

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

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—how
expended.

Maine Agricultural Experiment Station, and the same may be expended in the analysis of food and agricultural seeds. So much of said appropriation shall be paid by the treasurer of state to the treasurer of said experiment station as the director of said station may show by his bills has been expended in performing the duties required by the acts regulating the sale and analysis of food and the sale of agricultural seeds. Such payment shall be made quarterly upon the order of the governor and council, who shall draw a warrant for that purpose.

Section 3. This act shall take effect when approved.

Approved March 15, 1905.

Chapter 67.

An Act to amend Section fifty-three of Chapter forty-one of the Revised Statutes, relating to a bounty on Seals.

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

Section 53,
chapter 41,
R. S.,
amended.

Section 1. Section fifty-three of chapter forty-one of the revised statutes is hereby amended by striking out all of said section as far as the word "no" in the ninth line, so that said section as amended, shall read as follows:

Shooting
seals
prohibited
during June,
July and
August.

'Section 53. No person shall during the months of June, July and August destroy seals in the waters of Casco bay by shooting with rifle or other long range weapon, which might endanger human life, under a penalty for any violation of this section, of fifty dollars, to be recovered upon complaint or indictment, before any court of competent jurisdiction.'

Section 2. This act shall take effect when approved.

Approved March 15, 1905.

Chapter 68.

An Act to regulate the sale and analysis of Food.

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

Manufacture
or sale of
adulterated
articles
of food
forbidden.

Section 1. It shall be unlawful for any person, persons or corporation within this state to manufacture for sale, to sell, or to offer or expose for sale any article of food which is adulterated or misbranded within the meaning of this act.

Definition
of the term
food.

Section 2. The term food, as used in this act, shall include every article used for food or drink by man, horses or cattle.

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Section 3. For the purpose of this act an article of food shall be considered as adulterated or misbranded:

First. If any substance or substances be mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any inferior substance or substances be substituted wholly or in part for this article.

Third. If any necessary or valuable constituent of the article be wholly or in part abstracted.

Fourth. If it be in imitation of, or sold under the name of another article.

Fifth. If it be colored, coated, polished or powdered whereby damage is concealed, or if it be made to appear better or of greater value than it is.

Sixth. If it contains poisonous ingredients, or if it contains any antiseptic or preservative not evident or not known to the purchaser.

Seventh. If it consists wholly or in part of a diseased, filthy, decomposed or putrid animal or vegetable substance.

Eighth. If the package or label shall have any statement purporting to name any ingredient or substance as not being contained in the article, which statement shall be untrue in any particular.

Ninth. If the package or label shall bear any statement purporting to name the substance or substances of which the article is made, which statement shall not fully give the names of all substances contained therein.

Tenth. If it be labeled or branded so as to deceive or mislead the purchaser in any particular.

Provided, that any article of food which is adulterated within the meaning of this act, but which does not contain any poisonous or deleterious ingredient, may be manufactured or sold if the same shall be plainly labeled, branded or tagged so as to show the exact character thereof. Provided further, that nothing in this act shall be construed as requiring proprietors, manufacturers or sellers of proprietary foods which contain no unwholesome substances to disclose their trade formulas, except that in the case of baking powders each can or package shall be plainly labeled so as to show the acid salt or salts contained therein.

Section 4. The director of the Maine Agricultural Experiment Station shall analyze, or cause to be analyzed, samples of articles of food on sale in Maine, suspected of being adulterated, and at such times and to such extent as said director may determine. And said director, in person or by deputy, shall have free access at all reasonable hours to any place wherein articles

Definitions of the terms adulterated or misbranded.

--mixtures.

--inferior substances.

--lack of necessary or valuable constituents.

--imitations.

--colored, coated, etc.

--containing poisonous ingredients, etc.

--diseased, or filthy.

--misstatements on label.

--names of all the ingredients.

--deceptive labels.

--provisions and exceptions.

--further provisions.

Analysis of.

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of food are offered for sale, and upon tendering the market price of any such article may take from any person, persons or corporations samples for analysis.

Results of analysis shall be published.

--with names of persons from whom samples were taken.

--standards of purity.

Penalties for violation of this act.

Commissioner of agriculture shall prosecute offenders.

Contracts made in violation of this act not actionable.

Inconsistent acts repealed.

Section 5. The results of all analyses of articles of food made by said director shall be published by him in the bulletins or reports of the experiment station, together with the names of the persons from whom the samples were obtained, and the names of the manufacturers thereof. The said director may also adopt or fix standards of purity, quality or strength when such standards are not specified or fixed by law and shall publish them, together with such other information concerning articles of food as may be of public benefit.

Section 6. Whoever adulterates or misbrands any article of food as defined in this act, or whoever sells, offers or exposes for sale any adulterated or misbranded article of food, shall be punished by a fine not exceeding one hundred dollars for the first offense and not exceeding two hundred dollars for each subsequent offense.

Section 7. Whenever said director becomes cognizant of the violation of any of the provisions of this act, he shall report such violation to the commissioner of agriculture, and said commissioner shall prosecute the party or parties thus reported.

Section 8. No action shall be maintained in any court in this state on account of any sale or other contract made in violation of this act.

Section 9. Sections ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of chapter one hundred and twenty-nine of the revised statutes and all acts or parts of acts inconsistent herewith, are hereby repealed.

Section 10. This act shall take effect when approved.

Approved March 15, 1905.

Chapter 69.

An Act to amend Chapter nine of the Revised Statutes, relating to the Assessment of Taxes on lands in places not incorporated.

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

Section 41, chapter 9, R. S., amended.

Section 1. Section forty-one of chapter nine of the revised statutes is hereby amended by adding after the word "January" in the last line of said section, the words 'May and September,' so that said section when amended, shall read as follows:

County commissioners may

'Section 41. Such lands may be assessed by the county commissioners according to the last state valuation for a due pro-