

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 287

In Senate, March 6, 1917.

Referred to Committee on Agriculture and one thousand copies ordered printed. Sent down for concurrence.

W. E. LAWRY, Secretary.

Presented by Mr. Googin of Androscoggin.

STATE OF MAINE

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

AN ACT to amend section twenty-four of chapter forty-eight of the Revised Statutes relating to testing commodities offered for sale.

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

Section twenty-four of chapter forty-eight of the Revised
2 Statutes of nineteen hundred sixteen is hereby amended by
3 adding thereto the following words:

'A sealer, or his duly appointed deputy may examine com-
2 modities sold or offered for sale and test them for correct
3 weight, measure or count, and bring complaint for viola-

4 tions of sections eight to twenty-five, both inclusive, of this
5 chapter. He, or his duly appointed deputy may for the
6 purpose stated above, and in the general performance of
7 his or their official duties, have access without formal war-
8 rant to any stand, place, building or premises, or to any
9 sales slip, record of sale, or weight slip, or may stop any
10 vendor, peddler, junk dealer, coal wagon, ice wagon, or any
11 person for the purpose of making the proper tests. Any
12 person refusing to exhibit any sales slip, record of sale, or
13 weight slip in his possession, or to allow proper tests for
14 correct weight, measure or count, or refusing to proceed
15 to a proper and convenient place for the making of any
16 such test, shall be punished by a fine not exceeding ten dol-
17 lars,' so that said section, as amended, shall read as follows:

‘Sect. 24. Whoever by himself, or by his servant, or as
2 the agent or servant of another, shall use or retain in his
3 possession any false scales, weight or measure or weighing
4 or measuring device in the buying or selling of any com-
5 modity or thing, or whoever after a weight, measure, scale,
6 balance or beam has been adjusted and sealed, shall alter
7 it so that it does not conform to the public standard and
8 shall fraudulently make use of it, or whoever shall dispose
9 of any condemned scales, weight, measure, or weighing or
10 measuring device, contrary to law, or remove any tag, stamp
11 or mark placed thereon by the sealer; or whoever by him-
12 self, or by his agent or servant, or as agent or servant of
13 another, shall sell, offer or expose for sale less than the

14 quantity he represents, or whoever by himself, or by his
15 agent or servant, or as the agent or servant of another, shall
16 sell, offer for sale, or have in his possession for the pur-
17 pose of selling, any false scales, weight or measures, or
18 any device or instrument to be used or calculated to falsify
19 any weight or measure, shall be guilty of a misdemeanor
20 and shall for the first offense be punished by a fine of not
21 more than fifty dollars; for the second offense by a fine
22 of not less than twenty, nor more than two hundred dollars,
23 and for any subsequent offense by a fine of fifty dollars.
24 and by imprisonment for not less than thirty, nor more
25 than ninety days. The possession or use by any person
26 of any false weight, measure or other apparatus for deter-
27 mining the quantity of any commodity or article of mer-
28 chandise is presumptive evidence of knowledge by such
29 person of the falsity of such weight, measure or other ap-
30 paratus. Every sealer of weights and measures who has
31 reasonable cause to believe that a weight, measure, scale,
32 balance or beam has been altered since it was last adjusted
33 and sealed shall enter the premises in which it is kept or
34 used and shall examine the same. A sealer, or his duly
35 appointed deputy may examine commodities sold or offered
36 for sale and test them for correct weight, measure or count,
37 and bring complaint for violations of sections eight to twen-
38 ty-five, both inclusive, of this chapter. He, or his duly
39 appointed deputy may for the purpose stated above, and
40 in the general performance of his or their official duties,

41 have access without formal warrant to any stand, place,
42 building or premises, or to any sales slip, record of sale,
43 or weight slip, or may stop any vendor, peddler, junk dealer,
44 coal wagon, ice wagon, or any person for the purpose of
45 making the proper tests. Any person refusing to exhibit
46 any sales slip, record of sale, or weight slip in his posses-
47 sion, or to allow proper tests for correct weight, measure
48 or count, or refusing to proceed to a proper and convenient
49 place for the making of any such test, shall be punished by
50 a fine not exceeding ten dollars.'