his duties, shall be sworn to the faithful and impartial discharge thereof before the town clerk, who, upon payment of fifty cents, shall give him a certificate of his appointment and qualification, to be exhibited on the demand of any person interested in any inspection made by him.

Inspection, how
made, and
duties of in-
spectors, de-
fined.
R. S., c. 38, § 38.

SEC. 3. Inspection of flour shall be for the purpose of ascertaining its soundness; every package inspected shall be opened sufficiently to allow a trier to be passed through it, and a sample of the whole length of the passage shall be taken out and examined by the inspector, who shall mark upon each package with a brand or stencil, the word, "Sound" or "Unsound," as the quality of the flour contained in each is found, and his name, residence, office and the year of inspection. He shall keep a record of all flour inspected by him, in a suitable book which he shall exhibit to any person requiring it.

—inspectors to
keep a record,
and to exhibit
same.

Penalty for
fraudulent
marks.
R. S., c. 38, § 39.

SEC. 4. If an inspector falsely and fraudulently marks any package of flour, he shall be fined five dollars for every such package, and forfeits to any person injured thereby three times the amount of damage, in an action of debt.

Penalty for
alteration,
etc., of in-
spection
marks.
R. S., c. 38, § 40.

SEC. 5. Whoever, with intent to defraud, alters, obliterates or counterfeits the marks of an inspector, and whoever, with such intent, places upon any package of flour, marks falsely purporting to be inspection marks, shall be fined not exceeding fifty dollars for each offense and on conviction of placing such false marks on as many as ten packages at one time, shall also be imprisoned not exceeding ten months.

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SEC. 6. The purchaser may require flour to be inspected before delivery. The inspector's fees shall be five cents a package for lots of less than ten; for lots of more than ten and not exceeding twenty, two cents a package; and for every package exceeding twenty, one cent; to be paid by the person demanding inspection.

SEC. 7. Inspectors shall, when required, determine whether the flour conforms to and equals the sample furnished, and shall mark, with some distinct and intelligible mark, the packages that are found like the sample, and for this service they may charge an additional compensation of one-half cent a package.

SEC. 8. Nothing herein contained prohibits any contract for the manufacture or sale of uninspected flour, when inspection is not required by the buyer or the seller.

Purchasers of flour may require inspection before delivery.

R. S., c. 38, § 41.—fees, and by whom paid.

Duties of inspectors in relation to sample packages.

R. S., c. 28, § 42.

Inapplicable, if inspection is not demanded.

R. S., c. 38, § 43.

REGULATION OF THE SALE OF MILK.

SEC. 9. The municipal officers of cities and towns containing not less than three thousand inhabitants and the municipal officers of all other towns, on application of ten voters therein, shall appoint annually one or more persons to be inspectors of milk, who before entering upon their duties, shall give notice of their appointment by publishing the same for two weeks in a newspaper published in their towns, if any, otherwise by posting such notice in two or more public places therein; and they may receive such fees as said officers establish.

Inspectors of milk shall be appointed in towns of not less than three thousand inhabitants.

R. S., c. 38, § 44. 1893, c. 255, § 1. See c. 4, § 95. § xiii.

SEC. 10. Inspectors shall keep an office and books for the purpose of recording the names and places of business of all persons selling milk within their limits. They may enter any place where milk is kept or stored for sale, and examine all carriages used in the conveyance thereof, and when they have reason to believe any milk found therein to be adulterated, they shall take specimens thereof, cause them to be analyzed or otherwise satisfactorily tested, and preserve the result as evidence. Said inspectors shall leave with the owner of the milk inspected a sealed specimen of the milk examined by them, which shall be marked in the same manner as the specimen taken at that time by said inspectors; and they shall prosecute for all violations of the two following sections.

Duties of inspectors of milk.

