

MAINE STATE LEGISLATURE

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SIXTH REVISION

THE
REVISED STATUTES

OF THE

STATE OF MAINE

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By the Authority of the Legislature

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and council. The commissioner shall annually publish a classified account of all receipts and expenditures under this section.

Sec. 42. Method of expending appropriation. 1913, c. 140, § 8. Any sums of money appropriated to carry out the provisions of chapter forty-eight relating to the duties of the state sealer of weights and measures, shall be added to the funds appropriated to carry out the provisions of this chapter, and expended as a part thereof; or any funds appropriated to carry out the provisions of this chapter, may be expended in carrying out the provisions aforesaid, relating to the duties of the state sealer of weights and measures.

CHAPTER 37.

Regulation of Sale of Milk.

- Sections 1- 4 Duties of Commissioner of Agriculture.
- Sections 5- 6 Registration of Milk Dealers.
- Sections 7-31 Inspection and Sale of Milk.
- Sections 32-36 Protection of Milk Dealers in Use of Containers.

Duties of Commissioner of Agriculture.

Sec. 1. Duty of commissioner of agriculture; shall have access to all places of business. 1909, c. 35, § 1. The commissioner of agriculture shall, either in person or by duly authorized agents and assistants, diligently inquire into and investigate the production, manufacture, transportation, storage and sale of milk, cream, butter and all other dairy products, substitutes therefor or imitations thereof. The commissioner, his agents and assistants, shall have access at all reasonable hours, to all places of business, factories or carriages, cans or other vessels used or which he or they believe to be used in the production or handling of milk or any other dairy product, substitute therefor or imitation thereof, and upon tendering the market price of a sample of milk or other dairy product, substitute therefor or imitation thereof, may take such sample from any person, firm, corporation, association or society; the commissioner shall cause all samples so taken to be analyzed.

Sec. 2. Penalty for obstructing commissioner in performance of duty. 1909, c. 35, § 2. Whoever hinders, obstructs, or in any way interferes with the commissioner of agriculture, his agents or assistants, in the performance of his or their duty, herein above set forth, by refusing entrance to any place where he is authorized to enter, or access to any receptacle to which he is authorized to have access, or by refusing to deliver to him, his agents or assistants, a sample of milk or any other dairy product, substitute therefor or imitation thereof, sold, offered or exposed for sale by the person to whom such request is made if the value thereof is tendered, or shall in any other manner hinder, obstruct or interfere with said commissioner, his agents or assistants, in the performance of any of their said

duties, shall be punished by a fine of one hundred dollars for the first offense and two hundred dollars for each subsequent offense.

Sec. 3. Publication of results of analyses. 1909, c. 35, § 3. The commissioner of agriculture shall publish the results of all analyses with the names of the persons, firms, corporations, associations and societies from which the samples analyzed were taken, together with such suggestions as he may deem advisable, in the regular or special bulletins issued by the department of agriculture. He may also, in his discretion, issue each month a report of the results of all analyses, for distribution to such newspapers in the state as may request a copy.

Sec. 4. Duty of commissioner to enforce law. 1909, c. 35, § 5; c. 242, § 6. 1911, c. 97. The commissioner of agriculture shall, either in person or by his duly authorized agent or assistant, diligently enforce the laws relating to the production, manufacture, transportation, storage and sale of milk and all other dairy products, substitutes therefor or imitations thereof, including oleomargarine and renovated butter. He shall likewise diligently enforce the laws relating to the sealing of cans, bottles and other vessels used in the purchase and sale of milk and cream, the protection thereof against mutilation, and the cleansing and sterilizing thereof before use or before being forwarded to producers or distributors of milk; and he may, either in person, or by his duly authorized agent or assistant, seize without warrant such cans, bottles or other vessels used in the purchase or sale of milk or cream, as may, in his judgment, be needed as evidence of violation of the laws above referred to. For the above purposes he may employ such agents, assistants, chemists, counsel and clerks, and he may purchase such samples of milk, cream and other dairy products, substitutes therefor or imitations thereof, and such stationery, postage, printed matter and other supplies incidental thereto, as may be necessary for the proper enforcement of said laws; for such expenses the sum of four thousand dollars shall be appropriated annually, to be paid upon the presentation of proper vouchers to the state auditor.

