

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SEVENTH REVISION

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING  
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

---

AUGUSTA  
KENNEBEC JOURNAL PRINT

## CHAPTER 49.

Inspection and Sale of Manufactured Articles. Trade-marks and Trade Names.  
Assayers of Ores and Metals.

Sections 1-8.	Inspection of Flour.
Sections 9-10.	Inspection of Leather.
Sections 11-23.	Use of Trade-marks and Trade Names.
Section 24	Oils.
Sections 25-37.	Inspection of Oils.
Sections 38-40.	Marks on Syphons, Bottles and Cans.
Sections 41-46.	Sale of Lightning-Rods.
Section 47	Sale of Firearms.
Section 48	Assayers of Ores and Metals.
Sections 49-53.	State Geologist.

## Inspection of Flour.

**Sec. 1. Inspectors of flour, their appointment.** R. S. c. 44, § 1. The municipal officers of towns may appoint annually in their towns, one or more suitable persons not interested in the manufacture and sale of flour to be inspectors thereof for one year from the date of appointment.

**Sec. 2. Oath; certificate of appointment.** R. S. c. 44, § 2. Such inspector, before entering upon his duties, shall be sworn to the faithful and impartial discharge thereof before the town clerk, who, upon payment of fifty cents, shall give him a certificate of his appointment and qualification, to be exhibited on the demand of any person interested in any inspection made by him.

**Sec. 3. Inspection; duties of inspectors; record.** R. S. c. 44, § 3. Inspection of flour shall be for the purpose of ascertaining its soundness; every package inspected shall be opened sufficiently to allow a trier to be passed through it, and a sample of the whole length of the passage shall be taken out and examined by the inspector, who shall mark upon each package with a brand or stencil, the word, "Sound" or "Unsound," as the quality of the flour contained in each is found, and his name, residence, office, and the year of inspection. He shall keep a record of all flour inspected by him, in a suitable book which he shall exhibit to any person requiring it.

**Sec. 4. Penalty for fraudulent marks.** R. S. c. 44, § 4. If an inspector falsely and fraudulently marks any package of flour, he shall be punished by a fine of five dollars for every such package, and forfeits to any person injured thereby three times the amount of damage, in an action of debt.

**Sec. 5. Penalty for alteration, etc., of inspection marks.** R. S. c. 44, § 5. Whoever, with intent to defraud, alters, obliterates or counterfeits the marks of an inspector, and whoever, with such intent, places upon any package of flour, marks falsely purporting to be inspection marks, shall be punished by a fine of not more than fifty dollars for each offense and on conviction of placing such false marks on as many as ten packages at one time, shall also be imprisoned for not more than ten months.

**Sec. 6. Purchasers of flour may require inspection before delivery.** R. S. c. 44, § 6. The purchaser may require flour to be inspected before delivery. The inspector's fees shall be five cents a package for lots of less than ten; for lots of more than ten and not exceeding twenty, two cents a package; and for every package exceeding twenty, one cent; to be paid by the person demanding inspection.

**Sec. 7. Duties of inspectors in relation to sample packages.** R. S. c. 44, § 7. Inspectors shall, when required, determine whether the flour conforms to and equals the sample furnished, and shall mark, with some distinct and intelligible mark, the packages that are found like the sample, and for this service they may charge an additional compensation of one-half cent a package.

**Sec. 8. Contract for sale of uninspected flour not prohibited.** R. S. c. 44, § 8. Nothing herein contained prohibits any contract for the manufacture or sale of uninspected flour, when inspection is not required by the buyer or the seller.

#### Inspection of Leather.

**Sec. 9. Inspectors of sole leather, appointment, duties; fees to be determined by the municipal officers.** R. S. c. 44, § 9. The municipal officers of each town, when they deem it expedient, may appoint one or more suitable inspectors of sole leather, who shall receive such fees from their employer, as said officers establish; and when paid by the seller, to be repaid to him by the buyer; when requested, they shall go to any place in their town to inspect any sides of sole leather, which have not been inspected in this state according to law.

See Const. of Me. Art. ix, § 1.

