

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth Legislature

OF THE

STATE OF MAINE

From April 4, 1931, to March 31, 1933

AND MISCELLANEOUS STATE PAPERS

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-sixth Legislature

1933

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taining a bona fide residence therein may, if otherwise entitled, receive such license in which case such non-residence may be taken as a part of said 3 years. Licenses of the 2nd class, selling licenses, shall be issued only to persons, firms, or corporations conducting hotels, restaurants, or boarding-houses, or to persons, firms or corporations engaged in the business of buying and selling lobsters. Licenses of the 3rd class, shippers' licenses, shall be issued only to persons, firms or corporations engaged in the lobster business in this state or other states to buy, sell and ship lobsters. Licenses of the 4th class, smackmen's licenses, shall be issued only to smackmen to buy, sell and transport lobsters by smack or boat. Applications for licenses shall be made upon special forms provided by the commissioner as above set forth. Violations of the agreements of the application shall render the license thereon void.

Dumping, destroying or removing any bag, box or other receptacle, or failing to stop after command of the commissioner or his wardens, or when pursued by the commissioner, or his wardens, shall be evidence of violation of the agreement of his application and the license of such person shall be revoked, after public hearing before the commissioner. The said commissioner shall keep the clerks of various cities, towns and plantations bordering on the seashore and other clerks who request them, supplied with blank applications; said clerks shall keep a supply of them on hand and furnish them to applicants. All applications when filled out shall be forwarded to the office of said commissioner together with fees for same, which fee shall be \$1 for any license or for any renewal thereof. All licenses shall expire annually on the last day of June unless sooner revoked as provided in section 79. The commissioner, in his biennial report, shall state the number of licenses granted. He shall issue to each person, firm or corporation licensed as aforesaid a certificate, stating the name of the person, firm or corporation to whom such license shall be granted, the number of said license and the date of the expiration thereof.'

Revisor's note: This section amends § 73 of c. 2 of P. L. 1933.

Approved March 28, 1933.

Chapter 200.

AN ACT Relating to Weights and Measures.

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

Sec. 1. R. S., c. 53, § 3, amended. Section 3 of chapter 53 of the revised statutes is hereby amended to read as follows:

'**Sec. 3.** State sealer to establish tolerances; other powers; duties. 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. He shall make rules and regulations for the enforcement of the provisions of this chapter.'

Sec. 2. R. S., c. 53, § 8, amended. Section 8 of chapter 53 of the revised statutes is hereby amended to read as follows:

'Sec. 8. Municipal officers to elect sealer of weights and measures for indefinite term; removable only for neglect; penalties; state sealer to have jurisdiction. The municipal officers of each town shall elect a sealer of weights and measures, also a deputy sealer if necessary, not necessarily a resident therein, and said sealer and deputy shall hold office during their efficiency and the faithful performance of their duties. ~~and shall be removed by said officers only for neglect of duty.~~ On complaint being made to said officers of the inefficiency or neglect of duty of a sealer or deputy sealer, the said officers shall set a date for a hearing and give notice to the complainant, sealer complained of and the state sealer of the hearing. If the evidence satisfies the said officers that the said sealer or deputy sealer has been inefficient or has neglected his duty, they may remove him from office and appoint another in his stead. The state sealer of weights and measures shall have jurisdiction over said sealer or deputy sealer, and any vacancy caused by death or resignation shall be filled by election by said municipal officers within 30 days; for each month that said municipal officers neglect their duty they severally shall forfeit \$10. Within 10 days after each such election the clerk of each city or town shall communicate the name of the person so elected to the state sealer of weights and measures, and for neglect of this duty shall forfeit \$10. Such sealer of weights and measures in any town may be sealer for several towns if such is the pleasure of the municipal officers therein, provided such action received the approval of the state sealer of weights and measures.'

Sec. 3. R. S., c. 53, § 14, amended. Section 14 of chapter 53 of the revised statutes is hereby amended to read as follows:

'Sec. 14. Sealers to give notice of times and place sealing weights and measures. The sealers of weights and measures in the several cities and towns shall annually give public notice by advertisement, or by posting in 1 or more public places in their respective cities and towns notices to all inhabitants or persons having usual places of business therein and who use weights, measures, or balances for the purpose of selling any goods, wares, merchandise, or other commodities or for public weighing to

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bring in their weights, measures, and balances to be adjusted and sealed. Such sealers shall attend in one or more convenient places and shall adjust, seal, and record all weights, measures, and balances so brought in, who use weighing or measuring devices for the purpose of buying or selling goods, wares, merchandise, or other commodities or for public weighing, or for hire, or reward, to bring them in to be tested. Such sealers shall attend one or more convenient places, and shall seal or condemn such devices in accordance with the result of their test, and shall make a record thereof.'

