

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 108

STATE OF MAINE.

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

AN ACT to amend Sections 17, 18, 19, 20, 26 and 30 of Chapter 39 of the Revised Statutes relating to the regulation and sale of commercial fertilizers, commercial feeding stuffs and agricultural seeds.

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

Section 1. Section 17 of Chapter 39 of the Revised Statutes is hereby amended by striking out all following the words "name or trade mark" in the seventh line of said section and adding thereto 'Such certificate shall apply to the entire calendar year next succeeding the date upon which said certificate is made. The manufacturer, company or person who shall file said certificate shall pay annually to the treasurer of State an analysis fee as follows: Ten dol-

9 lars for the phosphoric acid, and five dollars each for the
10 nitrogen and potash, contained or said to be contained in
11 the fertilizer, this fee to be assessed on any brand sold in
12 the State. Upon receipt of the treasurer's receipt for such
13 fee and of the certified statement, said director shall issue
14 a certificate of compliance with this chapter. Whenever the
15 manufacturer or importer of a fertilizer shall have filed the
16 statement and paid the analysis fee, no agent or seller of
17 said manufacturer, importer or shipper shall be required to
18 file such statement or pay such fee,' so that said section as
19 amended shall read:

'Sect. 17. Every manufacturer, company or person, who
21 shall sell, offer or expose for sale in the State any commer-
22 cial fertilizer or material used for fertilizing purposes, the
23 price of which exceeds ten dollars a ton, shall file annually
24 between the fifteenth day of November and the fifteenth
25 day of December, with the director of the Maine Agricul-
26 tural Experiment Station a certified copy of the statement
27 named in the preceding section, for each and every fertilizer
28 bearing a distinguishing name or trade mark. Such cer-
29 tificate shall apply to the entire calendar year next succeed-
30 ing the date upon which said certificate is made. The man-
31 ufacturer, company or person who shall file said certificate
32 shall pay annually to the treasurer of State an analysis fee
33 as follows: Ten dollars for the phosphoric acid, and five
34 dollars each for the nitrogen and potash, contained or said
35 to be contained in the fertilizer, this fee to be assessed on

36 any brand sold in the State. Upon receipt of the treasurer's
37 receipt for such fee and of the certified statement, said
38 director shall issue a certificate of compliance with this
39 chapter. Whenever the manufacturer or importer of a fer-
40 tilizer shall have filed the statement and paid the analysis
41 fee, no agent or seller of said manufacturer, importer or
42 shipper shall be required to file such statement or pay such
43 fee.'

Sect. 2. Section 18 and Section 19 of Chapter 39 of the
2 Revised Statutes are hereby repealed.

Sect. 3. Section 20, Chapter 39 of the Revised Statutes
2 is hereby amended by striking out the words in the second
3 and third lines, "Taken in the manner hereinafter pre-
4 scribed," and all after the words "in the State" in the eighth
5 line of said section, and adding thereto, "The results of the
6 analyses of all samples of commercial fertilizers together
7 with such additional information as may be of public benefit
8 shall be published in reports or bulletins of the Station,'
9 so that said section as amended shall read:

'Sect. 20. The director of the Maine Agricultural Ex-
11 periment Station annually shall analyze, or cause to be ana-
12 lyzed, at least one sample of every fertilizer sold or offered
13 for sale under the provisions of this chapter. Said director
14 shall take, in person or by deputy, a sample, not exceeding
15 two pounds in weight, for said analysis, from any lot or
16 package of fertilizer, or any material used for manurial
17 purposes which may be in the possession of any man-

18 ufacturer, importer, agent or dealer in the State. The re-
19 sults of the analyses of all samples of commercial fertilizers
20 together with such additional information as may be of
21 public benefit shall be published in reports or bulletins of
22 the Station.'

Sect. 4. Section 26, Chapter 39 of the Revised Statutes
2 is hereby amended by striking out all following the words
3 "in the State" in the seventh line of said section and adding
4 thereto, 'The results of the analyses of all samples of con-
5 centrated commercial feeding stuffs together with such
6 additional information as may be of public benefit shall be
7 published in reports or bulletins of the Station,' so that said
8 section as amended shall read:

'Sect. 26. The director of the Maine Agricultural Ex-
10 periment Station annually shall analyze, or cause to be ana-
11 lyzed, at least one sample of every concentrated commercial
12 feeding stuff sold or offered for sale under the provisions
13 of this chapter. He shall take in person or by deputy, a
14 sample, not exceeding two pounds in weight, for said an-
15 alysis, from any lot or package of concentrated commercial
16 feeding stuff which may be in the possession of any manu-
17 facturer, importer, agent or dealer in the State. The re-
18 sults of the analyses of all samples of concentrated com-
19 mercial feeding stuffs together with such additional infor-
20 mation as may be of public benefit shall be published in
21 reports or bulletins of the Station.'

Sect. 5. Section 30 of Chapter 39 of the Revised Statutes

2 is hereby amended by striking out the words "nineteen"
3 and "twenty-one" in the third line, the word "substantially"
4 in the fourth and seventh lines, and the words "with inten-
5 tion to deceive" in the tenth and eleventh lines of said sec-
6 tion so that the section as amended shall read:

'Sect. 30. Whoever sells, offers or exposes for sale or
8 for distribution, in the State, any commercial fertilizer with-
9 out complying with the requirements of sections sixteen and
10 seventeen, or any fertilizer which contains a smaller per-
11 centage of constituents than are certified to be contained,
12 or any concentrated commercial feeding stuffs as defined in
13 section twenty-four without complying with the requirements
14 of section twenty-two, or any feeding stuff which contains
15 a smaller percentage of constituents than are certified to
16 be contained, or any agricultural seed without complying
17 with the requirements of sections twenty-seven and twenty-
18 eight, or whoever wrongly marks or labels any package or
19 bag containing garden or vegetable seeds or any other agri-
20 cultural seed, not including those of trees, shrubs or orna-
21 mental plants, shall be punished by a fine not exceeding one
22 hundred dollars for the first offense and not exceeding two
23 hundred dollars for each subsequent offense. Municipal
24 and police courts and trial justices are hereby vested with
25 original jurisdiction concurrent with the supreme judicial
26 and superior courts, to try, and, upon conviction, to punish,
27 for offenses against the provisions of this act.'

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

STATEMENT OF FACT

To accompany Maine House Bill No. entitled "An Act making appropriation to defray the expenses of collection, examination, inspection and analysis of agricultural seeds, concentrated commercial feeding stuffs, commercial fertilizers and foods and drugs."

The sections repealed by the act include appropriations aggregating a little more than \$9000, as follows:

Commercial fertilizers, the fees, (in 1908)	\$4,175
Commercial feeding stuffs	1,000
Agricultural seeds	1,000
Foods and drugs	3,000

The present act asks for an increase of \$5000 to be used in food and drug inspection. The funds under the three other appropriations are sufficient for the present requirements. The object of repealing the laws making the appropriations and including them in one act is an executive one. The samples for analysis under the laws regulating the sale of fertilizers, feeding stuffs, agricultural seeds and foods and drugs are collected by the same deputies, analyzed in the same laboratories, and by the same chemists, and it is impossible to accurately divide the expenses among the four accounts. For this reason it is proposed to have the appropriations in one amount instead of four as formerly.

STATE OF MAINE.

IN SENATE,

February 3, 1909.

Presented by Mr. HOWES of Somerset and on his motion
tabled for printing pending reference to Committee on Agri-
culture.

F. G. FARRINGTON, *Secretary*.