

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

**1913**

Including Acts and Resolves of the Special Session held  
in 1912.

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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  
KENNEBEC JOURNAL PRINT  
1913

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth  
Legislature

*1913*

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essary to be taken, the corporation may make written application to the railroad commissioners, describing the estate, and naming the persons interested; the commissioners shall thereupon appoint a time for the hearing near the premises, and require notice to be given to the persons interested, as they may direct, fourteen days at least before said time; and shall then view the premises, hear the parties and determine how much, if any, of such real estate is necessary for the reasonable accommodation of the traffic and appropriate business of the corporation. If they find that any of it is so necessary, they shall make a certificate containing a definite description thereof and furnish the corporation with a true copy thereof, attested by the clerk of the board; and when such copy of certificate is filed with the clerk of courts in the county where the land lies, the land shall be deemed and treated as taken; provided, however, that when land is held by a tenant for life, and the reversion is contingent as to the persons in whom it may vest on the termination of the life estate, such fact shall be stated in the application, and the commissioners shall, in addition to the notice to the tenant for life, give notice by publication to all others interested, in such manner as they deem proper.'

Approved March 25, 1913.

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—railroad commissioners to decide disputes.

—and to make certificate to be recorded.

—proviso.

## Chapter 116.

An Act Relative to Weights and Measures.

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

Section 1. Chapter eighty-two of the public laws of nineteen hundred eleven is hereby amended by striking out sections one and two and inserting in place thereof the following:

'Section 1. The state commissioner of agriculture shall be the State Sealer of Weights and Measures.'

'The standard weights and measures furnished by the government of the United States in accordance with the joint resolution of Congress approved June fourteenth, eighteen hundred and thirty-six, and any additions thereto and renewals thereof certified to by the United States bureau of standards, and weights, measures, balances and apparatus added by the State Commissioner of Weights and Measures and verified by the United States bureau of standards, shall be the standards of weights and measures throughout this state.'

'Section 2. The standards adopted by the state shall be kept at the state house under the supervision of the state sealer and

Chapter 82 of P. L. of 1911, amended.

Com'r. of agriculture shall be sealer of weights and measures.

Standard weights and measures of the U. S. shall be standards in this state.

Standards shall be kept at the state house.

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State standards shall be kept in good order.

—shall compare standards in cities and towns once in five years.

Shall establish tolerances in this state.

—other powers and duties.

Chapter 82 of P. L. 1911, further amended.

State sealer shall enforce provisions of law.

State sealer shall visit cities and towns to inspect work of local sealers.

May test commodities offered for sale, for correct weight.

—may have access to buildings.

shall not be removed or used except for the adjustment of a set of working standards that are copies of the original standards or for scientific purposes or to be verified by the national bureau of standards. The state sealer shall maintain the state standards in good order and shall submit them at least once in ten years to the national bureau of standards for certification. He shall at least once in five years cause the standards of the several cities and towns to be compared and corrected to conform with the state standards.

The state sealer of weights and measures shall after consultation with, and with the advice of, the national bureau of standards, establish tolerances for use in this state and said tolerances shall be the legal tolerances of the state. He shall have general supervision of the weights and measures, and weighing and measuring devices of the cities and towns of the state, and cause the enforcement of all laws pertaining to weights and measures in use in the state and may appoint such agents as he desires to assist in the enforcement.'

Section 2. Chapter eighty-two of the public laws of nineteen hundred eleven is hereby further amended by adding thereto, at the end of said chapter, five new sections, to be sections four, five, six, seven and eight, which shall read as follows:

'Section 4. The state sealer shall enforce the provisions of law requiring municipal officers to procure and maintain standards of weights and measures, and the appointing of a sealer of weights and measures.'

'Section 5. The state sealer, or his duly authorized agents, shall visit the various cities and towns in the state in order to inspect the work of the local sealers. He, or his duly authorized agents, may also at all times inspect and test the weights, measures and balances of any person, firm, association or corporation used, or to be used, in purchasing from or selling to the public any goods, wares, merchandise or other commodities, and if any such weights, measures or balances are found to be inaccurate or defective he shall forthwith cause the same to be corrected or condemned.'

'Section 6. Said state sealer or his duly authorized agents, may at irregular intervals examine commodities sold or offered for sale and test them for correct weight, measure or count, and bring complaint for violations. He, or his duly authorized agents may for the purpose stated above, and in the general performance of his or their official duties, have access without formal warrant to any stand, place, building or premises, or may stop any vendor, peddler, junk dealer, coal wagon, ice

wagon, or any person whatsoever for the purpose of making the proper tests.' CHAP. 116

'Section 7. Any person who by himself, or by his servant, or as the servant or agent of another, shall use or retain in his possession any false scales, weight or measure or weighing or measuring device in the buying or selling of any commodity or thing, or who shall dispose of any condemned scales, weight, measure or weighing or measuring device contrary to law, or remove any tag, stamp or mark placed thereon by the sealer; or any person who by himself, or by his servant or agent, or as the servant or agent of another, shall sell, offer or expose for sale less than the quantity he represents, or any person who by himself, or by his servant or agent, or as the servant or agent of another, shall sell, offer for sale, or have in his possession for the purpose of selling, any false scales, weight or measure or any device or instrument to be used or calculated to falsify any weight or measure, shall be guilty of a misdemeanor and shall for the first offense be punished by a fine of not more than fifty dollars; for the second offense by a fine of not less than twenty nor more than two hundred dollars, and for a subsequent offense by a fine of fifty dollars and by imprisonment for not less than thirty nor more than ninety days. The possession or use by any person of any false weight, measure or other apparatus for determining the quantity of any commodity of article of merchandise is presumptive evidence of knowledge by such person of the falsity of such weight, measure or other apparatus.'

