

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 207

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

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

'Section 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 fifteen day
25 of December with the director of the Maine Agricultural
26 Experiment Station, a certified copy of the statement named
27 in the preceding section, for each and every fertilizer bearing
28 a distinguishing name or trade mark. Such certificate shall
29 apply to the entire calendar year next succeeding the date
30 upon which said certificate is made. The manufacturer,
31 company or person who shall file said certificate shall pay an-
32 nually to the treasurer of State an analysis fee as follows:

33 Ten dollars for the phosphoric acid, and five dollars each for
34 the nitrogen and potash, contained or said to be contained in
35 the fertilizer, this fee to be assessed on any brand sold in
36 the State. Upon receipt of the treasurer's receipt for such
37 fee and of the certified statement, said director shall issue
38 a certificate of compliance with this chapter. Whenever the
39 manufacturer or importer of a fertilizer shall have filed the
40 statement and paid the analysis fee, no agent or seller of said
41 manufacturer, importer or shipper shall be required to file
42 such statement or pay such 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 are 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
6 the analyses of all samples of commercial fertilizers together
7 with such additional information as may be of public bene-
8 fit shall be published in reports or bulletins of the Station,"
9 so that said section as amended shall read:

'Section 20. The director of the Maine Agricultural Ex-
11 periment Station annually shall analyze, or cause to be an-
12 alyzed, 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 pur-
17 poses which may be in the possession of any manufacturer,
18 importer, agent or dealer in the State. The results of the
19 analyses of all samples of commercial fertilizers together
20 with such additional information as may be of public bene-
21 fit shall be published in reports or bulletins of the Station.'

Sect. 4. Section 26, Chapter 39 of the Revised Statutes is
2 hereby amended by striking out all following the words "in
3 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 addi-
6 tional information as may be of public benefit shall be pub-
7 lished in reports or bulletins of the Station,' so that said
8 section as amended shall read:

'Section 26. The director of the Maine Agricultural Ex-
10 periment Station annually shall analyze, or cause to be an-
11 alyzed, 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 analy-
15 sis, from any lot or package of concentrated commercial
16 feeding stuff which may be in the possession of any manufac-
17 turer, importer, agent or dealer in the State. The results

18 of the analyses of all samples of concentrated commercial
19 feeding stuffs together with such additional information as
20 may be of public benefit shall be published in reports or bul-
21 letins of the Station.'

Sect. 5. Section 30 of Chapter 39 of the Revised Statutes
2 is hereby amended by striking out the words "nineteen" and
3 "twenty-one" in the third line, the word "substantially" in
4 the fourth and seventh lines, and the words "with intention
5 to deceive" in the tenth and eleventh lines of said section so
6 that the section as amended shall read:

'Section 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 percent-
11 age of constituents than are certified to be contained, or any
12 concentrated commercial feeding stuffs as defined in sec-
13 tion 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 be
16 contained, or any agricultural seed without complying with
17 the requirements of sections twenty-seven and twenty-eight,
18 or whoever wrongly marks or labels any package or bag con-
19 taining garden or vegetable seeds or any other agricultural
20 seed, not including those of trees, shrubs or ornamental
21 plants, shall be punished by a fine not exceeding one hun-

22 dred dollars for the first offense and not exceeding two hun-
23 dred dollars for each subsequent offense. Municipal and
24 police courts and trial justices are hereby vested with orig-
25 inal jurisdiction concurrent with the supreme judicial and su-
26 perior courts, to try, and, upon conviction, to punish, for
27 offences against the provisions of this act.'

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

STATEMENT OF FACTS.

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

| | |
|---|--------|
| Commercial fertilizers, the fees, (in 1908) | \$4175 |
| Commercial feeding stuffs | \$1000 |
| Agricultural seeds | \$1000 |
| Foods and drugs | \$3000 |

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*.