

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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HOUSE

NO. 30

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*House of Representatives, Jan. 16, 1913.*

*Tabled pending reference to a committee, by Mr. Skelton of  
Bowdoin, and ordered printed.*

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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

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AN ACT regulating the sale of paint, paint oil and turpentine.

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

Section 1. It shall be unlawful for any person within this  
2 state to sell, distribute, transport, offer or expose for sale,  
3 distribution or transportation, any article of paint, paint oil,  
4 or turpentine which is adulterated or misbranded within the  
5 meaning of this act.

Sect. 2. The term "paint" as used in this act shall be held  
2 to include white lead, oxide of zinc, red lead, and mineral  
3 or earth paints, dry or in any kind of oil, colors ground in  
4 oil, paste or semi-paste paint, liquid or mixed paint ready  
5 for use, or any compound or mixture intended for use as  
6 paint.

The terms "paint oil" and "turpentine" as used in this act shall be held to include linseed oil, turpentine, varnish, or other vehicles used in or with paint.

Sect. 3. Every lot or package of paint, paint oil, or turpentine, containing sixteen ounces or more, which is manufactured, sold, distributed, transported, offered or exposed for sale, distribution or transportation in the state by any person shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly giving the quantity of the contents of the package in terms of weight or measure; the name or trade mark under which the article is sold; the name and principal address of the manufacturer or shipper, and a chemical analysis stating the percentage of each ingredient, both solid and liquid, contained therein; provided, that in the case of paint other than white paint the ingredients other than the coloring material may be treated as one hundred per cent, in which case it is necessary to state the description or trade name of such coloring matter and state its chemical analysis.

Sect. 4. For the purpose of this act an article of paint, paint oil, or turpentine, shall be deemed to be adulterated:—

First. If its quantity, composition, quality, strength or purity do not conform in each particular to the claims made upon the affixed guaranty.

Second. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Third. If any substance has been substituted in whole or  
10 in part for the article.

Fourth. If any valuable constituent of the article has been  
12 wholly or in part abstracted.

Fifth. If it be mixed, colored, powdered, coated, or stained  
14 in a manner whereby damage or inferiority is concealed.

Sixth. If it does not conform to the standards of strength,  
16 quality and purity, now or hereafter to be established by  
17 statute or fixed by the director of the Maine agricultural  
18 experiment station: Provided, that a paint, paint oil, or  
19 turpentine shall not be deemed to be adulterated under this  
20 provision if the standard of strength, quality or purity be  
21 plainly stated, so as to be understood by the non-professional  
22 person, upon the container thereof, although the standard  
23 may differ from that established by statute or fixed by said  
24 director.

Sect. 5. For the purpose of this act an article of paint,  
2 paint oil, or turpentine shall be deemed to be misbranded:—

First. If any package fails to bear all of the statements  
4 required by section three.

Second. If it be in imitation of or offered for sale under  
6 the name of another article.

Third. If the contents of the package as originally put  
8 up shall have been removed, in whole or in part, and other  
9 contents shall have been placed in such package.

Fourth. If the package containing it or its label shall bear  
11 any statement, design or device regarding the ingredients

12 or substances contained therein, which statement, design or  
13 device shall be false or misleading in any particular: Pro-  
14 vided, that an article of paint, paint oil, or turpentine shall  
15 not be deemed to be adulterated or misbranded if it is la-  
16 beled, branded or tagged so as to plainly indicate that it is  
17 a compound, imitation, or blend, and the word "compound,"  
18 "imitation," or "blend," as the case may be, is plainly stated  
19 on the package in which it is offered for sale.

Sect. 6. The director of the Maine agricultural experi-  
2 ment station shall make uniform rules and regulations for  
3 carrying out the provisions of this act. The said director  
4 may also fix standards of purity, quality or strength when  
5 such standards are not specified or fixed by law and shall  
6 publish them together with such other information concern-  
7 ing articles of paint, paint oil or turpentine as he may deem  
8 to be of public benefit.

Sect. 7. The director of the Maine agricultural experi-  
2 ment station shall annually analyze, or cause to be analyzed,  
3 samples of articles of paint, paint oil and turpentine, at  
4 such time and to such extent as said director may deter-  
5 mine. And said director, in person or by deputy, shall have  
6 free access, ingress and egress at all reasonable hours to  
7 any place or any building wherein articles or paint, paint oil  
8 or turpentine are manufactured, stored, transported, sold,  
9 offered or exposed for sale. He shall also have power, in  
10 person or by deputy, to open any case, package or other con-  
11 tainer, and may, upon tendering the market price, take sam-

12 ples for analysis. The results of all analyses of articles of  
13 paint, paint oil or turpentine made by said director shall  
14 be published by him in the bulletins or reports of the Maine  
15 agricultural experiment station, together with the names of  
16 the persons from whom the samples were obtained, the  
17 names of the manufacturers thereof, and such additional  
18 information as to him may seem advisable.

