

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 624

S. P. 460

In Senate, Feb. 18, 1931.

Referred to Committee on Agriculture and 1,000 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Story of Aroostook.

STATE OF MAINE

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

AN ACT to Provide for the Proper Branding of Potatoes.

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

Section 1. No person marketing or having in his possession for commercial purposes any lot of potatoes or receptacle containing potatoes to which the standards or grades provided for in Chapter 41, Section 49, R. S. 1930 is applicable, shall represent such lot of potatoes or potatoes in receptacles, unless in a manner authorized by the commissioner of agriculture, as being of any grade other than a grade promulgated under authority of said chapter and no person, firm or corporation marketing or having in its possession for commercial purposes any lot of potatoes or receptacles containing potatoes to which such standards or grades are applicable shall represent such lot of potatoes or receptacles containing potatoes as being of a grade contained in the standards promulgated by the commissioner, when, as a matter of fact, such lot of potatoes or receptacle containing potatoes is below the requirements of such grades and no person shall market or have in his possession for commercial purposes any lot of potatoes or receptacles containing potatoes unless the marking, tagging or description thereon or thereof conforms to the grade and regulations as prescribed by the commissioner of agriculture under Chapter 41, Sections 49 to 55, R. S. 1930 in-

cluded. No person shall market or have in his possession for commercial purposes any lot of potatoes or receptacle containing potatoes to which any such marking or tagging regulation is applicable, if such marking, tagging, or description thereon or thereof is false or misleading.

Sec. 2. No standard established under authority of Chapter 41, Section 49 R. S. 1930 for the grading of potatoes shall affect the right of any person to dispose of potatoes without conforming to the standard above mentioned but such person may be required to mark, tag or describe such product in such a manner as the commissioner of agriculture may direct. This mark, tag, or description to indicate that the content is not intended to be marketed as of a grade contained in this standard, and must show any other fact regarding which marking, tagging or descriptions would be required under authority of said Chapter 41, Sections 49 to 55 inclusive.

Sec. 3. Provided, however, that this act shall not apply when potatoes are offered for sale by the grower direct to the consumer in lots of less than one carload within the state or when certified seed as defined in Chapter 41, Section 4, R. S. 1930, are offered for sale.

Sec. 4. Whoever adulterates or misbrands potatoes within the meaning of this act or whoever packs, sells, distributes, transports, offers or exposes for sale, distribution or transportation, potatoes in violation of any provisions 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 subsequent offense. All fines herein provided shall be paid to the Treasurer of State and credited to the appropriation for the Department of Agriculture for the enforcement of the provisions of this act.