

MAINE STATE LEGISLATURE

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SIXTH REVISION

THE
REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 29, 1916, AND TAKING
EFFECT JANUARY 1, 1917



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

amount thereof in an action of debt; and such owner has all the rights and is subject to all the liabilities provided for the owner of logs, masts and spars, in the six preceding sections.

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Note. Maliciously driving nails into logs intended for manufacture, penalty, c. 129, § 13.

Letting loose rafts or logs, c. 129, § 14.

CHAPTER 48.

Standard Weights and Measures, Meridian Lines and Standards of Length.

- Sections 1-7 State Sealer of Weights and Measures.
- Sections 8-27 Local Sealers of Weights and Measures.
- Section 28 Measurers of Salt, Corn and Grain.
- Sections 29-30 Standard Weight and Measure.
- Section 31 Sale of Ice by Weight.
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State Sealer of Weights and Measures.

Sec. 1. State sealer of weights and measures. 1911, c. 82, § 1. 1913, c. 116, § 1. The commissioner of agriculture shall be the state sealer of weights and measures.

The standard weights and measures furnished by the government of the United States in accordance with the joint resolution of Congress approved June fourteenth, eighteen hundred and thirty-six, and any additions thereto and renewals thereof certified to by the United States bureau of standards, and weights, measures, balances and apparatus added by the state sealer of weights and measures and verified by the United States bureau of standards, shall be the standards of weights and measures throughout this state.

Sec. 2. Standards adopted by the state. 1911, c. 82, § 2. 1913, c. 116, § 1. The standards adopted by the state shall be kept at the state house under the supervision of the state sealer and shall not be removed or used except for the adjustment of a set of working standards that are copies of the original standards or for scientific purposes or to be verified by the national bureau of standards. The state sealer shall maintain the state standards in good order and shall submit them at least once in ten years to the national bureau of standards for certification. He shall at least once in five years cause the standards of the several cities and towns to be compared and corrected to conform with the state standards.

Sec. 3. Shall establish tolerances in this state; other powers and duties. 1913, c. 116, § 1. The state sealer of weights and measures shall after consultation with, and with the advice of, the national bureau of standards, establish tolerances for use in this state and said tolerances shall be the legal tolerances of the state. He shall have general supervision of the

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weights and measures, and weighing and measuring devices of the cities and towns of the state, and cause the enforcement of all laws pertaining to weights and measures in use in the state and may appoint such agents as he desires to assist in the enforcement.

Sec. 4. State sealer shall enforce provisions of law. 1913, c. 116, § 2. He shall enforce the provisions of law requiring municipal officers to procure and maintain standards of weights and measures, and the appointing of a sealer of weights and measures. He may appoint a deputy who shall have the authority conferred by the two following sections.

Sec. 5. State sealer or deputy shall inspect work of local sealers. 1913, c. 116, § 2. He or his duly appointed deputy shall visit the various cities and towns in the state in order to inspect the work of the local sealers, and may at all times inspect and test the weights, measures and balances of any person, firm, association or corporation used, or to be used, in purchasing from or selling to the public any goods, wares, merchandise or other commodities; if any such weights, measures or balances are found to be inaccurate or defective, he shall forthwith cause the same to be corrected or condemned.

Sec. 6. May test commodities offered for sale; may have access to buildings. 1913, c. 116, § 2. He, or his duly appointed deputy may, at irregular intervals, examine commodities sold or offered for sale and test them for correct weight, measure or count, and bring complaint for violations of sections eight to twenty-five, both inclusive, of this chapter. He, or his duly appointed deputy may for the purpose stated above, and in the general performance of his or their official duties, have access without formal warrant to any stand, place, building or premises, or may stop any vendor, pedler, junk dealer, coal wagon, ice wagon, or any person for the purpose of making the proper tests.

Sec. 7. Record and annual report. 1911, c. 82, § 3. He shall keep a record in detail of the work of his office and shall annually, on or before the first day of December, make a written report of the work and the expenses of his office to the governor and council.