See c. 130, §§ 3, 6-10.

Registration of Milk Dealers.

Sec. 5. Registration of milk dealers; penalty for refusing to register or post certificate. 1909, c. 35, § 4. Any person, firm, corporation, association or society who shall sell or deliver milk or cream 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 first day of April in each year register with the commissioner of agriculture, furnishing such information as may be required, upon blanks issued and furnished by the commissioner to such persons as may request the same. Every such registration shall expire on the first day of April, 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, the commissioner shall issue to the applicant a certificate of registration, which certificate shall be posted

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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. If any person, firm, corporation, association or society desires to become a milk dealer, as provided by this section, before the first day of April in any year, he or they shall, prior to engaging in the business, register with the commissioner of agriculture 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 of agriculture, 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, forfeits fifty dollars to be recovered in an action of debt, to be prosecuted in the name of the state by the 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.

Sec. 6. Municipal officers shall prosecute violations. 1909, c. 35, § 8. The mayor and aldermen, selectmen, assessors, city marshal, chief of police and constables in every city and town shall make complaint and prosecute all violations of the preceding sections, and promptly enforce all laws against illegal sale and transportation of dairy products.

Inspection and Sale of Milk.

Sec. 7. Inspector or agent of state board of health may make inspection of dairy buildings. 1915, c. 178, § 1. Whenever, in the opinion of any officer or duly authorized inspector or agent of the state board of health, it may be necessary to guard against the spread of any infectious or communicable disease, or to investigate the source of infection of any case or outbreak of said disease, or to facilitate the control of said disease, said officer, inspector or agent may at all times enter and inspect premises, rooms, carriages or other places occupied or used in the production, manufacture, storage, sale, transportation or distribution of milk, cream, ice-cream or other dairy product, and may inspect all cans and other utensils or things used in, or appertaining to the work or business.

Sec. 8. Officer may prohibit sale or transportation of infected products; duty of state board of health. 1915, c. 178, § 2. When any officer, inspector, or duly authorized agent of the state board of health has reason to believe that the milk, cream, ice-cream or other dairy product from any farm, home or other place has been or is contaminated or infected by being handled or otherwise exposed to any person who has an infectious or communicable disease, or to any person of whom there is reason to believe that he may be an infection carrier, or that the milk is otherwise infected; said officer, inspector or agent may issue an order prohibiting the transportation, sale, distribution or use of such milk or other dairy product from that farm, home or other place so long as the danger of contamination or infection is believed to exist; but when such order is given, the state board of health shall, so far as possible, determine the time when the danger of

transmitting infection has passed, and shall endeavor to shorten the period during which the milk or other dairy product shall be debarred or withheld from transportation, sale, distribution or use.

Sec. 9. Officers may take samples to aid in investigations. 1915, c. 178, § 3. Any officer or authorized inspector or agent of the state board of health, may, upon tendering the market price of a sample of milk, cream, ice-cream or other dairy product, take such sample from any person, firm, corporation, association or society, when it is believed that such sample may help in any investigations which it may be thought desirable to make.

Sec. 10. State board of health may make rules and regulations as to diseases transmitted through milk. 1915, c. 178, § 4. The state board of health may make, alter or modify such rules and regulations as may be thought necessary relating to the diseases which it believes may be carried or transmitted through milk or other dairy products, or relating to the ways and means through which the danger of the spread of infection may be prevented or lessened, and the methods which shall be followed by any officer, inspector or agent of the state board of health in the performance of his duties in relation thereto.

Sec. 11. Penalty for interference with inspector or agent in performance of duty. 1915, c. 178, § 5. Whoever hinders, obstructs or interferes with any officer, inspector or duly authorized agent of the state board of health while in the performance of his duties, or violates or disobeys any of the orders, rules or regulations which may be made or given by the state board of health or any officer, inspector or agent thereof, shall be punished by a fine of not less than five, nor more than fifty dollars, or by imprisonment for not less than ten, nor more than thirty days.

Sec. 12. Inspectors of milk, appointment. R. S. c. 39, § 9. The municipal officers of cities and towns containing not less than three thousand inhabitants, and the municipal officers of all other towns on application of ten voters therein, shall appoint annually one or more persons to be inspectors of milk, who before entering upon their duties, shall give notice of their appointment by publishing the same for two weeks in a newspaper published in their towns, if any, otherwise by posting such notice in two or more public places therein; and they may receive such fees as said officers establish.

