

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

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 36

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of the public laws of nineteen hundred and five, and all other acts and parts of acts inconsistent herewith are hereby repealed.

Chapter 39, public laws 1905, and inconsistent acts repealed.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

CHAP. 36

—analysis fees to be paid state treasurer.

—director shall issue certificate.

Sections 18 and 19, R. S., repealed.

Section 20, chapter 39, R. S., amended.

Director shall annually analyze samples of fertilizers.

—how samples shall be taken.

—results shall be published.

Section 26, chapter 39, R. S., amended.

Station, a certified copy of the statement named in the preceding section, for each and every fertilizer bearing a distinguishing name or trade mark. Such certificates 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.'

Section 2. Section eighteen and section nineteen of chapter thirty-nine of the revised statutes are hereby repealed.

Section 3. Section twenty, chapter thirty-nine of the revised statutes are hereby amended by striking out the words in the second and third lines: "Taken in the manner hereinafter prescribed," and all after the words "in the state" in the eighth line of said section, and adding thereto, 'the results of the analyses of all samples of commercial fertilizers together with such additional information as may be of public benefit shall be published in reports or bulletins of the station,' so that said section as amended shall read:

'Section 20. The director of the Maine Agricultural Experiment Station annually shall analyze, or cause to be analyzed, at least one sample of every fertilizer sold or offered for sale under the provisions of this chapter. Said director shall take, in person or by deputy, a sample, not exceeding two pounds in weight, for said analysis, from any lot or package of fertilizer, or any material used for manurial purposes which may be in the possession of any manufacturer, importer, agent or dealer in the state. The results of the analyses of all samples of commercial fertilizers together with such additional information as may be of public benefit shall be published in reports or bulletins of the station.'

Section 4. Section twenty-six, chapter thirty-nine of the revised statutes is hereby amended by striking out all following the words "in the state" in the seventh line of said section and adding thereto, 'the results of the analyses of all samples of concentrated commercial feeding stuffs together with such

additional information as may be of public benefit shall be published in reports or bulletins of the station,' so that said section as amended shall read:

'Section 26. The director of the Maine Agricultural Experiment Station annually shall analyze, or cause to be analyzed, at least one sample of every concentrated commercial feeding stuff sold or offered for sale under the provisions of this chapter. He shall take in person or by deputy, a sample, not exceeding two pounds in weight, for said analysis, from any lot or package of concentrated commercial feeding stuff which may be in the possession of any manufacturer, importer, agent, or dealer in the state. The results of the analyses of all samples of concentrated commercial feeding stuffs together with such additional information as may be of public benefit shall be published in reports or bulletins of the station.'

Director shall annually analyze samples of feeding stuff.

—how samples shall be taken.

—results shall be published.

Section 5. Section thirty of chapter thirty-nine of the revised statutes is hereby amended by striking out the words "nineteen" and "twenty-one" in the third line, the word "substantially" in the fourth and seventh lines, and the words "with intention to deceive" in the tenth and eleventh lines of said section so that the section as amended shall read:

Section 30, chapter 39, R. S., amended.

'Section 30. Whoever sells, offers or exposes for sale or for distribution, in the state, any commercial fertilizer without complying with the requirements of sections sixteen and seventeen, or any fertilizer which contains a smaller percentage of constituents than are certified to be contained, or any concentrated commercial feeding stuffs as defined in section twenty-four without complying with the requirements of section twenty-two, or any feeding stuff which contains a smaller percentage of constituents than are certified to be contained, or any agricultural seed without complying with the requirements of sections twenty-seven and twenty-eight, or whoever wrongly marks or labels any package or bag containing garden or vegetable seeds or any other agricultural seed, not including those of trees, shrubs or ornamental plants, 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. Municipal and police courts and trial justices are hereby vested with original jurisdiction concurrent with the supreme judicial and superior courts, to try, and, upon conviction, to punish, for offenses against the provisions of this act.'

Punishment for violations of sections 16, 17, 22, 27 and 28.