

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fourth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
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STATE OF MAINE

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nished by the policyholder shall constitute notice for the purpose of this section.

Exceptions

Sec. 141-D. **Exceptions.** The provisions of sections 141-A to 141-C, inclusive, shall not apply to any contracts or policies entered into or issued prior to the effective date of sections 141-A to 141-D, inclusive, nor to any extensions, renewals or modifications thereof or amendments thereto whenever made.'

Effective August 6, 1949

Chapter 317

AN ACT Pertaining to the Definition of a Contract Carrier.

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

R. S., c. 44, § 21, amended. The 1st paragraph of section 21 of chapter 44 of the revised statutes is hereby amended to read as follows:

'The term "contract carrier" as used in this chapter is intended to include all persons, firms or corporations operating or causing the operation of motor vehicles transporting freight or merchandise for hire upon the public highways, other than common carriers over regular routes; except that the term shall not be construed to include any person, firm or corporation not regularly engaged in the transportation business but who on occasional trips transports the property of others for hire. Whether or not any person, firm or corporation is engaging regularly in the transportation business within the meaning of this paragraph shall be a question of fact, to be determined by the commission, the supreme judicial court, the superior court or a municipal court, but the making of ~~more than~~ 2 trips for hire during any ~~30 day~~ 6-month period shall be deemed as regularly engaging in the transportation business.'

Effective August 6, 1949

Chapter 318

AN ACT Relating to the Sales and Marketing of Eggs.

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

Sec. 1. R. S., c. 27, §§ 42-46, repealed and replaced. Sections 42 to 46, inclusive, of chapter 27 of the revised statutes, as amended by chapter 108

of the public laws of 1945, are hereby repealed and the following enacted in place thereof:

‘Sec. 42. Labeling of shell eggs. All eggs sold or offered for sale for human consumption by any person, partnership, association, firm or corporation shall be labeled with the grade and size designation as set forth in the Maine consumer grades, except as hereinafter provided.

Sec. 43. Standards of quality. The standards of quality for Maine consumer grades for shell eggs, Grade AA, Grade A, Grade B and Grade C, that are or may be established by the commissioner, shall apply to all shell eggs sold or offered for sale. Any edible eggs not conforming to the specifications Maine Grade AA, A, B or C shall be sold as “ungraded eggs” or as “checks,” “cracks” or “dirties”. The final determination of the grades shall be made by candling.

Sec. 44. Requirements for grades to be established by commissioner and an advisory committee chosen by the Maine Poultry Improvement Association; designation. The net weight and size requirements for Maine consumer grades for shell eggs shall be established by the commissioner and an advisory committee chosen by the Maine Poultry Improvement Association.

All advertising of such eggs shall include the correct size and grade designation in describing the eggs and the correct size and grade designation shall appear in clearly legible letters on the container in which such eggs are offered for sale. Each lot of eggs sold at wholesale shall be accompanied by an invoice stating both size and grade designation.

No signs, flyers, advertisements or false labels shall be used to sell or offer for sale or expose for sale any eggs which do not conform to the standards for quality and size for Maine consumer grades or established by the commissioner, or which do not conform to the provisions of sections 42 to 49, inclusive.

Sec. 45. Limitation on use of certain terms. The terms “fresh eggs,” “strictly fresh eggs,” “hennery eggs,” “new-laid eggs,” “farm fresh eggs,” “selected eggs,” “quality certified eggs,” “nearby eggs,” “native eggs” or words or descriptions of similar import shall not be used on any eggs which do not meet the minimum requirements for Maine consumer Grade A.

Sec. 46. Definitions. Terms used in sections 42 to 49, inclusive, shall be construed as follows unless a different meaning is clearly apparent from the language or context: “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; “retail” means selling direct to consumer; “wholesale” means selling to retailers.’

Sec. 2. R. S., c. 27, § 46-A, additional. Chapter 27 of the revised statutes is hereby amended by adding thereto a new section to be numbered 46-A, to read as follows:

'Sec. 46-A. Exemptions.

I. Producers selling eggs of their own producing direct to household users are exempt from the provisions of sections 42 to 49, inclusive, except when they are marked as to grade or size.

II. All sales by a producer or shipper to other than a retailer or consumer are exempt except when they are marked as to grade or size.'

Sec. 3. R. S., c. 27, § 48, amended. Section 48 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 48. Penalty. Any person, firm, partnership, association or corporation who shall violate any of the provisions of sections 42 to 49, inclusive, 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~~ \$50 for the 1st offense, and not more than ~~\$50~~ \$200 for ~~the~~ ~~and~~ offense, and not more than ~~\$100~~ for any each subsequent offense.'

Sec. 4. R. S., c. 27, § 50, repealed. Section 50 of chapter 27 of the revised statutes is hereby repealed.

Effective August 6, 1949

Chapter 319

AN ACT Relating to Unfair Methods of Competition and Practices in the Business of Insurance.

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

R. S., c. 56, §§ 130-136, repealed and replaced. Sections 130 to 136, inclusive, of chapter 56 of the revised statutes, as amended by chapter 14 of the public laws of 1947, are hereby repealed and the following sections to be numbered 130 to 136-F, inclusive, are enacted in place thereof:

'Unfair Methods of Competition and Trade Practices

Sec. 130. Declaration of purpose. The purpose of sections 130 to 136-F, inclusive, is to regulate trade practices in the business of insurance in accordance with the intent of congress as expressed in the act of congress of