

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 40

In Senate, Feb. 2, 1923.

On motion by Mr. Hinckley of Cumberland, laid on table pending reference to Committee on Legal Affairs, and 1000 copies ordered printed.

L. ERNEST THORNTON, Secretary.

Presented by Mr. Rounds of Portland.

STATE OF MAINE

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

AN ACT to Regulate Bakeries and Bakery Products.

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

Section 1. The word "bakery" is defined, for the purposes of this act, as a building or part of a building where in is carried on the production, preparation, packing, storing of bread, cake, pies or other bakery products, including any separate room or rooms used for the convenience or accommodation of the workers.

Sect. 2. The standards and requirements hereinafter prescribed in section one to section nineteen inclusive, shall conform to such rules and regulations as may be adopted

4 by the state department of health, and the provisions of
5 this act and of said rules and regulations, shall be enforced
6 by said department and by the local boards of health of
7 the several cities and towns acting under the supervision
8 of said department. Sections twenty to twenty-two inclu-
9 sive shall conform to such rules and regulations as may
10 be adopted by the state sealer of weights and measures and
11 the provisions of this act and of said rules and regulations,
12 shall be enforced by said department of health and by the
13 sealers of weights and measures of the several cities and
14 towns acting under the supervision of the said department.

Sect. 3. Every bakery shall be constructed, drained,
2 lighted, ventilated and maintained in a clean and sanitary
3 condition, and when and where necessary screened against
4 flies, shall have plumbing and drainage facilities together
5 with suitable wash basins, wash sinks and toilets or water
6 closets, which shall be kept in a clean and sanitary con-
7 dition. The said toilets or water closets shall be in rooms
8 having no direct connection with any room in which bakery
9 products or ingredients are prepared, stored, handled or
10 displayed.

Sect. 4. In connection with every bakery a suitable room
2 or rooms shall be provided for the changing and hanging
3 of the wearing apparel of the workers or employees, which
4 shall be separate and apart from the work, storage and
5 sales rooms, and shall be kept in a clean and sanitary con-
6 dition.

Sect. 5. No person shall sit, lie or lounge or be permitted
2 to sit, lie or lounge upon any of the tables, shelves, boxes
3 or other equipment or accessories used in connection with
4 the production, preparation, packing, storing, display or
5 sale of bakery products. No animals or fowls shall be
6 kept in or permitted to enter any bakery.

Sect. 6. Before beginning the work of preparing, mixing
2 or handling any ingredients used in the production of bak-
3 ery products, every person engaged in such work shall wash
4 the hands and arms, and after using toilets or water closets,
5 every person therein engaged shall wash the hands and
6 arms thoroughly and then rinse in clean water; and for
7 this purpose the owner or operator of the bakery shall pro-
8 vide sufficient facilities.

Sect. 7. No owner or operator of a bakery shall require
2 or permit any person affected with any contagious, infec-
3 tious or other disease or physical ailment which may ren-
4 der such employment detrimental to the public health or
5 any person who refuses to submit to the examination re-
6 quired in section eight, to work therein.

Sect. 8. The commissioner of health or the chief health
2 officer in the several cities and towns, may require any
3 person intending to work or working, in a bakery, to
4 submit to thorough examination for the purpose of ascer-
5 taining whether he is afflicted with any contagious, infec-
6 tious or other disease or physical ailment. All such
7 examinations shall be made without charge to the per-

8 son examined and at the expense of the department or
9 by board making the same. Any person so examined may
10 have his physician present at the examination, which may
11 be made by any competent physician duly registered and
12 licensed under the laws of the state.

Sect. 9. The floors, walls and ceilings of every bakery,
2 the equipment used in the handling or preparation of bak-
3 ery products or their ingredients and the wagons, boxes,
4 baskets and other receptacles in which bakery products are
5 transported, shall be kept by the owner or operator of the
6 bakery or by the distributor of said products in a clean
7 and sanitary condition and at all times free from dirt and
8 dust, flies, insects and other contaminating matter. Ship-
9 ping baskets and other containers for transporting bakery
10 products shall be kept clean and, whenever the property
11 of a distributor or dealer, shall not be used for the ship-
12 ment of other products to any person or concern.

Sect. 10. All show cases, shelves and other places where
2 bakery products are sold shall be kept by the dealer ade-
3 quately protected from dust, flies and other contaminating
4 matter, and shall at all times be maintained in a sweet, clean
5 and wholesome condition.