Local Sealers of Weights and Measures.

Sec. 8. Municipal officers shall appoint sealer of weights and measures; may be sealer in adjoining towns. R. S. c. 44, § 1. 1913, c. 116, § 3. 1915, c. 99. The municipal officers of each town shall annually in the month of April appoint a sealer of weights and measures, not necessarily a resident therein, removable at pleasure, and may fill vacancies; for each month that said municipal officers neglect this duty they severally shall forfeit ten dollars. Within ten days after each such appointment the clerk of each city or town shall communicate the name of the person so appointed to the state sealer of weights and measures, and for the neglect of this duty shall forfeit ten dollars. Such sealer of weights and measures in any town may be sealer for several adjoining towns if such is the pleasure of the municipal officers therein, provided such action receives the approval of the state sealer of weights and measures.

Sec. 9. Treasurers of each town shall keep town standards. R. S. c. 44, § 2. 1913, c. 116, § 3. The treasurers of each town, at the expense thereof, or jointly with the treasurers of adjacent towns, shall constantly keep as town standards a set of beams and weights and measures subject to the approval of the state sealer and conformable to the state standards. Said treasurers shall cause all beams and weights and measures belonging to their towns to be proved and sealed by the state standards once in five years, beginning the first day of January, nineteen hundred thirteen, and for every neglect of said duty they forfeit one hundred dollars.

Sec. 10. Cities may own scales; appoint weighers and deputy sealers. R. S. c. 44, § 3. 1913, c. 116, § 3. Any city may purchase and keep for use scales for weighing hay and other articles, appoint weighers and fix their fees, to be paid by the purchaser. The municipal officers of cities and towns may appoint a deputy sealer of weights and measures to hold office during their pleasure and fix his compensation. Such deputy shall act under the direction of the sealer of weights and measures in the municipality, and shall have the same authority as the sealer in the performance of his duties.

Sec. 11. City and town sealers shall keep records of weights and measures sealed; shall make annual report. R. S. c. 44, § 4. 1913, c. 116, § 3. The several city and town sealers and other persons authorized to inspect weights and measures shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by them, giving the name of the owner or agent, the place of business, the date of inspection and kind of apparatus so inspected, sealed or condemned. He shall make an annual report, duly sworn to, on or before the first day of November of each year, to the state sealer, giving in addition to the above an inventory of the standards and apparatus in his possession, and such other information as he may deem important, or as the state sealer may require.

Sec. 12. Duty of sealer to receive and receipt for standards; penalty for neglect. R. S. c. 44, § 6. 1915, c. 97. The person appointed as provided in section eight, shall receive the standards and seal from the treasurer, giving a receipt therefor, describing them and their condition, and therein engaging to re-deliver them at the expiration of his office in like good order; and he shall be accountable for their due preservation while in his possession. For every neglect of any duty prescribed by this chapter he shall forfeit ten dollars.

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Sec. 13. Sealers shall give notice of times and places for sealing weights and measures. R. S. c. 44, § 7. The sealers of weights and measures in the several cities and towns shall annually give public notice by advertisement, or by posting in one or more public places in their respective cities and towns notices to all inhabitants or persons having usual places of business therein and who use weights, measures or balances for the purpose of selling any goods, wares, merchandise or other commodities or for public weighing to bring in their weights, measures and balances to be adjusted and sealed. Such sealers shall attend in one or more convenient places and shall adjust, seal and record all weights, measures and balances so brought in.

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Sec. 14. Sealers shall visit persons who neglect to comply. R. S. c. 44, § 8. After giving said notice the said sealers shall go to the houses, stores and shops of persons who neglect to comply therewith, and having entered the same with the assent of the occupants thereof, shall adjust and seal their weights, measures and balances.

