

MAINE STATE LEGISLATURE

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EIGHTY-THIRD LEGISLATURE

Senate Document

No. 70

S. P. 166

In Senate, Feb. 11, 1927.

Referred to Committee on Agriculture and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Harriman of Kennebec.

STATE OF MAINE

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

AN ACT to Provide for Establishing Grades and Standards
for Farm Products.

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

Section 1. The commissioner of agriculture may establish
2 and promulgate official grades and standards for farm
3 products produced within the state for the purposes of sale,
4 and may from time to time amend or modify such grades
5 and standards. Before establishing, amending, or modifying
6 any such grades or standards the commissioner shall hold
7 public hearing in such places within the state as shall be
8 most convenient to producers of the commodity under con-
9 sideration. Notice of such hearings shall be advertised for
10 three successive weeks prior thereto, in a newspaper or

11 newspapers of general circulation within the county where
12 the hearing is to be held, and shall specify the date and
13 place of each hearing and that it is to be held for the pur-
14 pose of obtaining information with a view to establishing
15 grades or standards for farm products.

Sect. 2. The commissioner of agriculture may determine or
2 design brands, labels or trade marks for identifying farm
3 products packed in accordance with such official grades and
4 standards established as aforesaid, and may furnish in-
5 formation to packers and shippers as to where such labels
6 and trade marks may be obtained. A written application
7 to the commissioner requesting permission to use said
8 brands, labels or trade marks and a written acceptance
9 thereto by the commissioner or duly authorized assistants
10 shall be a condition precedent to the use of such brands,
11 labels or trade marks. The commissioner may revoke or
12 suspend the right to use such brands, labels or trade marks
13 whenever it appears on investigation that they have been
14 used to identify farm products not in fact conforming to
15 the grade indicated.

Sect. 3. Upon the establishment of such grades or stand-
2 ards, brands, labels or trade marks, the commissioner of
3 agriculture shall give due publicity through the newspapers
4 of the state, setting forth the grade or grades so estab-
5 lished and the date on which such establishment is to be-
6 come effective, and distribute information explaining the
7 same and their use.

Sect. 4. After notice of the establishment of grades or
2 standards and the determination of brands, labels or trade
3 marks as herein provided, it shall be unlawful to use a
4 brand, label or trade mark to identify farm products as
5 being of a grade established as aforesaid before a permit
6 is granted or after the revocation of the right to use such
7 brand, label or trade mark by the commissioner. Violations
8 of this section shall be punished for the first offense by a
9 fine of not more than fifty dollars and for subsequent of-
10 fenses by a fine of not more than two hundred dollars.

Sect. 5. The commissioner or his duly authorized agents
2 may inspect farm products, marked, branded, or labelled in
3 accordance with official grades or standards established and
4 promulgated by the commissioner, as herein provided, for
5 the purpose of determining and certifying the quality and
6 condition thereof and other material facts relative thereto.
7 Certificates issued in pursuance of such inspection and
8 executed by the inspector shall state the date and place of
9 inspection, the grade, condition and approximate quality of
10 the farm products inspected and such other pertinent facts
11 as the commissioner may require. Such a certificate rela-
12 tive to the condition or quality of said farm products shall
13 be prima facie evidence in all courts of the state of the
14 facts required as aforesaid to be stated therein.

Sect. 6. The commissioner may prescribe rules and regu-
2 lations for carrying out the purposes of this act, including
3 the fixing of fees as provided in section two, chapter thirty-

4 four of the revised statutes, as amended by chapter eighty-
5 one of the public laws of nineteen hundred and twenty-one
6 and further amended by chapter two hundred and one of
7 the public laws of nineteen hundred and twenty-three.

Sect. 7. The commissioner, in person or by deputy, shall
2 have free access at all reasonable hours to any building or
3 other place wherein it is reasonably believed that farm
4 products are marked, branded or labelled in accordance
5 with official grades established and promulgated by the com-
6 missioner are being marketed or held for commercial pur-
7 poses. He shall also have power in person or by deputy
8 to open any bags, crates, or other containers containing
9 said farm products and examine the contents thereof, and
10 may upon tendering the market price, take samples there-
11 from. Whoever obstructs or hinders the commissioner of
12 agriculture or any of his duly qualified assistants in the
13 performance of his duties under this act shall be punished
14 by a fine of not less than ten dollars nor more than one
15 hundred dollars.