Sect. 11. Boxes or other permanent receptacles or con-
2 tainers for the storing, receiving or handling of bakery
3 products shall be so placed and constructed as to be beyond
4 the reach of contamination from streets, alleys and side-
5 walks, or from animals, and shall be kept by the dealer

6 clean and sanitary. No articles shall be placed therein
7 other than said products. No person shall tamper with, in-
8 jure, or contaminate said boxes, receptacles or containers,
9 nor shall any person other than the baker or dealer or their
10 employees, remove anything therefrom, or place anything
11 therein.

Sect. 12. All bakery products and their ingredients shall
2 be stored, handled, transported and kept in such manner as
3 to protect them from spoilage, contamination, disease, and
4 unwholesomeness. No ingredient, or material, including
5 water, shall be used therein which is spoiled or contami-
6 nated or which may render the product unwholesome, un-
7 fit for food, or injurious to health.

Sect. 13. No ingredient shall be used in any bakery
2 product likely to deceive the consumer or which lessens its
3 nutritive value without being plainly labeled, branded or
4 tagged, or having a sign making plain to the purchaser or
5 consumer the actual ingredients: provided, however, that
6 in case of unwrapped bread to be sold by the loaf, such
7 labeling, branding or tagging shall be placed upon the same
8 label, as hereinafter provided, which shows the name of
9 the manufacturer and the net weight of the loaf. Said
10 ingredients and the sale or offering for sale of said prod-
11 ucts shall otherwise comply with the provisions of the gen-
12 eral food laws of the state.

Sect. 14. No bakery products, except as hereinafter pro-
2 vided, shall be returned from any consumer or other pur-

3 chaser to the dealer or baker, nor from any dealer to the
4 baker, and no baker or dealer shall directly or indirectly
5 accept any returns or make any exchange of bakery prod-
6 ucts from any dealer, restaurant or hotel keeper, consumer
7 or other person. All such products shall be kept moving
8 to the consumer without unreasonable delay and without
9 any exchange, return or practice whatsoever which may
10 disseminate contamination or disease or inflict fraud upon
11 them, among consumers, or disseminate "rope," so-called,
12 or other infection in bakeries, or which may cause waste
13 in the food supply: provided, that this section shall not
14 apply to crackers or other bakery products which are packed
15 at the place of production in cartons, cans, boxes or simi-
16 lar permanent containers, and which are so packed and
17 sealed at such place as fully to insure their freshness and
18 wholesomeness and protect them from contamination, adul-
19 teration and deterioration in the course of trade, and which
20 remain in the original unbroken package as packed, except
21 in so far as may be necessary to prevent waste in the food
22 supply; and provided, further, that "permanent containers"
23 shall not be construed to include the paper or parchment
24 wrappers used in wrapping loaves of bread.

Sect. 15. The department of public health may, by rule,
2 establish such exemptions as may be necessary to facilitate
3 the sale of any accumulated or unsold stock of wholesome
4 bakery products, and in other cases not inconsistent with
5 the purposes of this act.

Sect. 16. If, after inspection, it is found that a bakery
2 is no constructed, maintained, operated, or the distribution
3 of its products not conducted in accordance with this act,
4 notice in writing shall be given to the owner or manager,
5 stating the delinquency, and fixing a reasonable time with-
6 in which the same shall be remedied and for a hearing to
7 any party in interest.

Sect. 17. In case a bakery is unfit for the production
2 and handling of food or dangerous to the health of its
3 employees, the department of public health or local board
4 of health may order it closed: provided, that any aggrieved
5 person or corporation shall have the right to be heard be-
6 fore said department, or board, as the case may be, and
7 shall also have a right of appeal, before or after the exe-
8 cution of such order, but within thirty days of its issuance,
9 to the supreme judicial court.

Sect. 18. Within sixty days after the taking effect of
2 this act, every bakery in this state shall be registered with
3 the board of health of the city or town in which it is situ-
4 ated. The registration shall show its situation, including
5 street and number, and its ownership. The board shall
6 forthwith report such registration to the department of pub-
7 lic health. No fee shall be charged for such registration.