Sec. 15. Shall visit annually owners of hay, coal and platform scales and test same. R. S. c. 44, § 9. Said sealers shall go once a year and oftener if necessary, to every hay and coal scale, to every platform balance within their respective cities and towns that cannot be easily or conveniently removed, and shall test the accuracy of and adjust and seal the same.

Sec. 16. All scales, weights and measures may be tested any time. R. S. c. 44, § 10. All persons using any scales, weights or measures for the purpose of buying or selling any commodity, may, when they desire it, have the same tested and sealed by the sealers of weights and measures at the office of any of said sealers.

Sec. 17. If sealer cannot seal any weights, etc., he may mark to show inspection; use of weights, etc., that cannot be adjusted by sealers forbidden. R. S. c. 44, § 11. In case a sealer of weights and measures cannot seal any weights, measures and balances in the manner before provided, he may mark them with a stencil, or by other suitable means so as to show that they have been inspected; but he shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standards. If such weights, measures or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall affix to such weights, measures or balances a notice, forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without consent of the officer affixing the same, shall for each offense forfeit a sum not less than ten dollars and not exceeding fifty dollars.

Sec. 18. Sealer shall be furnished with appliances for testing weights, etc. R. S. c. 44, § 12. A sealer when visiting the place of business of any person for the purpose of testing any weights, measures or balances, may use for that purpose such weights, measures or balances as he can conveniently carry with him, and each city and town shall furnish its sealer with one or more duplicate sets of weights, measures and balances, which shall at all times be kept to conform to the standards furnished by the state, and all weights, measures and balances so sealed shall be deemed to be legally sealed the same as if tested and sealed with the standard weights, measures and balances.

Sec. 19. False weights and measures may be seized. R. S. c. 44, § 13. A sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in cases of violation of the law relating to the sealing of weights and measures, such weights, measures or balances to be returned to the owners, or forfeited as the court may direct.

Sec. 20. Proceedings, when complaint is made, that incorrect weights, etc., are being used; penalty for using weight, etc., after refusal of permission to test. R. S. c. 44, § 14. When a complaint is made to a sealer of weights and measures by any person that he has reasonable cause to believe

or when such sealer himself has reasonable cause to believe that a weight, measure or balance used in the sale of any commodity within his city or town is incorrect, the said sealer shall go to the place where such weight, measure or balance is and shall test the same, and mark it according to the result of the test applied thereto; and if the same is incorrect and cannot be adjusted, the said sealer shall attach a notice thereto, certifying that fact, and forbidding the use thereof until it has been made to conform to the authorized standard. Any person using a weight, measure or balance after a sealer has demanded permission to test the same, and has been refused such permission shall be liable to a penalty of not less than ten, nor more than one hundred dollars.

Sec. 21. How incorrect weights, etc., shall be stamped. R. S. c. 44, § 15. All weights, measures and balances that cannot be made to conform to the standard shall be stamped "condemned" or "CD" by the sealer, and no person shall thereafter use the same under the penalties provided in the case of the use of false weights and measures.

Sec. 22. Scales shall be sealed before use. R. S. c. 44, § 16. Before any weights, measures, scales, steelyards, beams or balances are used, they shall be sealed by a public sealer of weights and measures.

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Sec. 23. Sales by gross weight. R. S. c. 44, § 17. Such articles as are sold or exchanged in any market or town in the state by gross or avoirdupois weight, shall be sold or exchanged as follows: twenty-five avoirdupois pounds constitute one quarter; four quarters, one hundred; and twenty hundreds, one ton; and all other articles, usually sold by tale, shall be sold by decimal hundred.

