

MAINE STATE LEGISLATURE

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CHAPTER 111

SALE OR POSSESSION OF UNWHOLESOME
FOOD OR DRINK

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§ 3451. Sale of unwholesome provisions or drinks

Whoever sells diseased, corrupted or unwholesome provisions for food or drink, knowing them to be such, or fraudulently adulterates for the purpose of sale any substance intended for food, or any wine, spirits or other liquors intended for drink, so as to render them injurious to health, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 5 years.

R.S.1954, c. 137, § 2.

§ 3452. Sale of impure or adulterated milk or cream

Whoever by himself, clerk, servant or agent sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver, or exposes or offers for sale or exchange milk which is not of good standard quality, adulterated milk or milk to which water or any foreign substance has been added, or milk produced from sick or diseased cows, or milk in or from cans or other utensils that are not in a clean or sanitary condition, or as pure milk, milk from which the cream or a part thereof has been

removed; and whoever by himself, clerk, servant or agent sells, exchanges or delivers, or has in his custody with intent to sell, exchange or deliver cream containing less than 18% of milk fat shall for the first offense be punished by a fine of not more than \$50, for a 2nd offense by a fine of not less than \$50 nor more than \$100, and for a subsequent offense by a fine of \$100 and by imprisonment for not less than 30 days nor more than 60 days. In prosecutions hereunder milk which upon analysis is shown to contain less than $11\frac{75}{100}\%$ of milk solids or less than $3\frac{25}{100}\%$ of fat shall not be considered milk of good standard quality. Nothing in this section shall be construed to prohibit the sale of skimmed milk as such.

R.S.1954, c. 137, § 3.

§ 3453. Possession of diseased meat or milk for human food

Whoever, having charge of any animal or meat or milk of any animal affected with tuberculosis or other contagious or infectious disease, knowing that the animal is thus affected, shall hold the animal or its meat or milk for human food shall be punished by a fine of not less than \$5 nor more than \$50.

R.S.1954, c. 137, § 4.

§ 3454. Imitations of butter or cheese not to be manufactured or sold

No person shall manufacture, sell, expose for sale or have in his possession with intent to sell, or take orders for the future delivery of any article, substance or compound made in imitation of yellow butter or cheese, and not made exclusively and wholly of cream or milk, or containing any fats, oil or grease not produced from milk or cream, whether said article, substance or compound be named oleomargarine, butterine or otherwise named; nor shall any person, firm or corporation sell, expose for sale or have in his possession with intent to sell oleomargarine unless the original package in which the same is shipped or conveyed from place of manufacture shall have the word "oleomargarine" in letters $\frac{3}{4}$ inch high and of proportionate width plainly printed or stenciled on the top or side thereof and unless each carton or wrapper containing said oleomargarine and in which such oleomargarine is sold or kept for sale shall have the word "oleomargarine" printed on 2 principal display panels in plain gothic letters not less than 20-point type. When said oleomargarine is sold from a tub or box or other container in which it is

kept for sale in bulk, said oleomargarine must be wrapped in wrappers plainly stamped or printed on the outside thereof with the word "oleomargarine" in plain gothic letters not less than 20-point size, and shall contain the name and address of the seller thereof and the quantity sold. For the purpose of this section any article, substance or compound manufactured from animal fats or oils, vegetable oils or from compounds or mixtures of animal fats or oils and vegetable oils which has been churned in cream, milk or water, or bathed in a solution of brine, shall be considered oleomargarine; nor shall any person, firm or corporation within this State use in any way in connection or association with the sale, or exposure for sale or advertisement of any oleomargarine or any substance designed to be used as a substitute for butter, the word "butter", "creamery", "dairy" or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combinations thereof commonly used in the sale of butter. Whoever violates any of the provisions of this section shall be punished for the first offense by a fine of not more than \$100 and for the 2nd offense by a fine of not more than \$200.

R.S.1954, c. 137, § 5.

§ 3455. Oleomargarine

No person shall by himself, his clerk, servant or agent furnish oleomargarine or any other substitute instead of butter in any hotel, restaurant, boardinghouse, lunchroom or lunch cart to a guest or patron thereof without notifying said guest or patron that the substance so furnished is not butter by placing on the walls of said hotel, restaurant, boardinghouse, lunchroom or lunch cart where oleomargarine or other substitute is served, a white placard on which is printed in black ink, in plain roman letters of not less than 3 inches in length and not less than 2 inches in width the words "Oleomargarine sold or used here," or the name of the substitute displayed on the placard instead of the word oleomargarine, such placard to be displayed at all times in such conspicuous place as to be readily seen by any and all persons entering such hotel dining room, restaurant, boardinghouse, lunchroom or lunch cart, where oleomargarine or other substitute is served. Whoever violates any of the provisions of this section shall be punished for the first offense by a fine of not more than \$100 and for the 2nd offense by a fine of not more than \$200.

