

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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Published by the Secretary of State, in accordance with the Resolves of the Legislature  
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1929

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Eighty-fourth Legislature

**1929**

[supplied from page 1 of volume]

revised statutes is hereby amended by striking out all of said section and by substituting therefor the following section:

**Sec. 35. Certain business and recreation allowed on Lord's Day.** Whoever, on the Lord's Day, keeps open his shop, workhouse, warehouse or place of business, travels, or does any work, labor or business on that day, except works of necessity or charity; uses any sport, game or recreation; or is present at any dancing, public diversion, show or entertainment, encouraging the same, shall be punished by fine not exceeding ten dollars; provided, however, that this section shall not apply to the operation of common carriers; to the driving of taxi cabs and public carriages in attendance upon the arrival or departure of such carriers; to the driving of private automobiles or other vehicles; to the printing and selling of Sunday newspapers; to the keeping open of hotels, restaurants, garages and drug stores; to the selling of gasoline; or to the giving of scientific, philosophical, religious or educational lectures where no admission is charged.'

Approved April 13, 1929.

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## Chapter 304.

An Act to Regulate the Quality of Sardines Packed in This State.

**Emergency preamble.** Whereas, there is no existing provision of law regulating the quality of sardines packed in this state and requiring and providing for an inspection of sardine packing plants which pack such sardines for food purposes and of the sardines packed in such plants, and

Whereas, the packing season for sardines begins annually on or about the fifteenth day of April which is prior to the period when an act of the legislature not bearing an emergency clause would take effect, and

Whereas, in the judgment of this legislature it is necessary that immediate provision should be made for regulating the quality of sardines packed in this state and providing for the inspection of packing plants which pack such sardines for food purposes and of the sardines packed in such plants, and

Whereas, in the judgment of this legislature, these facts constitute an emergency within the meaning of the constitution of the state of Maine and therefore require the following legislation as immediately necessary for the preservation of the public peace, health and safety,

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

**Sec. 1. Sardine packers shall procure license.** No person, firm, corporation, association or society shall pack sardines in the state of Maine for sale without having first filed with the commissioner of agriculture an application for license accompanied with a fee of fifty dollars upon receipt

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of which application the commissioner of agriculture shall issue to the person, firm, corporation, association or society making such application a license to pack sardines as hereinafter provided. Each such license shall cover one group of buildings constituting a packing plant in one location. Said license shall run from April fifteenth to December first of the current year, unless sooner revoked as herein provided and shall be renewed annually thereafter.

**Sec. 2. Commissioner of agriculture may revoke or suspend license.** The commissioner of agriculture shall have the power to revoke or suspend any license issued under the provisions of this act whenever it is determined by himself or any of his deputies that any of the provisions of this act have been violated. Any person, firm, corporation, association or society whose license has been so revoked or suspended, shall discontinue the packing of sardines 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. 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 hearing before said commissioner. On the date of hearing the licensee may present such evidence to the commissioner as he deems fit and after hearing all the testimony, the commissioner shall decide as to whether the license shall be revoked or not. 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. 3. Term "sardine" defined.** For the purposes of this act the term "sardine" shall be held to include any small, canned, clupeoid fish, being the fish commonly called herring, particularly the clupea harengus.

**Sec. 4. Adequate inspection provided for; standards; marking; penalty; inspectors.** The commissioner of agriculture shall by adequate inspection see that sardines are packed in conformity with the requirements of the Federal Food and Drug Act and the Food and Drug Act of the state of Maine, and the provisions of this act. He shall make uniform rules and regulations for carrying out the provisions of this act and shall fix standards of quality when such standards are not fixed by law; and he shall authorize the persons packing sardines in conformity with the requirements of this chapter to mark the container of said sardines with a statement certifying that the food contained therein was packed, inspected, and passed under the Maine Food and Drug Act. Any sardines falsely marked shall

be deemed to be misbranded, and any person, firm, corporation, association or society who shall misbrand or falsely mark any container of sardines or sell or offer for sale such misbranded containers shall be punished by a fine not exceeding five hundred dollars for each container thus falsely marked. The commissioner of agriculture shall employ inspectors in numbers so that adequate inspection can be performed; the compensation of the inspectors shall be fixed by the said commissioner and it shall be the duty of said inspectors to inspect all the places, shops and factories, in the state of Maine, wherever sardines are being packed for sale, and for this purpose such inspectors shall have free access, ingress and egress at all reasonable hours to any sardine packing plant, may open any case or container and may upon tendering the market price, take samples therefrom.