R. S., c. 38, § 45. 1897, c. 292. See c. 129, §§ 2-6.

SEC. 11. All measures, cans or other vessels, used in the sale of milk, shall be sealed annually by the sealer of weights and measures, by wine measure, and shall be marked by the sealer with figures indicating the quantity which they hold, and whoever fraudulently sells by any other measure, can or vessel, forfeits twenty dollars for each offense. (a)

All measures used in sale of milk to be sealed by wine measure.

R. S., c. 38, § 46. 1887, c. 20. See c. 44, §§ 18, 19.

SEC. 12. All bottles, pipettes or other measuring glasses used by any person, firm or corporation, or their agents or employees, at any creamery, butter factory, cheese factory, condensed milk factory or elsewhere in this state, in determining by the Babcock test or any other test, the value of milk or cream received from different persons at such creameries or factories, shall be tested before such use, for accuracy of measurement and for accuracy of the per cent scale marked thereon. Such bottles, pipettes or measuring glasses shall bear in marks or characters ineffaceable the evidence that such test has been made by the authority named in the following section. No inaccurate bottles, pipettes or other glasses shall bear such marks or characters.

Bottles and glasses used to measure milk or cream, shall be tested for accuracy, and marked. 1895, c. 169, § 1.

—shall bear evidence that test has been made. See c. 40, § 18.

SEC. 13. The director of the Maine Agricultural Experiment Station, or some competent person designated by him, shall test the accuracy of all

Duty of director of Maine Agricultural

(a) Registration of designs and marks on cans and other receptacles for milk, c. 40, § 37.

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Experiment Station, to test all bottles, etc. 1895, c. 169, § 2.

—shall mark all bottles, etc., found correct.

—compensation.

Persons who manipulate test, shall be certified by superintendent of dairy school. 1895, c. 169, § 3.

—rules for granting certificate.

Penalty for using sulphuric acid of less than required specific gravity. 1895, c. 169, § 4.

—penalty for violating § 12.

—penalty for violating § 14.

—fines, how disposed of.

bottles, pipettes or other measuring glasses used by persons, firms or corporations in the state buying or pooling milk or cream, or apportioning butter or cheese; made from the same, by the contents of butter fat contained therein. The said director, or the person designated by him, shall mark such bottles, pipettes or other measuring glasses as are found correct, with marks or characters which cannot be erased, and which marks or characters shall stand as proof that they have been so tested. The said director shall receive for such service no more than the actual cost incurred, which shall be paid by the persons or corporations for whom it is done.

SEC. 14. Any person, either for himself or in the employ of any other person, firm or corporation, who manipulates the Babcock test or any other test, whether mechanical or chemical, for the purpose of measuring the contents of butter fat in milk or cream for a basis of apportioning the value of such milk or cream, or of the butter or cheese made from the same, shall secure a certificate from the superintendent of the dairy school at the University of Maine that he is competent and well qualified to perform such work. The rules and regulations in the application for such certificate and in the granting of the same shall be such as the superintendent of that school may arrange, and the fee for issuing a certificate shall not exceed one dollar, and shall be paid by the applicant.

SEC. 15. Whoever uses, or has in his possession with intent to use, at any creamery, butter factory, cheese factory or condensed milk factory, any sulphuric acid of less than one and eighty-two hundredths of specific gravity in the process known as the Babcock test or any other test for determining the butter fat contents of milk or cream, shall be punished by a fine not exceeding twenty-five dollars for the first offense, and for a second offense not exceeding fifty dollars. Any person, firm or corporation, violating the provisions of section twelve, shall be punished by a fine not exceeding fifty dollars for the first offense, and for a second offense not exceeding one hundred dollars; and any person violating section fourteen shall be punished by a fine not exceeding ten dollars. Every inspector of milk, sheriff, deputy sheriff and constable shall institute complaint against any person violating said provisions, and one-half of the fines shall go to the complainant and the balance to the state.

REGULATION OF SALE OF COMMERCIAL FERTILIZERS.

All packages of fertilizer exceeding in price ten dollars a ton, shall have affixed there-to a statement certifying number of pounds, name or trade-mark and manufacturer and place of business, and analysis. 1893, c. 256, § 1.

