

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 370

S. P. 718

In Senate, March 22, 1929.

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

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

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

AN ACT to Provide for the Inspection of Internal Combustion
Engine Fuel and Lubricating Oils.

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

Section 1. It shall be unlawful for any person, firm, or
2 corporation, within this state to store, sell, distribute, trans-
3 port, expose for sale, or offer for sale, distribution or trans-
4 portation any internal combustion engine fuels, lubricating
5 oils, or other similar products in any manner whatsoever so
6 as to deceive or tend to deceive the purchaser as to the
7 nature, quality and identity of the product so sold or offered
8 for sale or which is adulterated or misbranded within the
9 meaning of this act.

Sect. 2. It shall be unlawful for any person, firm, or corporation to store, keep, expose for sale, offer for sale, or sell from any tank or container or from any pump or other distributing device or equipment, any internal combustion engine fuels, lubricating oils, or other similar products than those indicated by the name, trade name, symbol, sign, or other distinguishing mark or device of the manufacturer or distributor appearing upon the tank, container, pump, or other distributing equipment from which the same are sold, offered for sale, or distributed.

Sect. 3. It shall be unlawful for any person, firm, or corporation to disguise or camouflage his or their own equipment by imitating the design, symbol, trade name or the equipment under which recognized brands of internal combustion engine fuels, lubricating oils and similar products are generally marketed.

Sect. 4. It shall be unlawful for any person, firm, or corporation to expose for sale, offer for sale, or sell under any trade mark or trade name in general use any internal combustion engine fuels, lubricating oils or other like products except those manufactured or distributed by the manufacturer or distributor marketing internal combustion engine fuels, lubricating oils, or other like products under such trade mark or trade name, or to substitute, mix or adulterate the internal combustion engine fuels, lubricating oils, or other similar products sold, offered for sale, or distributed under such trade mark or trade name.

Sect. 5. It shall be unlawful for any person, firm, or
2 corporation to aid or assist any other person, firm, or cor-
3 poration in the violation of the provisions of this act by
4 depositing or delivering into any tank, receptacle, or other
5 container any other internal combustion engine fuels, lubri-
6 cating oils, or like products than those intended to be stored
7 therein and distributed therefrom as indicated by the name
8 of the manufacturer or distributor, or the trade mark or
9 trade name of the product displayed on the container it-
10 self, or on the pump, or other distributing device used in
11 connection therewith.

Sect. 6. For the purposes of this act the term "internal
2 combustion engine fuel" shall mean motor fuel, commonly
3 called and known as gasoline, benzol, or other product to
4 be used in the operation of an internal combustion engine.
5 The term "Misbranded" shall apply to all internal com-
6 bustion engine fuel, the package, label, pump, tank, or con-
7 tainer of which shall bear any statement, design, or device
8 regarding such article or the ingredient or substance con-
9 tained therein which shall be false or misleading in any
10 particular or which is falsely branded in any particular.
11 Gasoline shall be held to be adulterated.

1. If it contains water or tar-like matter.
2. If it contains more than four per cent by weight of
2 residue after being distilled at a temperature of 437 degrees
3 fahrenheit.
3. If the maximum temperature of the vapor on distilla-

tion without pressure exceeds 437 degrees Fahrenheit.

The method of testing to be used shall be those in general use in the petroleum refining industry.

Sect. 7. The director of the Maine agricultural experiment station shall analyze or cause to be analyzed such samples of internal combustion engine fuels, lubricating oils, and other like products at such time and to such extent as the state auditor may determine. It shall be the duty of the state auditor in person or by deputy to enforce the provisions of this act and for that purpose the state auditor in person or by deputy shall have full access, ingress, and egress at all reasonable hours to any place or building wherein internal combustion engine fuels, lubricating oils, and other like products are 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 and twenty-four of the public laws of nineteen hundred and twenty-three as amended and shall be deducted from the proceeds of said tax under section eight of said chapter.

Sect. 8. Any person, firm, or corporation, or any officer, agent, servant, or employe thereof, who shall violate any

3 provisions of this act shall be fined not exceeding \$100.00
4 for the first offense and by a fine not exceeding \$200.00
5 for each subsequent offense or be imprisoned ninety days
6 or shall suffer both such fine and imprisonment, and each
7 separate sale or attempt to sell in violation of the provisions
8 of this act shall be deemed a separate offense.