

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1909

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 35

Section 13,
chapter 15,
amended.

Section 9. Section thirteen of said chapter fifteen is hereby amended by striking out all of said section and inserting in place thereof the following:

Appropriation.

'Section 13. For the purpose of carrying into effect the provisions of this act there shall be appropriated the sum of thirty-five thousand dollars annually to be expended under the supervision of the commissioner of agriculture upon the presentation of properly approved bills for the same. Any part of this appropriation remaining unexpended at the end of any calendar year may be expended during the following year.'

Section 15,
repealed.

Section 10. Section fifteen is hereby repealed.

Approved March 3, 1909.

Chapter 35.

An Act regulating the duties of the Commissioner of Agriculture in relation to the manufacture, transportation and sale of dairy products and their imitation.

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

Duty of commissioner of agriculture.

Section 1. The commissioner of agriculture shall, either in person or by duly authorized agent or assistant, diligently inquire into and investigate the production, manufacture, transportation, storage and sale of milk, cream, butter and all other dairy products, substitutes therefor or imitations thereof. And said commissioner, his agents or assistants, shall have access at all reasonable hours, to all places of business, factories or carriages, cans or other vessels used or which he or they believe to be used in the production or handling of milk or any other dairy product, substitute therefor or imitation thereof, and upon tendering the market price of a sample of milk or other dairy products, substitute therefor or imitation thereof, may take such sample from any person, firm, corporation, association or society, and said commissioner of agriculture shall cause all samples taken by authority of this act to be analyzed.

—shall have access to all places of business, etc.

Commissioner of agriculture, his agents and assistants, shall not be obstructed in performance of duty.

Section 2. Any person who hinders, obstructs, or in any way interferes with the commissioner of agriculture, his agents or assistants, in the performance of his or their duty, herein above set forth, by refusing entrance to any place where he is authorized to enter, or access to any receptacle to which he is authorized to have access, or by refusing to deliver to him, his agents or assistants, a sample of milk or any other

dairy product, substitute therefor or imitation thereof, sold, offered or exposed for sale by the person to whom such request is made if the value thereof is tendered, or shall in any other manner hinder, obstruct or interfere with said commissioner, his agents or assistants in the performance of any of their said duties, shall be punished by a fine of one hundred dollars for the first offense and two hundred dollars for each subsequent offense.

—penalty.

Section 3. The commissioner of agriculture shall publish the results of all analyses with the names of the persons, firms, corporations, associations and societies from which the samples analyzed were taken, together with such suggestions as he may deem advisable, in the regular or special bulletins issued by the department of agriculture. He shall also, in his discretion, issue each month a report of the results of all analyses, for distribution to all such newspapers in the state as may request a copy.

Shall publish results of analyses.

—may issue monthly report.

Section 4. Any person, firm, corporation, association or society who shall sell or deliver milk or cream to any person from a wagon or other conveyance, depot or store, or who shall sell or deliver milk to a hotel, restaurant, boarding-house or any public place, shall be considered a milk dealer within the meaning of this act, and shall on or before the first day of April in each year register with the commissioner of agriculture, furnishing such information as may be required, upon blanks issued and furnished by said commissioner of agriculture to such persons as may request the same. And every such registration shall expire April first, next after its issue and shall be given only to the milk dealer owning or leasing the vehicle or place from which sales or supplies are to be made, and shall not be transferred. Upon receipt of the application for registration, containing the information required, the commissioner shall issue to said applicant a certificate of registration, which certificate shall be posted in a conspicuous place in the store or depot from which sale or supply is made, and the number of the certificates of registration for each wagon or other vehicle shall be placed in a conspicuous place on said wagon or other vehicle. Should any person, firm, corporation, association or society desire to become a milk dealer, as provided by this section, before the first day of April in any year, he or they shall, prior to engaging in the business, register with the commissioner of agriculture in the same manner as hereinbefore provided, for each place or vehicle from which sale or supply is to be made. Any dealer who neglects or

Milk dealer defined within meaning of this act.

—milk dealers shall register with commissioner of agriculture.

—when registration shall expire.

—commissioner shall issue certificate to dealer.

—certificate shall be posted.

—registration prior to April 1, in any year.

