

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 39

STATE OF MAINE.

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

AN ACT regulating the Duties of the Commissioner of Agriculture in relation to the manufacture, transportation and sale of dairy products and their imitation.

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

Section 1. The commissioner of agriculture shall, either
2 in person or by duly authorized agent or assistant, dili-
3 gently inquire into and investigate the production, manu-
4 facture, transportation, storage and sale of milk, cream, but-
5 ter and all other dairy products, substitutes therefor or
6 imitations thereof. And said commissioner, his agents or
7 assistants, shall have access at all reasonable hours, to all
8 places of business, factories or carriages, cans or other

9 vessels used or which he or they believe to be used in the
10 production or handling of milk or any other dairy product,
11 substitute therefor or imitation thereof, and upon tender-
12 ing the market price of a sample of milk or other dairy
13 product, substitute therefor or imitation thereof, may take
14 such sample from any person, firm, corporation, association
15 or society, and said commissioner of agriculture shall cause
16 all samples taken by authority of this act to be analyzed.

Sect. 2. Any person who hinders, obstructs, or in any way
2 interferes with the commissioner of agriculture, his agents
3 or assistants, in the performance of his or their duty, herein
4 above set forth, by refusing entrance to any place where he
5 is authorized to enter, or access to any receptacle to which
6 he is authorized to have access, or by refusing to deliver
7 to him, his agents or assistants, a sample of milk or any
8 other dairy product, substitute therefor or imitation thereof,
9 sold, offered or exposed for sale by the person to whom
10 such request is made if the value thereof is tendered, or
11 shall in any other manner hinder, obstruct or interfere with
12 said commissioner, his agents or assistants in the perform-
13 ance of any of their said duties, shall be punished by a fine
14 of one hundred dollars for the first offence and two hundred
15 dollars for each subsequent offence.

Sect. 3. The commissioner of agriculture shall publish
2 the results of all analyses with the names of the persons,
3 firms, corporations, associations and societies from which
4 the samples analyzed were taken, together with such sug-

5 gestions as he may deem advisable, in the regular or special
6 bulletins issued by the Department of Agriculture. He
7 shall also, in his discretion, issue each month a report of
8 the results of all analyses, for distribution to all such news-
9 papers in the State as may request a copy.

Sect. 4. Any person, firm, corporation, association or soci-
2 ety who shall sell or deliver milk or cream to any person
3 from a wagon or other conveyance, depot or store, or who
4 shall sell or deliver milk to a hotel, restaurant, boarding
5 house or any publ. place, shall be considered a milk dealer
6 within the meaning of this act, and shall on or before the
7 first day of April in each year register with the commis-
8 sioner of agriculture, furnishing such information as may
9 be required, upon blanks issued and furnished by said com-
10 missioner of agriculture to such persons as may request the
11 same. And every such registration shall expire April first,
12 next after its issue and shall be given only to the milk
13 dealer owning or leasing the vehicle or place from which
14 sales or supplies are to be made, and shall not be trans-
15 ferred. Upon receipt of the application for registration,
16 containing the information required, the commissioner shall
17 issue to said applicant a certificate of registration, which
18 certificate shall be posted in a conspicuous place in the store
19 or depot from which sale or supply is made, and the num-
20 ber of the certificate of registration for each wagon or other
21 vehicle shall be placed in a conspicuous place on said wagon
22 or other vehicle. Should any person, firm, corporation,

23 association or society desire to become a milk dealer, as
24 provided by this section, before the first day of April in
25 any year, he or they shall, prior to engaging in the business,
26 register with the commissioner of agriculture in the same
27 manner as herein before provided, for each place or vehicle
28 from which sale or supply is to be made. Any dealer who
29 neglects or refuses to register with the commissioner of
30 agriculture, or to post certificate of registration in the store
31 or depot from which sale or supply is made, or to post the
32 number of the certificate of registration on the wagon or
33 other vehicle from which sale or supply is made, as pro-
34 vided in this section, forfeits fifty dollars to be recovered
35 in an action of debt, to be prosecuted in the name of the
36 State by the county attorney for the county in which such
37 violation of this statute has occurred, but the provisions of
38 this section shall not apply to milk or cream delivered to a
39 creamery or butter or cheese factory.

All provisions of law now existing requiring the licensing
41 of milk dealers as they are known under this section shall
42 be and hereby are repealed upon the approval of this act.

Sect. 5. The commissioner of agriculture shall, either in
2 person or by duly authorized agent or assistant, diligently
3 enforce, in the name of the State, the laws regarding the
4 production, manufacture, transportation, storage and sale
5 of milk and all other dairy products, substitutes therefor or
6 imitations thereof, including oleomargarine and renovated

7 butter, and for the above purpose he may employ such
8 agents, assistants, chemists, counsel and clerks, and he may
9 purchase such samples of milk, cream and other dairy prod-
10 ucts, substitutes therefor or imitations thereof, and such
11 stationery, postage, printed matter and other supplies inci-
12 dental thereto, as may be necessary for the proper enforce-
13 ment of said laws, and for such expenses there shall be
14 appropriated annually the sum of four thousand dollars, to
15 be paid upon the approval of the governor and council upon
16 the presentation of proper vouchers.

Sect. 6. The county attorney for the county in which a
2 violation of these statutes has occurred, shall when called
3 upon to do so by the commissioner of agriculture or either
4 of his duly authorized agents or assistants, give all the aid
5 in his power to secure the enforcement of this chapter, and
6 shall prosecute cases arising under the provisions of this
7 chapter or the provisions of other statutes relating to dairy
8 products, substitutes therefor or imitations thereof.

Sect. 7. Trial justices and municipal and police courts
2 are hereby vested with original jurisdiction concurrent with
3 the supreme and superior courts, to try, and, upon convic-
4 tion, to punish, for offences against the provisions of this
5 act and all other statutes relating to the production, manu-
6 facture, transportation, storage and sale of milk, cream,
7 butter, cheese and all other dairy products, substitutes there-
8 for or imitations thereof.

Sect. 8. Chapter thirty-nine of the Public Laws of nine-
2 teen hundred and five and all other acts and parts of acts
3 inconsistent herewith are hereby repealed.



STATE OF MAINE.

IN SENATE,

January 20, 1909.

Came from the House referred to the Committee on Agriculture and on motion by Mr. MILLIKEN of Aroostook laid on the table for printing pending reference in concurrence.

F. G. FARRINGTON, *Secretary.*