

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-seventh and Eighty-eighth
Legislatures

OF THE

STATE OF MAINE

From April 7, 1935 to April 24, 1937

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
Resolves of the Legislature approved June 28, 1820,
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-Eighth Legislature

1937

CHAP. 100

Sec. 11. R. S., c. 24, additional. Chapter 24 of the revised statutes is hereby amended by adding thereto a new section, to be numbered section 27, and to read as follows:

'Sec. 27. Vested rights. The provisions of this act shall not be construed as affecting any vested rights of any cemetery association or other agency owning, maintaining and operating a cemetery or crematory immediately prior to the effective date of this act. Insofar, however, as said provisions do not violate any such vested rights, they shall, except as otherwise provided therein, apply to all such cemetery associations or other agencies.'

Approved April 2, 1937.

Chapter 100

AN ACT Regulating the Labeling of Fresh Eggs for Sale.

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

Sec. 1. Labeling fresh eggs for sale. No person, firm, partnership, association, or corporation shall sell, or offer, expose or advertise for sale, or exchange or distribute eggs as "fresh eggs," "strictly fresh eggs," "native eggs," "hennery eggs," "nearby eggs," or "new laid eggs," or under other words or descriptions of similar import, unless they are fresh eggs as defined in this chapter.

Sec. 2. Fresh eggs defined. No eggs shall be deemed to be fresh unless they are free from objectionable odor and flavor, and unless they meet the following standards of quality, the final determination of which shall be made by candling; air cell not greater than $\frac{1}{4}$ inch in depth, localized and regular, yolk fairly well centered, outline only moderately defined,—may be visible, but free from visible germ development; white, firm and clear.

Sec. 3. Other definitions and terms. Terms used in this act shall be construed as follows unless a different meaning is clearly apparent from the language or context: "persons" means any person, firm, partnership, corporation or association; "retail" means selling direct to consumer; "candling" means the common practice of examining the interior of an egg by holding and twirling the same before a light passing through an aperture in an opaque shield; "large" eggs shall mean eggs which average at least 24 ounces net to the dozen and no eggs weighing less than at the rate of 23 ounces; "medium" eggs mean eggs which average at least 21 ounces to the dozen and no eggs weighing less than at the rate of 20 ounces; "small" eggs mean any eggs which will not qualify as to size under "large" or "medium."

Sec. 4. To provide for proper branding. All eggs offered for human consumption which do not conform to the requirements of "large" as defined in this act and which are sold, offered, exposed or advertised for sale, at retail or exchanged or distributed at retail within this state in bulk or in open or closed packages or containers shall be plainly and conspicuously marked and identified on such package or container as "medium," or "small," as the case may be, or by such other terms as the commissioner of agriculture may from time to time prescribe.

Sec. 5. Tolerances established. In order to allow for variations incident to proper grading and handling the following tolerances shall be allowed: (a) Ten eggs in each dozen shall meet the minimum requirements for fresh eggs as hereinbefore defined. Not more than 2 eggs in each dozen may be below said minimum requirements but not below the following requirements; air cell not greater than $\frac{3}{8}$ inch in depth; localized, may be slightly tremulous; yolk may be visible, mobile, germ developments slightly visible; white reasonably firm. (b) Not more than 2 eggs in each dozen "large" and "medium" shall fall below the required average weight of "large" and "medium" as designated in this act.

Sec. 6. Enforcement. The commissioner of agriculture shall have authority to administer the provisions of this act and to make uniform rules and regulations for such administration. The commissioner of agriculture may recover the penalties imposed for violations of this chapter in an action of debt brought in his own name, the venue to be as in other civil cases, and if he prevails in any such action, shall recover full costs; or he may prosecute for violation hereof by complaint or indictment, and such prosecution shall be commenced in the county in which the offense is committed.

Sec. 7. Penalty for violation. Any person, firm, partnership, association, or corporation who shall violate any of the provisions of this act, or shall neglect or refuse to comply with the provisions thereof or any rule or regulation promulgated hereunder shall be punished by a fine of not more than \$10 for the first offense and not more than \$50 for the second offense, and not more than \$100 for any subsequent offense.

Sec. 8. Jurisdiction and disposal of funds. Municipal courts and trial justices shall have original jurisdiction, concurrent with the superior court, of actions brought for the recovery of penalties imposed by this chapter, and of prosecutions for violation hereof. All fines received under this chapter by county treasurers shall be paid by them to the commissioner of agriculture; and all money received by the commissioner of agriculture under this chapter shall be paid by him to the treasurer of state, and the

CHAP. 101

same is hereby appropriated for the purpose of carrying out the provisions of this act.

Approved April 2, 1937.

Chapter 101

AN ACT Relating to Savings Banks Investments.

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

Sec. 1. R. S., c. 57, § 27, ¶ XIV, amended. Paragraph XIV of section 27 of chapter 57 of the revised statutes, as amended, is hereby further amended to read as follows:

'XIV. Mortgage loans. In notes or bonds secured by first mortgages of real estate in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and Vermont, to an amount not exceeding 60% of the market value of such real estate, or in notes or bonds secured by first mortgages which the Federal Housing Administrator has insured or has made a commitment to insure ~~under the provisions of Title II of the National Housing Act, approved June 27, 1934.~~ No bank shall have more than 60% of its deposits invested in such mortgages.'

Sec. 2. R. S., c. 57, § 27, ¶ XXIII, amended. Paragraph XXIII of section 27 of chapter 57 of the revised statutes as created by section 2 of chapter 2 of the public laws of 1935, is hereby amended to read as follows:

'XXIII. National mortgage associations. In the bonds or other interest-bearing obligations of national mortgage associations ~~or similar credit institutions now or hereafter organized under the provisions of Title III of the National Housing Act, approved June 27, 1934.~~

Sec. 3. R. S., c. 57, § 27, ¶ XIX, amended. Paragraph XIX of section 27 of chapter 57 of the revised statutes, as amended, is hereby further amended to read as follows:

'XIX. Personal loans. In a note or notes of a responsible individual borrower with 2 substantial sureties or endorsers, approved by the board of trustees, in an amount not exceeding \$1000 directly or indirectly for any 1 individual, or in a note or notes of a responsible individual borrower that are eligible for insurance under the National Housing Act and on which seasonable application for insurance is made under the provisions of Title I of the National Housing Act ~~approved June 27, 1934.~~ The aggregate of such loans shall not exceed 5% of its deposits.'

Approved April 2, 1937.