

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 37

In Senate, Jan. 28, 1919.

Reported by Mr. Tuttle of Aroostook for the purpose of printing and 500 copies ordered printed and the bill then to be returned to the committee.

P. F. CRANE, Secretary.

Presented by Senator Chick of Kennebec.

STATE OF MAINE

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

AN ACT to Amend the Apple Packing Law, Chapter 36,
Revised Statutes.

Be it enacted by the People of the State of Maine, as follows:
STANDARD BARREL AND STANDARD BOX DEFINED

Section 1. The standard barrel for apples shall be of the
2 following dimensions when measured without distention of
3 its parts:—length of stave, twenty-eight and one-half
4 inches; diameter of head, seventeen and one-eighth inches;
5 distance between heads, twenty-six inches; circumference
6 of bulge, sixty-four inches, outside measurement; and the
7 thickness of staves not greater than four-tenths of an inch;

8 provided, that any barrel of a different form having a
9 capacity of seven thousand and fifty-six cubic inches shall
10 be a standard barrel.

The standard box for apples shall be of the following
2 dimensions, by inside measurement: eighteen inches by
3 eleven and one-half inches by ten and one-half inches, with-
4 out distention of its parts, and having a capacity of not
5 less than two thousand one hundred and seventy-three and
6 one-half cubic inches.

GRADES DEFINED

Sect. 2. The standard grades of apples when packed or
2 repacked in closed packages within this state shall be as
3 follows: "Maine Standard Fancy" shall consist only of
4 apples of one variety, not less than ninety-seven per cent
5 of which are well matured specimens, hand-picked, color
6 above medium and high for the variety, normal shape, of
7 good size for the variety and reasonably uniform in size,
8 with none less than $2\frac{1}{2}$ inches in diameter, sound and free
9 from dirt, disease, insect or fungus injury, bruises and other
10 defects, except such as are necessarily caused in the opera-
11 tion of packing, and shall be packed properly in clean,
12 strong packages.

"Maine Standard A" shall consist only of apples of one
2 variety, not less than ninety-five per cent of which are well
3 matured specimens, hand-picked, properly packed, of me-
4 dium color for the variety, normal shape, sound, and prac-
5 tically free from dirt, disease, insect or fungus injury,

6 bruises and other defects, except such as are necessarily
7 caused in the operation of packing.

“Maine Standard B” shall consist only of apples of one
2 variety, not less than ninety per cent of which are properly
3 packed, of practically normal shape, practically free from
4 dirt, disease, insect or fungus injury, bruises and other de-
5 fects that materially injure the useful quality of the apples.

“Unclassified.” Apples not conforming to the foregoing
2 specifications of grade, or, if conforming, not branded in
3 accordance therewith, shall be classed as “Unclassified”
4 and so branded.

CLOSED PACKAGES TO BE BRANDED

Sect. 3. Every closed package of apples packed or re-
2 packed in the state and intended for sale, either within or
3 without the state, shall have marked in a conspicuous place
4 on the outside of the package in plain letters the following
5 statements: (1) the name of the state where grown; (2)
6 the name of the grade as specified in section two of this
7 act; (3) the minimum size of the apples contained there-
8 in; (4) a true statement of the quantity of the contents;
9 (5) the name of the variety; (6) the name and address of
10 the person by whose authority the apples were packed. If
11 the true name of the variety shall not be known to the
12 person by whose authority the apples were packed, then
13 such statement shall include the words “variety unknown.”

Every closed package of apples which is repacked shall
2 bear the name and address of the person by whose author-

3 ity the apples are repacked in place of that of the original
4 owner.

MINIMUM SIZE TO BE MARKED ON PACKAGE

Sect. 4. The minimum size of the fruit in all grades, in-
2 cluding the unclassified, shall be marked upon the package
3 as required in section three, and shall be determined by
4 taking the transverse diameter of the smallest fruit in the
5 package at right angles to the stem and blossom end. Min-
6 imum size shall be stated in variations of one-quarter of
7 an inch, such as two inches, two and one-quarter inches,
8 two and one-half inches, two and three-quarter inches, three
9 inches, and so forth, in accordance with the facts.

