

# MAINE STATE LEGISLATURE

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## CHAPTER 303

## MILK

Sec.

- 1551. Filing and publishing description of name and devices.
- 1552. Use of can without owner's consent; evidence.
- 1553. Defacing or mutilating containers.
- 1554. Placing foreign matter in container.
- 1555. Search warrants for containers in wrongful possession.

**§ 1551. Filing and publishing description of name and devices**

All persons and corporations engaged in buying, selling or dealing in milk or cream in cans, jugs, bottles or jars with their names or other marks or devices, together with the word "Registered," branded, engraved, blown or otherwise produced in a permanent manner in or upon such cans, jugs, bottles or jars may file in the office of the clerk of the city or town in which their principal place of business is situated, and in the office of the Secretary of State, a description of the name or names, mark or marks, device or devices so used by them, and cause such description to be published once each week for 4 weeks successively in a newspaper published in the city or town in which said description has been filed. If there is no newspaper published in such city or town, then such publication may be made in any newspaper published in the county in which such city or town is situated.

R.S.1954, c. 32, § 114.

**§ 1552. Use of can without owner's consent; evidence**

Whoever without the consent of the owner takes, detains or uses in his business, sells, disposes of, buys, conceals or traffics in any milk can, jug, bottle or jar, the owner of which has complied with section 1551, shall be punished for the first offense by a fine of not more than \$5 or by imprisonment for not more than 60 days for each can, jug, bottle or jar so taken, detained or used in his business, sold, disposed of, bought, concealed or trafficked in; and for any subsequent offense by a fine of not more than \$10 or by imprisonment for not more than 6 months for each can, jug, bottle or jar so taken, detained or used in his business, sold, disposed of, bought, concealed or trafficked in. Possession by any person in the transaction of his business of any such article,

the owner of which has complied with section 1551, shall constitute prima facie evidence of the unlawful taking, use, detention, possession of or traffic in the same within the meaning of this section.

R.S.1954, c. 32, § 115.

### § 1553. Defacing or mutilating containers

Whoever without the consent of any owner who has complied with section 1551 willfully destroys, mutilates or defaces any can, jug, bottle or jar bearing such owner's name, mark or device, or willfully erases, mars, covers or changes any word or mark branded, engraved, blown or otherwise produced in a permanent manner in or upon any such can, jug, bottle or jar, shall be punished for the first offense by a fine of not more than \$5 or by imprisonment for not more than 60 days for each can, jug, bottle or jar so destroyed, mutilated or defaced, or for each can, jug, bottle or jar upon which any word or mark has been erased, marred, covered or changed; and for any subsequent offense by a fine of not more than \$10 or by imprisonment for not more than 6 months for each can, jug, bottle or jar so destroyed, mutilated or defaced, or for each can, jug, bottle or jar upon which any word or mark has been erased, marred, covered or changed.

R.S.1954, c. 32, § 116.

### § 1554. Placing foreign matter in container

Whoever by himself, or by his servant or agent, or as a servant or agent of any other person, firm or corporation, sends, ships, returns or delivers, or causes or permits to be sent, shipped, returned or delivered to any producer of or dealer in milk and cream, any can, jar, bottle, measure or other vessel used as a container for milk and cream, containing any offal, swill, kerosene, vegetable matter, rotten or putrid milk or any other offensive material shall be punished for the first offense by a fine of not less than \$1 nor more than \$5 for each can, jug, bottle or jar so defiled; and for any subsequent offense by a fine of not less than \$2 nor more than \$20 for each can, jug, bottle or jar so defiled.

R.S.1954, c. 32, § 117.

### § 1555. Search warrants for containers in wrongful possession

Whenever any person or corporation having complied with section 1551 or the agent of any such person or corporation shall

make oath before the proper officer of the District Court that he has reason to believe and does believe that any person or corporation has wrongfully in possession or is secreting any of his or its milk cans, jugs, bottles or jars, marked and described as provided in section 1551, said officer shall, if satisfied that there is reasonable cause for such belief, issue a search warrant to discover and obtain the same, and may cause to be brought before said court the person or an agent or employee of the corporation in whose possession such cans, jugs, bottles or jars are found, and shall thereupon inquire into the circumstances of such possession. If the court finds that such person or corporation has been guilty of a willful violation of sections 1552, 1553 or 1554, it shall impose the penalty prescribed in the section or sections so violated, and shall award to the owner possession of the property taken upon such search warrant.

R.S.1954, c. 32, § 118; 1963, c. 204, § 61.