

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 821

H.P. 603 House of Representatives, March 18, 1987
Reference to the Committee on Agriculture suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative WHITCOMB of Waldo.
Cosponsored by Representatives COTE of Auburn, ALIBERTI
of Lewiston, and Senator WHITMORE of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Establish a Bakery and Milk
2 Products Container Law.
3

4 Be it enacted by the People of the State of Maine as
5 follows:

6 7 MRSA c. 107 is enacted to read:

7 CHAPTER 107

8 REGISTERED CONTAINER FOR BAKERY
9 AND DAIRY PRODUCTS

10 §1151. Definitions

11 As used in this chapter, unless the context oth-
12 erwise indicates, the following terms have the fol-
13 lowing meanings.

1 1. Bakery basket or tray. "Bakery basket or
2 tray" means a wire or plastic container which holds
3 bread or other baked goods and is used by a distribu-
4 tor, retailer or its agent as a means to transport,
5 store or carry bakery products.

6 2. Container. "Container" means any bakery bas-
7 ket or tray, dairy case, egg basket or other bakery
8 equipment.

9 3. Dairy case. "Dairy case" means a wire or
10 plastic container which holds 16 quarts or more of
11 packaged beverage and is used by a distributor, re-
12 tailer or its agent as a means to transport, store or
13 carry dairy products.

14 4. Egg basket. "Egg basket" means any permanent
15 type of container which contains 4 dozen or more
16 shell eggs and is used by a distributor, retailer or
17 its agent as a means to transport, store or carry
18 eggs.

19 5. Name or mark. "Name or mark" means any per-
20 manently affixed or permanently stamped name, mark or
21 brand which has been registered with the Department
22 of Agriculture, Food and Rural Resources pursuant to
23 section 1152 and is used for the purpose of identify-
24 ing the registered owner of the containers.

25 6. Other bakery equipment. "Other bakery equip-
26 ment" means any other container, device or machine
27 used in the production and distribution of baked
28 goods or products.

29 7. Registered container. "Registered container"
30 means a container bearing a name or mark.

31 8. Registered owner. "Registered owner" means
32 any person, firm or corporation which owns registered
33 containers.

34 §1152. Name or mark; registration; application;
35 transfer

36 1. Designation. Any person owning containers
37 used in the general production, transportation or
38 marketing of baked goods or dairy products in this

1 State may adopt for his exclusive use and ownership a
2 particular name or mark to be used on his containers.
3 An owner may identify his containers by stamping,
4 marking or fastening upon the containers any combina-
5 tion of initials, symbols, designs or names which
6 constitute his name or mark.

7 2. Registration. Any person seeking to register
8 his name or mark must:

9 A. Publish a description of the name or mark for
10 2 consecutive weeks in a newspaper published in
11 the county in which the owner of containers has
12 his primary place of business; and

13 B. File the name or mark with the Department of
14 Agriculture, Food and Rural Resources. The de-
15 partment shall register and record the name or
16 mark.

17 3. Application. In any proceeding in this
18 State, a name or mark which has been filed or re-
19 corded pursuant to this section is prima facie evi-
20 dence of ownership of a container bearing that name
21 or mark.

22 4. Transfer. The registered owner of a name or
23 mark filed and registered under this section may
24 transfer, release or sell his name or mark by a writ-
25 ten instrument evidencing the transfer, release or
26 sale filed with the department. The department shall
27 register and record the transfer, release or sale.

28 §1153. Violations

29 1. Unlawful use. Any person, without the writ-
30 ten consent of the registered owner, who removes a
31 registered container from the premises, parking area
32 or delivery vehicle of that owner or any of his cus-
33 tomers or any retail establishment violates this
34 chapter.

35 2. Possession. Any person, without the written
36 consent of the registered owner or a bill of lading
37 or invoice for products for which the container is
38 used, who possesses, uses, sells or buys a registered
39 container violates this chapter.

1 3. Alteration. Any person, without the written
2 consent of the registered owner, who destroys, al-
3 ters, removes or conceals a name or mark on a regis-
4 tered container violates this chapter.

5 4. Transportation. Any common carrier or pri-
6 ate carrier for hire, except those engaged in the
7 transportation of dairy or bakery products or eggs,
8 who receives or transports any registered container
9 violates this chapter, unless that carrier has in his
10 possession a bill of lading or an invoice for the
11 products received or transported.

12 5. Violation. Any person who violates this
13 chapter commits a Class D crime.

14 6. Civil remedy. A registered owner may bring a
15 civil action against any person who violates this
16 chapter. The registered owner may be awarded:

17 A. Damages sufficient to compensate for monetary
18 loss suffered due to unlawful use, possession,
19 alteration and transportation of containers; and

20 B. Court costs and attorneys fees.

21 §1154. Application; initial period for return

22 Any person who returns a registered container to
23 its owner within 60 days after the effective date of
24 this section does not violate this chapter.

25 STATEMENT OF FACT

26 The purpose of this bill is to establish a method
27 for the registration of particular names or markings
28 on bakery basket and trays, dairy product cases and
29 egg baskets and to enact provisions to thwart the
30 misuse and theft of them.

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