Manufacturers shall annually file certified copy of statement

SEC. 16. Every manufacturer, company or person, who shall sell, offer or expose for sale in the state any commercial fertilizer or any material used for fertilizing purposes, the price of which exceeds ten dollars a ton, shall affix to every package of such fertilizer, in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the package sold or offered for sale, the name or trade-mark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture, the place of business and a chemical analysis stating the percentage of nitrogen, or its equivalent in ammonia in available form, of potash soluble in water, and of phosphoric acid in available form, soluble and reverted, and also the total phosphoric acid.

SEC. 17. Every manufacturer, company or person, who shall sell, offer or expose for sale in the state any commercial fertilizer or material used for fertilizing purposes, the price of which exceeds ten dollars a ton, shall file annually between the fifteenth day of November and the fifteenth day

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of December with the director of the Maine Agricultural Experiment Station, a certified copy of the statement named in the preceding section, for each and every fertilizer bearing a distinguishing name or trade-mark, said certified copy to be accompanied, when required, by a sealed glass jar or bottle containing at least one pound of the fertilizer to be sold or offered for sale, and the company or person filing said certified copy with its accompanying sample of fertilizer shall thereupon make affidavit that said sample corresponds, within reasonable limits to the fertilizer which it represents, in the percentage of nitrogen, total and available phosphoric acid, and potash soluble in water, which it contains. Such affidavit shall apply to the entire calendar year next succeeding the date upon which said affidavit is made, unless the person making said affidavit shall give notice to the director of the Maine Agricultural Experiment Station that a change is to be made during the year in the percentages of the above named ingredients contained in the fertilizer, in which case before selling or offering for sale such fertilizer, he shall file another certified statement with an accompanying sample of fertilizer and an affidavit as hereinbefore required. The deposit of a sample of fertilizer as herein provided shall be required by said director, unless the company, manufacturer or person, selling or offering for sale a fertilizer coming within the provisions hereof, shall certify that its composition for the succeeding year is to be the same as given in the last previously certified statement, in which case the requiring of said sample shall be at the discretion of said director.

SEC. 18. The director of the Maine Agricultural Experiment Station shall analyze, or cause to be analyzed, all the samples of fertilizers which come into his possession under the provisions of section seventeen, and shall publish the results thereof in a bulletin or report on or before the fifteenth of March next succeeding.

SEC. 19. Any manufacturer, importer, agent or seller of any commercial fertilizer, who shall deposit with the director of the Maine Agricultural Experiment Station a sample or samples of fertilizer under the provisions of section seventeen, shall pay annually to the treasurer of state an analysis fee as follows: Ten dollars for the phosphoric acid, and five dollars each for the nitrogen and potash, contained or said to be contained in the fertilizer, this fee to be assessed on any brand sold in the state, and upon receipt of the treasurer's receipt for such fee and of the certified statement named in section seventeen, said director shall issue a certificate of compliance with this chapter. Whenever the manufacturer or importer of a fertilizer shall have filed the statement made in section seventeen and paid the analysis fee, no agent or seller of said manufacturer, importer or shipper shall be required to file such statement or pay such fee. Said director shall present to the governor and council itemized bills showing the cost of analyzing each sample and on approval by them a warrant shall be drawn on the treasurer for the payment thereof. Such payments shall not exceed in any calendar year the amount of fees received the same year.

SEC. 20. The director of the Maine Agricultural Experiment Station annually shall analyze, or cause to be analyzed, at least one sample, taken in the manner hereinafter prescribed, of every fertilizer sold or offered for sale under the provisions of this chapter. Said director shall take, in person or by deputy, a sample, not exceeding two pounds in weight, for said analysis, from any lot or package of fertilizer, or any material used for manurial purposes which may be in the possession of any manufacturer, importer, agent or dealer in the state; but said sample shall be

with Maine Agricultural Experiment Station, with sample of fertilizer, and make affidavit that sample corresponds with fertilizer. 1893, c. 256, § 2.

