

MAINE STATE LEGISLATURE

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Sixty-Ninth Legislature.

HOUSE.

No. 156.

STATE OF MAINE.

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

AN ACT relating to Sealers of Weights and Measures.

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

Section 1. The sealers of weights and measures in the sev-
2 eral cities and towns shall annually give public notice by
3 advertisement, or by posting in one or more public places in
4 their respective cities and towns notices to all inhabitants or
5 persons having usual places of business therein and who use
6 weights, measures or balances for the purpose of selling any
7 goods, wares, merchandise or other commodities or for public
8 weighing to bring in their weights, measures and balances
9 to be adjusted and sealed. Such sealers shall attend in one
10 or more convenient places and shall adjust, seal and record
11 all weights, measures, and balances so brought in.

Sect. 2. After giving said notice the said sealers shall go
2 to the houses, stores and shops of persons who neglect to com-
3 ply therewith, and having entered the same with the assent

4 of the occupants thereof, shall adjust and seal their weights,
5 measures and balances.

Sect. 3. Said sealers shall go once a year and oftener if
2 necessary, to every hay and coal scale, to every platform bal-
3 ance within their respective cities and towns that cannot be
4 easily or conveniently removed, and shall test the accuracy
5 of and adjust and seal the same.

Sect. 4. All persons using any scales, weights or measures
2 for the purpose of buying or selling any commodity, may,
3 when they desire it, have the same tested and sealed by the
4 sealers of weights and measures at the office of any of said
5 sealers.

Sect. 5. In case a sealer of weights and measures cannot
2 seal any weights, measures and balances in the manner before
3 provided, he may mark them with a stencil, or by other suit-
4 able means so as to show that they have been inspected; but
5 he shall in no case seal or mark as correct any weights,
6 measures or balances which do not conform to the standards.
7 If such weights, measures or balances can be readily adjusted
8 by such means as he has at hand, he may adjust and seal
9 them; but if they cannot be readily adjusted, he shall affix to
10 such weights, measures or balances a notice, forbidding their
11 use until he is satisfied that they have been so adjusted as
12 to conform to the standards; and whoever removes said
13 notice without consent of the officer affixing the same, shall
14 for each offense forfeit a sum not exceeding fifty dollars,
15 one-half to the use of the city or town and one-half to the
16 use of the complainant.

Sect. 6. A sealer when visiting the place of business of
2 any person for the purpose of testing any weights, measures
3 or balances, may use for that purpose such weights, measures
4 or balances as he can conveniently carry with him, and each
5 city and town shall furnish its sealer with one or more dupli-

6 cate sets of weights, measures and balances, which shall at
7 all times be kept to conform to the standards furnished by
8 the State, and all weights, measures and balances so sealed,
9 shall be deemed to be legally sealed the same as if tested
10 and sealed with the standard weights, measures and bal-
11 ances.

Sect. 7. A sealer of weights and measures may seize with-
2 out a warrant such weights, measures or balances as may be
3 necessary to be used as evidence in cases of violation of the
4 law relating to the sealing of weights and measures, such
5 weights, measures or balances to be returned to the owners,
6 or forfeited as the court may direct.

Sect. 8. When a complaint is made to a sealer of weights
2 and measures by any person that he has reasonable cause to
3 believe or when such sealer himself has reasonable cause to
4 believe, that a weight, measure or balance used in the sale
5 of any commodity within his city or town is incorrect, the
6 said sealer shall go to the place where such weight, measure
7 or balance is and shall test the same, and mark it according
8 to the result of the test applied thereto; and if the same is
9 incorrect and cannot be adjusted, the said sealer shall attach
10 a notice thereto, certifying that fact, and forbidding the use
11 thereof until it has been made to conform to the authorized
12 standard. Any person using a weight, measure or balance
13 after a sealer has demanded permission to test the same and
14 has been refused such permission shall be liable to a penalty
15 of not less than ten nor more than one hundred dollars.

Sect. 9. All weights, measures and balances that cannot be
2 made to conform to the standard shall be stamped "con-
3 demned" or "CD" by the sealer, and no person shall there-
4 after use the same under the penalties provided in the case of
5 the use of false weights and measures.

Sect. 10. If a person knowingly uses a false weight, meas-
2 ure, scale, balance or beam, or after a weight, measure, scale,

3 balance or beam has been adjusted and sealed, alters it so that
4 it does not conform to the public standard and fraudulently
5 makes use of it, he shall forfeit for each offense, fifty dol-
6 lars, one-half to the use of the city or town and one-half to
7 the use of the complainant; and every sealer who has reason-
8 able cause to believe that a weight, measure, scale, balance or
9 beam has been altered since it was last adjusted and sealed
10 shall enter the premises in which it is kept or used and shall
11 examine the same.

Sect. 11. Whoever sells by any other weights, measures,
2 scales, beams or balances than those which have been sealed
3 as before provided, shall forfeit a sum not exceeding twenty
4 dollars for each offense, and when by the custom of trade
5 such weights, measures, scales, beams or balances are pro-
6 vided by the buyer, he shall, if he purchases by any other, be
7 subject to a like penalty to be recovered by an action of tort
8 to the use of the complainant.