Sect. 19. No new bakery shall be established unless the
2 building plans and equipment proposed to be used have
3 been approved by the board of health of the city or town.
4 Said board shall refuse a permit to such bakery if the

5 building and equipment do not comply with the provisions
6 of this act and the rules and regulations made hereunder :
7 provided, however, that any party in interest shall have the
8 right of appeal to the department of public health or to
9 the supreme court. Said department or court may affirm,
10 reject or modify the findings of the board, and the said
11 board shall thereupon proceed in accordance with the order
12 of the court or department.

Sect. 20. Except as provided in the following section,
2 bread shall not be manufactured for sale, sold, or offered
3 or exposed for sale otherwise than by weight, and shall
4 be manufactured for sale, sold, or offered or exposed for
5 sale only in units of one pound, one and one-half pounds,
6 or multiples of one pound. When multiple loaves are baked,
7 each unit of the loaf shall conform to the weight required
8 by this section. The weights herein specified shall mean
9 net weights not more than twelve hours after baking, or
10 not more than twelve hours after the sale and delivery of
11 such loaves by the manufacturer or by his servant or agent.
12 Such weights shall be determined by the average weight
13 of not less than six loaves; provided, that such average
14 weights shall be determined by the weight of at least twelve
15 loaves whenever such number of loaves is available at the
16 time and place of such weighing; and provided further,
17 that bread found upon any premises occupied for the man-
18 ufacture of bread for sale, or any bread found in the
19 wagons, trucks, baskets, boxes, or other delivery vehicles

20 or receptacles owned or controlled by the manufacturer of
21 such bread, and being transported or delivered for sale,
22 shall for the purposes of this section be deemed to have
23 been baked within twelve hours unless such bread is marked,
24 designated or segregated as stale bread, under regulations
25 prescribed by the state department of weights and meas-
26 ures.

Sect. 21. Unit weights, as defined in the preceding sec-
2 tion, shall not apply to rolls or fancy bread weighing less
3 than four ounces, nor to loaves bearing in plain position
4 a plain statement of the weight of the loaf and the name
5 of the manufacturer thereof. Such information shall be
6 stated in case of wrapped bread, upon the wrapper of each
7 loaf, and in the case of unwrapped bread by means of a
8 pan impression or other mechanical means or upon a label
9 not larger than one by one and three-quarters inches nor
10 smaller than one by one and one-half inches. No label,
11 attached to an unwrapped loaf, shall be larger than pro-
12 vided herein, nor shall any such label be affixed in any
13 manner, or with any gum or paste which is unsanitary or
14 unwholesome. When an inspection of bread is made at
15 any bakery by any inspector or sealer of weights and meas-
16 ures, the manufacturer of such bread, or his servants or
17 agents shall, upon request of the official making such in-
18 spection inform him whether such bread is manufactured
19 for sale in any of the standard unit weights prescribed by
20 the preceding section and, if not so manufactured for sale

21 in such standard unit weights, shall furnish such official
22 with samples of the labels or wrappers intended to be used
23 on all such loaves of other than standard unit weights.

Sect. 22. The state sealer of weights and measures shall
2 prescribe such rules and regulations as are necessary to
3 enforce the two preceding sections, including reasonable
4 tolerances or variations within which all weights shall be
5 kept; provided, that such tolerances or variations shall not
6 exceed one ounce per pound under the standard unit or
7 marked weight. The said sealer, and under his direction
8 the local sealers of weights and measures, shall cause this
9 section to be enforced. They may seize without warrant
10 any bread which they may deem necessary to be used as
11 evidence of violation of law, giving a receipt therefor, and
12 such bread shall be returned to the owner or forfeited as
13 the court may direct. Before any prosecution is begun
14 under this section by any deputy or local sealer of weights
15 and measures, the parties concerned shall be notified and
16 shall have the right of appeal to the State sealer of weights
17 and measures, provided, that such appeal is filed with said
18 State sealer in writing within five days from the finding
19 of the local sealer. When such appeal has been entered no
20 prosecution shall be begun until the charges have been re-
21 viewed by the State sealer.

Sect. 23. Whoever violates any provision of this act or
2 any rule or regulation adopted thereunder, or whoever fails
3 or refuses to comply with any request for information made

4 under authority of said act, shall be punished by a fine of not
5 more than one hundred dollars.

Sect. 24. All acts or sections of acts inconsistent with this
2 act are hereby repealed.