—affidavit shall apply to entire year.

—sample need not be deposited every year, if composition is same each year.

Director shall analyze samples and publish results. 1893, c. 256, § 3.

Analysis and fees. 1893, c. 256, § 4. 1897, c. 197. 1903, c. 217.

—certificate of compliance.

—when fee is paid by manufacturer, payment shall not be required of agent.

Director shall annually analyze samples of fertilizers. 1883, c. 256, § 6. 1895, c. 94, § 2.

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—how samples shall be taken.

drawn in the presence of said party or parties in interest, or their representatives, and taken from a parcel or a number of packages which shall not be less than ten per cent of the whole lot sampled, and shall be thoroughly mixed and then divided into two equal samples and placed in glass vessels and carefully sealed and a label placed on each, stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn and the time and place of drawing, and said label shall also be signed by the director or his deputy, and by the party or parties in interest or their representatives at the drawing and sealing of said samples; one of said duplicate samples shall be retained by the director and the other by the party whose stock was sampled; and the sample or samples retained by the director shall be for comparison with the certified statement named in section seventeen. The result of analysis of the sample or samples so procured shall be published in a report or bulletin within reasonable time.

—result shall be published.

Importer to be licensed.
R. S., c. 38, § 49.

—license fee.

SEC. 21. Every importer of commercial fertilizers, as specified in section sixteen, before offering the same for sale, shall procure from the secretary of state a license as an importer thereof, and shall pay into the state treasury fifty dollars annually, as a license fee; and, at the same time shall file, with the commissioner of agriculture, a paper giving the names of his principal agents, and the name and composition of the fertilizers manufactured or imported by him. Such license entitles the licensee to sell and offer for sale only one distinct kind of fertilizer; but he may sell any other kind upon paying into said treasury an additional license fee of fifteen dollars for each additional kind.

—to sell only one kind, or pay additional fee.

REGULATION OF SALE OF COMMERCIAL FEEDING STUFF.

Packages of concentrated commercial feeding stuff, shall have printed statement on each package.
1903, c. 230, § 1.

—contents.

SEC. 22. Every package of any concentrated commercial feeding stuff, as defined in section twenty-four, used for feeding farm live stock, sold, offered or exposed for sale in the state, shall have affixed in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the package, the name, brand or trade-mark under which the article is sold, the name and address of the manufacturer or importer, and a chemical analysis stating the percentage of crude protein, allowing one per cent of nitrogen to equal six and one-fourth per cent of protein, and of crude fat which it contains, both constituents to be determined by the methods adopted at the time by the association of official agricultural chemists. If the feeding stuff is sold in bulk or put up in packages belonging to the purchaser, the agent or dealer shall, upon request of the purchaser, furnish him with the certified statement named in this section.

What the term shall not include.
1903, c. 230, § 2.

SEC. 23. The term "concentrated commercial feeding stuff," as here used, shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn. Neither shall it include wheat, rye and buckwheat brans or middlings, not mixed with other substances, but sold separately, as distinct articles of commerce, nor wheat bran and middlings mixed together, nor pure grains ground together.

What the term shall include.
1903, c. 230, § 2.

SEC. 24. The term "concentrated commercial feeding stuff," as here used, shall include linseed meals, cottonseed meals, cottonseed feeds, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewers' grains, dried distillers' grains, malt sprouts, hominy feeds, cerealine feeds, rice meals, oat feeds, corn and oat

chops, corn and oat feeds, corn bran, ground beef or fish scraps, condimental foods, poultry foods, stock foods, patented proprietary or trade-marked stock and poultry foods, mixed feeds other than those composed solely of wheat bran and middlings mixed together, or pure grains ground together, and all other materials of similar nature not included in the preceding section.