**Sec. 10. Mode of inspection and stamping sole leather; penalty.** R. S. c. 44, § 10. Each inspector shall provide himself with a proper apparatus, with which he shall weigh and stamp every side of sole leather inspected by him, with the weight thereof, his surname, and the name of his town; and on all sole leather made of good hides, and in the best manner, the word "best," shall be stamped; on all made of such hides in a merchantable manner, the word "good;" and on all other, the words, "second quality," "third quality," "damaged," or "bad," according to the fact; and whoever counterfeits, alters or defaces such mark, forfeits twenty dollars for each offense, half to the town and half to the prosecutor.

#### Use of Trade-Marks and Trade Names.

**Sec. 11. Manufacturer of leather, boots, and shoes, may stamp his name thereon; effect; penalty for counterfeiting stamp.** R. S. c. 44, § 11. Every manufacturer of leather, and of boots and shoes, of any description, has the exclusive right of stamping them with the initials of his christian name, and the whole of his surname; and such stamping is a warranty that the article is merchantable, and well made of good materials; and if any person fraudulently stamps any such articles with the name or stamp of any other person, he shall be punished by a fine of not more than twenty dollars, or by imprisonment for not more than six months.

**Sec. 12. Use of another's trade-mark prohibited.** R. S. c. 44, § 12. When a person uses any peculiar name, letters, marks, device, or figures, cut, stamped, cast or engraved upon, or in any way attached to or connected with any article manufactured or sold by him to designate it as an article of a peculiar kind, character, or quality, or as manufactured by him, no other person shall use, without his consent, the same or any similar names, letters, marks, devices, or

figures, for the purpose of falsely representing any articles to have been manufactured by him, or to be of the same kind, character, or quality, as that manufactured or sold by the party rightfully using the same.

**Sec. 13. Damages for violation.** R. S. c. 44, § 13. Whoever violates the provisions of the preceding section, is liable to any party aggrieved thereby, for all damages actually incurred, to be recovered in an action on the case.

**Sec. 14. Business names, unauthorized use of, prohibited.** R. S. c. 44, § 14. No one shall assume, or continue to use in his business, either alone, or in connection with his own or any other name, or designation, the name of any person formerly connected with him in partnership, without the written consent of such person or his legal representative.

**Sec. 15. Injunctions.** R. S. c. 44, § 15. The supreme judicial court or the superior court may restrain, by injunction, any use of trade-marks, or names, in violation of the foregoing provisions.

**Sec. 16. Proprietor of trade-mark may file certificate with secretary of state; its contents.** R. S. c. 44, § 16. Any person, entitled to the exclusive use of any trade-mark, or who intends to adopt and use any trade-mark not previously adopted or used by another, may file for record in the office of the secretary of state a certificate setting forth his name, residence and place of business; the class of merchandise and the particular description of goods comprised in such class to which such trade-mark has been or is to be appropriated; a description thereof, and of the mode in which it is to be applied and used; the date when it was first used or adopted; that he has a right to the use of it; and that no other person, firm or corporation has the right to such use, either in the identical form, or having such near resemblance thereto as is calculated to deceive. A facsimile of such trade-mark shall be incorporated in or annexed to said certificate, and a duplicate shall be filed therewith, to be pasted or bound into the record book, if practicable. Such certificate shall be signed and sworn to by such person, or his agent.

**Sec. 17. False oath; if secretary of state believes certificate untrue, he may decline to record it; mandamus to compel recording.** R. S. c. 44, § 17. Whoever wilfully swears or affirms falsely to any such certificate, is guilty of perjury, and shall pay treble damages to every party injured thereby. If the secretary of state has reason to apprehend, on the filing of such certificate, that any statement therein contained is untrue, he may decline to record the same, unless the party filing it obtains a writ of mandamus to compel him. Such writ may be granted by any proper court, but without costs to the secretary, on proof that all the statements in such certificate are true, but no final hearing on the application therefor shall be had until such notice thereof as said court orders has been advertised in one or more newspapers published in the county where the party filing said certificate resides; and any persons who desire may appear and intervene as parties defendant, and oppose the granting of such writ, and shall be liable to judgment for any costs occasioned by such intervention.

**Sec. 18. Exclusive right to use trade-mark; rights assignable.** R. S. c. 44, § 18. Every party entitled to make and file such certificate and affidavit, upon recording the same in said office, becomes entitled to the exclusive use of the trade-mark therein described, so long as he or his assigns continue to be engaged in the manufacture or sale of the merchandise or description of goods to which it is appropriated; and such right is assignable in writing; but all assignments thereof are good only against the assignor and his personal representatives, until lodged for record in said office.

