

# 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

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

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KENNEBEC JOURNAL  
AUGUSTA, MAINE  
1945

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

As Passed by the Ninety-second Legislature

**1945**

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PUBLIC, 1945

CHAP. 298

Sec. 29. R. S., c. 78, § 11, amended. Section 11 of chapter 78 of the revised statutes is hereby amended to read as follows:

'Sec. 11. Tax. The promoter or promoters of all boxing contests held under the provisions of this chapter shall pay to the treasurer of state, as provided in section 3 for credit to the general fund, a tax of 3% of the gross receipts from such contest. This tax shall have been paid to the treasurer of state by the last day of the month following the month in which such contest is held. Upon failure to pay such tax to the treasurer of state, such promoter or promoters shall be liable to pay a penalty of 25% of the amount of the tax due, which penalty shall be recovered by an action on the case brought in the name of the said commission, and the said penalty if recovered shall be paid to the treasurer of state to be credited to the ~~state boxing~~ general fund. On the failure of any promoter or promoters to pay such a tax the commission shall revoke the promoter's license.'

Sec. 30. R. S., c. 14, § 205, repealed and replaced. Section 205 of chapter 14 of the revised statutes is hereby repealed and replaced to read as follows:

'Sec. 205. Allocation of tax. The revenue derived from the tax imposed by the provisions of sections 186 to 205, inclusive, shall be credited to the general fund of the state. Provided, however, that there shall always be available for old age assistance state moneys in an amount not less than the revenue derived from the cigarette tax.'

Effective July 21, 1945

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## Chapter 298

### AN ACT Governing the Production of Milk and Cream.

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

Sec. 1. R. S., c. 27, § 79-A, additional. Chapter 27 of the revised statutes is hereby amended by adding thereto a new section to be numbered 79-A, to read as follows:

'Sec. 79-A. Uniform rules and regulations. The commissioner shall promulgate uniform rules and regulations governing the production, sale and distribution of milk and cream for sale within the state.'

Sec. 2. R. S., c. 27, § 80, amended. Section 80 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 80. Registration of milk dealers; penalty for refusing to register or post certificate. Any person, firm, corporation, association, or society, who shall sell or deliver milk or cream as a business to any person from a wagon or other conveyance, depot, or store, or who shall sell or deliver milk to a hotel, restaurant, boarding-house, or any public place, shall be considered a milk dealer within the meaning of this section, and shall on or before the 1st day of January in each year, apply to the commissioner for registration, furnishing such information as may be required, upon blanks issued and furnished by the said commissioner to such persons as may request the same. Every such registration shall expire on the 1st day of January, next after its issue, and shall be granted only to the milk dealer owning or leasing the vehicle or place from which sales or supplies are to be made, and shall not be transferred. Upon receipt of the application for registration, containing the information required, and upon being satisfied that all milk is being produced and handled in ~~a sanitary way~~ accordance with the provisions of section 79-A and is from cows free from disease, the said commissioner shall issue to the applicant a certificate of registration, which certificate shall be posted in a conspicuous place in the store or depot from which sale or supply is made, and the number of the certificate of registration for each wagon or other vehicle shall be placed in a conspicuous place on said wagon or other vehicle. The commissioner may cancel the certificate of any dealer, who, after due hearing on complaint by the said commissioner or his authorized agent, is found to be selling milk produced or handled ~~under unsanitary conditions~~ in violation of the provisions of section 79-A or milk from diseased cows. If any person, firm, corporation, association, or society desires to become a milk dealer, as provided by this section, before the 1st day of January in any year, he or they shall, prior to engaging in the business, register with the commissioner in the manner hereinbefore provided, for each place or vehicle from which sale or supply is to be made. Any dealer who neglects or refuses to register with the commissioner, or to post certificates of registration in the store or depot from which sale or supply is made, or to post the number of the certificate of registration on the wagon or other vehicle from which sale or supply is made, as provided in this section, or to surrender his certificate to the said commissioner when notified in writing that the same has been canceled, and the reason given for cancelation, or who himself or by his servant or agent, sells or delivers, or has in his custody or possession with intent to sell or deliver, any milk after having been refused the aforesaid certificate of registration by the commissioner, ~~forfeits \$50 to be recovered in an action of debt, to be prosecuted in the name of the state by the~~

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county attorney for the county in which such violation has occurred; but the provisions of this section shall not apply to milk or cream delivered to a creamery or butter or cheese factory shall be punished by a fine of not more than \$50. No certificate of registration shall be required of producers selling only to licensed milk pasteurizing plants.'

Sec. 3. R. S., c. 27, § 84, amended. Section 84 of chapter 27 of the revised statutes is hereby amended by adding at the end thereof a new sentence to read as follows :

'The name or trade name of the dealer shall appear on all bottle caps.'

Effective July 21, 1945

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## Chapter 299

### AN ACT Regulating the Use of Certain Kinds of Firearms.

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

R. S., c. 33, § 47-A, additional. Chapter 33 of the revised statutes is hereby amended by adding thereto a new section to be numbered 47-A and to read as follows :

'Sec. 47-A. Use of automatic firearms regulated; definitions; exceptions. No person shall use for hunting, or have in his possession at any time in the fields and forests or on the waters of the state, any automatic firearm, or any firearm that has been converted to an automatic type, or any firearm which has built-in mechanical adjustments which will permit it to function as an automatic arm.

No person shall use for hunting or have in his possession at any time in the fields and forests or on the waters of the state any auto-loading firearm having a magazine capacity of more than 5 cartridges. All auto-loading firearms having a magazine capacity in excess of 5 cartridges shall have the magazine permanently altered so as to contain not more than 5 cartridges before it may be used in this state. It shall be unlawful for any person to use cartridges containing tracer bullets or cartridges containing explosive bullets.

An automatic firearm shall be defined as one that will continue to fire as long as the trigger is held back.