

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1957 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 1

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Place in Pocket of Corresponding  
Volume of Main Set

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1957

### The Occupational Disease Law.

#### Sec. 69. Occupational diseases.

##### Column 1

##### Description of disease

13. Dermatitis (venenata).

16. Pulmonary and cardiac diseases, excluding common colds.

##### Column 2

##### Description of process

13. Any process involving the use of or direct contact with acids, alkalies, acids or oil, or with brick, cement, lime, concrete or mortar, or leather capable of causing dermatitis (venenata), but exclusive of soaps and cleaning materials.

16. Caused to an active member of an organized fire department while participating at fires, and developing within 6 months of such participation.

(1945, c. 338. 1951, c. 261, § 1. 1953, c. 361, § 1. 1955, cc. 295, 391.)

**Effect of amendments.**—The first 1955 amendment changed paragraph numbered "13" by inserting in the description of process the words "or leather." The second 1955 amendment, effective November

30, 1955, added paragraph 16 at the end of the section. As the rest of the section was not changed, only paragraphs 13 and 16 are set out.

## Chapter 32.

### Department of Agriculture.

#### Division of Administration

Section 2-A. Bounty on Porcupine.

#### Division of Animal Industry

Sections 74-80. Brucellosis (Bang's Disease).

Section 113-A. Sale of Milk to Certain Institutions.

#### Division of Inspection

Section 228-A. Packing of Food.

Sections 236-A to 236-K. Maine Commercial Feed Law.

Section 267-A. Sardine Industry Advisory Board.

### DIVISION OF ADMINISTRATION.

#### The Department; Commissioner; Duties.

**Sec. 1. Department; commissioner.**—The state department of agriculture, as heretofore established and hereinafter in this chapter called the "department," shall be maintained for the improvement of agriculture and the advancement of the interests of husbandry. A commissioner of agriculture, hereinafter in this chapter called the "commissioner," shall be elected by the legislature by joint ballot of the senators and representatives in convention, and shall hold his office for the term of 4 years and until his successor is elected and qualified. He shall receive an annual salary of \$9,000. He shall also receive his actual expenses incurred in the performance of his official duties. He may employ such clerical labor as may be required, subject to the provisions of the personnel law and he may expend such sums for postage, telephone, telegraph and other general office expenses as may be necessary in the performance of his duties, the same to be paid

out of any money appropriated by the legislature for such purpose. The commissioner may, with the approval of the governor and council, appoint a deputy commissioner of agriculture, who shall be the chief of one of the department bureaus in the department of agriculture, and shall perform the duties of the commissioner during his absence, in addition to his duties as chief of a department bureau. The deputy commissioner shall hold office during the term of office of the commissioner or until his successor is appointed, and his compensation and expenses shall be paid from any funds appropriated for the use of the department bureau of which he is chief. When the office of commissioner shall become vacant by reason of the death, resignation, removal or inability to serve of the regularly elected incumbent of the office, the governor shall appoint a commissioner of agriculture to serve until the election of his successor, as provided by law, and his qualification. (R. S. c. 27, § 1. 1945, c. 364. 1951, c. 412, § 10. 1955, c. 473, § 10. 1957, c. 418, § 11.)

**Effect of amendments.** — The 1953 amendment increased the annual salary of the commissioner from \$7,000 to \$8,000. The 1957 amendment, effective July 1, 1957, increased his annual salary from \$8,000 to \$9,000 and carried appropriations for the fiscal years ending in 1958 and 1959.

**Bounty on Porcupine.**

**Sec. 2-A. Bounty on porcupine.**—A bounty of 50¢ shall be paid for each and every porcupine killed in organized territory of the state to the person killing the same by the treasurer of the municipality in which said porcupine was killed.