R.S.1954, c. 137, § 6.

§ 3456. Imitations not to be sold

No person shall sell or offer for sale to any person, who asks, sends or inquires for butter or cheese, any substance or compound made in imitation of butter or cheese. Whoever violates any of the provisions of this section shall be punished for the first offense by a fine of not more than \$100 and for the 2nd offense by a fine of not more than \$200.

R.S.1954, c. 137, § 7.

§ 3457. Labels for renovated butter

No person shall sell, offer or expose for sale any renovated butter, unless the words "renovated butter" shall be conspicuously and plainly stamped, labeled or marked, so that said words cannot be easily defaced, upon the top and side of every tub, firkin, box or package containing said article or compound. The seller at retail of said article or compound, which is not in the original package, shall attach to each package so sold and deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place upon the outside of the package the words "renovated butter." Whoever violates any of the provisions of this section shall be punished for the first offense by a fine of not more than \$100 and for the 2nd offense by a fine of not more than \$200.

R.S.1954, c. 137, § 8.

§ 3458. Definitions

For the purposes of this chapter, the terms "butter" and "cheese" mean the products usually known by those names, and which are manufactured exclusively from milk or cream, or both, with salt and rennet and with or without coloring matter.

R.S.1954, c. 137, § 9.

§ 3459. Duty of officers to make complaints; suspected articles analyzed

Every inspector of milk, sheriff, deputy sheriff or constable shall institute complaint for any violations of sections 3454 to 3457, whenever he has reasonable cause therefor, and on the information of any person who shall lay before him satisfactory evidence of such violation. Said inspector or officer shall take specimens of suspected butter or cheese and cause the same to be analyzed or otherwise satisfactorily tested. The expense of such analysis or test, not exceeding \$20 in any one case, may be

included in the costs of prosecution, and taxed and allowed to the officer paying the same.

R.S.1954, c. 137, § 10.

§ 3460. Sanitary wrappers for bread; jurisdiction

No person, firm or corporation shall distribute, transport or sell for distribution or transportation any bread, in loaf form, which is not properly enclosed in a sanitary wrapper. Any person, firm or corporation who violates any provision of this section 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. The District Court shall have original jurisdiction, concurrent with the Superior Court, of the above offenses.

R.S.1954, c. 137, § 11; 1963, c. 402, § 218.

§ 3461. Disposal of patent medicine samples on streets and doorsteps

Any person, firm or corporation who, by himself, his servant or agent, or as the servant or agent of any other person or firm, leaves, throws or deposits or has in his possession with intent to leave, throw or deposit upon the doorstep, hall, porch, doorway, vestibule or premises owned or occupied by another, or distributes on any street, any patent or proprietary medicine or any preparation, pill, tablet or drug shall be punished by a fine of not less than \$20 nor more than \$1,000, or by imprisonment for not less than 30 days nor more than 11 months.

R.S.1954, c. 137, § 12.

§ 3462. Swelling of scallop meats; jurisdiction

No person shall swell or expand scallop meats by the use of fresh water, baking soda or by any other artificial means. Whoever violates this section shall be punished by a fine of \$5 for each gallon of scallops so treated. The District Court shall have original jurisdiction, concurrent with the Superior Court, of prosecutions for offenses under this section.

R.S.1954, c. 137, § 13; 1963, c. 402, § 219.

§ 3463. Sale of adulterated candy and brandy drops

Whoever, by himself, his servant or as agent of any other person or corporation, manufactures for sale, or knowingly sells

or offers for sale any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral or metallic substance, or by poisonous colors or flavors, or containing brandy, whiskey, rum, wine, or any alcoholic liquor in liquid form or other ingredients deleterious or detrimental to health, or offers for sale any candy under the name of brandy, whiskey, rum or wine drops shall be punished by a fine of not less than \$50 nor more than \$100. The candy so adulterated shall be forfeited and destroyed under the direction of the court. County attorneys shall prosecute all complaints under this section in all the courts in their respective counties.

R.S.1954, c. 137, § 14.

§ 3464. Offering prize candy for sale; summary arrest

Whoever sells or offers for sale prize candy in packages containing or purporting to contain a prize or gift shall, for each offense, be punished by a fine of not more than \$20 or by imprisonment for not more than 30 days; and, if discovered in the commission of such offense in any railroad car, steamboat, public conveyance or other place by any officer qualified to serve criminal process, he may be arrested by such officer and detained by imprisonment or otherwise for not more than 24 hours, until a complaint has been made and a warrant issued against him.

R.S.1954, c. 137, § 15.