

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

STATE OF MAINE

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work deemed by the Warden of the prison to be of sufficient importance and responsibility to warrant such deduction.'

Sec. 6. R. S., c. 27, § 42, amended. Section 42 of chapter 27 of the Revised Statutes, as amended by chapter 309 of the public laws of 1955, is further amended to read as follows:

'Sec. 42. Convict assaulting officers; escape; prosecution. If a convict, sentenced to the State Prison for life or for a limited term of years, or transferred thereto from the Reformatory for Men under section 75, or committed thereto for safekeeping under chapter 148, section 33, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts to do so, he may, at the discretion of the court, be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence, except in the case of a convict serving a life sentence, to commence at the completion of 30 years of such sentence. The Warden shall certify the fact of a violation of the foregoing provisions to the county attorney for the County of Knox, who shall prosecute such convict therefor.'

Sec. 7. R. S., c. 27, §§ 76-94, repealed. Sections 76 to 94 of chapter 27 of the Revised Statutes, as amended, are repealed.

Sec. 8. Amendment of words "insane" and "insanity." Wherever in the Revised Statutes or public laws or private and special laws the words "insane" or "insanity" appear, they shall be amended to the words 'mentally ill' and 'mental illness' except in all instances where the word "insane" is in reference to the word criminal.

Effective September 12, 1959

Chapter 243

AN ACT Relating to Marking and Detention of Substandard Grade Sardines.

Emergency preamble. Whereas, the sardine industry is one of the important industries of the State of Maine; and

Whereas, the packing or canning of sardines is a seasonal operation extending from April 15th to December 1st of each year; and

Whereas, the inspection conducted by the Commissioner of Agriculture benefits both the packers and the public in helping to maintain and improve the quality of this important food product; and

Whereas, it is desirable to change the law to clarify the marking requirements for goods not in compliance with the sardine inspection law and the marking requirements of substandard grade sardines, and to enable the Commissioner of Agriculture to detain such goods until properly marked; and

Whereas, it is desirable and necessary that changes in the law affecting the packing of sardines and inspection thereof should be in effect at the beginning of the packing season or as soon thereafter as possible so that the benefits of

such changes may be realized promptly and so that uniform policies can be followed during the entire packing season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., c. 32, § 263, amended. The 6th paragraph of section 263 of chapter 32 of the Revised Statutes is repealed and the following enacted in place thereof:

'Fish packed which do not comply with sections 258 to 267 and which do not comply with the official standards of grade promulgated by the commissioner shall not be sold in the United States, its territories or possessions, unless each can in said cases is plainly and conspicuously marked with the word "Herring". Neither the word "sardine" nor the word "sardines" shall appear on the case or on the cans.

Sardines which are officially designated as substandard grade, for which a certificate is issued, shall not be sold in the United States, its territories or possessions, unless each can in the lot has the words "Substandard Grade, Good Food—Not High Quality" so placed as to be easily seen when the name of the product or pictorial representation thereof is viewed, and appear conspicuously enough to be seen under ordinary conditions of purchase. The words "Substandard Grade, Good Food—Not High Quality" shall be printed in 2 lines across the cover of all cans in letters not less than $\frac{1}{8}$ of an inch in height and be enclosed in lines which are not less than $\frac{1}{32}$ of an inch in width. The above wording shall be printed on all wrappers, labels, cartons or other outer coverings of the cans with a permanent type of indelible ink, or by means of other approved procedure. The words "Substandard Grade" shall appear in letters not less than one inch in height on both ends of the shipping container.

The commissioner, or any duly authorized agent of the commissioner, shall detain or place an embargo upon sardines officially designated as substandard grade, for which a certificate is issued, by marking or tagging the same and warning all persons not to remove or dispose of the same by sale or otherwise until permission for removal or disposal is given by the commissioner. Such sardines shall be detained or placed under embargo until the goods are marked in accordance with this section or the commissioner has received a bond covering the export provisions of this section.'

Sec. 2. R. S., c. 32, § 33, amended. Section 33 of chapter 32 of the Revised Statutes is amended to read as follows:

'Sec. 33. Brands, labels and trade-marks; use of brands; revocation. The commissioner may determine or design brands, labels or trade-marks for identifying farm products and sardines packed in accordance with such official grades and standards established as provided by law and may furnish information to packers and shippers as to where such labels and trade-marks may be obtained. A written application to the said commissioner requesting permission to use said brands, labels or trade-marks, and a written acceptance thereto by the said commissioner or duly authorized assistants, shall be a condition precedent to the use of such brands, labels or trade-marks. The said commissioner

may revoke or suspend the right to use such brands, labels or trade-marks whenever it appears on investigation that they have been used to identify farm products and sardines not in fact conforming to the grade indicated.'

Sec. 3. R. S., c. 32, § 35, amended. The first sentence of section 35 of chapter 32 of the Revised Statutes is amended to read as follows:

'After notice of the establishment of grades or standards and the determination of brands, labels or trade-marks ~~as herein provided~~, it shall be unlawful to use a brand, label or trade-mark to identify farm products and sardines as being of a grade established ~~as aforesaid~~ before a permit is granted or after the revocation of the right to use such brand, label or trade-mark by the commissioner.'

Sec. 4. R. S., c. 32, § 36, amended. Section 36 of chapter 32 of the Revised Statutes is amended to read as follows:

'**Sec. 36. Inspection of branded products; certificates of inspection.** The commissioner or his duly authorized agents may inspect farm products and sardines, marked, branded or labeled in accordance with official grades or standards established and promulgated by the said commissioner ~~as provided in this chapter~~ for the purpose of determining and certifying the quality and condition thereof and other material facts relative thereto. Certificates issued in pursuance of such inspection and executed by the inspector shall state the date and place of inspection, the grade, condition and approximate quality of the farm products and sardines inspected and such other pertinent facts as the said commissioner may require. Such a certificate relative to the condition or quality of said farm products and sardines shall be prima facie evidence in all courts of the State of the facts required ~~as aforesaid~~ to be stated therein.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective April 29, 1959

Chapter 244

AN ACT Providing for Uniform Act for Simplification of Fiduciary Security Transfers.

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

Sec. 1. R. S., c. 53, §§ 72-A - 72-K, additional. Chapter 53 of the Revised Statutes is amended by adding 11 new sections to be numbered 72-A to 72-K, to read as follows:

'Simplification of Fiduciary Security Transfers.

Sec. 72-A. Definitions. In sections 72-A to 72-K, unless the context otherwise requires:

"Assignment" includes any written stock power, bond power, bill of sale, deed, declaration of trust or other instrument of transfer.