

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1899.

Chapter 58.

An Act relating to Sealers of Weights and Measures.

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

Sealers shall give notice of times and places for sealing weights and measures.

Section 1. The sealers of weights and measures in the several cities and towns shall annually give public notice by advertisement, or by posting in one or more public places in their respective cities and towns notices to all inhabitants or persons having usual places of business therein and who use weights, measures or balances for the purpose of selling any goods, wares, merchandise or other commodities or for public weighing to bring in their weights, measures and balances to be adjusted and sealed. Such sealers shall attend in one or more convenient places and shall adjust, seal and record all weights, measures and balances so brought in.

Sealers shall visit persons who neglect to comply.

Section 2. After giving said notice the said sealers shall go to the houses, stores and shops of persons who neglect to comply therewith, and having entered the same with the assent of the occupants thereof, shall adjust and seal their weights, measures and balances.

Shall visit once a year, all having scales and test same.

Section 3. Said sealers shall go once a year and oftener if necessary, to every hay and coal scale, to every platform balance within their respective cities and towns that cannot be easily or conveniently removed, and shall test the accuracy of and adjust and seal the same.

All scales, weights and measures may be tested any time.

Section 4. All persons using any scales, weights or measures for the purpose of buying or selling any commodity, may, when they desire it, have the same tested and sealed by the sealers of weights and measures at the office of any of said sealers.

If sealer cannot seal any weights, etc., he may mark to show inspection.

Section 5. In case a sealer of weights and measures cannot seal any weights, measures and balances in the manner before provided, he may mark them with a stencil, or by other suitable means so as to show that they have been inspected; but he shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standards. If such weights, measures or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall affix to such weights, measures or balances a notice, forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without consent of the officer affixing the same, shall for each offense forfeit a sum not exceeding fifty dollars, one-half to the use of the city or town and one-half to the use of the complainant.

—use of weights, etc., that cannot be adjusted by sealers, forbidden.

Section 6. A sealer when visiting the place of business of any person for the purpose of testing any weights, measures or balances, may use for that purpose such weights, measures or balances as he can conveniently carry with him, and each city and town shall furnish its sealer with one or more duplicate sets of weights, measures and balances, which shall at all times be kept to conform to the standards furnished by the state, and all weights, measures and balances so sealed shall be deemed to be legally sealed the same as if tested and sealed with the standard weights, measures and balances.

Sealer shall be furnished with appliances for testing weights, etc., by towns and cities.

Section 7. A sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in cases of violation of the law relating to the sealing of weights and measures, such weights, measures or balances to be returned to the owners, or forfeited as the court may direct.

False weights and measures may be seized and used as evidence of violation of law.

Section 8. When a complaint is made to a sealer of weights and measures by any person that he has reasonable cause to believe or when such sealer himself has reasonable cause to believe that a weight, measure or balance used in the sale of any commodity within his city or town is incorrect, the said sealer shall go to the place where such weight, measure or balance is and shall test the same, and mark it according to the result of the test applied thereto; and if the same is incorrect and cannot be adjusted, the said sealer shall attach a notice thereto, certifying that fact, and forbidding the use thereof until it has been made to conform to the authorized standard. Any person using a weight, measure or balance after a sealer has demanded permission to test the same, and has been refused such permission shall be liable to a penalty of not less than ten nor more than one hundred dollars.

Proceedings, when complaint is made, that incorrect weights, etc., are being used.

—penalty for using a weight, etc., after sealer has been refused permission to test.

Section 9. All weights, measures and balances that cannot be made to conform to the standard shall be stamped 'condemned' or 'CD' by the sealer, and no person shall thereafter use the same under the penalties provided in the case of the use of false weights and measures.

How weights, etc., shall be stamped that are incorrect.

Section 10. If a person knowingly uses a false weight, measure, scale, balance or beam, or after a weight, measure, scale, balance or beam has been adjusted and sealed, alters it so that it does not conform to the public standard and fraudulently makes use of it, he shall forfeit for each offense fifty dollars, one-half to the use of the city or town and one-half to the use of the complainant; and every sealer who has reasonable cause to believe that a weight, measure, scale, balance or beam has been altered since it was last adjusted and sealed shall enter the premises in which it is kept or used and shall examine the same.

Penalty for using any false weights, etc.

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Penalty for using weights, etc., which have not been sealed.

Section 11. Whoever sells by any other weights, measures, scales, beams or balances than those which have been sealed as before provided, shall forfeit a sum not exceeding twenty dollars for each offense, and when by the custom of trade such weights, measures, scales, beams or balances are provided by the buyer, he shall, if he purchases by any other, be subject to a like penalty to be recovered by an action of tort to the use of the complainant.

Fees of sealers of weights for testing same.

Section 12. The fees of sealers of weights and measures, for testing and adjusting scales, weights and measures by the town standard, to be paid for by the persons for whom the service is rendered, are as follows: for testing railroad track scales of forty thousand pounds capacity and upwards, two dollars; elevator scales of twenty thousand pounds capacity and upwards, one dollar and fifty cents; platform scales of five thousand pounds capacity and upwards, one dollar; dormant scales of less than five thousand pounds capacity, fifty cents; dormant beef track scales, fifty cents; platform scales of less than five thousand pounds capacity, fifty cents; beam scales of over one thousand pounds capacity, fifty cents; platform scales of less than one thousand pounds capacity, twenty-five cents; platform counter scales, twenty-five cents; counter balance or trip scales, ten cents; spring balance scales, fifteen cents; weights, each, three cents; measures, wet and dry, each three cents; yard sticks, each, five cents; coal baskets, each, ten cents; milk cans, large size, five cents each; milk cans, small size, three cents each; milk bottles, three cents each; for adjusting or repairing any scale, a fair and reasonable compensation; for adjusting weights when either light or heavy, not to exceed ten cents each; for adjusting measures, wet or dry, when either large or small, not to exceed ten cents each; for adjusting yard sticks, not to exceed five cents each; for adjusting any weight or measure not mentioned above, a fair and reasonable compensation.

Sealer may be paid. Salary and fees paid into treasury.

Section 13. The city council of a city may by ordinance, and a town may by by-law, provide that the sealer of weights and measures for their city or town shall be paid by a salary, and that he shall account for and pay into the treasury of the city or town the fees received by him by virtue of his office; and where such salary is paid no fees shall be charged for services rendered under section one.

Inconsistent acts, repealed.

Section 14. All acts and parts of acts, inconsistent with this act, are hereby repealed.

Approved March 11, 1899.