Minimum sizes may be designated by figures instead of
2 words. The word "minimum" may be designated by using
3 the abbreviation "min."

USE OF OTHER INCONSISTENT MARKS PROHIBITED

Sect. 5. The marks indicating the grade shall not be ac-
2 companied by any other designation of grade or brand
3 which is inconsistent with or marked more conspicuously
4 on the package than the mark or marks required by sec-
5 tion three of this act.

SIZE OF LETTERS AND FIGURES FIXED

Sect. 6. The branding or marking of barrels under the
2 provisions of this act shall be made on the head of each
3 barrel and shall be in plain letters and figures, the kind
4 and size of which may be regulated by the commissioner
5 of agriculture.

PROHIBITIONS

Sect. 7. It shall be unlawful for any person to pack, sell,
2 distribute, or offer or expose for sale or distribution apples
3 which are adulterated or misbranded within the meaning
4 of this act.

“ADULTERATED” DEFINED

Sect. 8. For the purposes of this act, apples packed in a
2 closed package shall be deemed to be adulterated if their
3 measure, quality or grade does not conform in every par-
4 ticular to the brand or mark upon or affixed to the package,
5 or if the faced or shown surface gives a false representation
6 of the contents of the package.

“MISBRANDED” DEFINED

Sect. 9. For the purposes of this act, apples packed in a
2 closed package shall be deemed to be misbranded:—

First: If the package is packed or repacked in the state
2 and fails to bear all statements required by sections two,
3 three, four and five, and in accordance with section six of
4 this act.

Second: If the package, whether packed or repacked
2 within or without the state is falsely branded, or bears any
3 statement, design or device, regarding the apples contained
4 therein, which is false or misleading, or if the package bears
5 any statement, design or device indicating that the apples
6 contained therein are of a specified Maine standard grade,
7 and said apples, when packed or repacked, do not conform
8 to the requirements prescribed by this act for such grade.

COLD-STORAGE APPLES TO BE INSPECTED

Sect. 10. Apples which have been in cold storage shall
2 not be sold or distributed, or offered or exposed for sale or
3 distribution in closed packages until they have been in-
4 spected in accordance with rules and regulations to be pre-
5 scribed by the commissioner of agriculture.

PENALTY FIXED

Sect. 11. Any person who adulterates or misbrands ap-
2 ples within the meaning of this act, or who packs, repacks,
3 sells, distributes or offers or exposes for sale or distribu-
4 tion apples in violation of any provision of this act, or who
5 wilfully alters, effaces, or removes or causes to be altered,
6 effaced or removed, wholly or partly, any brands or marks
7 required to be put upon any closed package under the pro-
8 visions of this act, shall be punished by a fine not exceed-
9 ing fifty dollars for the first offense, and by a fine not ex-
10 ceeding two hundred dollars for each subsequent offense.

CERTAIN PERSONS EXEMPTED

Sect. 12. No person who sells or distributes or offers or
2 exposes for sale or distribution apples adulterated or mis-
3 branded within the meaning of this act shall be deemed to
4 have violated any of the provisions of this act, if it shall
5 appear that he acted in good faith solely as a distributor,
6 or if he shall furnish a guaranty signed by the person from
7 whom he received the apples, with the address of such per-
8 son, that the apples are not adulterated or misbranded with-
9 in the meaning of this act. In such cases, the person from

10 whom the distributor received the apples shall be liable for
11 the acts of the distributor who relied upon his guaranty,
12 to the same extent as the distributor would have been liable
13 under the provisions of this act.

“CLOSED PACKAGE” DEFINED

Sect. 13. The words “closed package” shall mean a barrel,
2 box or other container, the contents of which cannot be
3 sufficiently seen for purposes of inspection without opening
4 the container.

Sect. 14. Sections 25, 27, 28, 29, 30, 31, 33 and 34 of
2 chapter 36 are hereby repealed.