

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 379

In Senate, Feb. 26, 1913.

*Reported by Senator Conant from Committee on Agriculture,
and ordered printed under joint rules.*

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 bar-
3 rel of the following dimensions when measured without
4 distention 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 not less than sixty-four inches outside
8 measurement, shall be a lawful barrel. The standard bushel
9 box for apples shall contain two thousand three hundred

10 and fifty cubic inches. Provided, however, that a box eight-
11 een inches by eleven and one-half inches by ten and one-half
12 inches, inside measurement, without distention of parts, shall
13 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 of superior color for the variety and
5 none smaller than two and three-fourths inches in diameter,
6 sound and free from worm holes, bruises, scab, or any other
7 defect that materially injures the appearance or useful qual-
8 ity of the apple, and shall be properly packed in clean, strong
9 packages.

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

Third. Number two, or class two, shall consist of well
19 matured apples of one variety, not less than two and one-
20 fourth inches in diameter, except Russets and Fameuse or
21 Snow apples, of medium color for the variety and normal
22 shape. Apples two and one-half inches in diameter or less,
23 must be sound. Apples more than two and one-half inches

24 in diameter may have one defect, such as a worm hole or
25 a bruise if the skin is not broken, and shall be properly
26 packed in clean, strong packages.

Fourth. Unclassified. Apples of one variety and sound,
28 not conforming to the foregoing grades as to size and other
29 conditions, 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 or ship-
8 per of the apples at time of packing, the name of the variety,
9 the class or grade of the apples contained therein, and if
10 the apples were grown in Maine that fact shall be plainly
11 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 statements required
4 by section three.

Second. If the package bear any statement, design or de-
6 vice 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 commissioner of agriculture shall make uni-
2 form rules and regulations for carrying out the provisions
3 of this act.

Sect. 8. The commissioner of agriculture, in person or by
2 deputy, shall have free access, ingress and egress at all
3 reasonable hours to any place or any building wherein apples
4 are packed, stored, transported, sold, offered or exposed
5 for sale, or for transportation. He shall also have power,
6 in person or by deputy, to open any box, barrel or other
7 container, and may, upon tendering the market price, take
8 samples therefrom.

Sect. 9. When the said commissioner of agriculture be-
2 comes cognizant of the violation of any of the provisions
3 of this act he shall cause notice of such fact, together with
4 a copy of the findings, to be given to the person concerned.
5 The person so notified shall be given an opportunity to be
6 heard under such rules and regulations as may be prescribed
7 by said commissioner of agriculture. Notices shall specify
8 the date, hour and place of the hearing, said hearing to be
9 held in the county where said inspection is made.

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
7 a fine not exceeding two hundred dollars for each subse-
8 quent 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 amend-
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
9 be also deemed to be the act, omission, or failure of such

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

Sect. 13. There shall be appropriated from the state
2 treasury the sum of \$1,500 for the year 1913 and the sum
3 of \$1,500 for the year 1914 for the purpose of carrying out
4 the provisions of this act. So much of said appropriations
5 shall be paid by the state treasurer to the commissioner of
6 agriculture as may be shown by his bills and vouchers of
7 expenditures in performing the duties required by this act.

Sect. 14. The commissioner of agriculture shall diligently
2 enforce all of the provisions of this act, and, in this con-
3 nection, he shall be entitled to have and receive the advice,
4 counsel and assistance of the attorney general and of the
5 attorney for the state in the several counties.

The said commissioner of agriculture in his discretion may
7 recover the penalties for the violation of the provisions of
8 this act in an action on the case in his own name, the venue
9 to be as in other civil actions, and the plaintiff prevailing in
10 any such action shall recover full costs; or he may prose-
11 cute violators by complaint or indictment in the name of
12 the state, and such prosecution shall be commenced in the
13 county in which the offense was committed. All fines re-
14 ceived under this act by county treasurers shall be paid by
15 them to the state treasurer.

Trial justices and municipal and police courts are hereby
17 invested with original jurisdiction, concurrent with the su-
18 preme judicial and superior courts, to hear, determine, enter,

19 and by appropriate process enforce judgment in actions
20 commenced for the recovery of the penalties aforesaid, and
21 to try, and upon conviction, to punish, for offenses against
22 the provisions of this act.

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