No bounty shall be paid unless the claimant, within 72 hours after he has killed such animal, exhibits to the town treasurer the 4 feet thereof and signs a certificate, which said treasurer may administer, stating that he killed such animal and the time and place within the state. The town treasurer shall then pay the bounty and take the claimant's receipt therefor upon the same paper with such certificates and the town treasurer shall make upon the same paper a certificate addressed to the commissioner of agriculture that all the requirements of law have been met by the claimant and that the bounty has been paid to him.

The certificate shall be in the following form:

**Claimant's Certificate**

To the Treasurer of the Town of .....

I hereby certify that on the ..... day of ..... A. D., 19.... at ..... in the State of Maine, I killed the porcupine, the feet of which I now exhibit to you, and I claim the bounty allowed by law for killing the same, and acknowledge receipt of said bounty.

Dated at ..... this ..... day of ..... A. D., 19....  
..... Claimant

The bounty so paid by the town treasurer shall be reimbursed by the state out of the fees for licenses for dogs upon presentation of the claim as hereinbefore set forth and any expense incurred by the department incident to the enforcement of this section shall also be taken from the fees for licenses for dogs, and so much of the fees received for dog licenses as may be necessary to pay said bounties, and any expenses incident thereto, is appropriated to pay the same. (1955, c. 433, § 1.)

**Enforcement. Additional Duties.**

**Sec. 4. Hearing in case of violation.**—When the commissioner becomes cognizant of the violation of any provision of sections 3 to 9, inclusive, 32 to 38, inclusive, 142 to 145, inclusive, 180 to 236, inclusive, 236-A to 236-K inclusive, 237 to 247, inclusive, 256 to 272, inclusive, and 274 to 285, inclusive, he shall cause notice of such fact, stating the date, hour and place of hearing, with a copy of the findings or, in case of a packer of food, a copy of the charge to be pre-

ferred, to be given to the person concerned and the person from whom the sample was obtained, and the person whose name appears upon the label, if a resident of the state, who shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the said commissioner. When the hearing relates to the packing of apples, it shall be held in the county where the inspection was made. (R. S. c. 27, § 4. 1949, c. 349, § 53. 1951, c. 74, § 3; c. 205, § 3. 1953, c. 308, § 43; c. 334, § 3. 1957, c. 331, § 2.)

**Effect of amendment.** — The 1957 Section 10 of such amendatory act pro-amendment made this section applicable vided that it should become effective also to §§ 236-A to 236-K of this chapter. January 1, 1958.

**Sec. 6-A. Agreements and cooperative arrangements authorized.**—The commissioner may enter into agreements or cooperative arrangements with a state or federal agency or with any person, firm or corporation for the purpose of advertising and increasing the sale and consumption of Maine food products or disseminating information concerning the grade, quality or condition of same, and supplying inspection and grading services with respect to such food products. He may receive, administer and disburse any funds or contributions from such state or federal agency, person, firm or corporation, either independently or in conjunction with state funds allocated to said purpose. Funds so contributed shall not lapse at the end of any fiscal year but shall be carried forward to be used for the purpose originally intended. (1957, c. 75.)

### County and Local Agricultural Societies.

**Sec. 17. Stipend; apportionment; qualifications.**—There shall be appropriated annually from the state treasury a sum of money not to exceed 2¢ per inhabitant of the state, and an additional sum of money equal to 5% of the amount contributed under the provisions of section 15 of chapter 86, and additional sums of money as provided and limited by the provisions of section 14 of chapter 86, and of section 13 of chapter 87, which shall be known as the state stipend for aid and encouragement to agricultural societies and hereafter designated as the "stipend." One-half of the amounts contributed under the provisions of section 14 of chapter 86 and section 13 of chapter 87 shall be divided for reimbursements in equal amounts to each recipient of the stipend fund which conducts *pari mutuel* racing in conjunction with its annual fair if said recipient has improved its racing facilities and has met the standards for facility improvements set by the commissioner of agriculture for said recipients. If a recipient has not complied with the individual standards set by the commissioner said yearly reimbursements shall be paid in equal amounts to those recipients which have met such standards. From the state stipend the commissioner may expend annually a sum not to exceed 2% for administrative and inspection services. The balance of this stipend shall be divided among the legally incorporated agricultural clubs, societies, counties and fair associations of the state, hereafter in this chapter designated as "societies," according to the following schedule and method. Said stipend shall be divided *pro rata* among the legally incorporated societies, not heretofore provided for, according to the amount of premiums and gratuities actually paid in full and in cash or valuable equivalent by said societies upon horses, cattle, sheep, swine, poultry and agricultural and domestic products, but no such society whether specifically mentioned in this chapter or otherwise shall be entitled to any share of the stipend unless it shall have complied with the following requirements, which shall be considered by the commissioner as the basis upon which his apportionment of the stipend shall be made as provided in this section. No premiums or gratuities shall be considered by the said commissioner in apportioning the amount of stipend to which any society is entitled except those offered and paid upon horses, cattle, sheep, swine, poultry, vegetables, grain, fruit, flowers, products

