

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 577

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT to protect milk dealers and consumers against the
unlawful use and destruction of milk cans and other recep-
tacles.

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

Section 1. All persons and corporations engaged in buy-
2 ing, selling or dealing in milk or cream in cans, jugs, bottles
3 or jars, with their names or other marks or devices, together
4 with the word "registered," branded, engraved, blown or
5 otherwise produced in a permanent manner in or upon such
6 cans, jugs, bottles or jars, may file in the office of the clerk
7 of the city or town in which their principal place of business
8 is situated, and also in the office of the secretary of state,

9 a description of the name or names, mark or marks, device
10 or devices so used by them, and cause such description to
11 be published once each week for four weeks successively in
12 a newspaper published in the city or town in which said
13 description has been filed aforesaid, except that where there
14 is no newspaper published in such city or town then such
15 publication may be made in any newspaper published in the
16 county in which such city or town is situated.

Sect. 2. Whoever without the consent of the owner takes,
2 detains or uses in his business, sells, disposes of, buys, con-
3 ceals or traffics in any milk can, jug, bottle or jar, the owner
4 of which has complied with the provisions relating thereto
5 in section one of this act, shall be punished for the first
6 offence by a fine not exceeding five dollars, or by imprison-
7 ment for a term not exceeding sixty days, for each can, jug,
8 bottle or jar so taken, detained or used in his business, sold,
9 disposed of, bought, concealed or trafficked in, and for any
10 subsequent offence by a fine not exceeding ten dollars, or
11 by imprisonment for a term not exceeding six months, for
12 each can, jug, bottle or jar so taken, detained or used in his
13 business, sold, disposed of, bought, concealed or trafficked
14 in as aforesaid. Possession by any person in the transac-
15 tion of his business of any such article the owner of which
16 has complied with the provisions of section one of this act
17 shall constitute prima facie evidence of the unlawful taking,
18 use, detention, possession of or traffic in the same within the
19 meaning of this act.

Sect. 3. Whoever without the consent of any owner who
2 has complied with the provisions of section one of this act
3 wilfully destroys, mutilates or defaces any can, jug, bottle
4 or jar bearing such owner's name, mark or device, or wil-
5 fully erases, mars, covers or changes any word or mark
6 branded, engraved, blown or otherwise produced, in a per-
7 manent manner in or upon any such can, jug, bottle or jar,
8 shall be punished for the first offence by a fine not exceed-
9 ing five dollars, or by imprisonment for a term not exceed-
10 ing sixty days, for each can, jug, bottle or jar so destroyed,
11 mutilated or defaced, or for each can, jug, bottle or jar
12 upon which any word or mark has been erased, marred,
13 covered or changed as aforesaid; and for any subsequent
14 offence by a fine not exceeding ten dollars, or by imprison-
15 ment for a term not exceeding six months, for each can,
16 jug, bottle or jar so destroyed, mutilated or defaced, or for
17 each can, jug, bottle or jar upon which any word or mark
18 has been erased, marred, covered or changed as aforesaid.

Sect. 4. Whoever puts any unclean or foul substance or
2 matter into any milk can, jug, bottle or jar, the owner of
3 which has complied with the provisions of section one of
4 this act, shall be punished for the first offence by a fine of
5 not less than fifty cents nor more than five dollars, for each
6 can, jug, bottle or jar so defiled; and for any subsequent
7 offence by a fine of not less than two dollars nor more than
8 twenty dollars, for each can, jug, bottle or jar so defiled.

Sect. 5. Whenever any person or corporation having com-
2 plied with the provisions of section one of this act, or the
3 agent of any such person or corporation, shall make oath
4 before any justice of any municipal, police or district court,
5 or before any trial justice, that he has reason to believe and
6 does believe that any person or corporation has wrongfully
7 in possession or is secreting any of his or its milk cans, jugs,
8 bottles or jars, marked and described as provided in section
9 one of this act, said justice or trial justice shall, if satisfied
10 that there is reasonable cause for such belief, issue a search
11 warrant to discover and obtain the same, and may also cause
12 to be brought before him the person or an agent or employee
13 of the corporation in whose possession such cans, jugs, bot-
14 tles or jars are found, and shall thereupon inquire into the
15 circumstances of such possession; and if said justice or trial
16 justice finds that such person or corporation has been guilty
17 of a wilful violation of section two, three or four of this
18 act he shall impose the penalty prescribed in the section or
19 sections so violated, and shall also award to the owner pos-
20 session of the property taken upon such search warrant.

Sect. 6. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 13, 1907.

Reported by Mr. SKILLIN from Committee on Agriculture, and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*