

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)

SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 17

In Senate, Jan. 19, 1911.

Laid on table for printing on motion by Mr. Stearns of Oxford, pending reference to a committee.

W. C. HANSON, Secretary.

STATE OF MAINE

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

AN ACT to amend Chapter 247 of the Public Laws of 1909, providing for the uniform grading, packing and branding of apples.

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

Section 1. Section seven of Chapter 247 of the Public
2 Laws of 1909 is hereby amended by striking out the words
3 "and fifty" in the twelfth line of said section, so that the
4 section as amended shall read as follows:

'Sect. 7. The standard measure of capacity for all apple
6 barrels shall be three bushels, the barrels shall be of no less
7 dimensions than seventeen and one-eighth inches for the
8 head diameter; length of stave twenty-eight and one-half
9 inches, with bilge circumference not less than sixty-four

10 inches outside measurement, and shall be plainly marked,
11 “standard barrel.” Barrels of less dimensions and capacity
12 shall be plainly marked on end and side, “short barrel” with
13 the figures indicating the fractional part of a “standard
14 barrel” therein contained. The standard bushel box shall
15 be twenty inches by eleven by ten inches, inside measure-
16 ment, or of such dimensions as shall contain two thousand
17 two hundred cubic inches and marked “standard bushel
18 box.” Any box of less dimensions than the above men-
19 tioned shall be plainly marked on the top and side, “short
20 box,” and with the fractional part of a bushel therein con-
21 tained.’

Sect. 2. Section 8 of said Chapter 247 is hereby amended
2 by inserting between the words “who” and “sells” in the first
3 line of said section the word ‘ships,’ so that said section as
4 amended shall read as follows:

‘Sect. 8. Any person, corporation, or firm who ships, sells
6 or offers for sale barrels, boxes, crates and other closed
7 packages of apples, not conforming to the provisions of this
8 act; or any person, corporation or firm who manufactures
9 barrels, boxes, crates or other closed packages for the apple
10 or fruit trade, not conforming to the provisions of this act,
11 shall be punished by a fine not exceeding one hundred dol-
12 lars for the first offense and not exceeding two hundred
13 dollars for each subsequent offense. Trial justices and
14 municipal and police courts are hereby vested with original
15 jurisdiction concurrent with the supreme judicial and su-

16 perior courts, to try, and upon conviction, to punish, for
17 offences against the provisions of this act.'

Sect. 3. Sections nine, ten and eleven of said Chapter 247
2 are hereby repealed and the following sections substituted
3 therefor:

'Sect. 9. When the Commissioner of Agriculture receives
5 reliable notice of the violation of any of the provisions of
6 this chapter of the Acts of 1909, he shall cause notice of
7 such fact to be given to the party or parties concerned. The
8 parties so notified shall be given an opportunity to be heard
9 under such rules and regulations as may be prescribed by
10 said Commissioner of Agriculture. Such notices shall
11 specify the date, hour and place of a hearing to be had
12 before said commissioner, and if upon such investigation it
13 is shown that such parties have violated the provisions of
14 this act, said commissioner shall proceed to prosecute said
15 parties for such offense, as provided by Section 8 of this
16 chapter.

'Sect. 10. No dealer shall be prosecuted under the pro-
18 visions of this act when he can produce a guaranty, signed
19 by the seller, manufacturer or packer of said fruit from
20 whom he received or purchased the same, to the effect that
21 the same is not misbranded or falsely labeled, within the
22 meaning of this act. Said guaranty, however, to afford pro-
23 tection shall contain the name and address of the party or
24 parties making the sale of such fruit to said dealer, and
25 in such case said party or parties so making the sale shall

26 be amenable to the prosecutions, fines and other penalties
27 which would attach in due course to the dealer under the
28 provisions of this act.

'Sect. 11. The Commissioner of Agriculture shall appoint
30 an inspector who shall, on request, inspect in lots of not less
31 than 150 barrels or boxes all apples in closed packages in-
32 tended for sale or shipment outside of the State to ascer-
33 tain if they are sorted, packed and marked according to the
34 provisions of this act, and shall grant a certificate if such
35 barrels or boxes are found to comply with these provisions.'

Sect. 4. Said Chapter 247 is further amended by adding
2 thereto the following section:

'Sect. 13. The sum of one thousand dollars, or such por-
4 tion thereof as may be necessary, is hereby appropriated an-
5 nually for the purpose of carrying into effect the provisions
6 of this act, same to be expended under the direction of the
7 Commissioner of Agriculture.'