**Sec. 19. Certificates and assignments recorded; copies evidence.** R. S. c. 44, § 19. The secretary of state shall retain all such certificates on file, and cause the same and all assignments of trade-mark rights to be recorded at length in his office. Copies of the record of any such certificate, attested by him under the seal of the state, are prima facie evidence of the right of the party filing such certificate to the exclusive use of the trade-mark therein described for the periods limited in the preceding section.

See c. 126, § 11.

**Sec. 20. Counterfeiting trade-marks, and sale of goods with such counterfeits thereon prohibited; penalty.** R. S. c. 44, § 20. Whoever knowingly and wilfully counterfeits, or causes to be counterfeited, any private stamps, labels, or trade-marks, used by a mechanic or manufacturer about the sale of his goods, with intent to defraud the purchaser or manufacturer; or sells such goods with such counterfeit stamps, labels, or trade-marks thereon, knowing them to be counterfeit, without disclosing the fact to the purchaser, shall be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than eleven months.

**Sec. 21. Damages for counterfeiting recorded trade-marks.** R. S. c. 44, § 21. Whoever reproduces, copies, counterfeits, or imitates any such recorded trade-mark, knowing the same to have been recorded, and affixes such reproduction, copy, counterfeit, or imitation to goods resembling, or designed to resemble, those to which such trade-mark is so appropriated, shall pay to the owner of such trade-mark double damages, besides such sum, not exceeding five hundred dollars, as the court before which the action is brought orders to be added to the damages found by the verdict or judgment.

**Sec. 22. Penalty for fraudulent use of such trade-marks.** R. S. c. 44, § 22. Whoever fraudulently and with intent to deceive affixes any trade-mark recorded under section nineteen, or any such imitation thereof as is calculated to deceive, to any goods, receptacle, or package similar in descriptive properties to those to which such trade-mark is appropriated, or who fraudulently and with intent to deceive, places in any receptacle or package to which is lawfully affixed a recorded trade-mark, goods, other than those which said trade-mark is designed and appropriated to protect; or who fraudulently and with intent to deceive, deals in or keeps for sale any goods with a trade-mark fraudulently affixed, as above described, or any goods contained in any package or receptacle having a lawful trade-mark, but not being such goods as said trade-mark was designed and appropriated to protect, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than thirty days.

**Sec. 23. Rights to existing trade-marks not abridged.** R. S. c. 44, § 23. This chapter does not abridge rights to any trade-marks existing prior to March fourteenth, eighteen hundred eighty-three, whether the same have been recorded or not.

#### Oils.

**Sec. 24. Pure sperm oil defined; penalty for adulteration.** R. S. c. 44, § 24. All oils sold under the names of sperm, summer, fall and winter oils, are deemed to be sold for pure sperm oil, the test of which is Southworth's olcometer. Whoever sells under said names, any oils which are adulterated by the mixture of an inferior article, without disclosing the full extent of adulteration to the purchaser, forfeits to the prosecutor fifteen dollars for each offense; and the oil so sold shall be deemed whale oil, and the seller is liable to the purchaser for the difference between pure sperm oil and whale oil, to be recovered in an action on the case.

## Inspection of Oils.

**Sec. 25. Inspectors of petroleum, their appointment and duties; compensation to be fixed by municipal officers.** R. S. c. 44, § 25. In towns containing two thousand inhabitants or more, the municipal officers, on or before the first day of May annually, shall appoint one or more persons, and fix their compensation, to be inspectors of petroleum, coal-oil, and burning-fluid, who, when requested, shall inspect such oils and burning-fluids by applying the fire test with G. Tagliabue's pyrometer or some other accurate instrument, to ascertain the igniting or explosive point thereof in degrees of Fahrenheit's thermometer, and they shall cause every vessel or cask thereof by them so inspected to be plainly marked by the name of such inspector, the date of inspection, and the igniting or explosive point of the contents thereof.

See Const. of Me. Art. ix, § 1.

**Sec. 26. Casks which shall be marked "unsafe for illuminating purposes;" penalty for false marking.** R. S. c. 44, § 26. When a cask or vessel of such oil or fluid will not bear the fire test of at least one hundred and twenty degrees Fahrenheit without ignition or explosion, the same shall be marked as aforesaid, and also "Unsafe for illuminating purposes." If an inspector knowingly puts false marks upon such casks or vessels inspected by him, he shall be punished by a fine of not more than five hundred dollars, or by imprisonment for six months.