Sec. 24. Penalty for use of false scales or measures; presumptive evidence. R. S. c. 44, § 18. 1913, c. 116, § 2. Whoever by himself, or by his servant, or as the agent or servant of another, shall use or retain in his possession any false scales, weight or measure or weighing or measuring device in the buying or selling of any commodity or thing, or whoever after a weight, measure, scale, balance or beam has been adjusted and sealed, shall alter it so that it does not conform to the public standard and shall fraudulently make use of it, or whoever shall dispose of any condemned scales, weight, measure, or weighing or measuring device, contrary to law, or remove any tag, stamp or mark placed thereon by the sealer; or whoever by himself, or by his agent or servant, or as agent or servant of another, shall sell, offer or expose for sale less than the quantity he represents, or whoever by himself, or by his agent or servant, or as the agent or servant of another, shall sell, offer for sale, or have in his possession for the purpose of selling, any false scales, weight or measure, or any device or instrument to be used or calculated to falsify any weight or measure, shall be guilty of a misdemeanor and shall for the first offense be punished by a fine of not more than fifty dollars; for the second offense by a fine of not less than twenty, nor more than two hundred dollars, and for any subsequent offense by a fine of fifty dollars and by imprisonment for not less than thirty, nor more than ninety days. The possession or use by any person of any false weight, measure or other apparatus for determining the quantity of any commodity or article of merchandise is pre-

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sumptive evidence of knowledge by such person of the falsity of such weight, measure or other apparatus. Every sealer of weights and measures who has reasonable cause to believe that a weight, measure, scale, balance or beam has been altered since it was last adjusted and sealed shall enter the premises in which it is kept or used and shall examine the same.

Sec. 25. Penalty for using weights, etc., which have not been sealed. R. S. c. 44, § 19. Whoever sells by any other weights, measures, scales, beams or balances than those which have been sealed as before provided, shall forfeit a sum not exceeding twenty dollars for each offense, and when by the custom of trade such weights, measures, scales, beams or balances are provided by the buyer, he shall, if he purchases by any other, be subject to a like penalty to be recovered by an action of tort to the use of the complainant.

See c. 37, § 15.

Sec. 26. Jurisdiction of courts. 1913, c. 116, § 2. Municipal and police courts and trial justices shall have original jurisdiction, concurrent with the supreme judicial court and superior courts, of prosecutions for all offenses against the laws pertaining to weights and measures.

Sec. 27. Sealer may be paid salary and fees paid into treasury. R. S. c. 44, § 20. The city council of a city may by ordinance, and a town may by by-law, provide that the sealer of weights and measures for their city or town shall be paid by a salary, and that he shall account for and pay into the treasury of the city or town the fees received by him by virtue of his office; and where such salary is paid no fees shall be charged for services rendered under section thirteen.

Note. Sealers of weights and measures shall annually seal all measures used for sale of milk, c. 37, § 15; duties of, as to charcoal baskets, c. 46, § 7; fees of, c. 118, § 23.

Measurers of Salt, Corn and Grain.

Sec. 28. Appointment and fees of measurers. R. S. c. 39, § 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.

Standard Weight and Measure.

Sec. 29. Standard weight fixed. R. S. c. 39, § 39. 1913, c. 124. 1915, c. 110. The standard weight of a bushel of potatoes is sixty pounds; of apples, forty-four pounds; of dried apples, twenty-five pounds; of wheat, sixty pounds; of corn or rye, fifty-six pounds; of cracked corn, feed, or meal of any kind except oatmeal, fifty pounds; of barley or buckwheat, forty-eight pounds; of carrots or English turnips, fifty pounds; of onions, fifty-two pounds; of rutabaga, sugar beets, mangel-wurzel, turnip and other beets, sixty pounds; of parsnips, forty-five pounds; of beans, sixty pounds; of Lima beans, fifty-six pounds; of shell beans, twenty-eight pounds; of soy beans, fifty-eight pounds; of scarlet or white runner pole beans, fifty pounds; of string beans, twenty-four pounds; of Windsor (broad) beans,

