

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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

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AUGUSTA  
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth  
Legislature

1909

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third, every such weir shall be stripped so as to render it incapable of taking fish between the fifteenth day of June and the fifteenth day of Augusta of each year; but these conditions apply only to weirs that exceed the aforesaid limit of depth. The standard for low water mark on the Kennebec river is in all cases the nearest bench mark of the new United States coast survey allowance being made at the various points for the difference in time. The provisions of this and the preceding sections do not apply to weirs built for the purpose of taking herring, or other salt water fish.'

—standard for low water on the Kennebec river.

—exception.

Approved April 2, 1909.

**Chapter 247.**

An Act to provide for the uniform grading, packing and branding of Apples.

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

Section 1. All barrels, boxes, crates and other closed packages of apples intended or offered for sale in the state of Maine, or for shipment outside of the state, shall be marked on the end in plain letters not less than five-eighths of one inch in length with the name and address of the purchaser or owner of said apples at the time of packing, the true name of the variety, if known, and the class or grade as defined as follows.

Barrels, boxes, crates, etc., containing apples intended for sale, how marked.

Section 2. Fancy apples shall consist of apples of one variety above the average size and color for the variety, sound and free from worm holes, bruises, scab or any other defect that materially injures the appearance or useful quality of the apples, and shall be properly packed in clean strong packages.

Fancy apples.

Any package, barrel or box of apples containing more than ten per cent of apples below this standard shall not be marked as fancy apples.

Section 3. Number one, or class one, shall consist of well matured apples of one variety of normal shape and good color for the variety, not less than two and one-quarter inches in diameter, sound and free from all defects such as worm holes, bruises, scab or any other defect that materially injures the appearance or useful quality of the apple, and shall be properly packed in clean, strong packages.

Number one apples.

Any package, barrel or box of apples containing more than ten per cent of apples below this standard shall not be marked as number one or class one.

## CHAP. 247

Number  
two apples.

Section 4. Number two or class two, shall consist of well matured apples of one variety, not less than two inches in diameter, of medium color for the variety and normal shape. Apples two and one-quarter inches in diameter or less, must be sound. Apples more than two and one-quarter inches in diameter may have one defect such as a worm hole or a bruise if the skin is not broken and shall be properly packed in clean, strong packages.

Any package, barrel or box of apples containing more than ten per cent of apples below this standard shall not be marked number two or class two.

Packages  
containing  
fancy No. 1,  
or No. 2,  
apples  
grown in  
the state,  
for sale  
outside the  
state, shall  
be marked  
with the  
word  
"Maine."  
Unclassi-  
fied apples.

Section 5. All of the three foregoing classes of apples grown in the state of Maine and packed in closed packages for shipment or sale outside of the state of Maine shall be marked on the outside in plain letters not less than seven-eighths of one inch long with the word Maine in such manner as to plainly designate that they were grown in the state of Maine.

Section 6. All apples grown in the state of Maine and offered for sale or shipment outside of the state of Maine in closed packages, not conforming to the foregoing conditions as to variety, size or other conditions, shall be marked "Unclassified."

Standard  
apple bar-  
rel, capac-  
ity and di-  
mensions  
of.

Section 7. The standard measure of capacity for all apple barrels shall be three bushels, the barrel shall be of no less dimensions than seventeen and one-eighth inches for the head diameter; length of stave twenty-eight and one-half inches, with bilge circumference not less than sixty-four inches outside measurement, and shall be plainly marked, "standard barrel." Barrels of less dimensions and capacity shall be plainly marked on end and side, "short barrel" with the figures indicating the fractional part of a "standard barrel," therein contained.

—short bar-  
rel.

—standard  
bushel box,  
dimensions  
of.

The standard bushel box shall be twenty inches by eleven by ten inches, inside measurement, or of such dimensions as shall contain two thousand two hundred and fifty cubic inches and marked "standard bushel box."

—short box.

Any box of less dimensions than the above mentioned shall be plainly marked on the top and side, "short box," and with the fractional part of a bushel therein contained.

Penalty for  
violation of  
the pro-  
visions of  
this act.

Section 8. Any person, corporation, or firm who sells or offers for sale barrels, boxes, crates and other closed packages of apples, not conforming to the provisions of this act; or any person, corporation or firm who manufactures barrels, boxes, crates or other closed packages for the apple or fruit trade, not conforming to the provisions of this act, 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. Trial justices and municipal and police courts 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.

Section 9. When the director of the Maine agricultural experiment station becomes cognizant of the violation of any of the provisions of this act he shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties concerned. The parties so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private and the parties interested therein may appear in person or by attorney.

Duty of director of the Maine agricultural experiment station upon knowledge of violation of this act.

Section 10. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he received such articles, to the effect that the same is not adulterated or misbranded, within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to said dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

Dealer shall not be prosecuted when guaranty is established that article is not adulterated or misbranded.

Section 11. The director of the Maine agricultural experiment station shall diligently enforce all the provisions of this act, and when after due hearing he is convinced that the provisions of this act have been violated he shall, in his discretion, prosecute all offenses against the same.

Enforcement of this act by director of Maine agricultural experiment station.

Section 12. Nothing in this act shall in any way be construed as debarring the so-called flour barrel from being considered a standard barrel.

Flour barrels may be considered standard.

Approved April 2, 1909.