

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 456

House of Representatives, March 7, 1913.

*Reported by Mr. Skelton from Committee on Agriculture,
and ordered printed under joint rules.*

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT relative to Weights and Measures.

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

Section 1. Chapter 82 of the Public Laws of 1911 is here-
2 by amended by striking out sections one and two and insert-
3 ing in place thereof the following:

‘Section 1. The State Commissioner of Agriculture shall
5 be the State Sealer of Weights and Measures.

‘The standard weights and measures furnished by the gov-
7 ernment of the United States in accordance with the joint
8 resolution of Congress approved June fourteenth, eighteen
9 hundred and thirty-six, and any additions thereto and re-
10 newals thereof certified to by the United States Bureau of

11 Standards and weights, measures, balances and apparatus as
12 may be added by the State Commissioner of Weights and
13 Measures and verified by the United States Bureau of Stand-
14 ards, shall be the standards of weights and measures
15 throughout this state.

‘Sect. 2. The standards adopted by the state shall be kept
17 at the State House under the supervision of the State Sealer
18 and shall not be removed or used except for adjustment of
19 a set of working standards that are copies of the original
20 standards or for scientific purposes or to be verified by the
21 National Bureau of Standards. The State Sealer shall
22 maintain the state standards in good order and shall submit
23 them at least once in ten years to the National Bureau of
24 Standards for certification. He shall at least once in five
25 years cause the standards of the several cities and towns to
26 be compared and corrected to conform with the state stand-
27 ards.

The State Sealer of Weights and Measures shall after con-
29 sultation with, and with the advice of, the National Bureau
30 of Standards, establish tolerances for use in this state and
31 said tolerances shall be the legal tolerances of the state. He
32 shall have general supervision of the weights and measures
33 and weighing and measuring devices of the cities and towns
34 of the state, and cause the enforcement of all laws pertain-
35 ing to weights and measures in use in the state and may
36 appoint such agents as he desires to assist in the enforce-
37 ment.

Sect. 2. Chapter 82 of the Public Laws of 1911 is hereby
2 further amended by adding thereto, at the end of said chap-
3 ter, five new sections, to be sections 4, 5, 6, 7, and 8, which
4 shall read as follows:

'Sect. 4. The State Sealer shall enforce the provisions of
6 law requiring municipal officers to procure and maintain
7 standards of weights and measures and the appointing of
8 a sealer of weights and measures.

'Sect. 5. The State Sealer or his duly authorized agents
10 shall visit the various cities and towns in the state in order
11 to inspect the work of the local sealers. He or his duly
12 authorized agents may also at all times inspect and test the
13 weights, measures and balances of any person, firm, asso-
14 ciation or corporation used, or to be used, in purchasing
15 from or selling to the public any goods, wares, merchandise
16 or other commodities, and if any such weights, measures or
17 balances are found to be inaccurate or defective he shall
18 forthwith cause the same to be corrected or condemned.

'Sect. 6. Said State Sealer or his duly authorized agents
20 may at irregular intervals examine commodities sold or
21 offered for sale and test them for correct weight, measure
22 or count, and bring complaint for violations. He or his duly
23 authorized agents may for the purpose stated above, and in
24 the general performance of their official duties, have access
25 without formal warrant to any stand, place, building or
26 premises, or may stop any vendor, peddler, junk dealer, coal
27 wagon, ice wagon, or any person whatsoever for the pur-

pose of making the proper tests.

'Sect. 7. Any person who by himself, or by his servant, or as the servant or agent of another, shall use or retain in his possession any false scales, weight or measure or weighing or measuring device in the buying or selling of any commodity or thing, or who shall dispose of any condemned scales, weight, measure or weighing or measuring device contrary to law, or remove any tag, stamp or mark placed thereon by the sealer; or any person who by himself or by his servant or agent or as the servant or agent of another, shall sell or offer or expose for sale less than the quantity he represents, or any person who by himself or by his servant or agent, or as the servant or agent of another, shall sell, offer for sale, or have in his possession for the purpose of selling, any false scales, weight or measure or any device or instrument to be used or calculated to falsify any weight or measure, shall be guilty of a misdemeanor and shall for the first offense be punished by a fine of not more than fifty dollars, for the second offense by a fine of not less than twenty nor more than two hundred dollars, and for a subsequent offense by a fine of fifty dollars and by imprisonment for not less than thirty nor more than ninety days. The possession or use by any person of any false weight, measure or other apparatus for determining the quantity of any commodity or article of merchandise is presumptive evidence of knowledge by such person of the falsity of such weight, measure or other apparatus.