forty-seven pounds; of beet greens, dandelions, kale or spinach, twelve pounds; of parsley, eight pounds; of peas, sixty pounds; of unshelled green peas, twenty-eight pounds; of wrinkled peas, fifty-six pounds; of rough rice, forty-four pounds; of oats, thirty-two pounds; of green peanuts, twenty-two pounds; of roasted peanuts, twenty pounds; of Turk's Island or other coarse grades of salt, seventy pounds; of Liverpool or other fine grades of salt, sixty pounds; of lime, seventy pounds; of hair used in masonry, well dried and cleaned, eleven pounds; of strawberries, raspberries or blackberries, forty pounds; of blueberries, forty-two pounds; of currants, forty pounds; of cranberries, thirty-two pounds; of peaches, forty-eight pounds; of pears, fifty-eight pounds; of dried peaches, thirty-three pounds; of sweet potatoes, fifty-four pounds; of quinces, forty-eight pounds; of tomatoes, fifty-six pounds; all to be in good order and fit for shipping or for market; 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.

The standard weight of a bushel of herd's-grass seed when well cleaned and in good condition is forty-five pounds; of clover seed, sixty pounds; of alfalfa seed, sixty pounds; of flaxseed, fifty-six pounds; of hemp seed, forty-four pounds; of Hungarian grass seed, forty-eight pounds; of orchard grass seed, fourteen pounds; of redtop seed, fourteen pounds; of sorghum seed, fifty pounds; of timothy seed, forty-five pounds; of millet seed, fifty pounds; of Japanese millet seed, thirty-five pounds; of bran, twenty pounds; of Sea Island cotton seed, forty-four pounds; of upland cotton seed, thirty pounds.

The standard weight of a barrel of flour is one hundred and ninety-six pounds; of a barrel of potatoes in good order and fit for shipping is one hundred and sixty-five pounds; of a barrel of sweet potatoes in like condition, one hundred and fifty pounds.

Sec. 30. Sale of fruits, nuts and vegetables, by measure, regulated. 1913, c. 116, § 4. All fruits, nuts and vegetables, if sold by measure, shall be sold by dry measure, United States standard, and shall be measured by level measure. Baskets or other receptacles holding one quart or less which are to be used in the sale of strawberries, blackberries, cherries, currants, blueberries, huckleberries, raspberries or gooseberries, shall be of the capacity of one quart, one pint or one-half pint, United States standard, dry measure. Whoever sells or offers for sale or has in possession with intent to sell, any of the aforesaid fruits in any basket or other receptacle holding one quart or less which does not conform to said standard, or conforming to said standard is not level measure, shall be punished by a fine of ten dollars for each offense. Said baskets or other receptacles shall not be required to be tested and sealed as provided by this chapter, but any sealer or health officer may test the capacity of any basket or other receptacle in which any of the aforesaid fruit is sold or intended to be sold; and if the same is found to contain less than the standard measure, or if the quantity of such fruit is otherwise less than as herein provided, he shall seize the same and make complaint against the vendor.

Sale of Ice by Weight.

Sec. 31. Sale of ice by weight, when requested. 1913, c. 116, § 4. A dealer in ice who on request of the purchaser of ice refuses or neglects to weigh the same when delivered or gives false weight shall for each offense be punished as provided in section twenty-four of this chapter. Whoever, having charge of the delivery of ice from a wagon, not being a dealer in ice, refuses on the request of the purchaser of ice to weigh the same when it is delivered, or gives false weight, shall be punished by a fine of not more than ten dollars.

Meridian Lines and Standards of Length.

Sec. 32. County commissioners shall erect and maintain meridian line; record to be kept by clerk of courts. R. S. c. 44, § 21. The county commissioners, at the expense of their several counties, shall erect and forever maintain therein, at such place or places remote from electrical disturbances as the public convenience requires, a true meridian line to be perpetuated by stone pillars with brass or copper points firmly fixed on the tops thereof, indicating the true range of such meridian; and shall protect the same and provide a book of records to be kept by the clerk of courts, or by a person appointed by them nearer to such structure, and accessible to all persons wishing to refer thereto.