**Sec. 27. Penalty for neglect of such inspection and marking.** R. S. c. 44, § 27. Every person and corporation engaged in manufacturing petroleum, coal-oil, or burning-fluid, shall cause every cask or other vessel thereof to be so inspected and marked, by a sworn inspector. Whoever manufactures or sells such oil or burning-fluid not so inspected and marked in this state, or that has been so inspected and marked as unsafe for illuminating purposes, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for six months.

See c. 35, § 20.

**Sec. 28. Rights and duties of town and police officers.** R. S. c. 44, § 28. The municipal officers of towns, and the police of cities, may at all times examine all such oils and fluids kept in their towns for sale, and cause them to be inspected and tested; and they shall do so in all cases where they are informed or believe that the same are kept for sale in violation of law; and cause the keeper and seller to be prosecuted therefor.

**Sec. 29. Persons engaged in sale of oil may file with town clerk and publish description of marks used on cans.** R. S. c. 44, § 29. All persons or corporations engaged in the sale of kerosene, refined petroleum, gasoline, or other burning or illuminating oils or fluids, in cans of a capacity of not less than five gallons, with their names, or other marks or devices branded, stamped, engraved, etched, impressed, or otherwise produced upon such cans or anything connected therewith or appertaining thereto, may file in the office of the town or city clerk in which their principal place of business is situated, a description of the names and marks aforesaid, used by them, and cause the same to be published once a week for three successive weeks, in any newspaper published in the county in which said notice may have been filed as aforesaid.

**Sec. 30. Deception as to quality, nature, or identity of engine fuel or lubricating oils unlawful; adulteration or misbranding prohibited.** 1929, c. 210, § 1. It shall be unlawful for any person, firm, or corporation, within this state to store, sell, distribute, transport, expose for sale, or offer for sale, distribution

## CHAP. 49

or transportation, any internal combustion engine fuels, lubricating oils, or other similar products in any manner whatsoever so as to deceive or tend to deceive the purchaser as to the nature, quality and identity of the product so sold or offered for sale or which is adulterated or misbranded within the meaning of sections thirty to thirty-seven inclusive.

**Sec. 31. Names and symbols on distributing devices to show true contents.** 1929, c. 210, § 2. It shall be unlawful for any person, firm, or corporation to store, keep, expose for sale, offer for sale, or sell from any tank or container or from any pump or other distributing device or equipment, any internal combustion engine fuels, lubricating oils, or other similar products than those indicated by the name, trade name, symbol, sign, or other distinguishing mark or device of the manufacturer or distributor appearing upon the tank, container, pump, or other distributing equipment from which the same are sold, offered for sale, or distributed.

**Sec. 32. Trade names not to be imitated.** 1929, c. 210, § 3. It shall be unlawful for any person, firm, or corporation to disguise or camouflage his or their own equipment by imitating the design, symbol, trade name of the equipment under which recognized brands of internal combustion engine fuels, lubricating oils and similar products are generally marketed.

**Sec. 33. Dealers not to sell, mix, or adulterate fuels or oils sold under a trade name.** 1929, c. 210, § 4. It shall be unlawful for any person, firm, or corporation to expose for sale, offer for sale, or sell under any trade-mark or trade name in general use any internal combustion engine fuels, lubricating oils or other like products except those manufactured or distributed by the manufacturer or distributor marketing internal combustion engine fuels, lubricating oils, or other like products under such trade-mark or trade name, or to substitute, mix or adulterate the internal combustion engine fuels, lubricating oils, or other similar products sold, offered for sale, or distributed under such trade-mark or trade name.

**Sec. 34. Unlawful to place in tank any other fuel or oil than mark thereon signifies.** 1929, c. 210, § 5. It shall be unlawful for any person, firm, or corporation to aid or assist any other person, firm or corporation in the violation of the provisions of sections thirty to thirty-seven inclusive by depositing or delivering into any tank, receptacle, or other container, any other internal combustion engine fuels, lubricating oils, or like products than those intended to be stored therein and distributed therefrom as indicated by the name of the manufacturer or distributor, or the trade-mark or trade name of the product displayed on the container itself, or on the pump, or other distributing device used in connection therewith.

