

# MAINE STATE LEGISLATURE

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## CHAPTER 307

## OILS

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**§ 1651. Description of marks filed**

All persons or corporations engaged in the sale of kerosene, refined petroleum, gasoline or other burning or illuminating oils or fluids, in cans of a capacity of not less than 5 gallons, with their names or other marks or devices branded, stamped, engraved, etched, impressed or otherwise produced upon such cans or anything connected therewith or appertaining thereto, may file in the office of the town or city clerk, in which their principal place of business is situated, a description of the names and marks used by them, and cause the same to be published once a week for 3 successive weeks in any newspaper published in the county in which said notice may have been filed.

R.S.1954, c. 100, § 190.

**§ 1652. Regulation of sale of certain oils**

No person shall sell or keep for sale, except for remanufacture or as provided, kerosene, range oil, fuel oil or other burning oil for illuminating, heating or cooking purposes which will flash at a temperature of less than 115° Fahrenheit, to be ascertained by the application of any standard approved closed cup tester. Nothing herein contained shall prohibit the sale or keeping for sale of gasoline or naphtha as such for fuel or illuminating purposes.

R.S.1954, c. 100, § 191.

**§ 1653. Pure sperm oil defined; adulteration**

All oils sold under the names of sperm, summer, fall and winter oils are deemed to be sold for pure sperm oil, the test of which is Southworth's oleometer. Whoever sells under said names any oils which are adulterated by the mixture of an inferior article, without disclosing the full extent of adulteration to the purchaser, forfeits to the prosecutor \$15 for each offense. The oil so sold shall be deemed whale oil, and the seller is liable to the purchaser for the difference between pure sperm oil and whale oil, to be recovered in a civil action.

R.S.1954, c. 100, § 192; 1961, c. 317, § 315.

**§ 1654. Deception; adulteration or misbranding**

It shall be unlawful for any person, firm or corporation within this State to store, sell, distribute, transport, expose for sale or offer for sale, distribution or transportation any internal combustion engine fuels, lubricating oils or other similar products in any manner whatsoever so as to deceive or tend to deceive the purchaser as to the nature, quality, price and identity of the product so sold or offered for sale or which is adulterated or misbranded within the meaning of this chapter.

R.S.1954, c. 100, § 193.

**§ 1655. Description of contents; identity of manufacturer or distributor**

It shall be unlawful for any person, firm or corporation to store, keep, expose for sale, offer for sale or sell from any tank or container or from any pump or other distributing device or equipment, any internal combustion engine fuels, lubricating oils or other similar products than those indicated by the name, trade name, symbol, sign or other distinguishing mark or device of the manufacturer or distributor appearing upon the tank, container, pump or other distributing equipment from which the same are sold, offered for sale or distributed, and all tanks, containers, pumps or other distributing equipment containing internal combustion engine fuels, lubricating oils or other similar products shall be plainly designated by the name, trademark, symbol, sign or other distinguishing mark or device of the manufacturer or distributor. Any person, firm or corporation desiring to engage in the business of distribution of internal combustion engine fuels, lubricating oils or other similar products at wholesale shall apply to the State Tax Assessor for certificate allowing such distribu-

tion, and such applicant shall submit with such application to the State Tax Assessor samples or specifications of such fuels or oils as he desires to distribute. When such application, accompanied by such samples, has been received by the State Tax Assessor, he shall issue a certificate or permit to enable such person, firm or corporation to sell or distribute its products.

R.S.1954, c. 100, § 194.

**§ 1656. Trade names not imitated**

It shall be unlawful for any person, firm or corporation to disguise or camouflage his or their own equipment by imitating the design, symbol or trade name of the equipment under which recognized brands of internal combustion engine fuels, lubricating oils and similar products are generally marketed.

R.S.1954, c. 100, § 195.

