

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1883.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1883.

CHAP. 238 whose benefit the funds are applied, except that so much of the real estate of such corporations as is not occupied by them for their own purposes, shall be taxed in the municipality in which it is situated.'

SECT. 2. This act shall take effect when approved.

Approved March 15, 1883.

Chapter 238.

An Act to regulate the importation, manufacture and sale of fertilizers.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Fertilizers kept for sale, etc., to be labeled to show component parts.

SECT. 1. Every lot or parcel of commercial fertilizer sold, offered or exposed for sale within this state, shall be accompanied by a printed label, which shall state clearly the composition of the same, as follows, to wit: In the case of all fertilizers which are sold at more than twelve dollars per ton, and which contain nitrogen, potash, or phosphoric acid, the said label shall give the percentage of nitrogen, or its equivalent in ammonia, in an available form; of potash soluble in water, and of phosphoric acid in an available form, soluble or reverted, as well as the total phosphoric acid. In the case of those fertilizers which consist of other and cheaper materials, the said label shall give a correct general statement of the composition and ingredients of the fertilizer it accompanies.

Form of label.

Importers required to procure license.

SECT. 2. Every importer of commercial fertilizers, as specified in section one, before offering the same for sale in this state, shall procure a license as an importer of the same, and shall pay into the treasury of this state the sum of fifty dollars, annually, as a license fee; and shall at the same time, file with the secretary of the state board of agriculture, a paper giving the name of his principal agents, and also the name and composition of the fertilizer or fertilizers manufactured or imported by him. Such license shall entitle the person to whom it is issued to sell and offer for sale only one distinct kind of fertilizer; but such person shall be entitled to sell any other kind of fertilizer upon the payment into the treasury of this state an additional license fee of fifteen dollars for each such additional kind.

—shall pay fee to state.

—shall file paper with secretary of board of agriculture, giving name of agents, etc.

—may sell only one kind.

—may sell additional kind upon payment of additional fee.

SECT. 3. Any person selling, offering or exposing for sale any commercial fertilizer, without the statement required by the first section of this act, or with a label stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, or respecting the sale of which, all the provisions of section two have not been fully complied with, shall forfeit one hundred dollars for the first offense and two hundred dollars for each subsequent offense. Suits may be brought for the recovery of fines or damages under the provisions of this act, in the county where the fertilizer was offered for sale or where it was manufactured; and all fines so recovered shall be paid into the treasury of state by the court collecting the same. Such suits shall be brought by the secretary of the state board of agriculture in the name of the state of Maine.

Penalty for violation of sections one and two.

Where and by whom suits may be brought, etc.

SECT. 4. The secretary of the state board of agriculture shall be state inspector of fertilizers. It shall be the duty of said inspector or some competent person by him deputized, annually, to analyze one or more specimens of every kind of commercial fertilizers coming within the provisions of this act, which may be offered for sale within this state, and of the existence of which he shall be informed by the secretary of the state board of agriculture; and for this purpose he is authorized and directed to take from any package or packages of said fertilizers which may be in the possession of any dealer a sample not exceeding one pound in weight. He shall report annually to the state board of agriculture the result of his inspection and the analysis made by him, and furnish the secretary of said board such important information in regard to commercial fertilizers as he shall from time to time obtain.

Inspector of fertilizers, duties and powers.

SECT. 5. The fee of the state inspector of fertilizers shall be fifteen dollars for each analysis made by him, or under his direction, and traveling expenses to be paid from the treasury of the state on certificate of the state board of agriculture; *provided*, that no larger sum shall be paid for such services each year than is paid into the treasury of the state for license fees as provided in section two.

Fees of inspector

SECT. 6. It shall be the duty of said inspector, upon ascertaining any violation of this act to forthwith inform the

Duty of inspector in cases of violation.

CHAP. 239

manufacturer and the secretary of the state board of agriculture in writing thereof; and it shall be the duty of said secretary to immediately institute proceedings against all parties violating this act.

Penalty if secretary of board of agriculture or chemist, fail to perform duties, etc.

SECT. 7. If the secretary of the state board of agriculture, or the chemist making the analysis of fertilizers under this act, shall violate, or knowingly fail to perform his duty as prescribed in section four, or shall collude with any manufacturer of, or agent, or dealer in any fertilizer, to evade the provisions of this act, so as to injure any manufacturer of, or agent, or dealer in any fertilizer, such secretary or chemist shall, upon conviction thereof, be sentenced to a fine of five hundred dollars, to be recovered by any court of competent jurisdiction.

License to be issued by secretary of state.

SECT. 8. The license required by section two shall be issued by the secretary of state.

Inconsistent acts repealed.

SECT. 9. Any act or parts of acts inconsistent with this act is hereby repealed.

SECT. 10. This act shall take effect when approved.

Approved March 15, 1883.

Chapter 239.

An Act to amend chapter seventy-eight of the Public Laws of eighteen hundred and seventy-six, relating to fish weirs.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Sec. 1, ch. 78, public laws 1876, amended.

SECT. 1. Section one of chapter seventy-eight of the public laws of eighteen hundred and seventy-six, is hereby amended by striking out after the word "other," in the thirteenth line, the words, "and shall determine to allow the same," so that said section, when amended, shall read as follows :

License to build wharves and fish weirs.

SECT. 1. Any person intending to build or extend any wharf or fish weir in tide waters within the limits of any town or city, may make application in writing to the municipal officers thereof, stating the location, limits and boundaries, as near as may be, of such intended erection or extension,