**Sec. 35. Fuel defined; misbranded and adulterated defined.** 1929, c. 210, § 6. For the purposes of this chapter the term "internal combustion engine fuel" shall mean motor fuel, commonly called and known as gasoline, benzol, or other product to be used in the operation of an internal combustion engine. The term "misbranded" shall apply to all internal combustion engine fuel, the package, label, pump, tank, or container of which shall bear any statement, design, or device regarding such article or the ingredient or substance contained therein which shall be false or misleading in any particular or which is falsely branded in any particular. Gasoline shall be held to be adulterated:

1. If it contains water or tar-like matter.
2. If it contains more than four per cent by weight of residue after being distilled at a temperature of four hundred and thirty-seven degrees Fahrenheit.
3. If the maximum temperature of the vapor on distillation without pressure exceeds four hundred and thirty-seven degrees Fahrenheit.



The method of testing to be used shall be those in general use in the petroleum refining industry.

**Sec. 36. Director of Maine Agricultural Experiment Station to analyze samples; auditor to enforce; expenses to be covered by gasoline tax. 1929, c. 210, § 7.** The director of the Maine Agricultural Experiment Station shall analyze or cause to be analyzed such samples of internal combustion engine fuels, lubricating oils, and other like products at such time and to such extent as the state auditor may determine. It shall be the duty of the state auditor in person, or by deputy, to enforce the provisions of sections thirty to thirty-seven inclusive, and for that purpose the state auditor in person, or by deputy, shall have full access, ingress, and egress at all reasonable hours to any place or building wherein internal combustion engine fuels, lubricating oils, and other like products are stored, transported, sold, offered or exposed for sale. He may also in person or by deputy open any case, package, or other container, tank, pump, tank car, storage tank, and enter upon any barge, vessel or other vehicle of transportation and may, upon tendering the market price, take samples for analysis. The expense of such analysis and of the administration of sections thirty to thirty-seven inclusive shall be included in the expense of the administration of the tax on gasoline provided for by chapter twelve and shall be deducted from the proceeds of said tax under section eighty-six of said chapter.

**Sec. 37. Penalty. 1929, c. 210, § 8.** Any person, firm, or corporation, or any officer, agent, servant, or employee thereof, who shall violate any provisions of sections thirty to thirty-six inclusive shall be punished by a fine of not more than one hundred dollars for the first offense and by a fine of not more than two hundred dollars for each subsequent offense, or by imprisonment for ninety days, or by both such fine and imprisonment, and each separate sale or attempt to sell in violation of the provisions of sections thirty to thirty-six inclusive shall be deemed a separate offense.

#### Marks on Syphons, Bottles and Cans.

**Sec. 38. Protection of marks on containers used for soda-water and similar beverages. R. S. c. 44, § 30.** All persons or corporations engaged in the manufacture or sale of soda-water, mineral, and aerated waters, ginger ale, small beer, spruce beer, white beer, or other similar beverages, in syphons, boxes, cans, bottles, kegs, or other vessels, with their names, or other marks or devices branded, stamped, engraved, etched, blown, impressed, or otherwise produced upon such syphons, boxes, cans, bottles, kegs, or anything connected therewith and appertaining thereto, may file in the office of the town or city clerk in which their principal place of business is situated, a description of the names and marks aforesaid used by them, and cause the same to be published once a week for three successive weeks, in any newspaper published in the county in which said notice may have been filed as aforesaid.

**Sec. 39. Unlawful use, or defacing of containers marked as provided in §§ 29 and 38; penalty. R. S. c. 44, § 31.** Whoever knowingly and wilfully, without the written consent of an owner who has complied with the provisions of the preceding section or of section twenty-nine, uses, buys, sells, fills, or traffics in any such syphon, box, can, bottle, keg, or other vessel, or any such can of a capacity of not less than five gallons, used in the sale of kerosene, refined petroleum, gasoline or other burning or illuminating oils or fluids, so marked as aforesaid, or defaces, covers up, or obliterates the names, marks, or devices thereon, with intent to use, fill, buy, sell, dispose of, or traffic therein, or to con-

## CHAP. 49

vert the same to his own use, shall, on complaint, be punished by imprisonment for not more than thirty days, or by fine of not more than twenty dollars, and fifty cents additional for each such syphon, box, can, bottle, keg, or other vessel or such can of a capacity of not less than five gallons, so used, bought, sold, filled, trafficked in, or disposed of, or by both such imprisonment and fine; and the said magistrate on finding such person or persons guilty, shall award possession of the property taken to the owner thereof.