derived from horses, cattle, sheep, swine, home canned foods, grange exhibits, farm exhibits, boys' and girls' club exhibits, exhibits of the mechanical arts, domestic and fancy articles produced in the farm home and pulling contests by horses and oxen. No society shall be entitled to any share of the stipend unless it shall have notified the commissioner in writing at least 10 days in advance of the date and place of its annual exhibition. No society, the Maine state pomological society excepted, shall receive from the state a sum greater than that actually raised and paid by the society as premiums and gratuities in the classes herein provided, and in no case shall any society be entitled to any share of the stipend unless it shall have raised and paid in premiums in the classes heretofore set forth at least \$200. No society shall receive any portion of the stipend in excess of \$10,000, except that such limitation shall not apply to any additional stipend provided for by the provisions of section 14 of chapter 86 or the provisions of section 13 of chapter 87. No society shall receive any portion of such stipend unless it shall have regularly entered and displayed in an attractive manner upon its exhibition grounds distinct exhibits or entries of vegetables, fruits, grains or dairy products, or of subordinate and other granges and 4-H clubs, of a quality acceptable to the commissioner or his regularly authorized agent and of varieties known to be common or standard to the county in which such exhibition is held. No society shall be entitled to any share of the stipend unless all cattle to be shown or exhibited shall have come from herds wherein all animals were negative to the tuberculin tests within 1 year of the opening date of the show. (1955, c. 11. 1957, c. 391, § 1; c. 397, § 26.)

**Effect of amendments.** — The 1955 amendment changed the first paragraph by inserting the present fourth and ninth sentences. It also added at the beginning of the present fifth sentence the words "the balance of".

The first 1957 amendment inserted the second and third sentences of the first

paragraph. The second 1957 amendment substituted "additional sums" for "an additional sum" and inserted "and of section 13 of chapter 87" in the first sentence of the first paragraph.

As the rest of the section was not changed by the amendments, only the first paragraph is set out.

**Sec. 20.** Repealed by Public Laws 1955, c. 61.

**Sec. 29. Associations.**—The Maine state poultry association and Androscoggin poultry and pet stock association and the Maine broiler growers association and the Maine poultry improvement association, nonprofit organizations, are authorized to promote the interests of commercial poultry breeding in Maine and improved poultry production in quality and efficiency by holding contests or exhibitions and awarding premiums on live poultry and poultry products, and to pay other incidentals thereof, provided an itemized account of all money expended be rendered each year to the commissioner and upon his approval and presentation of proper vouchers said bills shall be paid. The sum appropriated to carry out the provisions of this section shall be apportioned between the said associations as the commissioner may direct. (R. S. c. 27, § 31. 1957, c. 398.)

