

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-first and Ninety-second
Legislatures
OF THE
STATE OF MAINE

From April 10, 1943 to April 21, 1945
AND MISCELLANEOUS STATE PAPERS
From April 10, 1943 to May 24, 1945

Published by the Revisor of Statutes in accordance
with Chapter 10 of the Revised Statutes of 1944.

KENNEBEC JOURNAL
AUGUSTA, MAINE
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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-second Legislature

1945

'The standard for low-water mark on the Kennebec river is in all cases the nearest benchmark of the United States coast survey, allowance being made at the various points for the difference in time. The provisions of this and the preceding sections do not apply to weirs built for the purpose of taking herring, or other salt-water fish.'

Effective July 21, 1945

Chapter 108

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. R. S., c. 27, § 42, amended. Section 42 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 42. 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 "grade A", "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 section 43.'

Sec. 2. R. S., c. 27, § 43, amended. Section 43 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 43. 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 may be regular or slightly wavy. The yolk outline may be fairly well defined. The yolk must be practically free from defects or blemishes visible before the candle; white must be clear and reasonably firm.'

Sec. 3. R. S., c. 27, § 44, amended. Section 44 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 44. Other definitions and terms. Terms used in sections 42 to 49, inclusive, shall be construed as follows unless a different meaning is

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clearly apparent from the language or context: "wholesale" means selling to retailers; "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; "extra large" eggs shall mean eggs having an average weight of not less than 26 ounces net to the dozen with no egg weighing less than at the rate of 25 ounces to the dozen; "large" eggs shall mean eggs having an average weight of not less than 24 ounces net to the dozen with no egg weighing less than at the rate of 23 ounces to the dozen; "medium" eggs shall mean eggs having an average weight of not less than 21 ounces net to the dozen with no egg below the rate of 20 ounces to the dozen; "pullet" eggs shall mean eggs having an average weight of not less than ~~19~~ 18 ounces net to the dozen with no egg below the rate of ~~18~~ 17 ounces to the dozen; "peewee" eggs shall mean all eggs which will not qualify as to size under "extra large", "large", "medium", or "pullet".

Sec. 4. R. S., c. 27, § 45, amended. Section 45 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 45. To provide for proper branding. All eggs sold, offered, exposed, or advertised for sale for human consumption at retail or wholesale, or exchanged or distributed at retail or wholesale in bulk or in open or closed packages or containers within the state as fresh eggs, shall be plainly and conspicuously marked on such package or container with the word "Fresh" or "Grade A". The size of all eggs for human consumption which are sold, offered, exposed, or advertised for sale at retail or wholesale, or exchanged or distributed at retail or wholesale 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 "extra large", "large", "medium", "pullet", or "peewee", as the case may be, or by such other terms as the commissioner may from time to time prescribe.

Provided, however, that the foregoing grades, standards, and weight classes and any previous laws relating to their use shall not be construed to prohibit the right to pack and/or ship and/or sell either within or without the state eggs packed and marked, branded, or labelled in accordance with official United States' grades, standards, and weight classes as promulgated from time to time by the United States department of agriculture or the commissioner of agriculture of the state of Maine provided such eggs meet the specifications of such grades, standards, and weight classes.'

Sec. 5. R. S., c. 27, § 46, amended. Section 46 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 46. Tolerances established. In order to allow for variations incident to proper grading and handling the following tolerances shall be allowed:

I. Ten eggs in each dozen shall meet the minimum requirements for fresh eggs as defined in section 43. 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 development slightly visible;~~ white reasonably firm and may show total movement not in excess of $\frac{3}{8}$ inch. If the air cell is small, not over $\frac{1}{4}$ inch in depth, it may be free. The yolk outline may be well defined. The yolk may show definite but not serious defects visible before the candle. The white must be clear but may be slightly weak.

II. ~~Not more than 2 eggs in each dozen shall fall below the required average weight of its classification as defined in section 44.'~~

Effective July 21, 1945

Chapter 109

AN ACT Relating to Soil Conservation.

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

Sec. 1. R. S., c. 29, § 10, sub-§ I, amended. The 2nd sentence of subsection I of section 10 of chapter 29 of the revised statutes is hereby amended to read as follows:

'All moneys allocated to any district by the said committee shall be available to the supervisors of such district for all administrative and other expenses of the district under the provisions of this chapter ~~and for all administrative and other expenses of the board of adjustment established or to be established by such district.'~~

Sec. 2. R. S., c. 29, § 10, sub-§ II, amended. The 1st sentence of subsection II of section 10 of chapter 29 of the revised statutes is hereby amended to read as follows:

'Seventy-five per cent of all moneys which may be appropriated to pay the administrative and other expenses of soil conservation districts shall