

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

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,
March 18, 1840, March 16, 1842 and Acts approved
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AUGUSTA, MAINE
1939

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

CHAP. 82

"large" and "medium" shall fall below the required average weight of "large" and "medium" as designated in this act. shall fall below the required average weight of its classification as defined in this act.'

Approved March 16, 1939.

Chapter 81

AN ACT to Prohibit the Sale of Cull or Unclassified Apples.

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

Sec. 1. Sale of unclassified apples, regulated. No person, firm or corporation shall within this state sell, distribute, transport, offer or expose for sale, distribution or transportation any apples that were grown outside of the state of Maine, which do not conform to the apple grades established in section 42 of chapter 41 of the revised statutes; provided, however, nothing in this act shall apply to any person, firm or corporation supplying apples consigned to a processing plant for use therein. The commissioner of agriculture shall diligently enforce the provisions of this act, and in person or by deputy shall have free access, ingress and egress at all reasonable hours to any place or any building wherein apples are stored, transported, sold, offered or exposed for sale, or for transportation. He may also in person or by deputy upon tendering the market price take samples of apples therefrom.

Sec. 2. Penalty. Any person, firm or corporation who sells, distributes, transports, offers or exposes for sale apples in violation of the above provisions shall be punished by a fine of not more than \$100 for the first offense, and by a fine of not more than \$200 for each subsequent offense.

Approved March 16, 1939.

Chapter 82

AN ACT Relating to Removal of Paupers.

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

R. S., c. 33, § 34, amended. Section 34 of chapter 33 of the revised statutes, as amended, is hereby further amended to read as follows:

'**Sec. 34. Overseers' complaint if pauper refuses to be removed to town of settlement; proceedings; person executing order of magistrate has same**

power as sheriff in executing criminal warrants; fees and costs. When the removal of a pauper to the town of his alleged settlement is sought, under section 31 or section 32, and the person to whom the order of the overseers is directed requests him to go with him in obedience thereto, and he refuses to go, or resists the service of such order, the person to whom it is directed may make complaint in writing, by him signed, of the facts aforesaid, to any judge of a municipal court or trial justice within the county where said pauper is then domiciled. Said magistrate shall thereupon, by proper order or process, cause said pauper to be brought forthwith before him by any officer to whom the same is directed, to answer said complaint and show cause why he should not be so removed. The complaint may be amended at any time before judgment thereon according to the facts. The complainant and the pauper shall both be heard, and if upon such hearing the magistrate finds that the town to which it is proposed to remove such pauper is liable for his maintenance and support, he shall issue his order, under his hand and seal, commanding the person to whom it is directed to take said pauper and transport him to the town aforesaid, and deliver him to the custody of the overseers of the poor thereof. In such a hearing the written order of the overseers of the poor of the town of settlement requesting the removal of the pauper shall be accepted by the magistrate as prima facie evidence that the settlement of the pauper is in the town requesting the removal and thereupon the burden of proof shall be upon the pauper to deny said settlement. The person to whom said last named order is directed shall have all the authority to execute the same according to the precept thereof, that the sheriff or his deputy has in executing warrants in criminal proceedings. In the foregoing proceedings, the fees and costs shall be the same as for like services in criminal cases, and shall be paid by the town seeking to remove such pauper of settlement.'

Approved March 16, 1939.

Chapter 83

AN ACT to Amend the Fair Trade Act.

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

P. L., 1937, c. 204, § 1, amended. Section 1 of chapter 204 of the public laws of 1937 is hereby amended to read as follows:

'Sec. 1. Certain contracts not invalid. A. No contract, relating to the sale or resale of a commodity which bears, or the label or content of which bears, or the vending equipment from which said commodity is sold