**Effect of amendment.** — The 1957 amendment rewrote this section.

## DIVISION OF MARKETS.

### Grades and Standards for Farm Products.

**Sec. 32. Grades for farm products; hearings.**—The commissioner may establish and promulgate official grades and standards for farm products, excepting dairy products, produced within the state for the purposes of sale, and may from time to time amend or modify such grades and standards. Before establishing, amending or modifying any such grades or standards, the said commissioner shall hold public hearings in such places within the state as shall be most con-

venient to producers of the commodity under consideration. Notice of such hearings shall be advertised for 3 successive weeks prior thereto, in a newspaper or newspapers of general circulation within the county where the hearing is to be held, and shall specify the date and place of each hearing and that it is to be held for the purpose of obtaining information with a view to establishing grades or standards for farm products. (R. S. c. 27, § 34. 1957, c. 223, § 1.)

**Effect of amendment.**—Prior to the well as dairy products in the first sentence. 1957 amendment apples were excepted as

## DIVISION OF ANIMAL INDUSTRY.

### Livestock Community or Commission Auctions.

**Sec. 60. Records.**—The operator shall keep complete records of all sales transactions which shall be available for inspection by the commissioner or his agent. (1949, c. 315. 1953, c. 308, § 45. 1955, c. 320, § 1.)

**Effect of amendment.**—The 1955 amendment deleted the former first sentence, requiring the operator to furnish bond.

### Brucellosis (Bang's Disease).

**Sec. 74. Cattle tested.**—For the eradication of brucellosis (Bang's disease) the commissioner or his agent in charge of livestock sanitary work shall continue to conduct recognized tests on all the herds in the state. Such tests shall be conducted by regularly employed federal or state veterinarians or technicians or authorized veterinarians and tested by the state laboratory. All animals showing a positive reaction to the test shall be identified by a "reactor" eartag and brand and shall be slaughtered, except vaccinated animals under 36 months of age. The commissioner or his agent may by written consent allow the retention of reactors and such herds shall be quarantined and handled under direct supervision of the commissioner or his agent as provided under Plan "C". Animals not officially vaccinated, showing a suspicious reaction to the blood agglutination test, must be held on premises where found and retested, or sold for slaughter only. The movement of officially vaccinated animals between the ages of 24 and 36 months shall be restricted if the agglutination is higher than incomplete in 1-100. (R. S. c. 27, § 73. 1945, c. 275, § 2. 1949, c. 422. 1951, c. 325, § 1. 1955, c. 320, § 2.)

**Effect of amendment.**—The 1955 amendment rewrote this section.

**Sec. 75. Control and eradication.**—The commissioner shall formulate methods of procedure for controlling and eradicating brucellosis (Bang's disease).

**Plan A.** These methods shall include Plan A which embraces test and slaughter of reactors. Calfhood vaccination may or may not be used under this plan.

Certificates for certification as brucellosis-free herds shall be issued to owners of herds who qualify under the cooperative state-federal program.

Officially vaccinated calves shall be female calves vaccinated at the age of 6 to 8 months with vaccine approved by the commissioner or his agent and by persons approved by him.

Officially vaccinated calves shall be properly identified by eartag or registration papers and tattoo number if purebred. Grade animals shall be tagged and tattooed.

Interpretation of blood titers as to suspects and reactors shall be in compliance with the National Brucellosis Eradication Program. The quarantining and restricting of infected herds or animals shall be at the discretion of the commissioner or his agent.

**Plan C. CALFHOOD VACCINATION IN REACTOR HERDS UNDER OFFICIAL SUPERVISION AND QUARANTINE.**

This is a plan of control by quarantine and calfhoo vaccination for herds which in the opinion of the commissioner or his agent are not in a position to meet the requirements of Plan A.

The herd owner shall receive written permission from the commissioner or his agent authorizing him to operate under Plan C.

The herd shall be tested at least 2 times a year or as often as the state and federal officials deem necessary by an approved veterinarian or technician without expense to the owner, and reported to the commissioner or his agent.

All calves shall be vaccinated between the age of 6 to 8 months inclusive. Such vaccinations may be taken care of at the owner's discretion when a state or federal veterinarian is on the premises in connection with this program. Calves not so vaccinated must be vaccinated at the proper age at the expense of the owner. All replacements shall be officially vaccinated and under 6 years of age.