Sec. 13. Duties of inspectors of milk. R. S. c. 39, § 10. Inspectors shall keep an office and books for the purpose of recording the names and places of business of all persons selling milk within their jurisdiction. They may enter any place where milk is kept or stored for sale, and examine all carriages used in the conveyance thereof, and when they have reason to believe any milk found therein to be adulterated, they shall take specimens thereof, cause them to be analyzed or otherwise satisfactorily tested, and preserve the result as evidence. Said inspectors shall leave with the owner of the milk inspected a sealed specimen of the milk examined by them, which shall be marked in the same manner as the specimen taken at that time by said inspectors; and they shall prosecute for all violations of sections fifteen and twenty-eight.

See c. 130, §§ 2-6.

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Sec. 14. Standard measure for milk and cream. 1909, c. 242, § 1. All milk and cream bought and sold by measure for consumption within this state shall be bought and sold by wine measure, the standard for which shall be two hundred and thirty-one cubic inches to the gallon, and for subdivisions of the gallon, in the same proportion.

Sec. 15. All measures, cans, etc., shall be proved and plainly marked. 1909, c. 242, § 2. 1911, c. 53. All measures, cans or other vessels used in the purchase or sale of milk or cream, except glass bottles and jars sealed in accordance with the provisions of sections twenty and twenty-one, shall be tried and proved by the standard mentioned in the preceding section, by the sealer of weights and measures of the city or town in which the person, firm or corporation purchasing or selling such milk or cream resides or has a place of business. The sealer of weights and measures shall, agreeably to such standard, plainly stamp thereon the quantity which such measures, cans or other vessels hold, together with the year in which such measures, cans or other vessels are sealed. Whoever, by himself, clerk, servant or agent, sells by measure any milk or cream by any other than the measure so tried, sealed and marked, shall forfeit for each offense the sum of ten dollars. Any measure, can or other vessel used in the purchase or sale of milk or cream, lawfully sealed, as aforesaid, in any city or town within the state shall be deemed to be lawfully sealed under the provisions of this section.

See c. 48, § 25.

Sec. 16. Capacity of cans to be used in wholesale trade. 1909, c. 242, § 3. When milk or cream is purchased by measure at wholesale by any person, firm or corporation engaged in the business of buying or selling milk or cream or both, the can or other vessel containing such milk or cream shall hold eight quarts and one pint and no more, and shall be tried, proved, sealed and marked as herein provided.

Sec. 17. Penalty for mutilating cans and measures, or erasing names and marks. 1909, c. 242, § 4. Whoever by himself or by his servant or agent, or as the servant or agent of any other person, firm or corporation, having custody of a milk can, measure or other vessel used as a container for milk destined for sale, shall wantonly, wilfully or maliciously indent, bend or otherwise mutilate said can, measure or other vessel so that the same will not contain eight quarts and one pint, standard measure, as hereinbefore provided, or who shall wantonly, wilfully or maliciously erase, efface or otherwise mutilate said can, measure or other vessel so that any names, figures or other marks placed thereon by a sealer of weights and measures shall become illegible shall be punished by a fine not exceeding fifty dollars.

Sec. 18. Milk cans shall be cleansed and sterilized; storage room shall be kept in sanitary condition. 1909, c. 242, § 5. All persons, firms and corporations who shall purchase milk or cream for the purpose of reselling the same, either at wholesale or retail, shall thoroughly cleanse and sterilize all cans, vessels and other utensils prior to their being used in the manufacture, transportation, storage and sale of said milk or cream. All persons, firms and corporations engaged in the business of retailing milk or cream, shall thoroughly cleanse and sterilize all vessels, jars, cans and

other utensils used in the manufacture, storage and sale of milk or cream immediately before such vessels, jars or cans are filled for distribution. And the place or room in which milk or cream is stored, bottled or otherwise handled shall be kept in a clean and sanitary condition. Any person, firm or corporation violating this section or section sixteen of this chapter shall be punished by fine not exceeding fifty dollars.

