

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

SENATE.

No. 94.

[NEW DRAFT.]

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-THREE.

AN ACT to regulate the importation, manufacture
and sale of fertilizers.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows :*

SECTION 1. Every lot or parcel of commercial
2 fertilizer sold, offered or exposed for sale within
3 this state, shall be accompanied by a printed label,
4 which shall state clearly the composition of the
5 same, as follows; to wit: In the case of all fertil-
6 izers which are sold at more than twelve dollars
7 per ton, and which contain nitrogen, potash, or
8 phosphoric acid, the said label shall give the per-
9 centage of nitrogen, or its equivalent in ammonia,
10 in an available form; of potash soluble in water,
11 and of phosphoric acid in an available form—solu-

12 ble or reverted—as well as the total phosphoric
13 acid. In the case of those fertilizers which con-
14 sist of other and cheaper materials, the said label
15 shall give a correct general statement of the com-
16 position and ingredients of the fertilizer it accom-
17 panies.

SECT. 2. Every importer of commercial fertil-
2 izers, as specified in section one, before offering the
3 same for sale in this state, shall procure a license
4 as an importer of the same, and shall pay into the
5 treasury of this state the sum of fifty dollars an-
6 nually, as a license fee; and shall at the same time
7 file with the secretary of the state board of agri-
8 culture, a paper giving the names of his principal
9 agents, and also the name and composition of the
10 fertilizer or fertilizers manufactured or imported by
11 him. Such license shall entitle the person to whom
12 it is issued to sell and offer for sale only one dis-
13 tinct kind of fertilizer; but such person shall be
14 entitled to sell any other kind of fertilizer upon
15 the payment into the treasury of this state an ad-
16 ditional license fee of fifteen dollars for each such
17 additional kind.

SECT. 3. Any person selling, offering or expos-
2 ing for sale any commercial fertilizer without the
3 statement required by the first section of this act,

4 or with a label stating that said fertilizer contains a
5 larger percentage of any one or more of the con-
6 stituents mentioned in said section than is con-
7 tained therein, or respecting the sale of which all
8 the provisions of section two have not been fully
9 complied with, shall forfeit fifty dollars for the first
10 offence and a hundred dollars for each subsequent
11 offence. Suits may be brought for the recovery of
12 fines or damages under the provisions of this act,
13 in the county where the fertilizer was offered for
14 sale or manufactured; and all fines so recovered
15 shall be paid into the treasury of state by the court
16 collecting the same. Such suits shall be brought
17 by the secretary of the state board of agriculture
18 in the name of the state of Maine.

SECT. 4. The secretary of the state board of
2 agriculture shall be state inspector of fertilizers.
3 It shall be the duty of said inspector or some
4 competent person by him deputized, annually to
5 analyze one or more specimens of every kind of
6 commercial fertilizers coming within the provisions
7 of this act which may be offered for sale within
8 this state, and of the existence of which he shall be
9 informed by the secretary of the state board of
10 agriculture; and for this purpose he is authorized
11 and directed to take from any package or pack-

12 ages of said fertilizers which may be in the pos-
13 session of any dealer a sample not exceeding one
14 pound in weight. He shall report annually to the
15 state board of agriculture the result of his inspec-
16 tion and the analysis made by him, and furnish the
17 secretary of said board such important information
18 in regard to commercial fertilizers as he shall from
19 time to time obtain.

SECT. 5. The fee of the state inspector of fertil-
2 izers shall be fifteen dollars for each analysis made
3 by him or under his direction, and travelling ex-
4 penses to be paid from the treasury of the state on
5 certificate of the state board of agriculture; *pro-*
6 *vided*, that no larger sum shall be paid for such
7 services each year than is paid into the treasury of
8 the state for license fees as provided in section two.

SECT. 6. It shall be the duty of said inspector
2 upon ascertaining any violation of this act to forth-
3 with inform the manufacturer and the secretary of
4 the state board of agriculture in writing thereof;
5 and it shall be the duty of said secretary to im-
6 mediately institute proceedings against all parties
7 violating this act.

SECT. 7. If the secretary of the state board of
2 agriculture, or the chemist making the analysis of
3 fertilizers under this act, shall violate, or knowingly

4 fail to perform his duty as prescribed in section
5 four, or shall collude with any manufacturer of,
6 or agent, or dealer in any fertilizer, to evade the
7 provisions of this act, so as to injure any manu-
8 facturer of, or agent, or dealer in any fertilizer,
9 such secretary or chemist shall upon conviction
10 thereof be sentenced to a fine of five hundred dol-
11 lars, to be recovered by any court of competent
12 jurisdiction.

SECT. 8. The license required by section two
2 shall be issued by the secretary of state.

SECT. 9. Any act or parts of acts inconsistent
2 with this act is hereby repealed.

SECT. 10. This act shall take effect when ap-
2 proved.

STATE OF MAINE.

IN SENATE, March 12, 1883.

Laid on the table, on motion of Mr. MARBLE of Lincoln, to be printed.

C. W. TILDEN, *Secretary.*