

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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.

1907.

Chapter 129.

An Act to protect Milk Dealers and Consumers against the unlawful use and destruction of milk cans and other receptacles.

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

Dealers may file description of name and devices with town clerk and secretary of state.

Section 1. All persons and corporations engaged in buying, selling or dealing in milk or cream in cans, jugs, bottles or jars, with their names or other marks or devices, together with the word 'registered,' branded, engraved, blown or otherwise produced in a permanent manner in or upon such cans, jugs, bottles or jars, may file in the office of the clerk of the city or town in which their principal place of business is situated, and also in the office of the secretary of state, a description of the name or names, mark or marks, device or devices so used by them, and cause such description to be published once each week for four weeks successively in a newspaper published in the city or town in which said description has been filed aforesaid, except that where there is no newspaper published in such city or town then such publication may be made in any newspaper published in the county in which such city or town is situated.

—publish description.

Penalty for using any milk can, etc., without consent of owner.

Section 2. Whoever without the consent of the owner takes, detains or uses in his business, sells, disposes of, buys, conceals or traffics in any milk can, jug, bottle or jar, the owner of which has complied with the provisions relating thereto in section one of this act, shall be punished for the first offense by a fine not exceeding five dollars, or by imprisonment for a term not exceeding sixty days, for each can, jug, bottle or jar so taken, detained or used in his business, sold, disposed of, bought, concealed or trafficked in, and for any subsequent offense by a fine not exceeding ten dollars, or by imprisonment for a term not exceeding six months, for each can, jug, bottle or jar so taken, detained or used in his business, sold, disposed of, bought, concealed or trafficked in as aforesaid. Possession by any person in the transaction of his business of any such article the owner of which has complied with the provisions of section one of this act shall constitute prima facie evidence of the unlawful taking, use, detention, possession of or traffic in the same within the meaning of this act.

—possession, prima facie evidence.

Penalty for defacing or mutilating any can, jug, etc.

Section 3. Whoever without the consent of any owner who has complied with the provisions of section one of this act wilfully destroys, mutilates or defaces any can, jug, bottle or jar bearing such owner's name, mark or device, or wilfully erases, mars, covers or changes any word or mark branded, engraved, blown or otherwise produced, in a permanent manner in or

upon any such can, jug, bottle or jar, shall be punished for the first offense by a fine not exceeding five dollars, or by imprisonment for a term not exceeding sixty days, for each can, jug, bottle or jar so destroyed, mutilated or defaced, or for each can, jug, bottle or jar upon which any word or mark has been erased, marred, covered or changed as aforesaid; and for any subsequent offense by a fine not exceeding ten dollars, or by imprisonment for a term not exceeding six months, for each can, jug, bottle or jar, so destroyed, mutilated or defaced, or for each can, jug, bottle, or jar upon which any word or mark has been erased, marred, covered or changed as aforesaid.

Section 4. Whoever puts any unclean or foul substance or matter into any milk can, jug, bottle or jar, the owner of which has complied with the provisions of section one of this act, shall be punished for the first offense by a fine of not less than fifty cents nor more than five dollars, for each can, jug, bottle or jar so defiled; and for any subsequent offense by a fine of not less than two dollars nor more than twenty dollars, for each can, jug, bottle or jar so defiled.

Penalty for placing any foul substance into any can, jug, etc.

Section 5. Whenever any person or corporation having complied with the provisions of section one of this act, or the agent of any such person or corporation, shall make oath before any justice of any municipal, police or district court, or before any trial justice, that he has reason to believe and does believe that any person or corporation has wrongfully in possession or is secreting any of his or its milk cans, jugs, bottles or jars, marked and described as provided in section one of this act, said justice or trial justice shall, if satisfied that there is reasonable cause for such belief, issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person or an agent or employee of the corporation in whose possession such cans, jugs, bottles or jars are found, and shall thereupon inquire into the circumstances of such possession; and if said justice or trial justice finds that such person or corporation has been guilty of a wilful violation of section two, three or four of this act he shall impose the penalty prescribed in the section or sections so violated, and shall also award to the owner possession of the property taken upon such search warrant.

For reasonable cause, search warrant may be issued to discover and obtain vessels held in wrongful possession.

—penalty.

Section 6. This act shall take effect when approved.