

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 653

House of Representatives, Mar. 17, 1911.

Reported by Mr. Harmon from Committee on Sea and Shore Fisheries and ordered printed under joint rules.

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 food.

Whereas, it is necessary for the packing interests of Maine that some form of official inspection of their goods be provided, and whereas the packing season begins before the first of July next, and whereas in the opinion of the legislature these facts render the immediate passage of this act necessary for the preservation of the public health, peace 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 food in tin or
2 glass within this state may annually file with the director of
3 the Maine Agricultural Experiment Station an application

4 for a permit. Said application shall state the location of
5 the factory, the kind of food to be packed, the name of the
6 packer and the date on which it is expected that packing
7 will begin. Within sixty days after the filing of such appli-
8 cation for permit, the director of said station shall, upon
9 receipt of one hundred dollars, issue to such applicant a
10 permit for packing said food in conformity with the require-
11 ments of the Maine Pure Food and Drug Act for the cal-
12 endar year. Such packer shall also pay monthly not later
13 than the tenth day of each month the cost of maintaining the
14 inspection for the food packed during the previous month.
15 The one hundred dollars paid by a person for a permit, as
16 aforesaid, shall be credited to him, at the close of the cal-
17 endar year, as a payment toward the cost of inspecting his
18 product. Said director shall, however, have power to cancel
19 any permit whenever the provisions of this act or those of
20 the Maine Pure Food and Drug Act have not been complied
21 with.

Sect. 2. The director of the Maine Agricultural Experi-
2 ment Station shall, by adequate inspection, see that the food
3 packed under this act is in conformity with the requirements
4 of the Maine Pure Food and Drug Act. Said director shall
5 make uniform rules and regulations for carrying out the
6 provisions of this and said Pure Food and Drug Act. Said
7 director shall authorize the persons packing a food in con-
8 formity with this and said Pure Food and Drug Act to mark
9 the container of said food with a statement certifying that

10 the food contained therein was packed, inspected and passed
11 under the Maine Pure Food and Drug Act.

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

Sect. 4. Any person who shall falsely mark any container
2 as having been packed in conformity with the requirements
3 of this act shall be punished by a fine not exceeding five
4 hundred dollars for each container thus falsely marked.

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

Sect. 6. Said director shall diligently enforce all of the
2 provisions of this act, and shall be entitled to and shall have
3 and receive the assistance of the attorney general and of

4 any county attorney. Said director, in his discretion, may
5 recover the penalties for the violation of this act in an ac-
6 tion of debt brought in his own name, the venue to be as in
7 other civil cases, and the plaintiff prevailing in any such ac-
8 tion shall recover full costs; or he may prosecute violations
9 by complaint or indictment in the name of the state. All fines
10 received under this act shall be paid by the county treasurer
11 to the director of the Maine Agricultural Experiment Sta-
12 tion. All moneys received by said director under this act
13 shall be paid by him to the treasurer of the Maine Agricul-
14 tural Experiment Station and shall be expended in carrying
15 out the provisions of this act.

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

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