

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
ONE HUNDRED AND FOURTH LEGISLATURE
1969

Sec. 2. R. S., T. 7, § 2904, amended. Section 2904 of Title 7 of the Revised Statutes is amended to read as follows :

§ 2904. Rules and regulations

The commissioner shall, after investigation and public hearing adopt and promulgate rules ~~and~~, regulations and standards of identity and quality to supplement and give full effect to sections 2901 to 2904 and 3101 to 3103. Such rules and regulations shall establish sanitary regulations pertaining to the production, processing, handling and distribution of milk, cream and other ~~dairy~~ milk products, substitutes therefor, or imitations thereof, including the construction, sanitary condition of buildings, grounds and equipment where milk or milk products, substitutes therefor, or imitations thereof, are produced, processed, handled and distributed. The commissioner shall establish in accordance with the authority contained in this section, standards of identity and quality for milk products, substitutes therefor, or imitations thereof, which are not defined in sections 2901 to 2904. Such rules ~~and~~, regulations and standards of identity and quality shall be filed and open for public inspection at the office of the commissioner and shall have the force of law.

Sec. 3. R. S., T. 7, § 2908, amended. Section 2908 of Title 7 of the Revised Statutes is amended to read as follows :

§ 2908. Penalties

Any firm, person, corporation or society who shall produce grade A milk, or pasteurized grade A milk for sale in the State or who shall sell milk or cream in the State without the license or licenses provided in section 2902, or who shall violate any of the provisions of sections 2901 to 2904 and 3101 to 3103, or neglects, fails or refuses to comply with any of the provisions of said sections and the rules ~~and~~, regulations and standards of identity and quality issued thereunder, 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.

Effective October 1, 1969

Chapter 42

AN ACT Relating to Tree and Shrub Seeds Under the Maine Seed Law.

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

Sec. 1. R. S., T. 7, § 485, amended. Section 485 of Title 7 of the Revised Statutes is amended to read as follows :

§ 485. Annual analysis

The Director of the Maine Agricultural Experiment Station shall annually analyze, or cause to be analyzed, samples of articles of agricultural ~~or vegetable seed~~, vegetable or tree and shrub seeds, commercial feeding stuff, commercial fertilizer, drugs, foods and economic poisons at such time and to

such extent as the commissioner may determine. Said commissioner, in person or by deputy, shall have free access, ingress and egress at all reasonable hours to any place or any building wherein articles of agricultural ~~or vegetable seed~~, vegetable or tree and shrub seeds, commercial feeding stuff, commercial fertilizer, drugs, food or economic poisons are manufactured, stored, transported, sold, offered or exposed for sale. He may, in person or by deputy, open any case, package or other container, and may, upon tendering the market price, take samples for analysis. The results of all analyses of agricultural ~~or vegetable seed~~, vegetable or tree and shrub seeds, commercial feeding stuff, commercial fertilizer, drugs, food and economic poisons made by said director shall be published by him in the bulletins or reports of the experiment station, together with the names of the persons from whom the samples were obtained, the names of the manufacturers thereof and such additional information as to him may seem advisable.

Sec. 2. R. S., T. 7, § 1042, sub-§ 7-A, additional. Section 1042 of Title 7 of the Revised Statutes is amended by adding a new subsection 7-A, to read as follows:

7-A. Tree and shrub seeds. "Tree and shrub seeds" shall include the seeds of woody plants commonly known and sold as tree and shrub seeds in this State.

Sec. 3. R. S., T. 7, § 1043, amended. The first paragraph of section 1043 of Title 7 of the Revised Statutes is amended to read as follows:

Each container of agricultural ~~or vegetable seed~~, vegetable or tree and shrub seeds which is sold, offered for sale or exposed for sale within the State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

Sec. 4. R. S., T. 7, § 1043, sub-§ 3, additional. Section 1043 of Title 7 of the Revised Statutes is amended by adding a new subsection 3, to read as follows:

3. For tree and shrub seeds:

A. Name of kind and variety;

B. The percentage by weight of pure seed;

C. The percentage of germination;

D. The year of collection of such seed;

E. The specific locality, state and county in the United States or nearest equivalent political unit in the case of foreign countries, in which the seed was collected.

