

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY - THIRD LEGISLATURE

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Senate Document

No. 244

S. P. 492

In Senate, Mar. 15, 1927.

Reported by Senator Buzzell from Committee on Agriculture and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Harriman of Kennebec.

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STATE OF MAINE

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

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

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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 prod-  
3 ucts excepting dairy products and apples produced within  
4 the state for the purposes of sale, and may from time to  
5 time amend or modify such grades and standards. Before  
6 establishing, amending, or modifying any such grades or  
7 standards the commissioner shall hold public hearing in such  
8 places within the state as shall be most convenient to pro-  
9 ducers of the commodity under consideration. Notice of  
10 such hearings shall be advertised for three successive weeks

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

Sect. 2. The commissioner of agriculture may determine  
2 or 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 infor-  
5 mation to packers and shippers as to where such labels and  
6 trade marks may be obtained. A written application to the  
7 commissioner requesting permission to use said brands, la-  
8 bels or trade marks and a written acceptance thereto by the  
9 commissioner or duly authorized assistants shall be a condi-  
10 tion precedent to the use of such brands, labels or trade  
11 marks. The commissioner may revoke or suspend the right  
12 to use such brands, labels or trade marks whenever it ap-  
13 pears on investigation that they have been used to identify  
14 farm products not in fact conforming to 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 established  
5 and the date on which such establishment is to become ef-  
6 fective, and distribute information explaining the same and  
7 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 brand,  
4 label or trade mark to identify farm products as being of a  
5 grade established as aforesaid before a permit is granted or  
6 after the revocation of the right to use such brand, label or  
7 trade mark by the commissioner. Violations of this section  
8 shall be punished for the first offense by a fine of not more  
9 than fifty dollars and for subsequent offenses by a fine of  
10 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 exe-  
8 cuted by the inspector shall state the date and place of in-  
9 spection, 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 relative  
12 to the condition or quality of said farm products shall be  
13 prima facie evidence in all courts of the state of the facts  
14 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 prod-  
4 ucts are marked, branded or labelled in accordance with  
5 official grades established and promulgated by the commis-  
6 sioner are being marketed or held for commercial purposes.  
7 He shall also have power in person or by deputy to open any  
8 bags, crates, or other containers containing said farm prod-  
9 ucts and examine the contents thereof, and may upon tend-  
10 ering the market price, take samples therefrom. Whoever  
11 obstructs or hinders the commissioner of agriculture or any  
12 of his duly qualified assistants in the performance of his  
13 duties under this act shall be punished by a fine of not less  
14 than ten dollars nor more than one hundred dollars.