Sec. 19. Milk cans shall be cleansed and sterilized before delivery. 1911, c. 60. All cans or other receptacles used in the transportation of milk or cream shall be cleansed and sterilized before being forwarded to the producer or distributor of milk or cream for use. Whoever by himself, clerk, servant or agent ships or transports or causes to be shipped or transported any cans or other receptacles not cleansed and sterilized as provided in this section, shall be punished by a fine of not exceeding fifty dollars for each offense.

Sec. 20. Capacity of milk bottles and jars. 1913, c. 81, § 1. Glass bottles and jars which are used for the distribution of milk or cream to consumers and which hold, when filled to a level with the bottom of the cap or stopple, not less than thirty-two ounces or more than thirty-two ounces and six drams; not less than sixteen ounces or more than sixteen ounces and four drams; not less than eight ounces or more than eight ounces and two drams for the quart, pint and one-half pint respectively, shall be sealed as full measure under the provisions of section thirteen of chapter forty-eight, or by the manufacturer. All dealers in milk or cream who use glass bottles or jars for the distribution of milk or cream to consumers, which have not been sealed by the manufacturer, shall bring such bottles or jars to the office of their city or town sealer to be sealed as aforesaid. If a bottle or jar has once been sealed by a sealer of weights and measures, or by the manufacturer, it shall not in any case be necessary to have it sealed again at any time while it is used for the distribution of milk or cream to consumers. Glass bottles or jars sealed under the provisions of this section shall not be legal measures except for the distribution of milk or cream to consumers.

Note. Penalty for violation of this section, c. 48, § 24.

Sec. 21. Marking of bottles and jars sealed by manufacturer; bond of manufacturer. 1913, c. 81, § 1. 1915, c. 44. Such bottles or jars as are sealed by the manufacturer shall be marked with the name, initials or trade-mark of the manufacturer, and designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number and the words "Maine Seal" shall be marked on the outside of the upper half of each bottle. The designating number shall be furnished by the state sealer of weights and measures upon application by the manufacturer, and upon filing by the manufacturer, with the treasurer of state, of a bond payable to the state in the sum of one thousand dollars, with sureties to be approved by the attorney-general, conditioned upon his conforming to the requirements of this section. A record of the bonds furnished, the designating numbers and to whom furnished, shall be kept in the office of the state sealer of weights and measures.

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Sec. 22. Penalty for violation. 1913, c. 81, § 1. Any manufacturer who sells milk or cream bottles to be used in this state that do not comply as to size and markings with the provisions of the two preceding sections, shall forfeit five hundred dollars, to be recovered by the attorney-general in an action upon the bond of such manufacturer. Any dealer who uses for the purpose of selling milk or cream, jars or bottles purchased after the third day of July, nineteen hundred and fifteen, that do not comply with the requirements of this section as to markings and capacity, shall be deemed guilty of using false or insufficient measures.

Sec. 23. County attorneys shall give aid. 1909, c. 35, § 6. The county attorney for the county in which any violation of the preceding sections has occurred, shall when called upon to do so by the commissioner of agriculture or either of his duly authorized agents or assistants, give all the aid in his power to secure the enforcement thereof, and shall prosecute cases arising thereunder or under other provisions relating to dairy products, substitutes therefor or imitations thereof.

Sec. 24. Court jurisdiction. 1909, c. 35, § 7. Trial justices and municipal and police courts shall have original jurisdiction, concurrent with the supreme judicial court and superior courts, of prosecutions for violations of the preceding sections and of all other laws relating to the production, manufacture, transportation, storage and sale of milk, cream, butter, cheese and all other dairy products, substitutes therefor or imitations thereof.

See c. 130, §§ 2, 3, 6-13.

Sec. 25. Milk shall be weighed and tested by the Babcock test. 1905, c. 76, § 1. All milk or cream purchased by any person, firm or corporation, for use in or to be resold by any creamery in this state, shall be weighed and shall be tested by the Babcock test to ascertain the amount of butter-fat per pound therein contained; and the value of the cream or milk thus purchased shall be determined by the amount of butter-fat per pound as thus ascertained. The test herein provided shall be made by the owners or operators of the creamery purchasing as aforesaid; but upon petition in writing, signed by twenty-five per cent or more of the patrons of any creamery and addressed to the commissioner of agriculture, or upon petition in writing signed by the owner or operator of any creamery and addressed to said commissioner, one or more tests shall be made by, or under the direction of said commissioner, and the finding of said commissioner shall be conclusive upon all parties therein concerned; provided, however, that when the total number of patrons of any one creamery exceeds one hundred then the number of petitioners herein required need not exceed thirty. All samples of cream tested by said test shall be weighed and the standard unit for testing shall be eighteen grams.