Sect. 12. The fees of sealers of weights and measures, for
2 testing and adjusting scales, weights and measures by the
3 town standard, to be paid for by the persons for whom the
4 service is rendered, are as follows:

For testing railroad track scales of forty thousand pounds
6 capacity and upwards, two dollars; elevator scales of twenty
7 thousand pounds capacity and upwards, one dollar and fifty
8 cents; platform scales of five thousand pounds capacity and
9 upwards, one dollar; dormant scales of less than five thousand
10 pounds capacity, fifty cents; dormant beef track scales, fifty
11 cents; platform scales of less than five thousand pounds
12 capacity, fifty cents; beam scales of over one thousand
13 pounds capacity, fifty cents; platform scales of less than one
14 thousand pounds capacity, twenty-five cents; platform
15 counter scales, twenty-five cents; counter balance or trip
16 scales, ten cents; spring balance scales, fifteen cents; weights

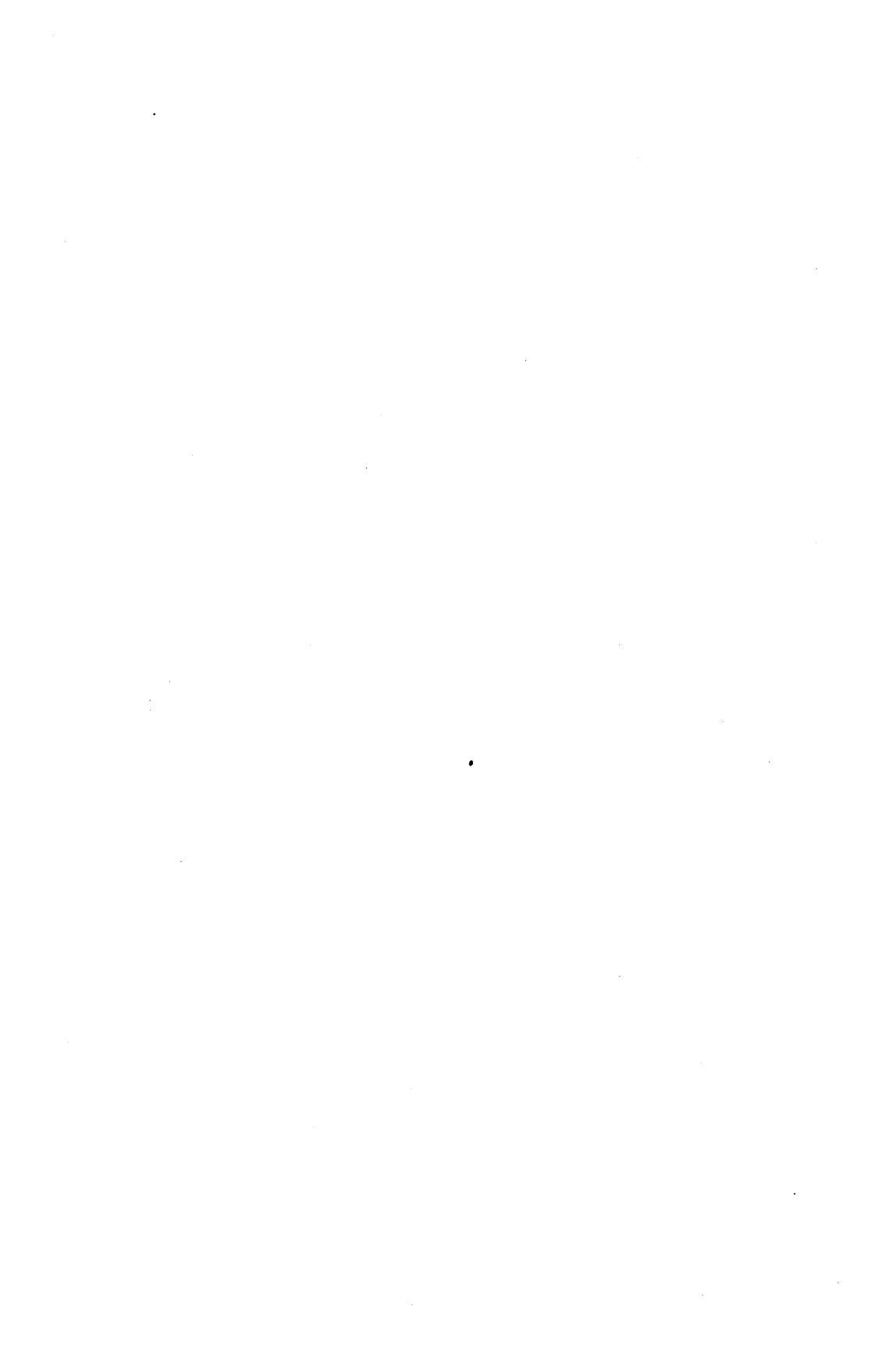
17 each, three cents; measures, wet and dry, each, three cents;
18 yard sticks each, five cents; coal baskets each, ten cents;
19 milk cans, large size, five cents each; milk cans, small size,
20 three cents each; milk bottles, three cents each.

For adjusting or repairing any scale, a fair and reasonable
22 compensation; for adjusting weights when either light or
23 heavy, not to exceed ten cents each; for adjusting measures,
24 wet or dry, when either large or small, not to exceed ten cents
25 each; for adjusting yard sticks, not to exceed five cents each;
26 for adjusting any weight or measure not mentioned above, a
27 fair and reasonable compensation.

Sect. 13. The city council of a city may by ordinance, and
2 a town may by by-law, provide that the sealer of weights and
3 measures for their city or town shall be paid by a salary, and
4 that he shall account for and pay into the treasury of the
5 city or town the fees received by him by virtue of his office;
6 and where such salary is paid no fees shall be charged for
7 services rendered under section 1.

Sect. 14. All acts and parts of acts inconsistent with this
2 act are hereby repealed.

Sect. 15. This act shall take effect when approved.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 22, 1899.

Reported by Mr. CHASE of Portland, from Committee on Legal
Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*