

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 82

In Senate, Jan. 23, 1913.

Came from the House referred to the Committee on Agriculture, and on motion by Senator Stearns of Oxford laid on the table for printing pending reference in concurrence.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to regulate the packing, shipping and sale of apples.

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

Section 1. The standard barrel for apples shall contain
2 seven thousand cubic inches, provided however that a barrel
3 of the following dimensions when measured without dis-
4 tention of parts: Length of stave, twenty-eight and one-
5 half inches; diameter of head, seventeen and one-eighth
6 inches; distance between heads, twenty-six inches; circum-
7 ference of bulge, sixty-four inches outside measurement
8 shall be a lawful barrel. The standard bushel box for ap-
9 ples shall contain two thousand two hundred and fifty cubic

10 inches. Provided, however, that a box twenty inches, by
11 eleven inches, by ten inches, inside measurement, without
12 distention of parts, shall be a lawful bushel box.

Sect. 2. The standard grades for apples when packed in
2 closed packages shall be as follows:

First. Fancy shall consist of apples of one variety above
4 the average size and color for the variety, sound and free
5 from worm holes, bruises, scab or any other defect that
6 materially injures the appearance or useful quality of the
7 apples, and shall be properly packed in clean, strong pack-
8 ages.

Second. Number one, or class one, shall consist of well
10 matured apples of one variety of normal shape and good
11 color for the variety, not less than two and one-quarter
12 inches in diameter, sound and free from all defects such as
13 worm holes, bruises, scab or any other defect that materially
14 injures the appearance or useful quality of the apple, and
15 shall be properly packed **in clean, strong packages.**

Third. Number two or class two, shall consist of well
17 matured apples of one variety, not less than two inches in
18 diameter, of medium color for the variety and normal shape.
19 Apples two and one-quarter inches in diameter or less, must
20 be sound. Apples more than two and one-quarter inches in
21 diameter may have one defect such as a worm hole or a
22 bruise if the skin is not broken and shall be properly packed
23 in clean, strong packages.

Fourth. Unclassified. Apples not conforming to the fore-

25 going conditions as to variety, size and other conditions,
26 shall be classed as unclassified.

Sect. 3. Every closed package of apples which is packed,
2 sold, distributed, transported, offered or exposed for sale,
3 distribution or transportation in the state by any person
4 shall have affixed in a conspicuous place on the outside there-
5 of a plainly printed statement clearly and truly stating the
6 size of the package in terms of standard bushel box or
7 standard barrel, the name and address of the owner of the
8 apples at time of packing, the name of the variety, the class
9 or grade of the apples contained therein, and if the apples
10 were grown in Maine that fact shall be plainly designated.

Sect. 4. It shall be unlawful for any person within this
2 state to pack, sell, distribute, transport, offer or expose for
3 sale, distribution, or transportation, apples which are adul-
4 terated or misbranded within the meaning of this act.

Sect. 5. For the purpose of this act apples packed in a
2 closed package shall be deemed to be adulterated if their
3 measure, quality, grade or purity do not conform in each
4 particular to the claims made upon the affixed guaranty.

Sect. 6. For the purpose of this act apples packed in a
2 closed package shall be deemed to be misbranded:

First. If the package fail to bear all the statements re-
4 quired by section three.

Second. If the package bear any statement, design or
6 device regarding such article or its contents which shall be

7 false or misleading in any particular, or which is falsely
8 branded in any particular.

Sect. 7. 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.

Sect. 8. The director of the Maine agricultural experi-
2 ment station, in person or by deputy, shall have free access,
3 ingress and egress at all reasonable hours to any place or
4 any building wherein apples are packed, stored, transported,
5 sold, offered or exposed for sale, or for transportation. He
6 shall also have power, in person or by deputy, to open any
7 box, barrel or other container, and may, upon tendering the
8 market price, take samples therefrom. The results of all
9 inspections made by said director shall be published by him
10 in the bulletins or reports of the experiment station, together
11 with such additional information as to him may seem ad-
12 visable.

Sect. 9. When the 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 find-
4 ings, to be given to the person concerned. The person so
5 notified shall be given an opportunity to be heard under
6 such rules and regulations as may be prescribed by said
7 director. Notices shall specify the date, hour and place of
8 the hearing.

Sect. 10. Any person who adulterates or misbrands apples
2 within the meaning of this act, or any person who packs,

3 sells, distributes, transports, offers or exposes for sale, dis-
4 tribution or transportation, apples in violation of any of the
5 provisions of this act, shall be punished by a fine not ex-
6 ceeding one hundred dollars for the first offense, and by a
7 fine not exceeding two hundred dollars for each subsequent
8 offense.

Sect. 11. No person shall be prosecuted under the pro-
2 visions of this act when he can establish a guaranty signed
3 by the person from whom he received such articles, to the
4 effect that the same is not adulterated or misbranded, within
5 the meaning of this act, designating it. Said guaranty, to
6 afford protection, shall contain the name and address of the
7 party or parties making the sale of such articles to said
8 dealer, and in such case said party or parties shall be amen-
9 able to the prosecutions, fines and other penalties which
10 would attach, in due course, to the dealer under the pro-
11 visions of this act.

Sect. 12. The word "person" as used in this act shall be
2 construed to import both the plural and the singular, 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 employed
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 cor-

10 poration, company, society, or association as well as that of
11 the person.

Sect. 13. There shall be appropriated annually from the
2 state treasury the sum of two thousand dollars in favor of
3 the Maine agricultural experiment station, and the same
4 may be expended in carrying out the provisions of this act.
5 So much of said appropriation shall be paid by the treasurer
6 of the state to the treasurer of said station as the director
7 of said station may show by his bills has been expended in
8 performing the duties required by this act.

Sect. 14. The director of the Maine agricultural experi-
2 ment station shall diligently enforce all of the provisions of
3 this act, and, in this connection, he shall be entitled to have
4 and receive the advice, counsel and assistance of the attor-
5 ney general and of the attorney for the state in the several
6 counties.

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

All money received by the director of the Maine agricultural experiment station 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.

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

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