Sec. 26. Penalty for violation. 1905, c. 76, § 2. Any person, firm or corporation, or the servant or agent of any person, firm or corporation, who shall violate the preceding section, shall be punished by fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days.

Sec. 27. Semi-monthly payment for cream and milk. 1915, c. 32. Every person, firm or corporation purchasing cream or milk for the purposes of reselling, or of manufacturing the same into other products, shall pay the

producer, unless otherwise provided by written contract, semi-monthly; payment shall be made on the first day of each and every month for all cream or milk received prior to the fifteenth day of the preceding month, and payment shall be made on the fifteenth day of each and every month for all cream or milk received prior to the first day of the same month. Whoever violates the provisions of this section shall be punished by a fine of not less than ten, nor more than fifty dollars.

Sec. 28. Bottles and glasses used to measure milk or cream shall be tested for accuracy, and marked. R. S. c. 39, § 12. All bottles, pipettes or other measuring glasses used by any person, firm or corporation, or their agents or employees, at any creamery, butter factory, cheese factory, condensed milk factory or elsewhere in this state, in determining by the Babcock test or any other test, the value of milk or cream received from different persons at such creameries or factories, shall be tested before such use, for accuracy of measurement and for accuracy of the per cent scale marked thereon. Such bottles, pipettes or measuring glasses shall bear in marks or characters ineffaceable the evidence that such test has been made by the authority named in the following section. No inaccurate bottles, pipettes or other glasses shall bear such marks or characters.

See c. 44, § 12.

Sec. 29. Duty of director of Maine Agricultural Experiment Station, to test and mark all bottles, etc. R. S. c. 39, § 13. The director of the Maine Agricultural Experiment Station, or some competent person designated by him, shall test the accuracy of all bottles, pipettes or other measuring glasses used by persons, firms or corporations in the state buying or pooling milk or cream, or apportioning butter or cheese, made from the same, by the contents of butter-fat contained therein. The said director, or the person designated by him, shall mark such bottles, pipettes or other measuring glasses as are found correct, with marks or characters which cannot be erased, and which marks or characters shall stand as proof that they have been so tested. The said director shall receive for such service no more than the actual cost incurred, which shall be paid by the persons or corporations for whom it is done.

Sec. 30. Persons who manipulate test, shall be certified by superintendent of dairy school. R. S. c. 39, § 14. Any person, either for himself or in the employ of any other person, firm or corporation, who manipulates the Babcock test or any other test, whether mechanical or chemical, for the purpose of measuring the contents of butter-fat in milk or cream for a basis of apportioning the value of such milk or cream, or of the butter or cheese made from the same, shall secure a certificate from the superintendent of the dairy school at the University of Maine that he is competent and well qualified to perform such work. The rules and regulations in the application for such certificate and in the granting of the same shall be such as the superintendent of that school may arrange, and the fee for issuing a certificate shall not exceed one dollar, and shall be paid by the applicant.

Sec. 31. Penalty for using sulphuric acid of less than required specific gravity; penalty for violations of §§ 28, 30. R. S. c. 39, § 15. Whoever uses, or has in his possession with intent to use, at any creamery, butter

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factory, cheese factory or condensed milk factory, any sulphuric acid of less than one and eighty-two hundredths of specific gravity in the process known as the Babcock test or any other test for determining the butter-fat contents of milk or cream, shall be punished by a fine not exceeding twenty-five dollars for the first offense, and for a second offense not exceeding fifty dollars. Any person, firm or corporation, violating the provisions of section twenty-eight, shall be punished by a fine not exceeding fifty dollars for the first offense, and for a second offense not exceeding one hundred dollars; and any person violating section thirty shall be punished by a fine not exceeding ten dollars. Every inspector of milk, sheriff, deputy sheriff and constable shall institute complaint against any person violating said provisions, and one-half of the fines shall go to the complainant and the balance to the state.