SEC. 25. There shall be appropriated annually from the state treasury the sum of one thousand dollars in favor of the treasurer of the Maine Agricultural Experiment Station, and the same may be expended by said treasurer in the analysis of concentrated commercial feeding stuffs. So much of said appropriation shall be paid by the treasurer of state to the treasurer of said experiment station as the director of said station may show by his bills has been expended in performing the duties required by the following section; such payment shall be made quarterly upon the order of the governor and council, who shall draw a warrant for that purpose. The director shall annually publish a statement of the receipts and expenditures under said section.

Appropriation for expenses of analysis. 1903, c. 230, § 4.
—expenditure of appropriation. 1903, c. 230, § 5.

SEC. 26. The director of the Maine Agricultural Experiment Station annually shall analyze, or cause to be analyzed, at least one sample of every concentrated commercial feeding stuff sold or offered for sale under the provisions of this chapter. He shall take in person or by deputy, a sample, not exceeding two pounds in weight, for said analysis, from any lot or package of concentrated commercial feeding stuff which may be in the possession of any manufacturer, importer, agent or dealer in the state; said sample shall be placed in a suitable jar or bottle, tightly closed and a label placed thereon, stating the name or brand of the feeding stuff or material sampled, the name of the party from whose stock the sample was drawn and the time and place of drawing, and said label shall also be signed by the director or his deputy; *provided, however*, that when so requested said sample shall be taken in duplicate in the presence of the party or parties in interest or their representatives, in which case one of said duplicate samples shall be retained by the director and the other by the party whose stock was sampled. The sample or samples retained by the director shall be for comparison with the certified statement named in section twenty-two. The result of the analysis of the sample or samples so procured, together with such additional information as circumstances advise, shall be published in reports or bulletins from time to time.

Director of Maine Agricultural Experiment Station shall analyze samples. 1903, c. 230, § 7.

—preservation of samples.

—sample in duplicate when requested.

REGULATION OF SALE OF AGRICULTURAL SEEDS.

SEC. 27. Every lot of seeds of agricultural plants, whether in bulk or in package, containing one pound or more, and including the seeds of cereals, except sweet corn, grasses, forage plants, vegetables and garden plants but not including those of trees, shrubs and ornamental plants, which is sold, offered or exposed for sale for seed by any person in the state shall be accompanied by a written or printed guaranty of its percentage of purity and freedom from foreign matter; *provided*, that mixtures may be sold as such when the percentages of the various constituents are stated.

Seeds of agricultural plants offered for sale shall be accompanied by guaranty of percentage of purity. 1897, c. 313, § 1.

SEC. 28. Dealers may base their guaranties upon tests conducted by themselves, their agents or by the director of the Maine Agricultural Experiment Station; *provided*, that such tests shall be made under such conditions as the said director may prescribe.

Tests on which guaranties may be based. 1897, c. 313, § 2.

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Results of tests made by director, shall be published. 1897, c. 313, § 3.

—director shall publish standard of purity.

SEC. 29. The results of all tests of seeds made by said director shall be published by him in the bulletins or reports of the experiment station, together with the names of the persons from whom the samples of seeds were obtained. The said director shall also publish equitable standards of purity, together with such other information concerning agricultural seeds as may be of public benefit.

PENALTIES AND PROSECUTIONS.

Punishment for violations of sections 16, 17, 19, 21, 22, 27 and 28. R. S., c. 38, § 50. 1893, c. 256, § 5. 1897, c. 313, §§ 4, 5. 1903, c. 230, § 6.

SEC. 30. Whoever sells, offers or exposes for sale or for distribution, in the state, any commercial fertilizer without complying with the requirements of sections sixteen, seventeen, nineteen and twenty-one, or any fertilizer which contains substantially a smaller percentage of constituents than are certified to be contained, or any concentrated commercial feeding stuff as defined in section twenty-four without complying with the requirements of section twenty-two, or any feeding stuff which contains substantially a smaller percentage of constituents than are certified to be contained, or any agricultural seeds without complying with the requirements of sections twenty-seven and twenty-eight, or whoever, with intention to deceive, wrongly marks or labels any package or bag containing garden or vegetable seeds or any other agricultural seeds, not including those of trees, shrubs and ornamental plants, shall be punished by a fine not exceeding one hundred dollars for the first offense and not exceeding two hundred dollars for each subsequent offense.