‘Sect. 8. Trial justices and municipal and police courts
56 are hereby vested with original jurisdiction concurrent with
57 the supreme, judicial and superior courts to try, and upon
58 conviction to punish, for all offenses against the laws per-
59 taining to weights and measures.’

Sect. 3. Sections 1, 2, 3, and 4 of chapter 44 of the Re-
2 vised Statutes of 1903 are hereby amended by striking out
3 the whole of said sections and inserting in place thereof the
4 following:

‘Sect. 1. The municipal officers of each town shall an-
6 nually appoint a sealer of weights and measures, not neces-
7 sarily a resident therein, removable at pleasure, and may
8 fill vacancies; for each month’s neglect of this duty, they
9 severally shall forfeit ten dollars to be recovered as in the
10 following section. Such sealer of weights and measures in
11 any town may be sealer for several adjoining towns if such
12 is the pleasure of the municipal officers therein, provided
13 this receives the approval of the State Sealer of Weights
14 and Measures.

‘Sect. 2. The treasurers of each town, at the expense
16 thereof, or jointly with the treasurers of adjacent towns,
17 shall constantly keep as town standards a set of beams and
18 weights and measures subject to the approval of the State
19 Sealer and conformable to the state standards. Said treas-
20 urers shall cause all beams and weights and measures be-
21 longing to their towns to be proved and sealed by the state
22 standards once in five years, beginning January 1, 1913;

23 and for every neglect of said duty they forfeit one hundred
24 dollars, half to the town and half to the prosecutor.

‘Sect. 3. Any city may purchase and keep for use scales
26 for weighing hay and other articles, appoint weighers and
27 fix their fees, to be paid by the purchaser. The municipal
28 officers of cities and towns may appoint a deputy sealer of
29 weights and measures to hold office during their pleasure
30 and fix his compensation. Such deputy shall act under the
31 direction of the sealer of weights and measures in the muni-
32 cipality, and shall have the same authority as the sealer in
33 the performance of his duties.

‘Sect. 4. The several city and town sealers and others per-
35 sons authorized to inspect weights and measures shall keep
36 records of all weights and measures, balances and measuring
37 devices inspected, sealed or condemned by them, giving the
38 name of the owner or agent, the place of business, the date
39 of inspection and kind of apparatus so inspected, sealed or
40 condemned. He shall make an annual report, duly sworn
41 to, on or before the first day of November of each year, to
42 the State Sealer, giving in addition to the above an inventory
43 of the standards and apparatus in his possession, and such
44 other information as he may deem important or as the State
45 Sealer may require.’

Sect. 4. Section 39 of chapter 39 of the Revised Statutes
2 of 1903 is hereby amended by adding thereto, at the end of
3 said section, the following:

‘All fruits, nuts and vegetables, if sold by measure, shall

5 be sold by dry measure, United States standard, and shall
6 be measured by level measure. Baskets or other receptacles
7 holding one quart or less which are to be used in the sale
8 of strawberries, blackberries, cherries, currants, blueberries,
9 huckleberries, raspberries or gooseberries, shall be of the
10 capacity of one quart, one pint or one-half pint, United
11 States standard, dry measure. Whoever sells or offers for
12 sale or has in possession with intent to sell, any of the afore-
13 said fruits in any basket or other receptacle holding one
14 quart or less which does not conform to said standard, or
15 conforming to said standard is not level measure, shall be
16 punished by a fine of ten dollars for each offense. Said
17 baskets or other receptacles shall not be required to be test-
18 ed and sealed as provided by chapter 44, Revised Statutes,
19 but any sealer or health officer may test the capacity of any
20 basket or other receptacle in which any of the aforesaid
21 fruit is sold or intended to be sold; and if the same is found
22 to contain less than the standard measure, or if the quan-
23 tity of such fruit is otherwise less than as herein provided,
24 he shall seize the same and make complaint against the ven-
25 dor.

A dealer in ice who on request of the purchaser of ice re-
27 fuses or neglects to weigh the same when delivered or gives
28 false weight shall for each offense be punished as provided
29 for by the amendment of chapter 82 of the Public Laws of
30 1911, in section 2 of this act. Whoever, having charge of
31 the delivery of ice from a wagon, not being a dealer in ice,

32 refuses on the request of the purchaser of ice to weigh the
33 same when it is delivered, or gives false weight, shall be
34 punished by a fine of not more than ten dollars.

Sect. 5. Section 5 of chapter 44 of the Revised Statutes
2 of 1903 is hereby repealed.