

MAINE STATE LEGISLATURE

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NEW DRAFT OF HOUSE DOCUMENT NO. 359.

SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 960

House of Representatives, March 27, 1915.

*Reported by Mr. McIntire and al. from Committee on
Agriculture and ordered printed under joint rules.*

C. C. HARVEY, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to Amend Sections four and five of Chapter thirty-five of the Public Laws of nineteen hundred and nine, relating to the duties of the Commissioner of Agriculture in relation to the manufacture, transportation and sale of dairy products and their imitation.

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

Section four of chapter thirty-five of the Public Laws of 2 nineteen hundred and nine is hereby amended by inserting 3 after the word "a", and before the word "hotel", in the 4 fourth line of said section, the word 'creamery'; also by 5 striking out the word "or" after the word "store" in the 6 eighteenth line of said section, and by inserting after the

7 word "depot" in the eighteenth line of said section the words
8 'or other place'; also by striking out the word "or" in the
9 twenty-ninth line of said section, and inserting after the
10 word "depot" in the twenty-ninth line of said section the
11 words 'or other place'; also by striking out the words "each
12 year" in the seventh line of said section and inserting the
13 words 'the year nineteen hundred and sixteen and on or
14 before said first day of April biennially thereafter'; and
15 also by striking out the word "next" in the twelfth line of
16 said section and inserting the words 'two years'; also by
17 striking out the last two lines of the first paragraph of the
18 said section and by adding the following paragraphs:

'Any certificate of registration granted as aforesaid may
20 contain such reasonable conditions as the Commissioner of
21 Agriculture may think suitable for protecting the public
22 health, and may be revoked for failure to comply with any
23 such conditions, but such revocation shall not prevent a re-
24 issuing of such certificate of registration whenever the Com-
25 missioner of Agriculture is satisfied that such re-issuing is
26 consistent with good public policy. No charge shall be made
27 to the producer for the certificate of registration, or for the
28 inspection of the dairy or place where milk is sold or pro-
29 duced.

'The Commissioner of Agriculture shall establish standards
31 regulating the sale of milk and other dairy products as he
32 may think suitable for protecting the public health, and the
33 acts and omissions of any milk dealer relative to such stand-

34 ards are to be determined by the use of the dairy score card
35 established by the department. Any milk dealer who, in the
36 judgment of the Commissioner of Agriculture, has complied
37 with the rules and regulations of the said commissioner and
38 attained a proper rating under such scoring shall be entitled
39 to dispense his products without interferences, and such
40 products shall be considered on parity with the products of
41 all other dealers. Any person or persons discriminating
42 against the product of a milk dealer who has passed a suc-
43 cessful inspection and attained proper rating, shall be pun-
44 ished by a fine of not less than ten or more than fifty dollars
45 for his first offense, or not less than twenty-five or more
46 than one hundred dollars for each subsequent offense.'

Section five of chapter thirty-five of Public Laws of 1909
48 is hereby amended by striking out the word "four" in the
49 fourteenth line of said section and substituting in place
50 thereof the word 'five', so that said sections as amended
51 shall read as follows:

'Sect. 4. Any person, firm, corporation, association or so-
53 ciety who shall sell or deliver milk or cream to any person
54 from a wagon or other conveyance, depot or store, or who
55 shall sell or deliver milk to a creamery, hotel, restaurant,
56 boarding-house or any public place, shall be considered a
57 milk-dealer within the meaning of this act, and shall on or
58 before the first day of April in the year nineteen hundred
59 and sixteen, and on or before said first day of April bienni-
60 ally thereafter, register with the Commissioner of Agricul-

61 ture, furnishing such information as may be required, upon
62 blanks issued and furnished by said Commissioner of Agri-
63 culture to such persons as may request the same. And ev-
64 ery such registration shall expire April first two years after
65 its issue and shall be given only to the milk dealer owning
66 or leasing the vehicle or place from which sales or supplies
67 are to be made, and shall not be transferred.

Upon receipt of the application for registration, contain-
69 ing the information required, the Commissioner shall issue
70 to said applicant a certificate of registration, which certifi-
71 cate shall be posted in a conspicuous place in the store, de-
72 pot, or other place from which sale or supply is made, and
73 the number of the certificate of registration for each wagon
74 or other vehicle shall be placed in a conspicuous place on
75 said wagon or other vehicle. Should any person, firm, cor-
76 poration, association or society desire to become a milk
77 dealer, as provided by this section, before the first day of
78 April in any year, he or they shall, prior to engaging in the
79 business, register with the Commissioner of Agriculture in
80 the same manner as hereinbefore provided, for each place
81 or vehicle from which sale or supply is to be made. Any
82 dealer who neglects or refuses to register with the Commis-
83 sioner of Agriculture, or to post certificate of registration
84 in the store, depot, or other place from which sale or supply
85 is made, or to post the number of the certificate of registra-
86 tion on the wagon or other vehicle from which sale or sup-
87 ply is made, as provided in this section, forfeits fifty dollars

88 to be recovered in an action of debt to be prosecuted in the
89 name of the state by the county attorney for the county in
90 which such violation of this statute has occurred.

Any certificate of registration granted as aforesaid may
92 contain such reasonable conditions as the Commissioner of
93 Agriculture may think suitable for protecting the public
94 health, and may be revoked for failure to comply with any
95 such conditions, but such revocation shall not prevent a re-
96 issuing of such certificate of registration whenever the
97 Commissioner of Agriculture is satisfied that such reissuing
98 is consistent with good public policy. No charge shall be
99 made to the producer for the certificate of registration, or
100 for the inspection of the dairy or place where milk is sold
101 or produced.

The Commissioner of Agriculture shall establish stand-
103 ards regulating the sale of milk and other dairy products
104 as he may think suitable for protecting the public health,
105 and the acts and omissions of any milk dealer relative to
106 such standards are to be determined by the use of the dairy
107 score card established by the department. Any milk deal-
108 er who, in the judgment of the Commissioner of Agricul-
109 ture, has complied with the rules and regulations of the
110 said Commissioner and attained a proper rating under
111 such scoring shall be entitled to dispense his products with-
112 out interference, and such products shall be considered on
113 parity with the products of all other dealers. Any person
114 or persons discriminating against the product of a milk

115 dealer who has passed a successful inspection and attained
116 proper rating, shall be punished by a fine of not less than
117 ten or more than fifty dollars for his first offense, or not
118 less than twenty-five or more than one hundred dollars for
119 each subsequent offense.

All provisions of law now existing requiring the licensing
121 of milk dealers as they are known under this section shall
122 be and hereby are repealed when this act shall take effect.'

'Sect. 5. The Commissioner of Agriculture shall, either in
124 person or by duly authorized agent or assistant diligently
125 enforce in the name of the state, the laws regarding the
126 production, manufacture, transportation, storage and sale
127 of milk and all other dairy products, substitutes therefor
128 or imitations thereof, including oleomargarine and reno-
129 vated butter, and for the above purpose he may employ
130 such agents, assistants, chemists, counsel and clerks, and
131 he may purchase such samples of milk, cream and other
132 dairy products, substitutes therefor or imitations thereof,
133 and such stationery, postage, printed matter and other sup-
134 plies incidental thereto, as may be necessary for the proper
135 enforcement of said laws, and for such expenses there
136 shall be appropriated annually the sum of five thousand
137 dollars, to be paid upon the approval of the governor and
138 council upon the presentation of proper vouchers.'