**Sec. 5. Packers shall pay toward inspection cost.** Each packer shall pay monthly, not later than the tenth day of each month, one cent per case on the amount of sardines packed during the previous month, toward the cost of maintaining the inspection herein provided for and as a part of the fee for obtaining and retaining his license. All license fees and all money received under this act by the commissioner of agriculture shall be paid by him to the treasurer of state and the same are hereby appropriated for carrying out the provisions of this act and for no other purpose.

**Sec. 6. Count of fish regulated; amount mustard and tomato sauce specified.** The minimum count of fish per one-quarter size keyless can shall be four fish. The minimum count of fish per one-quarter size key can shall be five fish. The minimum quantity of oil shall be not less than four pounds per case of one hundred one-quarter size cans and the oil shall be a vegetable or cotton seed of a grade not below that of "Prime Summer Yellow." The minimum count of fish for one-quarter size mustard cans shall be four fish and the minimum quantity of mustard sauce shall be not less than eight pounds per case of one hundred one-quarter size cans. The minimum count of fish for three-quarter size mustard cans shall be four fish and the minimum quantity of mustard sauce shall be not less than eight pounds per case of forty-eight three-quarter size cans. For all one-quarter size tomato cans there shall be not less than eight pounds tomato sauce of not less than 1.035 specific gravity. Provided, however, that less than the minimum count of fish per can as above specified or less than the minimum quantity of oil or mustard sauce or tomato sauce as above specified, may be packed if the cases in which they are contained and each can in said case are plainly and conspicuously marked with a legend indicating that the contents of the cans are not in accord with the standard of quality established in this act; such cases and cans so marked in accord with the fact shall not be deemed to be misbranded.

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**Sec. 7. Containers to be hermetically sealed.** On all one-quarter size cans used for packing sardines there shall be used a compound lined gasket, or other adequate gasket or such other adequate device as will hermetically seal the container.

**Sec. 8. Inspection of sardines packed prior to act.** Any person, firm, corporation, association or society having in their possession any sardines packed by them prior to the time when this act becomes effective may apply for inspection of the aforesaid canned sardines and if the inspectors acting under this act shall be satisfied that such sardines have been packed and are labelled in conformity with the standards and provisions of this act, said sardines may be labelled in accordance with the provisions of section four, on payment of the license fee of one cent per case provided by section five of this act.

**Sec. 9. Penalty for violations of act.** Any person, firm, corporation, association or society who shall pack sardines in the state of Maine for sale without the license provided for in this act or who shall violate any provisions of this act or neglect or refuse to comply with any of the provisions required herein or any way violate any of its provisions shall be punished by a fine of five hundred dollars and imprisonment in jail for not more than six months for each and every offense and municipal courts shall have jurisdiction of the offense.

**Sec. 10. Act to take effect when approved.** In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved April 13, 1929.

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## Chapter 305.

An Act to Provide Equitable and Uniform Taxation for Motor Vehicles.

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

R. S., c. 9; relating to the assessment of excise taxes, amended. Chapter nine of the revised statutes is hereby amended by adding thereto sections seventy-six to eighty-five, both inclusive, as follows:

**'Sec. 76. Excise tax for operation of motor vehicles on public ways; rates.** An excise shall be levied annually as herein provided with respect to each calendar year for the privilege of operating upon the public ways, each motor vehicle to be so operated, subject to the provisions of section eighty-two, as follows: a sum equal to twenty-three mills on each dollar of the maker's list price for the first or current year of model, sixteen and one-half mills for the second year, twelve and one-half mills for the third year, nine mills for the fourth year, five and one-half mills for the fifth