**Sec. 40. Search warrant may issue to search for such containers.** R. S. c. 44, § 32. Whenever any person in his own behalf or in behalf of any corporation shall make complaint on oath to any magistrate or court authorized to issue warrants in criminal cases, that he has reason to believe and does believe that any of his or said corporation's syphons, boxes, cans, bottles, kegs, or other vessels, or any of his or said corporation's cans of a capacity of not less than five gallons, used in the sale of kerosene, refined petroleum, gasoline or other burning or illuminating oils or fluids, a description of the names, marks, or devices whereon has been so filed and published as aforesaid, are being unlawfully used, filled, bought, sold, disposed of, or trafficked in, or unlawfully had by any person or corporation, manufacturing or selling said beverages, oils, fluids, or liquids, or by any junk dealer or dealer in second-hand articles, or by any vendor of such syphons, boxes, cans, bottles, kegs, or other vessels, or cans of a capacity of not less than five gallons used for the purposes aforesaid, the said magistrate shall thereupon issue a search warrant to search therefor.

#### Sale of Lightning-Rods.

**Sec. 41. Manufacturer selling lightning-rods to be licensed.** R. S. c. 44, § 33. No manufacturer, whether a person, firm, or corporation, shall sell or offer for sale material used for the protection of buildings from damage by lightning until licensed so to do by the insurance commissioner, as hereinafter provided.

**Sec. 42. Conditions of license; bond; guarantee.** R. S. c. 44, § 34. No such license shall be issued until the insurance commissioner has approved of the material made by such manufacturer for protection from lightning, and of the manner and system of installing such material, nor until such manufacturer has filed a bond with the insurance commissioner in the penal sum of ten thousand dollars, with surety or sureties satisfactory to the insurance commissioner, conditioned for fulfilling the guarantee agreement provided for by this section, together with a written stipulation that legal process affecting such manufacturer or his agent, served upon the insurance commissioner for the time being, shall have the same effect as if personally served upon such manufacturer or his agent within the state. The manufacturer shall also file with the insurance commissioner a copy of the guarantee agreement to be issued by him, which shall be in a form approved by the insurance commissioner and must provide in substance that in the event of damage by lightning to property equipped by said manufacturer or his agent, any money paid for the equipment of said building shall be returned to the owner thereof, or the damage to said building repaired. When the manufacturer has complied with the foregoing requirements, and the insurance commissioner is satisfied that the manufacturer is safe and reliable as to assets, business standing, and methods, and is entitled to confidence, the insurance commissioner shall issue a license to such manufacturer, to continue in force one year from date of issue. The license may be revoked at any time by the insurance commissioner for good cause, after a hearing.

**Sec. 43. Agent's license.** R. S. c. 44, § 35. 1921, c. 67. 1923, c. 39. Upon written notice from a manufacturer licensed under the preceding section, of the appointment of a suitable person, who must be a resident of the state, to act as his agent in this state, and upon the presentation of a certificate of the good reputation and moral character of such person, signed by the mayor or selectmen of the city or town of which he is a resident, the insurance commissioner may, if he is satisfied that the appointee is a suitable person and a resident of this state, issue to him a license as such agent. For the purposes of the provisions of sections forty-one to forty-six, "such agent" shall be construed to mean the duly licensed resident of this state who purchases, sells and installs such lightning-rod material. Such license shall continue in force until the thirty-first day of December following the date of issue, but may be revoked at any time by the insurance commissioner for good cause, after a hearing.

**Sec. 44. Agent to exhibit license when requested by public officer; penalty.** R. S. c. 44, § 36. Every agent shall, upon demand, exhibit his license to any mayor, selectman, sheriff or his deputy, constable, or police officer, and to any person to whom he sells or offers to sell lightning-rods, and shall furnish a copy of sections forty-one to forty-six, both inclusive, to every person to whom he sells such lightning-rods. If he neglects or refuses to do so, he shall be liable to the penalty provided by the following section for acting as such agent without a license.