All reactors in this herd must be tagged and branded. If the reactor tag is lost, the division of animal industry must be notified so that the tag can be replaced.

This reactor herd shall be under official quarantine and must be satisfactorily and carefully managed so that it will in no way menace human health or the health of other herds and the fact of quarantine must be conspicuously posted on the outside of the barn and milk room with at least 2 signs supplied by the commissioner or his agent.

No milk or milk products shall be distributed from this herd unless the milk has been properly pasteurized at the farm or at the milk plant.

After July 1, 1956 no milk or milk products shall be sold or offered for sale from any herd operating under Plan C.

The owner is personally responsible for keeping the cattle in this "C" Plan herd away from all physical contact with other cattle and is required to construct a double fence 6 feet apart where the pasture of this reactor herd is adjacent to a pasture harboring cattle of another herd.

No cattle shall be removed from this herd, except veal calves for immediate slaughter, without permission from the commissioner or his agent. All reactor animals removed from the herd must be slaughtered and their slaughter must be witnessed and reported by a state or federal official or other authorized agent. No indemnity shall be paid for cattle slaughtered from such Plan C herd unless, at the time of slaughter, the herd shall have had a clean test at least 60 days prior thereto.

No herd owner shall be allowed to operate under Plan C for a longer period than 36 months, at the end of which time the owner of such herd shall cause all natural reactors and all officially vaccinated reactors over 36 months of age to be removed and slaughtered. The owner then must continue under Plan A.

The owner or operator of a herd under Plan C who willfully or deliberately violates any of the above provisions shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 60 days, or by both such fine and imprisonment.

The commissioner or his agent in charge of livestock sanitary work shall adopt procedures to expand the calfhoo vaccination program against brucellosis. (1949, c. 429, § 1. 1951, c. 325, § 2. 1955, c. 320, § 3. 1957, c. 372, § 1.)

**Effect of amendments.**—The 1955 amendment rewrote this section. The 1957 amendment added the last paragraph of this section.

**Editor's note.**—P. L. 1957, c. 372, which amended this section, provided in section 2 thereof as follows: "There is hereby appropriated from the general fund of the state the sum of \$35,000 for the fiscal year ending June 30, 1958, and the sum of \$35,000 for the fiscal year ending June 30, 1959 to carry out the purposes of this act."

**Sec. 76. Vaccination of cattle over 270 days of age.**—Vaccination of cattle over 270 days of age with brucellosis vaccine is prohibited, except by special



written permission from the commissioner or his agent, and shall be identified as directed by him. Any person, partnership, association or corporation which shall violate the provisions of this section shall be punished by a fine of not more than \$25 for the 1st offense and not more than \$50 for each subsequent offense. (1953, c. 82. 1955, c. 320, § 4.)

**Effect of amendment.**—The 1955 amendment substituted “270 days” for “8 months,” “permission” for “permit” and “commissioner or his agent” for “chief of the division of animal industry,” all in the first sentence.

**Sec. 76-A. Sale of certain biologics.**—No biological product, containing living organisms, primarily used in veterinary medicine for livestock or poultry, shall be shipped into or sold within the state of Maine without the approval of the product by the commissioner or his agent. No brucellosis antigen shall be shipped into the state without the approval of the commissioner or his agent. (1955, c. 320, § 5.)

**Sec. 76-B. Penalty for violation.**—Whoever violates any provision of section 76-A or any rules and regulations promulgated thereunder shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not less than 30 days nor more than 6 months, or by both such fine and imprisonment. (1955, c. 320, § 5.)

