

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 203

House of Representatives, March 1, 1921.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Maher of Augusta.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Secure the Purity of Ice Cream Offered for Sale.

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

Section 1. An homogenized frozen milk product, for the
2 purpose of this act, is defined to be a frozen milk product,
3 any portion of the milk fat of which is derived from any
4 substance other than milk or cream in its natural state.

Sect. 2. It shall be unlawful for any person, firm or cor-
2 poration, within this state, to manufacture, sell, distribute,
3 transport, offer or expose for sale, distribution or trans-
4 portation any homogenized frozen milk products contain-
5 ing less than fourteen percent milk fat as ice cream. And the
6 sale of any homogenized frozen milk product whatsoever by

7 any person, firm or corporation shall be prohibited, except
8 when full and proper notice is given to the purchaser of the
9 true nature of such product. It shall be unlawful for any
10 person, firm or corporation to sell, distribute, transport, offer
11 or expose for sale, distribution or transportation any homo-
12 genized frozen milk products unless the same are properly
13 branded or labeled. In the shipment or sale thereof, all
14 containers used for conveying and distributing such pro-
15 ducts shall be branded and labeled Homogenized Frozen
16 Milk Product. And it shall be unlawful for any person or
17 persons, firm or corporation, at any soda fountain, ice cream
18 parlor or any place where ice cream or ice cream substi-
19 tutes or homogenized frozen milk products are sold, to dis-
20 tribute, offer or expose for sale ice cream substitutes or
21 homogenized frozen milk products without displaying, plain-
22 ly and conspicuously, signs announcing that such substitutes
23 for ice cream are there sold, distributed, offered or exposed
24 for sale.

Sect. 3. Any person who violates any provision of this
2 chapter shall be punished by a fine of not less than ten dol-
3 lars (\$10.00) nor more than one hundred dollars (\$100.00)
4 for the first offense or by a fine of not less than twenty-
5 five dollars (\$25.00) nor more than two hundred dollars
6 (\$200.00) for each subsequent offense.

Sect. 4. The commissioner of agriculture and his deputies
2 shall diligently enforce all the provisions of this chapter.
3 He may recover the penalties imposed for violation of this
4 chapter in an action of debt brought in his own name, the

5 venue to be as in other civil cases, and if he prevails in any
6 such action shall recover full costs; or he may prosecute
7 for violation hereof by complaint, and such prosecution
8 shall be commenced in the county in which the offense was
9 committed.

Municipal and police courts shall have jurisdiction of the
2 above offenses.