Sec. 4. R. S., c. 53, §§ 15, 16, amended. Sections 15 and 16 of chapter 53 of the revised statutes are hereby repealed and the following section enacted as section 15 thereof.

'Sec. 15. Sealers to visit persons who neglect to comply with law. After giving said notice said sealers shall go once a year or oftener on request of the owner or on complaint to the stores, houses, places of business, and vehicles of persons not complying therewith, and shall test and seal or condemn in accordance with the result of their tests, the weighing or measuring devices of such persons, provided that when a vehicle tank used in the buying or selling of commodities by liquid measures has once been sealed it shall not be necessary to seal it again while it remains in the same condition as when first sealed. When a vehicle tank is subdivided into 2 or more compartments, each compartment, for the purposes of this section shall be considered as a separate tank.'

Sec. 5. R. S., c. 53, § 23, amended. Section 23 of chapter 53 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 23. Scales to be sealed before use. No person, firm or corporation shall use any weights, measures, scales, steelyards, beams, or other weighing or measuring device or balances, except meters for measuring water, gas or electricity supplied by companies subject to regulation by the public utilities commission, until they are sealed by a public sealer of weights and measures. Whoever violates any of the provisions of this section shall be punished by the penalties provided for in section 25 of chapter 53.'

Sec. 6. R. S., c. 51, § 11, amended. Section 11 of chapter 51 of the revised statutes is hereby amended to read as follows:

'Sec. 11. Weighers of coal and coke; duties of weighers; penalty. The municipal officers shall annually elect or appoint weighers of coal and coke. Unless coal is sold by the cargo, the seller shall cause it to be weighed by a sworn weigher. Weighers must give slips either in writing or printing to every purchaser of coal when not in bags or packages, showing the gross, tare, and net weight for each and every load so delivered. The slips so given must have stamped, printed, or written thereon the full name of the

weigher. For each violation of this section there shall be a fine of not less than \$10 nor more than \$20.'

Sec. 7. R. S., c. 51, § 12, repealed. Section 12 of chapter 51 of the revised statutes is hereby repealed.

Sec. 8. R. S., c. 126, § 22, amended. Section 22 of chapter 126 of the revised statutes is hereby amended to read as follows:

'Sec. 22. Sealers of weights and measures. The fees of sealers of weights and measures, for testing and adjusting scales, weights and measures by the town standard, to be paid by the persons for whom the service is rendered, are as follows: for testing railroad track scales of 40,000 pounds capacity and upwards, \$4; elevator scales of 20,000 pounds capacity and upwards, \$1.50; platform scales of 5,000 pounds capacity and upward, \$1; dormant scales of less than 5,000 pounds capacity, 50 cents; dormant beef track scales, 50 cents; platform scales of less than 5,000 pounds capacity, 50 cents; beam scales of over 1,000 pounds capacity, 50 cents; wagon or auto trucks scales, \$2, computing scales, 25 cents, platform scales of less than 1,000 pounds capacity, 25 cents; platform counter scales, 25 cents; counter balance or trip scales, 25 cents; spring balance scales, 25 cents; weights, each, 3 cents; measures, wet and dry, each 3 cents; yardsticks, each, 5 cents; coal baskets, each, 10 cents; milk cans, large size, 5 cents each; milk cans, small size, 3 cents each; milk bottles, in lots of 1 gross or less, 1 cent each, in lots from 1 to 2 gross, $\frac{3}{4}$ of a cent each, in lots of more than 2 gross and not over 4 gross, $\frac{1}{2}$ cent each, in lots greater than 4 gross, $\frac{1}{4}$ of a cent each; for testing gasoline pumps of not over 5 gallon capacity, 50 cents; for testing gasoline pumps of not over 10 gallon capacity, \$1.00; ~~for testing gasoline pumps of more than 10 gallon capacity, one dollar and fifty cents;~~ for testing gasoline meters, 50 cents; for fabric measuring devices, 25 cents; for testing fuel oil meters \$1, for testing vehicle tanks, \$1 for 1st 100 gallons or less, and ~~one dollar~~ 50 cents for each additional 100 gallons or fractional part thereof; for testing taxicab meters, \$1; for adjusting weights when either light or heavy, not to exceed 10 cents each; for adjusting measures, wet or dry, when either large or small, not to exceed 10 cents each; for adjusting yardsticks, not to exceed 5 cents each; for adjusting any weight or measure not mentioned above, a fair and reasonable compensation.'

Sec. 9. Oil bottles. The state sealer of weights and measures shall make rules and regulations governing the manufacture and sale of lubricating oil bottles and may authorize the sealing of such lubricating oil bottles by any manufacturer thereof upon his agreeing to conform to such rules and regulations, and may revoke such authority on the failure of any manufacturer to conform with the said rules and regulations.

Approved March 28, 1933.