Protection of Milk Dealers in the Use of Containers.

Sec. 32. Dealers may file description of name and devices; and publish such description. 1907, c. 129, § 1. All persons and corporations engaged in buying, selling or dealing in milk or cream in cans, jugs, bottles or jars, with their names or other marks or devices, together with the word "Registered," branded, engraved, blown or otherwise produced in a permanent manner in or upon such cans, jugs, bottles or jars, may file in the office of the clerk of the city or town in which their principal place of business is situated, and in the office of the secretary of state, a description of the name or names, mark or marks, device or devices so used by them, and cause such description to be published once each week for four weeks successively in a newspaper published in the city or town in which said description has been filed aforesaid; if there is no newspaper published in such city or town, then such publication may be made in any newspaper published in the county in which such city or town is situated.

See c. 44, § 30.

Sec. 33. Penalty for using any milk can, without consent of owner; possession constitutes prima facie evidence. 1907, c. 129, § 2. Whoever without the consent of the owner takes, detains or uses in his business, sells, disposes of, buys, conceals or traffics in any milk can, jug, bottle or jar, the owner of which has complied with the provisions of the preceding section, shall be punished for the first offense by a fine not exceeding five dollars, or by imprisonment for a term not exceeding sixty days, for each can, jug, bottle or jar so taken, detained or used in his business, sold, disposed of, bought, concealed or trafficked in; and for any subsequent offense by a fine not exceeding ten dollars, or by imprisonment for a term not exceeding six months, for each can, jug, bottle or jar so taken, detained or used in his business, sold, disposed of, bought, concealed or trafficked in as aforesaid. Possession by any person in the transaction of his business of any such article the owner of which has complied with the provisions of the preceding section shall constitute prima facie evidence of the unlawful taking, use, detention, possession of or traffic in the same within the meaning of this section.

Sec. 34. Penalty for defacing or mutilating any can, jug, etc. 1907, c. 129, § 3. Whoever without the consent of any owner who has complied with the provisions of section thirty-two wilfully destroys, mutilates or defaces any can, jug, bottle or jar bearing such owner's name, mark or device, or wilfully erases, mars, covers or changes any word or mark branded, engraved, blown or otherwise produced, in a permanent manner in or upon any such can, jug, bottle or jar, shall be punished for the first offense by a fine not exceeding five dollars, or by imprisonment for a term not exceeding sixty days, for each can, jug, bottle or jar so destroyed, mutilated or defaced, or for each can, jug, bottle or jar upon which any word or mark has been erased, marred, covered or changed as aforesaid; and for any subsequent offense by a fine not exceeding ten dollars, or by imprisonment for a term not exceeding six months, for each can, jug, bottle or jar, so destroyed, mutilated or defaced, or for each can, jug, bottle or jar upon which any word or mark has been erased, marred, covered or changed as aforesaid.

Sec. 35. Penalty for placing any foul substance into any can, jug, etc. 1907, c. 129, § 4. Whoever puts any unclean or foul substance or matter into any milk can, jug, bottle or jar, the owner of which has complied with the provisions of section thirty-two, shall be punished for the first offense by a fine of not less than fifty cents nor more than five dollars, for each can, jug, bottle or jar so defiled; and for any subsequent offense by a fine of not less than two, nor more than twenty dollars, for each can, jug, bottle or jar so defiled.

Sec. 36. Search warrant may be issued for vessels held in wrongful possession. 1907, c. 129, § 5. Whenever any person or corporation having complied with the provisions of section thirty-two, or the agent of any such person or corporation, shall make oath before the judge of any municipal or police court, or before any trial justice, that he has reason to believe and does believe that any person or corporation has wrongfully in possession, or is secreting any of his or its milk cans, jugs, bottles or jars, marked and described as provided in section thirty-two, said judge or trial justice shall, if satisfied that there is reasonable cause for such belief, issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person or an agent or employee of the corporation in whose possession such cans, jugs, bottles or jars are found, and shall thereupon inquire into the circumstances of such possession; if said judge or trial justice finds that such person or corporation has been guilty of a wilful violation of sections thirty-three, thirty-four or thirty-five, he shall impose the penalty prescribed in the section or sections so violated, and shall also award to the owner possession of the property taken upon such search warrant.

See c. 134, § 13.