**Sec. 77. Cattle to be tested for brucellosis (Bang's disease) before sale; penalty for violation.**—It shall be unlawful for any person, firm, partnership or corporation to sell, bargain or convey any bulls or female cattle 6 or more months of age, to any person, firm, partnership or corporation within the State, except to a licensed livestock dealer or to a recognized slaughtering establishment for immediate slaughter, unless such cattle have been tested for brucellosis (Bang's disease) within 30 days and are accompanied by a health certificate to be issued by the commissioner or his agent, except that the provisions of this section shall not apply to certified brucellosis-free herds, nor to officially vaccinated animals under 24 months of age from clean herds not under quarantine. Any person, partnership, association or corporation which shall violate the provisions of this section shall be punished by a fine of not more than \$200 for the 1st offense and not more than \$500 for each subsequent offense. (1951, c. 324. 1955, c. 320, § 6.)

**Effect of amendment.**—The 1955 amendment inserted the word “brucellosis” and placed the words “Bang's disease” in parenthesis near the middle of the first sentence, inserted the words “or his agent” and substituted “brucellosis-free” for “(ac-

credited) or certified vaccinated” near the end of the first sentence, and added to the first sentence the words “nor to officially vaccinated animals under 24 months of age from clean herds not under quarantine.”

### Milk Dealers.

**Sec. 92 Milk dealers; registration; refusal to register or post certificate.**—Any person, firm, corporation, association or society, who shall sell or deliver milk or cream as a business to any person from a wagon or other conveyance or depot, 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 1st day of January in each year, apply to the commissioner for registration, furnishing such information as may be required upon blanks issued and furnished by the said commissioner to such person as may request the same. Every such registration shall expire on the 1st day of January, 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, and upon being satisfied that all milk is being produced and handled in accordance with the provisions of section 91 and is from cows free from disease, the said commissioner shall issue to the applicant a cer-

tificate of registration, which certificate shall be posted in a conspicuous place in the 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. The commissioner may cancel the certificate of any dealer, who, after due hearing on complaint by the said commissioner or his authorized agent, is found to be selling milk produced or handled in violation of the provisions of section 91 or milk from diseased cows. If any person, firm, corporation, association or society desires to become a milk dealer, as provided by this section, before the 1st day of January in any year, he or they shall prior to engaging in the business, register with the commissioner 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, or to post certificates of registration in the 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, or to surrender his certificate to the said commissioner when notified in writing that the same has been canceled, and the reason given for cancellation, or who himself or by his servant or agent, sells or delivers, or has in his custody or possession with intent to sell or deliver any milk after having been refused the aforesaid certificate of registration by the commissioner, shall be punished by a fine of not more than \$50. No certificate of registration shall be required of producers selling only to licensed milk pasteurizing plants. (R. S. c. 27, § 80. 1945, c. 298, § 2. 1955, c. 432.)

**Effect of amendment.**—The 1955 amendment removed from the application of this section persons, etc., selling or delivering milk from stores.

### **Standard Measure of Milk and Containers; Cleansing, Testing, Grading, Etc.**

**Sec. 106. Capacity of milk bottles and jars.**—Glass bottles and jars used for the sale of milk or cream shall be of one of the following capacities only: One gallon, a multiple of the gallon, 2 quarts, one quart, one pint,  $\frac{5}{8}$  of one pint,  $\frac{1}{2}$  of one pint or one gill and shall be sealed as full measure under the provisions of chapter 32-A or by the manufacturer, as provided in section 107. The use, for the distribution of milk or cream to the consumer, of glass bottles or jars of any other capacity than as herein provided is prohibited and declared to be illegal. All dealers in milk or cream who use, for the distribution of milk or cream to consumers, glass bottles or jars 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. (R. S. c. 27, § 94. 1947, c. 268, § 1. 1957, c. 260, § 2.)

**Effect of amendment.** — The 1957 amendment substituted the reference to "section 208 of chapter 100" for the first sentence to "chapter 32-A" for

### **Sale of Milk to Certain Institutions.**

**Sec. 113-A. Pasteurized milk only to be sold to certain institutions.**—Only pasteurized milk shall be sold to the state, any public hospital, any school lunch program, or any charitable or educational institution which is supported in whole or in part by aid granted by the state or any municipality.

