

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 469

House of Representatives, March 7, 1911.

Introduced by Mr. Pattangall of Waterville, who moved its reference to the Committee on Sea and Shore Fisheries. By him tabled for printing pending reference to a committee.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT relating to the packing of sardines.

Whereas, a part of the pack of sardines of 1910 has been libelled under the national Pure Food and Drug Act of 1906, involving a large amount of capital and great business interests in this state, and

Whereas, said libels may be dismissed if a law is passed requiring the pack of sardines in this state for 1911 and subsequent years to be packed in accordance with the requirements of the Maine Pure Food and Drug Act, and

Whereas, in the opinion of the Legislature, these facts render the immediate passage of this act necessary for the preservation of the public peace, health and safety and constitute an

emergency within the meaning of the constitution, now therefore,

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

Section 1. Any person intending to pack sardines within
2 this state shall annually file with the director of the Maine
3 Agricultural Experiment Station an application for a per-
4 mit. Said application shall state the location of the factory,
5 the name of the packer and the date on which it is expected
6 that packing will begin. Within sixty days after the filing
7 of such application for permit, the director of said station
8 shall, upon receipt of two hundred fifty dollars, issue to such
9 applicant a permit for packing sardines in conformity with
10 the requirements of the Maine Pure Food and Drug Act
11 between the first day of April and the first day of December
12 of the current year. Such packer shall also, after ten thou-
13 sand cases have been packed, pay monthly not later than the
14 tenth day of each month, two cents per case for the sardines
15 packed during the previous month. Said director shall,
16 however, have power to cancel any permit whenever the
17 provisions of this act or those of the Maine Pure Food and
18 Drug Act have not been complied with.

Sect. 2. The director of the Maine Agricultural Experi-
2 ment Station shall, by adequate inspection, see that sardines
3 are packed in conformity with the requirements of the Maine
4 Pure Food and Drug Act. Said director shall make uni-
5 form rules and regulations for carrying out the provisions
6 of this and said Pure Food and Drug Act. Said director

7 shall furnish the persons packing sardines in conformity
8 with this and said Pure Food and Drug Act with plainly
9 printed labels to be affixed to the outside of cases contain-
10 ing boxes of sardines, certifying that the sardines contained
11 therein were packed, inspected and passed under the Maine
12 Pure Food and Drug Act.

Sect. 3. Whenever said director becomes cognizant of the
2 violation of any of the provisions of this act he shall cause
3 notice of such fact together with a copy of the charge to be
4 preferred, stating the date, hour and place of hearing to be
5 given to the packer so charged, who shall be given an oppor-
6 tunity to be heard under such rules and regulations as may
7 be prescribed by said director.

Sect. 4. Any person who packs sardines within this state
2 without a permit shall be punished by a fine not exceeding
3 five hundred dollars for each day's packing in violation of
4 this act.

Sect. 5. The word "person" as used in this act shall be
2 construed to import both the singular and plural, as the case
3 demands, and shall include corporations, companies, socie-
4 ties and associations. When construing and enforcing the
5 provisions of this act, the act, omission, or failure of any
6 officer, agent, or other person acting for or empowered by
7 any corporation, company, society, or association, within the
8 scope of his employment or office, shall in every case be also
9 deemed to be the act, omission, or failure of such corpora-

tion, company, society, or association as well as that of the person.

Sect. 6. Said director shall diligently enforce all of the provisions of this act, and shall be entitled to and shall have and receive the assistance of the attorney general and of any county attorney. Said director, in his discretion, may cover the penalties for the violation of this act in an action of debt brought in his own name, the venue to be as in other civil cases, and the plaintiff prevailing in any such action shall recover full costs; or he may prosecute violations by complaint or indictment in the name of the state. All fines received under this act shall be paid by the county treasurer to the director of the Maine Agricultural Experiment Station. All moneys received by said director under this act shall be paid by him to the treasurer of the Maine Agricultural Experiment Station and shall be expended in carrying out the provisions of this act. All moneys received under this act remaining unexpended at the close of each year, in excess of one thousand dollars, shall be paid pro rata to the persons from whom it was collected.

Sect. 7. Trial justices, municipal and police courts are hereby invested with original jurisdiction, concurrent with the supreme judicial court, to hear, determine, enter, and by appropriate process, enforce judgment in actions brought for the recovery of the penalties aforesaid, and to try, and, upon conviction, to punish for offenses against the provisions of this act.

Sect. 8. This act shall take effect when approved.