Sec. 27-30 not to apply to cereals sold for food. 1897, c. 313, § 6.

SEC. 31. The provisions of the four preceding sections shall not apply to any person growing or selling cereals and other seeds for food.

Adulterations of grain, penalty. 1903, c. 230, § 8.

SEC. 32. Whoever adulterates any whole or ground grain with milling or manufactured offals or with any foreign substance whatever, or any bran or middlings made from the several grains with any foreign substance whatever, for the purpose of sale, unless the true composition, mixture or adulteration thereof is plainly marked or indicated upon the packages containing the same, or in which it is offered for sale; or whoever sells or offers for sale any whole or ground grain, bran or middlings which have been so adulterated, unless the true composition, mixture or adulteration is plainly marked or indicated upon the package containing the same, or in which it is offered for sale, shall be fined not exceeding one hundred dollars for the first offense, and not exceeding two hundred dollars for each subsequent offense.

Director shall report violations to commissioner of agriculture. 1893, c. 256, § 7. 1897, c. 313, § 7. 1903, c. 230, § 9.

SEC. 33. Whenever the said director becomes cognizant of any violation of the seventeen preceding sections, he shall report such violation to the commissioner of agriculture, and said commissioner shall prosecute the party or parties thus reported; but said commissioner upon thus ascertaining any such violation of sections sixteen to twenty inclusive, shall notify the manufacturer, importer or dealer, and give him not less than thirty days thereafter in which to comply with the requirements of this chapter; there shall be no prosecution in relation to the quality of any fertilizer or fertilizing material if the same shall be found substantially equivalent to the certified statement named in section seventeen, or in relation to the quality of any concentrated commercial feeding stuff if the same shall be found substantially equivalent to the certified statement named in section twenty-two.

INSPECTION OF NURSERY STOCK.

SEC. 34. All nursery stock shipped into the state from any other state, country or province shall bear on each box or package a certificate that the contents of said box or package have been inspected by a duly authorized inspecting officer, and that said contents appear to be free from all dangerous insects or diseases. If nursery stock is brought into the state without such a certificate, the consignee shall return it to the consignor at the expense of the latter; *provided, however*, that any box or package bearing a certificate of fumigation, which shall be an affidavit made before a justice of the peace that all stock sold by the consignor has been fumigated in a manner approved by the state nursery inspector of the state from which said nursery stock is shipped, the same may be accepted as though bearing a proper certificate of inspection.

Inspection of nursery stock. 1903, c. 112, § 1.

—nursery stock brought into the state without certificate of inspection, shall be returned.

—proviso.

SEC. 35. Any transportation company which shall bring into this state any nursery stock, such as trees, shrubs, vines, cuttings or buds, and any transportation company, owner or owners of nursery stock, or persons selling nursery stock as thus defined, who shall transport such stock or cause it to be transported within the state, the same not having attached to each box or package an unexpired official certificate of inspection or an affidavit of fumigation, which shall meet the requirements specified in the preceding section, shall be punished by a fine not exceeding one hundred dollars for each offense. The commissioner of agriculture shall institute prosecutions to enforce the penalty prescribed in this section.

Penalty for transporting or selling un-inspected nursery stock. 1903, c. 112, § 2.

—prosecutions. 1903, c. 112, § 4.

SEC. 36. If any person in the state suspects the presence of San Jose scale or other injurious insects or diseases preying upon trees, shrubs or vines in his possession or within his knowledge, he shall forthwith notify the commissioner of agriculture to that effect; and said commissioner shall cause the said trees, shrubs or vines to be inspected by a competent entomologist, who shall forthwith make a report of the results of his inspection and file the same with the commissioner of agriculture at Augusta. If dangerous insects or injurious diseases are found by the entomologist, the commissioner shall publish the report of the same, and see that the best known treatment is applied to such trees, shrubs or vines for the destruction of the insects or diseases with which the same may be infested. For the above purposes the commissioner of agriculture or his employees may enter private or public grounds and treat any trees, shrubs or vines that may be infested with dangerous insects or injurious diseases.