**§ 1657. Trade name oils or fuels not to be mixed or adulterated**

It shall be unlawful for any person, firm or corporation to expose for sale, offer for sale or sell under any trademark or trade name in general use any internal combustion engine fuels, lubricating oils or other like products except those manufactured or distributed by the manufacturer or distributor marketing internal combustion engine fuels, lubricating oils or other like products under such trademark or trade name, or to substitute, mix or adulterate the internal combustion engine fuels, lubricating oils or other similar products sold, offered for sale or distributed under such trademark or trade name.

R.S.1954, c. 100, § 196.

**§ 1658. Filling marked tank with other fuel or oil forbidden**

It shall be unlawful for any person, firm or corporation to aid or assist any other person, firm or corporation in the violation of this chapter by depositing or delivering into any tank, receptacle or other container, any other internal combustion engine, fuels, lubricating oils or like products than those intended to be stored therein and distributed therefrom as indicated by the name of the manufacturer or distributor, or the trademark or trade name of the product displayed on the container itself, or on the pump or other distributing device used in connection therewith.

R.S.1954, c. 100, § 197.

**§ 1659. Internal combustion engine fuel defined; expenses**

For the purposes of this chapter, the term "internal combustion engine fuel" shall mean motor fuel, commonly called and known as gasoline, benzol or other product to be used in the operation of an internal combustion engine. The term "mis-branded" shall apply to all internal combustion engine fuel, the package, label, pump, tank or container of which shall bear any statement, design or device regarding such article or the ingredient or substance contained therein which shall be false or misleading in any particular or which is falsely branded in any particular.

Gasoline shall be held to be "adulterated":

**1. Water or tar-like matter.** If it contains water or tar-like matter;

**2. Weight of residue after distillation.** If it contains more than 4% by weight of residue after being distilled at a temperature of 437° Fahrenheit;

**3. Temperature of vapor.** If the maximum temperature of the vapor on distillation without pressure exceeds 437° Fahrenheit.

The methods of testing to be used shall be those in general use in the petroleum refining industry.

R.S.1954, c. 100, § 198.

**§ 1660. Analysis of samples; enforcement; expense covered by gas tax**

The Director of the Maine Agricultural Experiment Station shall analyze or cause to be analyzed such samples of internal combustion engine fuels, lubricating oils and other like products at such time and to such extent as the State Tax Assessor may determine. It shall be the duty of the State Tax Assessor in person, or by deputy, to enforce this chapter, and for that purpose the State Tax Assessor in person, or by deputy, shall have full access, ingress and egress at all reasonable hours to any place or building wherein internal combustion engine fuels, lubricating oils and other like products are stored, transported, sold, offered or exposed for sale. He may in person or by deputy open any case, package or other container, tank, pump, tank car or storage tank, and enter upon any barge, vessel or other vehicle of transportation and may, upon tendering the market price, take samples for analysis. The expense of such analysis and of the adminis-



tration of this chapter shall be included in the expense of the administration of the tax on gasoline.

R.S.1954, c. 100, § 199.

**§ 1661. Deception as to price prohibited**

Every retail dealer in internal combustion engine fuel advertising the price of such engine fuel on any sign shall include in the price shown on such sign all taxes imposed with respect to the manufacture or sale of the motor fuel offered for sale, and every such sign shall either contain a statement of the taxes included in said price, or, without specifying the amount thereof, shall state that such taxes are included in said price. All figures, including fractions, upon said signs, other than figures and fractions used in any price computing mechanism constituting a part of any pump or dispensing device, shall be of the same size.

R.S.1954, c. 100, § 200.

**§ 1662. Penalties**

Any person, firm or corporation or any officer, agent, servant or employee thereof, who shall violate any of the provisions of this chapter shall be punished by a fine of not more than \$100 for the first offense and by a fine of not more than \$200 for each subsequent offense, or by imprisonment for 90 days, or by both. Each separate sale or attempt to sell in violation of this chapter shall be deemed a separate offense.

R.S.1954, c. 100, § 201.