**Sec. 45. Penalty for selling without license; license not transferable.** R. S. c. 44, § 37. Whoever sells or offers for sale such lightning-rods or other material, without being licensed as provided by section forty-two or section forty-three, shall be punished by a fine of not more than two hundred dollars, or by imprisonment for six months for each offense. The licenses provided for by sections forty-two and forty-three are valid for only one person, firm or corporation, and are not transferable.

**Sec. 46. Holder of guarantee agreement may bring suit on bond.** R. S. c. 44, § 38. The holder of any guarantee agreement issued under the provisions of section forty-two may bring suit in the name of the insurance commissioner upon the bond provided by said section, and have the same procedure and remedies thereon as in the case of official bonds of sheriffs, but the amount of damages need not be first ascertained. Whenever legal process against such manufacturer is served upon the commissioner, he shall take such action as is provided in the case of the service of legal process against foreign insurance companies.

See c. 94, §§ 19-22.

#### Sale of Firearms.

**Sec. 47. Record to be kept of all firearms sold; penalty for not keeping record, or for giving false name to dealer.** R. S. c. 44, § 39. No dealer shall sell, let, or loan any firearm to any person without first recording in a book kept for the purpose, the name or make, calibre, and number, if any, of said firearm, also the name and address of the purchaser or recipient of said firearm. Said record shall be made before said firearm is delivered, and shall be open to the inspection of any sheriff, deputy sheriff, police officer, constable, game warden, or prosecuting attorney. Any dealer who fails to keep such record or refuses to show the same to any officer named above, shall be punished by a fine of not more than fifty dollars. Whoever gives a false or fictitious name to said dealer shall be punished by a fine of not more than fifty dollars. This section shall not apply to wholesalers, who sell only to other dealers, or to manufacturers who sell only at wholesale.

Sale or use of firearms fitted with device to deaden sound prohibited, c. 38, § 47.

### Assayers of Ores and Metals.

**Sec. 48. Assayers, their appointment, duties, and compensation.** R. S. c. 44, § 40. The governor, with the advice and consent of the council, may appoint one or more suitable persons to be assayers, who shall assay such ores, metals, and other substances, requiring chemical analysis, as are offered for that purpose, and shall give a certificate thereof; they shall receive a reasonable compensation from their employers.

See Const. of Me. Art. ix, § 1.

### State Geologist.

**Sec. 49. Appointment of state geologist.** 1929, c. 183, § 1. The governor shall appoint a state geologist to serve for a term of two years.

**Sec. 50. Duties of state geologist.** 1929, c. 183, § 2. The duties of the state geologist shall be to investigate the mineral resources of the state of Maine, developed and undeveloped; to promote and direct research in the possibilities for the commercial development of mineral deposits; to collect and compile data on Maine geology, including mineral specimens; to assist any department of state which shall request his assistance to recommend legislation suitable for stimulating the business of mining; and to do such other things as may be necessary in the proper performance of the foregoing duties.

**Sec. 51. Owner of land examined to be notified of result.** 1929, c. 183, § 3. All data and information secured by the state geologist in examination of any mineral deposit or geological formation shall be disclosed forthwith to the owner of the land examined, together with information and recommendations regarding the possibilities for commercial development, with special reference to Maine persons and enterprises interested; and such information shall not be given by the state geologist to any other person during one week following the disclosure to the owner of the land.

**Sec. 52. Report of state geologist.** 1929, c. 183, § 4. The state geologist shall report annually to the governor and council regarding his activities for the preceding year. The report shall contain a description of all lands and properties examined, with particular reference to the possibilities for profitable development and the problems of operation, including the name and address of the owner, distance from improved roads, distance from railroad shipping points; also specific recommendations for action by the legislature to encourage search for, and development of, mineral deposits; and such other data as may appear to have practical value. The report shall be printed and sent free to owners of lands described therein, to all known operators of mines and quarries within the state, to all departments of state, and to members of the legislature; also to all public libraries and to high schools, academies, and colleges within the state; and to any other persons upon payment of a reasonable charge covering the cost of the report.

**Sec. 53. Headquarters of state geologist.** 1929, c. 183, § 5. The state geologist may establish his headquarters at the University of Maine. The trustees of the University of Maine may employ the state geologist as a member of the faculty and assign to him duties connected with teaching and educational research in geology and kindred subjects.