

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

SENATE

NO. 12

In Senate, Jan. 20, 1921.

Reported from Committee on Judiciary for purpose of printing, 300 copies ordered printed and bill returned to committee.

L. ERNEST THORNTON, Secretary.

Presented by Senator Gurney of Cumberland.

STATE OF MAINE

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

AN ACT to Regulate Cold Storage of Certain Articles of Food.

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

Section 1. For the purpose of this act, "cold storage"
2 shall mean the storage or keeping of articles of food at or
3 below a temperature above zero of forty-five degrees Fah-
4 renheit in a cold storage warehouse; "cold storage ware-
5 house" shall mean any place artificially cooled to or below
6 a temperature above zero of forty-five degrees Fahrenheit,
7 in which articles of food are placed and held for thirty days
8 or more; "articles of food" shall mean fresh meat and fresh
9 meat products and all fish, game, poultry, eggs and butter.

Sect. 2. No person, firm or corporation shall maintain
2 or operate a cold storage warehouse without a license so

3 to do issued by the commissioner of agriculture. Any per-
4 son, firm or corporation desiring such a license shall make
5 written application to the commissioner of agriculture for
6 that purpose, stating the location of the warehouse. The
7 commissioner of agriculture thereupon shall cause an ex-
8 amination to be made of said warehouse and, if it be found
9 by him to be in a proper sanitary condition and otherwise
10 properly equipped for its intended use, he shall issue a
11 license authorizing the applicant to operate the same as a
12 cold storage warehouse during one year. The license shall
13 be issued upon payment by the applicant of a license fee
14 of twenty-five dollars to the treasurer of state.

Sect. 3. In case any cold storage warehouse, or any part
2 thereof, shall at any time be deemed by the commissioner
3 of agriculture to be in an unsanitary condition, or not prop-
4 erly equipped for its intended use, he shall notify the licensee
5 of such condition and upon the failure of the licensee to
6 put such cold storage warehouse in a sanitary condition or
7 to properly equip the same for its intended use, within a
8 time to be designated by the commissioner of agriculture,
9 he shall revoke such license.

Sect. 4. Every such licensee shall keep accurate records
2 of the articles of food received in and of the articles of
3 food withdrawn from his cold storage warehouse, and the
4 commissioner of agriculture shall have free access to such
5 records at any time. Every such licensee shall submit a
6 monthly report to the commissioner of agriculture, setting

7 forth in itemized particulars the quantities and kinds of
8 articles of food in his cold storage warehouse. Such monthly
9 reports shall be filed on or before the fifth day of each
10 month, and the reports so rendered shall show the condi-
11 tions existing on the last day of the preceding month re-
12 ported and a summary of such reports shall be prepared
13 by the commissioner of agriculture and shall be open to
14 public inspection on or before the tenth day of each month.

Sect. 5. The commissioner of agriculture shall inspect
2 and supervise all cold storage warehouses and make such
3 inspection of articles of food therein as he may deem neces-
4 sary to secure the proper enforcement of this act, and he
5 shall have access to all cold storage warehouses at all rea-
6 sonable times. The commissioner of agriculture may ap-
7 point such persons as he deems qualified to make any in-
8 spection under this act.

Sect. 6. No article of food intended for human consump-
2 tion shall be placed, knowingly received or kept in any cold
3 storage warehouse, if diseased, tainted, otherwise unfit for
4 human consumption, or in such condition that it will not
5 keep wholesome for human consumption. No article of
6 food, for use other than for human consumption, shall be
7 placed, received or kept in any cold storage warehouse un-
8 less previously marked, in accordance with forms to be pre-
9 scribed by the commissioner of agriculture, in such a way
10 as to indicate plainly the fact that such article of food is
11 not to be sold or used for human food.

Sect. 7. No person, firm or corporation shall place, receive or keep in any cold storage warehouse in this state articles of food unless the same shall be plainly marked, stamped or tagged, either upon the container in which they are packed, or upon the article of food itself, with the date when placed therein; and no person, firm or corporation shall remove, or allow to be removed, such article of food from any cold storage warehouse unless the same shall be plainly marked, stamped or tagged, either on the container in which it is enclosed or upon the article of food itself, with the date of such removal, and such marks, stamps and tags shall be prima facie evidence of such receipt and removal and of the dates thereof. All articles of food in any cold storage warehouse at the time this act goes into effect shall, before being removed therefrom, be plainly marked, stamped or tagged with the date when this act goes into effect and the date of removal therefrom.

Sect. 8. No person, firm or corporation shall hereafter keep or permit to remain in any cold storage warehouse any article of food which has been held in cold storage either within or without the state, for a longer aggregate period than twelve months, except with the consent of the commissioner of agriculture as hereinafter provided. The commissioner of agriculture shall, upon application during the twelfth month, extend the period of storage beyond twelve months for any particular article of food, provided the same is found upon examination to be in proper condition for

11 further cold storage. The length of time for which such
12 further storage is allowed shall be specified in the order
13 granting the permission. A report on each case in which
14 such extension of storage may be permitted, including in-
15 formation relating to the reason for the action of the com-
16 missioner of agriculture, the kinds and amounts of the ar-
17 ticles of food for which the storage period was extended,
18 and the length of time for which this continuance was grant-
19 ed, shall be filed, open to public inspection, in the office of
20 the commissioner of agriculture, and shall be included in
21 his annual report. Such extension shall be not more than
22 sixty days; a second extension of not more than sixty days
23 may be granted upon a re-examination, but the entire ex-
24 tended period shall be not more than one hundred and twenty
25 days in all.

Sect. 9. It shall be unlawful to sell, or to offer for sale,
2 any article of food which has been held for a period of thirty
3 days or over in cold storage either within or without the
4 state, without notifying persons purchasing, or intending to
5 purchase, the same, that it has been so held, by the display
6 of a placard plainly and conspicuously marked, "Cold Stor-
7 age Goods," on the bulk mass or articles of food; and it
8 shall be unlawful to represent or advertise as fresh any ar-
9 ticle of food which has been held in cold storage for a period
10 of thirty days or over.

Sect. 10. It shall be unlawful to return to any cold stor-
2 age warehouse any article of food which has been once re-

3 leased from storage for the purpose of placing it on the
4 market for sale. It shall be unlawful to transfer any article
5 of food from one cold storage warehouse to another if such
6 transfer is made for the purpose of avoiding any provision
7 of this act, and such transfer shall be unlawful unless all
8 prior stampings, markings and taggings upon such articles
9 shall remain thereon.

Sect. 11. The commissioner of agriculture may make all
2 necessary rules and regulations to carry this act into effect.
3 Such rules and regulations shall be filed in the commis-
4 sioner's office, and shall not take effect until ten days after
5 such filing.

Sect. 12. Any person, firm or corporation violating any
2 provisions of this act shall be guilty of a misdemeanor and
3 shall upon conviction be punished by a fine not exceeding
4 one thousand dollars or by imprisonment of not more than
5 six months, or by both such fine and imprisonment in the
6 discretion of the court.

Sect. 13. This act shall be so interpreted and construed
2 as to effect its general purpose to make uniform the law
3 of those states which enact it.

Sect. 14. This act may be cited as the Uniform Cold
2 Storage Act.

Sect. 15. All acts or parts of acts inconsistent with this
2 act are hereby repealed.