

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 442

H.P. 326

House of Representatives, February 24, 1989

Reference to the Committee on Agriculture suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative TARDY of Palmyra.

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STATE OF MAINE

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

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An Act Relating to the Registration of Dairy Crates.

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

3 10 MRSA c. 505 is enacted to read:

5 CHAPTER 505

7 DAIRY CRATES

9 §3021. Registration of dairy crates

11 A person engaged in buying, selling or dealing in dairy  
13 products who uses dairy crates in the sale, transportation or  
15 storage of frozen desserts, frozen dessert mix or dairy products  
17 may register the dairy crates under this section.

19 1. Marked. The name under which the person conducts  
21 business and the word "registered" must be imprinted in or on  
23 each dairy crate in a permanent manner.

25 2. Procedure. To register the dairy crates, the person  
27 shall:

29 A. File a description of the name used by the business on  
31 the dairy crates with the clerk of the municipality where  
33 the person's principal place of business is located, and pay  
35 a registration fee of one dollar to the clerk;

37 B. File a description of the name used by the business on  
39 the dairy crates with the Secretary of State; and

41 C. Publish the description of the name used by the business  
43 on the dairy crates once in each of 4 successive weeks in a  
45 newspaper of general circulation in the municipality where  
47 the description has been filed.

49 3. Definition. For the purposes of this chapter, the term  
51 "dairy crate" means a wire or plastic container which holds at  
least 16 quarts of beverage and is used by dairy product dealers,  
distributors, retailers or their agents as a means to transport,  
store or display dairy products.

4. Rules. The Commissioner of Agriculture, Food and Rural  
Resources may adopt rules according to Title 5, chapter 375,  
regulating the adoption, use, registration and identification of  
an owner of dairy cases and the amount of the deposit fee the  
owner of each dairy crate may charge.

§3022. Prohibitions

1. Use by person other than owner. No person may take,  
detain, use, buy, sell, traffic in or otherwise dispose of any  
registered dairy crate without the written consent of the owner.

1 Possession of any registered dairy crate by a person, other than  
3 the owner, in the transaction of business or conversion of a  
5 dairy crate to private use shall be prima facie evidence of  
7 violation of this section.

9 To require, take or accept any deposits upon delivery of a dairy  
11 crate, under an agreement to refund the deposit upon redelivery  
13 of a dairy crate, does not constitute a purchase.

15 2. Name or mark on crate. No person may deface,  
17 obliterate, destroy, cover up or otherwise remove or conceal a  
19 name or mark on a registered dairy crate, or possess a dairy  
21 crate whose name or mark has been altered, defaced, obliterated,  
23 destroyed, covered up or otherwise removed or concealed, without  
25 the consent of the owner.

27 3. Civil violation. Any person who violates this section  
29 commits a civil violation for which a forfeiture of up to \$100  
31 may be adjudged. Each violation shall constitute a separate  
offense.

#### STATEMENT OF FACT

1 This bill allows owners of dairy crates to register the name  
2 of the business which appears on the crates with the municipal  
3 clerk and the Secretary of State to guard against unauthorized  
4 use or possession. Any person who takes or uses a registered  
5 dairy crate without the written consent of the owner commits a  
6 civil violation and may have to pay as much as \$100 per crate  
7 taken or used.