Penalty for use of false scales or measures.

'Section 8. 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 all offenses against the laws pertaining to weights and measures.'

Trial justices, municipal and police courts have concurrent jurisdiction.

Section 3. Sections one, two, three and four of chapter forty-four of the revised statutes of nineteen hundred three are hereby amended by striking out the whole of said sections and inserting in place thereof the following:

Sections 1, 2, 3 and 4 of chap. 44, R. S. stricken out.

'Section 1. The municipal officers of each town shall annually appoint a sealer of weights and measures, not necessarily a resident therein, removable at pleasure, and may fill vacancies; for each month's neglect of this duty, they severally shall forfeit ten dollars to be recovered as in the following section. Such sealer of weights and measures in any town may be sealer for several adjoining towns if such is the pleasure of the muni-

Municipal officers shall annually appoint a sealer of weights and measures.

—sealer in any town may be sealer in adjoining towns.

CHAP. 116

cipal officers therein, provided this receives the approval of the state sealer of weights and measures.'

Treasurers of each town shall keep town standards.

'Section 2. The treasurers of each town, at the expense thereof, or jointly with the treasurers of adjacent towns, shall constantly keep as town standards a set of beams and weights and measures subject to the approval of the state sealer and conformable to the state standards. Said treasurers shall cause all beams and weights and measures belonging to their towns to be proved and sealed by the state standards once in five years, beginning January first, nineteen hundred thirteen, and for every neglect of said duty they forfeit one hundred dollars, half to the town and half to the prosecutor.

—shall prove weights and measures by state standards.

Cities may own scales.

'Section 3. Any city may purchase and keep for use scales for weighing hay and other articles, appoint weighers and fix their fees, to be paid by the purchaser. The municipal officers of cities and towns may appoint a deputy sealer of weights and measures to hold office during their pleasure and fix his compensation. Such deputy shall act under the direction of the sealer of weights and measures in the municipality, and shall have the same authority as the sealer in the performance of his duties.'

—appoint weighers.

—municipal officers may appoint deputy sealers.

City and town sealers shall keep records of weights and measures sealed, etc.

'Section 4. The several city and town sealers and other persons authorized to inspect weights and measures shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by them, giving the name of the owner or agent, the place of business, the date of inspection and kind of apparatus so inspected, sealed or condemned. He shall make an annual report, duly sworn to, on or before the first day of November of each year, to the state sealer, giving in addition to the above an inventory of the standards and apparatus in his possession, and such other information as he may deem important, or as the state sealer may require.'

—shall make annual report.

Section 39 of Chap. 39, R. S., amended.

Section 4. Section thirty-nine of chapter thirty-nine of the revised statutes of nineteen hundred three is hereby amended by adding thereto, at the end of said section, the following:

Fruits, nuts and vegetables, how measured.

'All fruits, nuts and vegetables, if sold by measure, shall be sold by dry measure, United States standard, and shall be measured by level measure. Baskets or other receptacles holding one quart or less which are to be used in the sale of strawberries, blackberries, cherries, currants, blueberries, huckleberries, raspberries or gooseberries, shall be of the capacity of one quart, one pint or one-half pint, United States standard, dry measure. Whoever sells or offers for sale or has in possession with intent

—capacity of, baskets.

—penalty for violation of this section.

to sell, any of the aforesaid fruits in any basket or other receptacle holding one quart or less which does not conform to said standard, or conforming to said standard is not level measure, shall be punished by a fine of ten dollars for each offense. Said baskets or other receptacles shall not be required to be tested and sealed as provided by chapter forty-four, revised statutes, but any sealer or health officer may test the capacity of any basket or other receptacle in which any of the aforesaid fruit is sold or intended to be sold; and if the same is found to contain less than the standard measure, or if the quantity of such fruit is otherwise less than as herein provided, he shall seize the same and make complaint against the vendor.

—capacity  
of baskets  
may be  
tested.

A dealer in ice who on request of the purchaser of ice refuses or neglects to weigh the same when delivered or gives false weight shall for each offense be punished as provided for by the amendment of chapter eighty-two of the public laws of nineteen hundred eleven, in section two of this act. Whoever, having charge of the delivery of ice from a wagon, not being a dealer in ice, refuses on the request of the purchaser of ice to weigh the same when it is delivered, or gives false weight, shall be punished by a fine of not more than ten dollars.'

Penalty for  
neglect to  
weigh ice.

'Section 5. Section five of chapter forty-four of the revised statutes of nineteen hundred three is hereby repealed.

Section 5 of  
chap. 44, R.  
S. repealed.

Approved March 25, 1913.

## Chapter 117.

An Act to Amend Section Fourteen of Chapter One Hundred Twenty-eight of the Revised Statutes, Relating to Malicious Mischiefs and Trespasses on Property.

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

Section fourteen of chapter one hundred twenty-eight of the revised statutes is hereby amended by inserting the words 'improved blueberry ground' after the word "ground" in the third line, by striking out the word "twenty" and substituting therefor the words 'one hundred' in the fifth line, and by striking out the word "thirty" and substituting the word 'ninety' in the sixth line of said section so that said section, when amended, shall read as follows :

Section 14  
of chap. 28,  
R. S.,  
amended.

'Section 14. Whoever wilfully commits any trespass, or knowingly authorizes or employs another to do so, by entering the garden, orchard, pasture, cranberry ground, improved blueberry ground or improved land, of another, with intent to take,

Trespasses  
on improved  
lands, how  
punished.