

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.

Published by the Secretary of State, agreeably to Resolves of
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 155

Chapter 155.

An Act to Provide for the Care and Administration of Funds and Property Donated for Moral, Religious, Benevolent or Educational Purposes in Accordance with the Intention of the Donor.

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

Trust funds may be transferred.

Any corporation, trustees, unincorporated body or association by whom funds or property are now held, or to whom they have been or shall hereafter be entrusted by will or otherwise for any religious, moral, educational or benevolent purpose, are hereby authorized to transfer and deliver to any other corporate body or trustees existing for the same or similar purposes, such funds or property as is now or shall hereafter come into their or its possession, or shall have been given to it or them, to be administered in the manner and for the purposes provided by the donor. Provided, however, that no transfer of such funds shall be made without the approval of a justice of the supreme judicial court or the judge of probate for the county in which the donor resides or resided at the time of his decease.

—proviso.

Approved March 31, 1913.

Chapter 156.

An Act to Regulate the Packing, Shipping and Sale of Apples.

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

Standard barrel for apples, defined.

Section 1. The standard barrel for apples shall contain seven thousand cubic inches, provided however that a barrel of the following dimensions when measured without distention of parts: Length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge not less than sixty-four inches outside measurement, shall be a lawful barrel. The standard bushel box for apples shall contain two thousand three hundred and fifty cubic inches. Provided, however, that a box eighteen inches by eleven and one-half inches by ten and one-half inches, inside measurement, without distention of parts, shall be a lawful bushel box.

—standard bushel box defined.

—proviso.

Standard grades established.

Fancy apples.

Section 2. The standard grades for apples when packed in closed packages shall be as follows:

First. Fancy shall consist of apples of one variety above the average size and color for the variety, and none smaller than two and one-half inches in diameter, 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

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properly packed in clean, strong packages.

Second. 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
or class one.

Third. 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.

Number two,
or class two.

Fourth. Unclassified. Apples not conforming to the foregoing conditions as to variety, size and other conditions, shall be classed as Unclassified.

Unclassified.

Section 3. Every closed package of apples which is packed, sold, distributed, transported, offered or exposed for sale, distribution or transportation in the state by any person shall have affixed in a conspicuous place on the outside thereof a plainly printed statement clearly and truly stating the size of the package in terms of standard bushel box or standard barrel, the name and address of the owner or shipper of the apples at time of packing, the name of the variety, the class or grade of the apples contained therein, and if the apples were grown in Maine that fact shall be plainly designated.

Size of package, name of owner, etc., to be on outside of package.

Section 4. It shall be unlawful for any person within this state to pack, sell, distribute, transport, offer or expose for sale, distribution, or transportation, apples which are adulterated or misbranded within the meaning of this act.

Misbranded or adulterated apples shall not be packed, etc.

Section 5. For the purpose of this act apples packed in a closed package shall be deemed to be adulterated if their measure, quality, grade or purity do not conform in each particular to the claims made upon the affixed guaranty.

Term adulterated defined.

Section 6. For the purpose of this act apples packed in a closed package shall be deemed to be misbranded:

Apples, when misbranded.

First. If the package fail to bear all statements required by section three.

If required statements are not on package. False statements.

Second. If the package bear any statement, design or device regarding such article or its contents which shall be false or misleading in any particular, or which is falsely branded in any particular.

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Com'r of
agriculture
shall make
regula-
tions.

Com'r of
agriculture
shall have
access to
places
where apples
are packed.

Proceed-
ings for
violation
of
this act.

Penalty for
adultera-
tion and
misbrand-
ing.

Guaranty
may be
established
as a bar
to prose-
cution.

Term person,
how con-
strued.

Section 7. The commissioner of agriculture shall make uniform rules and regulations for carrying out the provisions of this act.

Section 8. The commissioner of agriculture, in person or by deputy, shall have free access, ingress and egress at all reasonable hours to any place or any building wherein apples are packed, stored, transported, sold, offered or exposed for sale, or for transportation. He shall also have power, in person or by deputy, to open any box, barrel or other container, and may, upon tendering the market price, take samples therefrom.

Section 9. When the said commissioner of agriculture 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 person concerned. The person so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed by said commissioner of agriculture. Notices shall specify the date, hour and place of the hearing, said hearing to be held in the county where said inspection is made.

Section 10. Any person who adulterates or misbrands apples within the meaning of this act, or any person who packs, sells, distributes, transports, offers or exposes for sale, distribution or transportation, apples in violation of any of the provisions of this act, shall be punished by a fine not exceeding one hundred dollars for the first offence, and by a fine not exceeding two hundred dollars for each subsequent offence.

Section 11. No person shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the person 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.

Section 12. The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be

the act, omission, or failure of such corporation, company, society or association as well as that of the person.

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Section 13. There shall be appropriated from the state treasury the sum of fifteen hundred dollars for the year nineteen hundred thirteen and the sum of fifteen hundred dollars for the year nineteen hundred fourteen for the purpose of carrying out the provisions of this act. So much of said appropriations shall be paid by the state treasurer to the commissioner of agriculture as may be shown by his bills and vouchers of expenditures in performing the duties required by this act.

Appropriation for carrying out provisions of this act.

Section 14. The commissioner of agriculture shall diligently enforce all of the provisions of this act, and, in this connection, he shall be entitled to have and receive the advice, counsel and assistance of the attorney general and of the attorney for the state in the several counties.

Com'r of agriculture shall enforce this act.

The said commissioner of agriculture in his discretion may recover the penalties for the violation of the provisions of this act in an action on the case in his own name, the venue to be as in other civil actions, and the plaintiff prevailing in any such action shall recover full costs; or he may prosecute violators by complaint or indictment in the name of the state, and such prosecution shall be commenced in the county in which the offense was committed. All fines received under this act by county treasurers shall be paid by them to the state treasurer.

Proceedings to recover penalties.

Trial justices and municipal and police courts are hereby invested with original jurisdiction, concurrent with the supreme judicial and superior courts, to hear, determine, enter, and by appropriate process enforce judgment in actions commenced for the recovery of the penalties aforesaid, and to try, and upon conviction, to punish, for offenses against the provisions of this act.

Jurisdiction of justices and of courts.

Section 15. All acts or parts of acts inconsistent herewith, are hereby repealed.

Inconsistent acts repealed.

Approved April 1, 1913.

Chapter 157.

An Act Additional to Chapter Sixty-one of the Revised Statutes, Providing for the Correction of Errors in the Records of Births, Marriages and Deaths.

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

Section 1. If the record relating to a birth, marriage or death does not contain all the required facts, or if it is alleged that the facts are not correctly stated therein, the town clerk shall receive an affidavit containing the facts required for record, if

Defective records, how perfected.