

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

17th January 1916

To C. E. Embree, Manager, Farmers' Union, Waterville  
Re: Fertilizers

Replying to yours of the 12th, enclosing copy of contract between the Farmers Union of Maine and Standard Guano Company, I am of the opinion that, under the law, it is necessary for the fertilizer companies to register in Maine, even when the goods are distributed in the State under the arrangement which you have. I find that just previous to my assuming office a year ago, this question was submitted to Attorney General Wilson by Mr. Soule, and he came to the same conclusion. If it were possible for me to find proper grounds upon which to rule otherwise, I should be glad to do it, because I realize that the expense of registration in this case falls directly upon the local farmer, and it may be that when another legislature meets, the law can be so amended as to prevent this apparent hardship and still properly protect purchasers from misbranded goods.

Mr. Gardner also consulted me with regard to the power of the Commissioner of Agriculture to refuse to register commercial fertilizer. The law upon this point is found in Section 10, Chapter 119, Public Laws of 1911, as amended by Chapter 140, Public Laws of 1913, and briefly stated is this:

"The commissioner of agriculture shall have power to refuse to register any commercial fertilizer bearing a name, brand or trade mark which is misleading or deceptive or which would tend to mislead or deceive as to materials of which it is composed. He shall also have power to cancel any registration of any commercial fertilizer that he deems to be manufactured, sold, distributed or transported or offered for sale, distribution or transportation in violation of this act."

A refusal to register for any reason not included in the above or for any cause not contemplated by this section of the law would not be sustained and in proper proceedings our Courts would doubtless compel registration, excepting when the refusal to register or cancellation of registration came within the limits mentioned.

William R. Pattangall  
Attorney General