

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 28

H. P. 64

House of Representatives, January 19, 1937.

Referred to Committee on Agriculture. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Prince of Detroit.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Regulating the Labeling of Fresh Eggs for Sale.

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

Sec. 1. Labeling fresh eggs for sale. No person, firm, partnership, association, or corporation shall sell, or offer, expose or advertise for sale, or exchange or distribute eggs as "fresh eggs," "strictly fresh eggs," "native eggs," "hennery eggs," "nearby eggs," or "new laid eggs," or under other words or descriptions of similar import, unless they are fresh eggs as defined in this chapter.

Sec. 2. Fresh eggs defined. No eggs shall be deemed to be fresh unless they are free from objectionable odor and flavor, and unless they meet the following standards of quality, the final determination of which shall be made by candling; air cell not greater than $\frac{1}{4}$ inch in depth, localized and regular, yolk fairly well centered, outline only moderately defined,—may be visible, but free from visible germ development; white, firm and clear.

Sec. 3. Other definitions and terms. Terms used in this act shall be construed as follows unless a different meaning is clearly apparent from the language or context: "persons" means any person, firm, partnership,

corporation or association; "retail" means selling direct to consumer; "candling" means the common practice of examining the interior of an egg by holding and twirling the same before a light passing through an aperture in an opaque shield; "large" eggs shall mean eggs which average at least 24 ounces net to the dozen and no eggs weighing less than at the rate of 23 ounces; "medium" eggs mean eggs which average at least 21 ounces to the dozen and no eggs weighing less than at the rate of 20 ounces; "small" eggs mean any eggs which will not qualify as to size under "large" or "medium."

Sec. 4. To provide for proper branding. All eggs offered for human consumption which do not conform to the requirements of "large" as defined in this act and which are sold, offered, exposed or advertised for sale, at retail or exchanged or distributed at retail within this state in bulk or in open or closed packages or containers shall be plainly and conspicuously marked and identified as "medium," or "small," as the case may be, or by such other terms as the commissioner of agriculture may from time to time prescribe.

Sec. 5. Tolerances established. In order to allow for variations incident to proper grading and handling the following tolerances shall be allowed: (a) Ten eggs in each dozen shall meet the minimum requirements for fresh eggs. Not more than 2 eggs in each dozen may be below the following requirements; air cell not greater than $\frac{3}{8}$ inch in depth; localized, may be slightly tremulous; yolk may be visible, mobile, germ developments slightly visible; white reasonably firm. (b) Not more than 2 eggs in each dozen "large" and "medium" shall fall below the required average weight of "large" and "medium" as designated in this act.

Sec. 6. Enforcement. The commissioner of agriculture shall have authority to administer the provisions of this act and to make uniform rules and regulations for such administration. The commissioner of agriculture may recover the penalties imposed for violations of this chapter in an action of debt brought in his own name, the venue to be as in other civil cases, and if he prevails in any such action, shall recover full costs; or he may prosecute for violation hereof by complaint or indictment, and such prosecution shall be commenced in the county in which the offense is committed.

Sec. 7. Penalty for violation. Any person, firm, partnership, association, or corporation who shall violate any of the provisions of this act,

or shall neglect or refuse to comply with the provisions thereof or any rule or regulation promulgated hereunder shall be punished by a fine of not more than \$10 for the first offense and not more than \$50 for the second offense, and not more than \$100 for any subsequent offense.

Sec. 8. Jurisdiction and disposal of funds. Municipal courts and trial justices shall have original jurisdiction, concurrent with the superior court, of actions brought for the recovery of penalties imposed by this chapter, and of prosecutions for violation hereof. All fines received under this chapter by county treasurers shall be paid by them to the commissioner of agriculture; and all money received by the commissioner of agriculture under this chapter shall be paid by him to the treasurer of state, and the same is hereby appropriated for the purpose of carrying out the provisions of this act.

Sec. 9. Appropriation for carrying out provisions. There hereby is appropriated the sum of \$6000 and the same is hereby assigned to the use of the commissioner of agriculture for the purpose of carrying out the provisions of this act.