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—penalty for refusing to register or post certificate.

refuses to register with the commissioner of agriculture, or to post certificates of registration in the store or depot from which sale or supply is made, or to post the number of the certificate of registration on the wagon or other vehicle from which sale or supply is made, as provided in this section, forfeits fifty dollars to be recovered in an action of debt, to be prosecuted in the name of the state by the county attorney for the county in which such violation of this statute has occurred, but the provisions of this section shall not apply to milk or cream delivered to a creamery or butter or cheese factory.

—exception.

All provisions of law now existing requiring the licensing of milk dealers as they are known under this section shall be and hereby are repealed when this act shall take effect.

Commissioner of agriculture shall enforce the provisions of this act.

Section 5. The commissioner of agriculture shall, either in person or by duly authorized agent or assistant, diligently enforce, in the name of the state, the laws regarding the production, manufacture, transportation, storage and sale of milk and all other dairy products, substitutes therefor or imitations thereof, including oleomargarine and renovated butter, and for the above purpose he may employ such agents, assistants, chemists, counsel and clerks, and he may purchase such samples of milk, cream and other dairy products, substitutes therefor or imitations thereof, and such stationery, postage, printed matter and other supplies incidental thereto, as may be necessary for the proper enforcement of said laws, and for such expenses there shall be appropriated annually the sum of four thousand dollars, to be paid upon the approval of the governor and council upon the presentation of proper vouchers.

—may employ agents.

—appropriation.

County attorneys when called upon shall give aid.

Section 6. The county attorney for the county in which a violation of these statutes has occurred, shall when called upon to do so by the commissioner of agriculture or either of his duly authorized agents or assistants, give all the aid in his power to secure the enforcement of this chapter, and shall prosecute cases arising under the provisions of this chapter, or the provisions of other statutes relating to dairy products, substitutes therefor or imitations thereof.

Court jurisdiction.

Section 7. Trial justices and municipal and police courts are hereby vested with original jurisdiction concurrent with the supreme and superior courts, to try, and upon conviction, to punish, for offenses against the provisions of this act and all other statutes relating to the production, manufacture, transportation, storage and sale of milk, cream, butter, cheese and all other dairy products, substitutes therefor or imitations thereof.

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Section 8. The mayor and aldermen, selectmen, assessors, city marshal, chief of police and constables in every city and town shall make complaint and prosecute all violations of this chapter and promptly enforce all laws against illegal sale and transportation of dairy products. One-half of the penalty shall go to the town in which the offense is committed and the other half to the complainant.

Municipal officers shall make complaints and prosecute violations.

Section 9. Chapter thirty-nine of the public laws of nineteen hundred and five, and all other acts and parts of acts inconsistent herewith are hereby repealed.

Chapter 39, public laws 1905, and inconsistent acts repealed.

Approved March 3, 1909.

Chapter 36.

An Act to amend Sections seventeen, eighteen, nineteen, twenty, twenty-six and thirty of Chapter thirty-nine of the Revised Statutes, relating to the regulation and sale of commercial fertilizers, commercial feeding stuffs and agricultural seeds.

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

Section 1. Section seventeen of chapter thirty-nine of the revised statutes is hereby amended by striking out all following the words "name or trade mark" in the seventh line of said section and adding thereto 'such certificate shall apply to the entire calendar year next succeeding the date upon which said certificate is made. The manufacturer, company or person who shall file said certificate shall pay annually to the treasurer of state an analysis fee as follows: Ten dollars for the phosphoric acid, and five dollars each for the nitrogen and potash, contained or said to be contained in the fertilizer, this fee to be assessed on any brand sold in the state. Upon receipt of the treasurer's receipt for such fee and of the certified statement, said director shall issue a certificate of compliance with this chapter. Whenever the manufacturer or importer of a fertilizer shall have filed the statement and paid the analysis fee, no agent or seller of said manufacturer, importer or shipper shall be required to file such statement or pay such fee,' so that said section as amended shall read:

Section 17, chapter 39, R. S., amended.

'Section 17. Every manufacturer, company or person, who shall sell, offer or expose for sale in the state any commercial fertilizer or material used for fertilizing purposes, the price of which exceeds ten dollars a ton, shall file annually between the fifteenth day of November and the fifteenth day of December with the director of the Maine Agricultural Experiment

Manufacturers shall annually file certified copy of statement with Maine Agricultural Experiment Station.