Suspected presence of injurious insects shall be reported to commissioner of agriculture. 1903, c. 112, § 3.

—duty of commissioner of agriculture.

—may enter private or public grounds to treat trees.

SALE OF PRESSED HAY.

SEC. 37. All hay pressed and put up in bundles, except hay pressed by farmers and retailed from their own barns, shall have the first letter of the christian name and the whole of the surname of the person putting up the same, written, printed or stamped on bands or boards made fast thereto, with the name of the state and the place where such person lives. Whoever offers for sale or shipment any pressed hay not marked as aforesaid, except hay pressed by farmers and retailed from their own barns, forfeits one dollar for each bale so offered, to be recovered by complaint. No person who has received hay not marked as provided in this section shall defend any action for the price thereof upon that ground, unless he shall prove that, before the delivery of said hay to him, he requested the person from whom he bought the same to comply with the provisions of this section.

Pressed hay, how to be marked. R. S. c. 38, § 55. 1889, c. 174.

—penalty.

—when person receiving hay not marked may defend action for price. 1897, c. 300.

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MEASURERS OF SALT, CORN AND GRAIN.

Appointment
and fees of
measurers, etc.
R. S., c. 38, § 56.

SEC. 38. The municipal officers of towns annually may appoint measurers of salt, corn and grain therein, who shall receive such fees from the purchaser as said officers establish; and, in every contract made in the state for the sale of salt by the hogshead, such hogshead shall consist of eight bushels; and, when the buyer or seller requests, salt, corn or grain bought or sold in places where such measurers live shall be measured by them.

WEIGHT OF CORN AND GRAIN, MEAL, VEGETABLES AND HAIR.

Standard
weight fixed.
R. S., c. 38, § 57.
1887, c. 45.
1887, c. 121.
1887, c. 253.
1903, c. 11.

SEC. 39. The standard weight of a bushel of potatoes, in good order and fit for shipping, is sixty pounds; of apples, in good order and fit for the market, forty-four pounds; of wheat, sixty pounds; of corn, fifty-six pounds; of barley and buckwheat, forty-eight pounds; of carrots, fifty pounds; of onions in good order and fit for shipping, fifty-two pounds; of ruta бага, sugar beets, mangel wurzel, and turnip beets, in like condition, sixty pounds; of English turnips, in like condition, fifty pounds; of parsnips, in like condition, forty-five pounds; of beans, in like condition, sixty pounds; of peas, sixty pounds; of rye and Indian meal, fifty pounds; of oats, thirty-two pounds; of Turk's Island, or other coarse grades of salt, seventy pounds, and of Liverpool, or other fine grades sixty pounds; and of hair used in masonry, well dried and cleansed, eleven pounds; and the measure of each of these articles shall be determined as aforesaid at the request of the vendor or vendee; and if either party refuses so to do, he forfeits twenty cents for each bushel, to the person prosecuting therefor within thirty days.

—herdsgrass
seed.
1885, c. 278.

The standard weight of a bushel of herdsgrass seed, when well cleaned and in good condition, is forty-five pounds.

—barrel of
potatoes.
1885, c. 268.

The standard weight of a barrel of potatoes, in good order and fit for shipping, is one hundred and sixty-five pounds. Whoever acting for himself or as the employee of another, takes more than the standard weight for a barrel of potatoes, shall forfeit fifty cents for each barrel, to the person prosecuting therefor within thirty days.

—penalty.

MARKING SHEEP.

Owner of
sheep shall
have mark,
to be recorded.
R. S., c. 38, § 60.
See c. 117, § 20.

