

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 595

H. P. 1597 House of Representatives, March 1, 1929.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Hawkes of Standish.

STATE OF MAINE

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

AN ACT to Provide for the Inspection of Motor Lubricating
Oil.

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

Section 1. No person shall within this state sell, distribute, transport, offer or expose for sale, distribution or transportation any motor lubricating oil which is adulterated or misbranded within the meaning of this act.

Sect. 2. For the purposes of this act, the term "motor lubricating oil" shall mean any lubricating oil to be used for the lubrication of an internal combustion engine. The term "misbranded" shall apply to all motor lubricating oil, the package, label, pump, tank or container of which shall bear any statement, design, or device regarding such article

7 or the ingredient or substance contained therein which shall
8 be false or misleading in any particular or which is falsely
9 branded in any particular. Any such motor lubricating oil
10 shall be held to be adulterated if it (1) does not conform
11 to the standard of quality and purity now or hereafter to
12 be established by statute or fixed by the state auditor; pro-
13 vided that it shall not be deemed to be adulterated under
14 this provision if the standard of quality or purity be plainly
15 stated so as to be understood by the non-professional per-
16 son upon the container thereof although the standard may
17 differ from that established by statute or fixed by the state
18 auditor; (2) if its quality or purity fall below the professed
19 quality or standard under which it is sold; (3) if any sub-
20 stance has been substituted wholly or in part for the article;
21 (4) if it contains any ingredient deleterious to internal com-
22 bustion engines; (5) if the contents of the container as
23 originally put up shall have been removed in whole or in
24 part and other contents shall have been placed in such con-
25 tainer; (6) if any substance has been mixed with it so as
26 to reduce lower or injuriously affect its quality or purity.

Sect. 4. The director of the Maine agricultural experi-
2 ment station shall analyze or caused to be analyzed such
3 samples of motor lubricating oil at such time and to such
4 extent as the state auditor may determine. It shall be the
5 duty of the state auditor in person or by deputy to enforce
6 the provisions of this act and for that purpose the state
7 auditor in person or by deputy shall have full access, in-

gress and egress at all reasonable hours to any place or building wherein motor lubricating oil is stored, transported, sold, offered or exposed for sale. He may also in person or by deputy open any case, package, or other container, tank, pump, tank car, storage tank and enter upon any barge, vessel or other vehicle of transportation and may upon tendering the market price take samples for analysis. The expense of such analysis and of the administration of this act shall be included in the expense of the administration of the tax on gasoline provided for by chapter two hundred twenty-four of the public laws of nineteen hundred twenty-three, as amended, and shall be deducted from the proceeds of said tax under section eight of said chapter.

Sect. 5. Any person who adulterates or misbrands within the meaning of this act, motor lubricating oil or any person who sells, distributes, transports, offers or exposes for sale, distribution or transportation any motor lubricating oil in violation of any provision of this act shall be punished by a fine not exceeding one hundred dollars for the first offense and by a fine not exceeding two hundred dollars for each succeeding offense.

Sect. 6. No person shall be prosecuted under this act with respect to any motor lubricating oil in sealed, original containers, when he can establish proof of purchase and a guaranty signed by a person residing in the United States from whom the purchase was made to the effect that the article was not adulterated or misbranded within the meaning hereof.