

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)

NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 176.

STATE OF MAINE.

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

AN ACT to regulate the sale and analysis of Commercial
Fertilizers.

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

SECTION 1. Every manufacturer, company or person
2 who shall sell, offer or expose for sale in this State any
3 commercial fertilizer or any material used for fertilizing
4 purposes the price of which exceeds ten dollars per ton
5 shall affix to every package of such fertilizer in a con-
6 spicuous place on the outside thereof, a plainly printed
7 statement clearly and truly certifying the number of net
8 pounds in the package sold or offered for sale, the name

9 or trade mark under which the article is sold, the name
10 of the manufacturer or shipper, the place of business and
11 a chemical analysis stating the percentage of nitrogen,
12 or its equivalent in ammonia in available form, of potash
13 soluble in water, and of phosphoric acid in available
14 form, soluble and reverted, as well as the total phos-
15 phoric acid.

SECT. 2. Every manufacturer, company or person who
2 shall sell, offer or expose for sale, in this State any com-
3 mercial fertilizer or material used for fertilizing purposes
4 the price of which exceeds ten dollars per ton, shall for
5 each and every fertilizer bearing a distinguishing name
6 or trade mark, file annually with the director of the
7 Maine Agricultural Experiment Station, between the
8 fifteenth day of November and the fifteenth day of
9 December, a certified copy of the statement, named in
10 section one of this act, said certified copy to be accom-
11 panied when required by a sealed glass jar or
12 bottle containing at least one pound of the fertilizer
13 to be sold or offered for sale and the company or
14 person filing said certified copy with its accompanying
15 sample of fertilizer shall thereupon make affidavit that
16 said sample corresponds within reasonable limits to the
17 fertilizer which it represents in the percentage of nitrogen,
18 total and available phosphoric acid, and potash soluble
19 in water, which it contains. Such affidavit shall apply to
20 the entire calendar year next succeeding the date upon
21 which said affidavit is made, unless the person or persons

22 making said affidavit shall give notice to the director of
23 the Maine Experiment Station that a change is to be made
24 during the year in the percentage of the above named
25 ingredients contained in the fertilizer, in which case he
26 shall, before selling or offering for sale such fertilizer,
27 file another certified statement with an accompanying
28 sample of fertilizer and an affidavit as hereinbefore re-
29 quired. The deposit of a sample of fertilizer as herein
30 provided shall be required by said director unless the
31 company, manufacturer or person selling or offering for
32 sale a fertilizer coming within the provisions of this act
33 shall certify that its composition for the succeeding year
34 is to be the same as given in the last previously certified
35 statement, in which case the requiring of said sample shall
36 be at the discretion of said director.

SECT. 3. The director of the Maine Experiment Station
2 shall analyze, or cause to be analyzed, all the samples of
3 fertilizers which come into his possession under the provi-
4 sions of section two of this act, and shall publish the
5 results thereof in a bulletin or report on or before the
6 fifteenth of March next succeeding.

SECT. 4. Any manufacturer, importer, agent or seller
2 of any commercial fertilizer who shall deposit with the
3 director of the Maine Experiment Station a sample or
4 samples of fertilizer under the provisions of section two
5 of this act, shall pay annually to said director an analysis
6 fee as follows: Ten dollars for the phosphoric acid, and
7 five dollars each for the nitrogen and potash, contained

8 or said to be contained in the fertilizer, this fee to be
9 assessed on any brand of which fifteen tons or more are
10 sold in the State, and upon receipt of such fee and of the
11 certified statement named in section two of this act, said
12 director shall issue a certificate of compliance with this act.

Whenever the manufacturer or importer of a fertilizer
14 shall have filed the statement named in section two of this
15 act and paid the analysis fee, no agent or seller of said
16 manufacturer, importer or shipper shall be required to
17 file such statement or pay such fee. The analysis fees
18 received by said director shall be paid immediately by
19 him into the treasury of said experiment station.

SECT. 5. Any manufacturer, importer or person who
2 shall sell, offer or expose for sale in this State any com-
3 mercial fertilizer without complying with the requirements
4 of section one, two and four of this act, or any fertilizer
5 which contains substantially a smaller percentage of con-
6 stituents than are certified to be contained, shall, on con-
7 viction in a court of competent jurisdiction, be fined one
8 hundred dollars for the first offence, and two hundred
9 dollars for each subsequent offence.

SECT. 6. The director of the Maine Experiment Station
2 shall annually analyze, or cause to be analyzed, at least
3 one sample of every fertilizer sold or offered for sale
4 under the provisions of this act. Said director is hereby
5 authorized in person or by deputy to take a sample, not
6 exceeding two pounds in weight, for analysis, from any
7 lot or package of fertilizer or any material used for

8 manurial purposes which may be in the possession of any
9 manufacturer, importer, agent or dealer in this State; but
10 said sample shall be drawn in the presence of said party
11 or parties in interest or their representative, and taken
12 from a parcel or a number of packages which shall not be
12 less than ten per cent of the whole lot sampled, and shall
13 be thoroughly mixed and then divided into two equal
14 samples and placed in glass vessels and carefully sealed
15 and a label placed on each, stating the name or brand of
16 the fertilizer or material sampled, the name of the party
17 from whose stock the sample was drawn, and the time
18 and place of drawing, and said label shall also be signed
19 by the director or his deputy, and by the party or parties
20 in interest, or their representatives, at the drawing and
21 sealing of said sample; one of said duplicate samples
22 shall be retained by the director and the other by the
23 party whose stock was sampled; and the sample or sam-
24 ples retained by the director shall be for comparison with
25 the certified statement named in section two in this act.
26 The result of the analysis of the sample or samples so
27 procured shall be reported to the person or persons re-
28 questing the analysis, and shall also be published in a
29 report or bulletin within a reasonable time.

SECT. 7. Whenever the director becomes cognizant of
2 the violation of any of the provisions of this act he shall
3 report such violation to the secretary of the board of agri-
4 culture, and said secretary shall prosecute the party or
5 parties thus reported; but it shall be the duty of said sec-

6 retary upon thus ascertaining any violation of this act, to
7 forthwith notify the manufacturer or importer in writing,
8 and give him not less than thirty days thereafter in which
9 to comply with the requirements on this act, but there
10 shall be no prosecution in relation to the quality of any
11 fertilizer or fertilizing material if the same shall be found
12 substantially equivalent to the certified statement named
13 in section two of this act.

SECT. 8. All acts or parts of acts inconsistent with this
2 act are hereby repealed.

SECT. 9. This act shall take effect September 1st, 1893.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES. }
February 23, 1893. }

Reported by Mr. SMITH of Presque Isle, from Committee on Agriculture, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*