SEC. 40. All owners of sheep shall mark them with some distinctive mark, by a cut in the ears, or a brand on some part of the animal, and cause such mark to be recorded by the clerk of their town in a book kept for that purpose.

RECORD OF STALLIONS.

Record of
advertised
stallions to
be filed with
register of
deeds.
R. S., c. 38, § 61.
1889, c. 161.
See c. 11, § 18;
c. 117, § 18.

SEC. 41. The owner or keeper of any stallion for breeding purposes, before advertising, by written or printed notices, the service thereof, shall file a certificate with the register of deeds in the county where said stallion is owned or kept, stating the name, color, age and size of the same, together with the pedigree of said stallion as fully as attainable, and the name of the person by whom he was bred; and such register shall record such certificate in a book kept for that purpose. Copies of such certificate, duly certified by such register, may be used in evidence, the same as the original, in any court in the state. Whoever neglects to make and file such certificate, shall recover no compensation for said services, and, if

—certificate
to be record-
ed.
87 Me., 150.
89 Me., 264.
97 Me., 38.

he knowingly and wilfully makes and files a false certificate of the statements aforesaid, he forfeits one hundred dollars, to be recovered by complaint, indictment or action of debt, to the county where the offense is committed.

—penalty for neglect.

Note. Penalty for false registration of blooded animal, c. 127, § 10.

CHAPTER 40.

ASSAYERS OF ORES AND METALS. INSPECTION AND SALE OF MANUFACTURED ARTICLES. TRADE-MARKS AND LABELS. THE BUREAU OF LABOR AND INDUSTRIAL STATISTICS. THE MAINE MINING BUREAU.

ASSAYERS OF ORES AND METALS.

SEC. 1. The governor, with the advice and consent of the council, may appoint one or more suitable persons to be assayers, who shall assay such ores, metals and other substances, requiring chemical analysis, as are offered for that purpose, and shall give a certificate thereof; they shall receive a reasonable compensation from their employers.

Assayers, their appointment, duty and compensation. R. S., c. 37. See Const. of Me., Art. ix, § 1.

INSPECTION OF LIME CASKS.

SEC. 2. The governor, with the advice and consent of the council shall appoint in each town where lime is manufactured, one resident citizen thereof to be inspector of lime casks therein for four years and until his successor is appointed and qualified unless sooner removed. He shall give bond, with sufficient sureties, for the faithful performance of his duties before entering thereon, to the treasurer of his county, in the following sums: the inspector of Rockland, five thousand dollars; of Thomaston and Rockport, three thousand dollars each; and of every other town, two thousand dollars each, to be approved by the county commissioners; and each lime manufacturer shall designate to the inspector one or more persons to act as deputy inspector of lime casks used by him, from which number the inspector shall appoint as many deputies as are necessary, who shall give bond to the treasurer of the county in like manner as their principal in the sum of one thousand dollars. Such deputy shall have sole inspection of lime casks on the premises of the manufacturer by whom he is designated.

Appointment of inspectors. 1903, c. 196, § 1. See Const. of Me., Art. ix, § 1.

—amount of their bonds.

—deputy inspectors.

—bonds.

SEC. 3. Lime casks shall be made of sound and seasoned sawed timber in a workmanlike manner and kiln dried or well fired on the inside, with staves not less than twenty-nine inches in length and three-eighths of an inch thick on the thinnest edge; heads not less than five-eighths of an inch thick and fifteen and one-half inches in diameter when dry and well crozed in; good and strong hoops of oak, ash, beech, birch, maple, cherry or elm wood, not less than one inch wide in the narrowest part and not less than eight in number, except when two or more hoops of uniform shape throughout not less than one and one-fourth inches wide are used, the whole number may be reduced to six; each cask shall be not less than twenty-five inches in length between the heads, fifteen and one-fourth inches in width between the chimes and seventeen inches in the clear on the inside at the bilge. No lime casks or barrels to contain lime shall be

Requirements in making of lime casks. 1903, c. 196, § 2.