Sect. 8. When the 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 findings, to  
4 be given to the person from whom the sample was obtained,  
5 and the person whose name appears upon the label. The  
6 persons so notified shall be given an opportunity to be heard  
7 under such rules and regulations as may be prescribed by  
8 said director. Notices shall specify the date, hour and place  
9 of the hearing.

Sect. 9. Any person who adulterates or misbrands within  
2 the meaning of this act, any article of paint, paint oil or  
3 turpentine or any person who manufactures, sells, distributes,  
4 transports, offers or exposes for sale, distribution or trans-  
5 portation any article of paint, paint oil or turpentine in vio-  
6 lation of any of the provisions of this act, shall be punished  
7 by a fine not exceeding one hundred dollars for the first  
8 offence, and by a fine not exceeding two hundred dollars  
9 for each subsequent offence.

Sect. 10. No person shall be prosecuted under the pro-  
2 visions of this act when he can establish proof of purchase

3 and a guaranty signed by the person from whom the pur-  
4 chase was made, to the effect that the article in question is  
5 not adulterated or misbranded within the meaning of this  
6 act.

Sect. 11. The word "person" as used in this act shall be  
2 construed to import the plural and the singular, as the case  
3 demands, and shall include corporations, companies, soci-  
4 eties 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 employed by any  
7 corporation, company, society, or association, within the  
8 scope of his employment or office, shall in every case be  
9 also deemed to be the act, omission, or failure of such cor-  
10 poration, company, society, or association as well as that  
11 of the person.

Sect. 12. There shall be appropriated annually from the  
2 state treasury the sum of three thousand dollars in favor of  
3 the Maine agricultural experiment station and the same may  
4 be expended in carrying out the provisions of this act. So  
5 much of said appropriation shall be paid by the treasurer  
6 of state to the treasurer of said station as the director of  
7 said station may show by his bills has been expended in  
8 performing the duties required by this act.

Sect. 13. The director of the Maine agricultural experiment  
2 station shall diligently enforce all of the provisions of this  
3 act, and, in this connection, he shall be entitled to have and re-  
4 ceive the advice, counsel and assistance of the attorney gen-

5 eral and of the attorney for the state in the several counties.

6 The said director in his discretion, may recover the penal-  
7 ties for the violation of the provisions of this act in an  
8 action on the case in his own name, the venue to be as in  
9 other civil actions, and the plaintiff prevailing in any such  
10 action shall recover full costs; or he may prosecute vio-  
11 lators by complaint or indictment in the name of the state,  
12 and such prosecution may be commenced in the county in  
13 which the offence was committed, or in any adjoining county.  
14 All fines received under this act by county treasurers shall  
15 be paid by them to the director of the Maine agricultural  
16 experiment station.

17 All money received by the director of the Maine agricul-  
18 tural experiment station under this act shall be paid by him  
19 to the treasurer of the Maine agricultural experiment sta-  
20 tion and shall be expended in carrying out the provisions  
21 of this and other acts regulating the sale of commodities  
22 which said director is directed to enforce.

23 Trial justices and municipal and police courts are hereby  
24 invested with original jurisdiction, concurrent with the su-  
25 preme judicial and superior courts, to hear, determine, enter,  
26 and by appropriate process enforce judgment in actions com-  
27 menced for the recovery of the penalties aforesaid, and to  
28 try, and, upon conviction, to punish, for offenses against the  
29 provisions of this act.

Sect. 14. Every certificate duly signed and acknowledged  
2 by the director of the Maine agricultural experiment station,



3 relating to the collection and analysis of any sample of  
4 paint, paint oil or turpentine, shall be presumptive evidence  
5 of the facts herein stated.

Sect. 15. All acts or parts of acts inconsistent herewith  
2 are hereby repealed.

Sect. 16. This act shall take effect on January one, nine-  
2 teen hundred and fourteen, but the penalties of this act shall  
3 not be enforced on account of sale of any goods purchased  
4 prior to January one, nineteen hundred and fourteen.