F. Name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within this State.

Sec. 5. R. S., T. 7, § 1044, sub-§ 1, amended. The first sentence of subsection 1 of section 1044 of Title 7 of the Revised Statutes is amended to read as follows:

It shall be unlawful for any person to sell, offer for sale or expose for sale any agricultural ~~or vegetable seed~~, vegetable or tree and shrub seeds within this State:

Sec. 6. R. S., T. 7, § 1044, sub-§ 2, ¶ B, amended. Paragraph B of subsection 2 of section 1044 of Title 7 of the Revised Statutes is amended to read as follows:

B. To disseminate any false or misleading advertisement concerning agricultural ~~or vegetable seed~~, vegetable or tree and shrub seeds in any manner or by any means;

Sec. 7. R. S., T. 7, § 1045, amended. The 2nd paragraph of section 1045 of Title 7 of the Revised Statutes is amended to read as follows:

No person shall be subject to the penalties of this subchapter for having sold or offered or exposed for sale in this State any agricultural ~~or vegetable seeds~~, vegetable or tree and shrub seeds which were incorrectly labeled or represented as to kind, variety, type or origin, which seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice or grower's declaration giving kind, or kind and variety, or kind and type, and origin if required, and to take such other precautions as may be necessary to insure the identity to be that stated.

Sec. 8. R. S., T. 7, § 1046, amended. Section 1046 of Title 7 of the Revised Statutes is amended to read as follows:

§ 1046. Duties of commissioner

It shall be the duty of the commissioner, who may act through his authorized agents:

1. Inspection. To sample, inspect, cause to be analyzed or tested, agricultural ~~and vegetable seeds~~, vegetable or tree and shrub seeds transported, sold or offered or exposed for sale within this State for sowing purposes, at such time and place and to such extent as he may deem necessary to determine whether said agricultural ~~or vegetable seeds~~, vegetable or tree and shrub seeds are in compliance with this subchapter, and to notify promptly of any violation, the person who transported, sold, offered or exposed the seed for sale;

2. Rules and regulations. To prescribe and, after public hearing following due public notice, to adopt rules and regulations governing the methods of sampling, inspecting, analysis, test and examination of agricultural ~~and vegetable seed~~, vegetable or tree and shrub seeds, and the tolerances to be followed, which shall be in general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as may be necessary to secure the efficient enforcement of this subchapter.

Sec. 9. R. S., T. 7, § 1047, sub-§ 1, amended. The first sentence of subsection 1 of section 1047 of Title 7 of the Revised Statutes is amended to read as follows:

To issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural ~~or vegetable seed~~, **vegetable or tree and shrub seeds** which the commissioner finds is in violation of any of the provisions of this subchapter, which order shall prohibit further sale of such seed until such officer has evidence that the law has been complied with.

Sec. 10. R. S., T. 7, § 1048, amended. The first sentence of section 1048 of Title 7 of the Revised Statutes is amended to read as follows:

Any lot of agricultural ~~or vegetable seed~~, **vegetable or tree and shrub seeds** not in compliance with this subchapter shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality in which the seed is located.

Effective October 1, 1969

Chapter 43

AN ACT to Clarify Certain Banking Laws.

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

Sec. 1. R. S., T. 9, § 2, amended. The 3rd sentence of the first paragraph of section 2 of Title 9 of the Revised Statutes is amended to read as follows:

Such assessment shall be made by the commissioner ~~within 30 days~~ **as soon as feasible** after the close of such examination, investigation or verification and notice thereof shall forthwith be sent to such institution.

Sec. 2. R. S., T. 9, § 6, sub-§ 3, amended. Subsection 3 of section 6 of Title 9 of the Revised Statutes is amended to read as follows:

3. Reports and information. To require of financial institutions, subject to his supervision, reports and information at such times and in such forms as he deems appropriate to the proper supervision of such institutions. **Any financial institution which shall fail to furnish such reports and information within the time specified shall be subject to a penalty of not more than \$25 per day for each day it is in violation of this section, which penalty may be recovered in a civil action in the name of the State;**

Sec. 3. R. S., T. 9, § 6, sub-§ 4, ¶ C, amended. Paragraph C of subsection 4 of section 6 of Title 9 of the Revised Statutes is amended to read as follows:

C. Such regulation, amendment or repeal may be issued, and shall become effective on issue, not less than ~~60~~ **30** days after submitted to the advisory committee unless said advisory committee disapproves the proposed regulation by majority vote of its entire membership submitted to the commis-