

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty - Third Legislature

OF THE

STATE OF MAINE

1927

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-third Legislature

1927

[supplied from page 1 of volume]

Chapter 49.

An Act to Provide for Establishing Grades and Standards for Farm Products.

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

Sec. 1. Commissioner of agriculture may establish grades for farm products; exceptions; hearings to be held. The commissioner of agriculture may establish and promulgate official grades and standards for farm products excepting dairy products and apples produced within the state for the purposes of sale, and may from time to time amend or modify such grades and standards. Before establishing, amending, or modifying any such grades or standards the commissioner shall hold public hearing in such places within the state as shall be most convenient to producers of the commodity under consideration. Notice of such hearings shall be advertised for three successive weeks prior thereto, in a newspaper or newspapers of general circulation within the county where the hearing is to be held, and shall specify the date and place of each hearing and that it is to be held for the purpose of obtaining information with a view to establishing grades or standards for farm products.

Sec. 2. Brands, labels and trade marks may be determined by commissioner; permission to use brands may be granted; permission may be revoked. The commissioner of agriculture may determine or design brands, labels or trade marks for identifying farm products packed in accordance with such official grades and standards established as aforesaid, and may furnish information to packers and shippers as to where such labels and trade marks may be obtained. A written application to the commissioner requesting permission to use said brands, labels or trade marks and a written acceptance thereto by the commissioner or duly authorized assistants shall be a condition precedent to the use of such brands, labels or trade marks. The commissioner may revoke or suspend the right to use such brands, labels or trade marks whenever it appears on investigation that they have been used to identify farm products not in fact conforming to the grade indicated.

Sec. 3. Publicity of grades, standards, brands, etc., to be given. Upon the establishment of such grades or standards, brands, labels or trade marks, the commissioner of agriculture shall give due publicity through the newspapers of the state, setting forth the grade or grades so established and the date on which such establishment is to become effective, and distribute information explaining the same and their use.

Sec. 4. After establishment of standards and grades, unlawful to use same without permit. After notice of the establishment of grades or standards and the determination of brands, labels or trade marks as herein

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provided, it shall be unlawful to use a brand, label or trade mark to identify farm products as being of a grade established as aforesaid before a permit is granted or after the revocation of the right to use such brand, label or trade mark by the commissioner. Violations of this section shall be punished for the first offense by a fine of not more than fifty dollars and for subsequent offenses by a fine of not more than two hundred dollars.

Sec. 5. Inspection of branded products; certificates of inspection. The commissioner or his duly authorized agents may inspect farm products, marked, branded, or labelled in accordance with official grades or standards established and promulgated by the commissioner, as herein provided, for the purpose of determining and certifying the quality and condition thereof and other material facts relative thereto. Certificates issued in pursuance of such inspection and executed by the inspector shall state the date and place of inspection, the grade, condition and approximate quality of the farm products inspected and such other pertinent facts as the commissioner may require. Such a certificate relative to the condition or quality of said farm products shall be prima facie evidence in all courts of the state of the facts required as aforesaid to be stated therein.

Sec. 6. Commissioner may make rules and regulations. The commissioner may prescribe rules and regulations for carrying out the purposes of this act, including the fixing of fees as provided in section two, chapter thirty-four of the revised statutes, as amended by chapter eighty-one of the public laws of nineteen hundred and twenty-one and further amended by chapter two hundred and one of the public laws of nineteen hundred and twenty-three.

Sec. 7. Authority of commissioner in making inspections; penalty for obstructing commissioner. The commissioner, in person or by deputy, shall have free access at all reasonable hours to any building or other place wherein it is reasonably believed that farm products are marked, branded or labelled in accordance with official grades established and promulgated by the commissioner are being marketed or held for commercial purposes. He shall also have power in person or by deputy to open any bags, crates, or other containers containing said farm products and examine the contents thereof, and may upon tendering the market price, take samples therefrom. Whoever obstructs or hinders the commissioner of agriculture or any of his duly qualified assistants in the performance of his duties under this act shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

Approved April 1, 1927.