

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 378

STATE OF MAINE.

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

AN ACT to provide for the uniform grading, packing and
branding of apples.

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

Section 1. All barrels, boxes, crates and other closed pack-
2 ages of apples intended or offered for sale in the State of
3 Maine, or for shipment outside of the State, shall be marked
4 on the end in plain letters not less than five-eighths of one
5 inch in length with the name and address of the purchaser
6 or owner of said apples at the time of packing, the true
7 name of the variety, if known, and the class or grade as de-
8 fined as follows:

Sect. 2. Fancy apples shall consist of apples of one variety
2 above the average size and color for the variety, sound and

3 free from worn holes, bruises, scab or any other defect that
4 materially injures the appearance or useful quality of the
5 apples, and shall be properly packed in clean strong packages.

Any package, barrel or box of apples containing more than
7 ten per cent. of apples below this standard shall not be
8 marked as fancy apples.

Sect. 3. Number one, or class one, shall consist of well
2 matured apples of one variety of normal shape and good
3 color for the variety, not less than two and one-quarter in-
4 ches in diameter, sound and free from all defects such as
5 worm holes, bruises, scab or any other defect that material-
6 ly injures the appearance or useful quality of the apple, and
7 shall be properly packed in clean, strong packages.

Any package, barrel or box of apples containing more than
9 ten per cent. of apples below this standard shall not be
10 marked as No. 1 or class one.

Sect. 4. No. 2 or class two, shall consist of well matured
2 apples of one variety, not less than two inches in diameter,
3 of medium color for the variety and normal shape. Apples
4 two and one-quarter inches in diameter or less, must be
5 sound. Apples more than two and one-quarter inches in
6 diameter may have one defect such as a worm hole or a
7 bruise if the skin is not broken and shall be properly packed
8 in clean strong packages.

Any package, barrel or box of apples containing more
10 than ten per cent. of apples below this standard shall not
11 be marked No. 2 or class two.

Sect. 5. All of the three foregoing classes of apples grown
2 in the State of Maine and packed in closed packages for
3 shipment or sale outside of the State of Maine shall be
4 marked on the outside in plain letters not less than seven-
5 eights of one inch long with the word Maine in such manner
6 as to plainly designate that they were grown in the State of
7 Maine.

Sect. 6. All apples grown in the State of Maine and offer-
2 ed for sale or shipment outside of the State of Maine in
3 closed packages, not conforming to be foregoing conditions
4 as to variety, size or other conditions, shall be marked "Un-
5 classified."

Sect. 7. The standard measure of capacity for all apple
2 barrels shall be three bushels, the barrel shall be of no less
3 dimensions than seventeen and one-eighth inches for the
4 head diameter; length of stave twenty-eight and one-half in-
5 ches, with bilge circumference not less than sixty-four in-
6 ches outside measurement, and shall be plainly marked,
7 "Standard Barrel." Barrels of less dimensions and capa-
8 city shall be plainly marked on end and side, "Short Barrel"
9 with the figures indicating the fractional part of a "Standard
10 Barrel," therein contained.

The standard bushel box shall be twenty inches by eleven
12 by ten inches, inside measurement, or of such dimensions
13 as shall contain 2250 cubic inches and marked, "Standard
14 Bushel Box."

Any box of less dimensions than the above mentioned shall
16 be plainly marked on the top and side, "Short Box," and
17 with the fractional part of a bushel therein contained.

Sect. 8. Any person, corporation, or firm who sells or
2 offers for sale barrels, boxes, crates and other closed pack-
3 ages of apples, not conforming to the provisions of this
4 act; or any person, corporation or firm who manufactures
5 barrels, boxes, crates or other closed packages for the apple
6 or fruit trade, not conforming to the provisions of this act;
7 shall be punished by a fine not exceeding one hundred dol-
8 lars for the first offense and not exceeding two hundred
9 dollars for each subsequent offense. Trial justices and
10 municipal and police courts are hereby vested with original
11 jurisdiction concurrent with the supreme judicial and su-
12 perior courts, to try, and, upon conviction, to punish, for
13 offenses against the provisions of this act.

Sect. 9. When the director of the Maine Agricultural ex-
2 periment station becomes cognizant of the violation of any
3 of the provisions of this act he shall cause notice of such
4 fact, together with a copy of the findings, to be given to the
5 party or parties concerned. The parties so notified shall
6 be given an opportunity to be heard under such rules and
7 regulations as may be prescribed as aforesaid. Notices
8 shall specify the date, hour and place of the hearing. The
9 hearing shall be private and the parties interested therein
10 may appear in person or by attorney.

Sect. 10. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he received such articles, to the effect that the same is not adulterated or misbranded, within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to said dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attack, in due course, to the dealer under the provisions of this act.

Sect. 11. The director of the Maine Agricultural Experiment Station shall diligently enforce all the provisions of this act, and when after due hearing he is convinced that the provisions of this act have been violated he shall, in his discretion, prosecute all offenses against the same.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 2, 1909.

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

E. M. THOMPSON, *Clerk.*