

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-second Legislature

1925

[supplied from page 1 of volume]

Chapter 155.

An Act to Regulate the Manufacture and Sale of Soft Drinks, Syrups and Non-Alcoholic Beverages.

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

Sec. 1. Manufacturers, bottlers and wholesalers of non-alcoholic beverages to be licensed by commissioner of agriculture; fee; term of license; manufacturers of sweet cider, excepted. No person, firm or corporation shall manufacture or bottle for sale at wholesale any drink product or other non-alcoholic beverage within this state without having first filed with the commissioner of agriculture an application for license accompanied with a fee of ten dollars upon receipt of which application the commissioner of agriculture shall issue to the person, firm or corporation making such application a license to manufacture soft drinks or other non-alcoholic beverages as hereinafter provided. Said license shall run for one year from the date of the application unless sooner revoked as herein provided and shall be renewed annually thereafter. Said provision is not to apply to persons engaged in the manufacture of sweet cider.

Sec. 2. Commissioner has power to revoke or suspend license; may revoke or suspend license temporarily; authority granted to make rules and regulations. The commissioner of agriculture shall have the power to revoke or suspend any license issued under the provision of this act whenever it is determined by himself or any of his deputies or other properly qualified official that any of the provisions of this act have been violated. Any person, firm or corporation whose license has been so revoked or suspended shall discontinue the manufacture and sale within the state of Maine of soft drinks and other non-alcoholic beverages until the provisions of this Act have been complied with and a new license issued, or the suspension removed. The commissioner of agriculture may revoke or suspend such license temporarily until there is a compliance with the provisions of this act as hereinafter provided or permanently for the unexpired period of such license. The commissioner of agriculture is given the right to make such rules and regulations as he may deem necessary for the enforcement of the provisions of this act. Said license shall run for one year from the date of the application and shall terminate on the thirtieth day of June of each year unless sooner revoked or suspended as herein provided.

Sec. 3. Notice to be given to licensee prior to revoking license; procedure; right of appeal. Before revoking or suspending any license the commissioner of agriculture shall give written notice to the licensee affected stating that he contemplates the revocation or suspension of the same and giving his reasons therefor. Such notice shall appoint a time of

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hearing before said commissioner and shall be mailed by registered mail to the licensee. On the day of the hearing the licensee may by himself or counsel present such evidence to the commissioner as he deems fit and after hearing all the testimony the commissioner shall decide the question in such manner as to him appears just and right. Any licensee who feels aggrieved or dissatisfied with the decision of the commissioner may appeal from said decision within ten days to the supreme court or the superior court of the county where the licensee resides.

Sec. 4. Term "drink product" defined. For the purpose of this act the term "drink product" as used herein shall be held to include all non-alcoholic beverages, non-alcoholic cereal beverages, non-alcoholic fruit juices and carbonated beverages.

Sec. 5. Labeling of bottles where artificial coloring is used; kind of coloring matter permitted; prohibited ingredients. Whenever artificial colors or flavors are used in the manufacture of drink products or other non-alcoholic beverages, the bottle or other container shall be distinctly labeled or crowned "Artificially colored and flavored." Whenever artificial coal tar colors are used, nothing but the certified colors as approved by the United States bureau of chemistry shall be allowed. All non-alcoholic ciders, non-alcoholic fruitades, non-alcoholic fruit juices or other similar drinks that are artificially colored or flavored shall be so labeled or crowned. All drink products and other non-alcoholic beverages sold in bulk or from open containers or receptacles that contain artificial coloring or artificial flavors of any character shall be so labeled. Said labels to be prominently displayed on all stands, booths or other places where said drink product or other non-alcoholic beverages are sold or dispensed. The use of saccharine, salicylic acid and sulphites in the manufacture of drink products and other non-alcoholic beverages is hereby prohibited.

Sec. 6. Manufacturing plants to be well lighted and ventilated and kept clean; machines and containers to be kept sanitary. All buildings, stores, factories or other places where drink products or other non-alcoholic beverages are manufactured or bottled shall be well lighted and ventilated and shall be kept at all times in a clean and sanitary condition. All machines, bottles, jars, jugs, crocks or other utensils or containers used in the manufacture of drink products or other non-alcoholic beverages shall be kept in a clean and sanitary place, and in a sanitary condition.

Sec. 7. Containers to be cleaned and sterilized before filling. All bottles, jars, jugs or other containers used for drink products or other non-alcoholic beverages before being filled shall be thoroughly cleaned, sterilized and then thoroughly rinsed in pure water.

Sec. 8. Penalties for violation of provisions. Any person, firm or corporation who shall violate any of the provisions of this act or neglect or refuse to comply with any of the provisions required herein or in any way violate any of its provisions shall be punished by a fine not exceeding one hundred dollars for the first offense and by a fine not exceeding two hundred dollars for each subsequent offense.

Sec. 9. Commissioner of agriculture to enforce provisions; penalties how recovered; jurisdiction of offenses; disposition of fees collected. The commissioner of agriculture shall diligently enforce all the provisions of this act. He may recover penalties imposed for violation of this act in an action of debt brought in his own name and if he prevails in such action shall recover full costs; or he may prosecute for violations hereof by complaint or indictment. Municipal and police courts and trial justices shall have original jurisdiction concurrent with the supreme judicial court and superior court of actions brought for the recovery of penalties imposed by this act and of prosecutions for violations hereof. All fees received under this act by the commissioner of agriculture and all money and fines received by him under this act shall be paid by him to the treasurer of state and the same is hereby appropriated for carrying out the provisions of this act.

Approved April 7, 1925.

Chapter 156.

An Act to Regulate the Sale of Oleomargarine or Any Other Substitute for Butter.
Be it enacted by the People of the State of Maine, as follows:

R. S., c. 130, sec. 7; relating to serving oleomargarine in hotels, restaurants, lunch counters, etc., amended. Section seven of chapter one hundred and thirty of the revised statutes is hereby amended by striking out all of section seven and by inserting in place thereof the following:

'Sec. 2. Made applicable to lunch carts; notice of use of oleomargarine or other butter substitutes to be given by placard conspicuously displayed. No person shall by himself, his clerk, servant or agent, furnish oleomargarine or any other substitute instead of butter in any hotel, restaurant, boarding house, lunch room or lunch cart to a guest or patron thereof without notifying said guest or patron that the substance so furnished is not butter by placing on the walls of said hotel, restaurant, boarding house, lunch room or lunch cart where oleomargarine or other substitute is served, a white placard on which is printed in black ink, in plain roman letters of not less than three inches in length and not less than two inches in width