Sec. 33. Care and custody. R. S. c. 44, § 22. Such structures shall be under the care and custody of such clerks; and any surveyor residing in said county or engaged in surveying therein, shall have free access thereto for the purpose of testing the variation of the magnetic needle.

Sec. 34. Surveyors shall annually verify compass; shall record declination of needle, etc., and shall enter same in field note-book; penalty for neglect. R. S. c. 44, § 23. When such meridian lines have been established and completed every land surveyor shall, at least annually, before making any survey, test and verify his compass, or other instrument using the magnetic needle, by the meridian line so established in the county where his surveys are to be made, and shall enter the declination of such needle from the true meridian in the book mentioned in section thirty-two, together with the style and make of such instrument and its number, if any, and the date and hour of observation, and subscribe his name thereto for future reference; and shall insert corresponding entries as to date and declination, in his field note-books, which field note-books shall also show dates at which his surveys are made. Neglect or refusal to comply with this section shall render such surveyor liable to a penalty of twenty-five dollars for each neglect, to be recovered on complaint in the county where any survey is made, half to the complainant and half to the county. The provisions of this section shall not apply to such surveys as are made by angles from some fixed, permanent line, or by a solar instrument and independent of the magnetic needle.

Sec. 35. County commissioners shall erect and maintain standard of length; description thereof; their care and custody; duty of surveyors to verify tape or chain and record result; penalty for neglect. R. S. c. 44, § 24. The county commissioners at the expense of the several counties shall also

erect and forever maintain therein, at such place or places as the public convenience may require, a standard of length of not less than one hundred feet, with suitable subdivisions marked thereon. Such standard may consist of stone monuments permanently fixed with metal plates on the tops thereof, properly marked and protected; or of a steel bar of the necessary length properly marked and suitably placed and protected. All such standards shall be made to correspond with the standard of the United States Bureau of Weights and Measures, and shall be provided with proper means for determining the tension of tapes or chains during comparison. They shall be under the care and custody of the clerk of courts, who shall keep a suitable book for the record of comparisons, and they shall be accessible to any person for comparing any tape, chain, or other linear measure. Every surveyor shall before making surveys in this state, and at least annually, compare his tape or chain used in such surveys with the standard in the county in which he resides or in which surveys are to be made; and shall record the result in the book provided for that purpose, giving description of such tape or chain, with the difference, if any, between the same and such standard, together with the date and temperature and the tension on such tape or chain at the time of comparison. When such standard shall have been completed in any county, any surveyor residing or making surveys in such county who shall neglect or refuse to comply with the terms of this section, shall be liable to the penalties and disability set forth in section thirty-four.

Sec. 36. Penalty for injuring meridian lines. R. S. c. 44, § 25. Whoever wilfully displaces, alters, defaces, breaks or otherwise injures any of the pillars or points, plates, enclosures, bars, locks, bolts, or any part of the structure of any meridian line or standard of length shall forfeit not exceeding one hundred dollars, to be recovered by indictment, half to the prosecutor and half to the county, and shall also be liable in an action of debt for the amount necessarily expended in repairing damages caused by his act.

Sec. 37. Governor to appoint commissioner to verify meridians. R. S. c. 44, § 26. When such meridian line or standard of length is established, repaired or rebuilt in any county, the governor with the advice and consent of the council shall appoint a competent commissioner, not necessarily a resident of this state, to inspect and verify the same. Such commissioner shall in case of a meridian line verify the same by astronomical observation, and in his report shall give an accurate description of such structures, its latitude and longitude, and the declination of the needle at the time; and in case of a standard of length shall give a description of the structure, its location and exact length as determined by comparison with some authentic standard from the United States Bureau of Weights and Measures. All such reports shall be full and accurate and be deposited in the office of the secretary of state, and a certified copy shall be filed and recorded in the office of the clerk of courts in the county where such structure is situated. Such commissioner shall receive from the state such just compensation as the governor and council shall allow.