The provisions of this section shall not apply to nursing homes. (1957, c. 307.)

**Dealers in Livestock.****Sec. 138. Records; health certificates; sanitation of trucks and premises.**

Licensed dealers selling cattle over 6 months of age except as provided above shall furnish the purchaser with a health certificate showing the date of the last known test for Bang's disease. If the last Bang's disease test was made over 30 days previously, he shall cause the cattle to be retested. The form of health certificate and the issuance of the same shall be at the direction of the commissioner or his duly authorized agent.

(1955, c. 106.)

**Effect of amendment.**—The 1955 amendment deleted the words "and tuberculosis," formerly appearing at the end of the first sentence of the second paragraph, and deleted the former third sentence of the

second paragraph, which provided for retesting cattle for tuberculosis. As the rest of the section was not changed by the amendment, only the second paragraph is set out.

**DIVISION OF PLANT INDUSTRY.****Seed Potato Board.****Sec. 151. Appropriation.**

The 10-year period shall expire June 30, 1966, at which time there shall be returned to the general fund of the state, \$100,000. (1945, c. 153. 1947, c. 235. 1955, c. 68.)

**Effect of amendment.**—The 1955 amendment substituted "1966" for "1956" in the last paragraph. As the rest of the section

was not changed by the amendment, only the last paragraph is set out.

**Bee Industry.**

**Sec. 174. Notification.**—All persons owning bees within the state shall annually notify the commissioner of the keeping of bees and the location thereof and shall forward to the commissioner for deposit with treasurer of state an annual license fee of 10¢ per colony for all bees in the hive on May 15 of each year. No license fee returned shall be less than \$1 per beekeeper. Such license fees shall accrue to the general fund. (R. S. c. 27, § 155. 1945, c. 54, § 2. 1949, c. 410, § 4. 1957, c. 276.)

**Effect of amendment.**—Prior to the 1957 amendment the last sentence provided that the money should be used to

assist in carrying out the provisions of sections 165 to 176.

**DIVISION OF INSPECTION.****Adulterated or Misbranded Goods.**

**Sec. 181. Definitions.**—The term "commercial fertilizer" as used herein shall be held to include all materials used for fertilizing purposes except unprocessed animal manure.

The term "drug" as used herein shall be held to include all medicines and preparations recognized in the United States pharmacopoeia or national formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of man or other animals. (R. S. c. 27, § 158. 1949, c. 343, § 1. 1951, c. 74, § 5; c. 205, § 5. 1953, c. 334, § 4. 1957, c. 331, § 3.)

**Effect of amendment.**—The 1957 amendment deleted the former first paragraph which defined the term "commer-

cial feeding stuff". Section 10 of such amendatory act provided that it should become effective January 1, 1958.

**Sec. 182.** Repealed by Public Laws, 1957, c. 331, § 4.

**Editor's note.**—Section 10 of the act repealing this section provided that it should become effective January 1, 1958.

**Sec. 183.** Repealed by Public Laws, 1957, c. 331, § 4.

**Editor's note.**—Section 10 of the act repealing this section provided that it should become effective January 1, 1958.

**Sec. 184. Registration of commercial fertilizers.**

**III.** A chemical analysis stating the minimum percentage of nitrogen, available as plant food; potash soluble in water, of phosphoric acid in available form and the minimum percentage of magnesium soluble in water or total magnesium, the constituents to be determined by the methods adopted by the association of official agricultural chemists; (1955, c. 77, § 1.)

**Effect of amendment.**—The 1955 amendment deleted the words "present as nitrates, as ammonium salts or as organic nitrogen," which formerly appeared before the first semicolon in subsection III. As only subsection III was changed by the amendment, the rest of the section is not set out.

**Sec. 186. Markings of packages of commercial fertilizer.**—Every lot or package of commercial fertilizer, which is manufactured, sold, distributed, caused to be transported, offered or exposed for sale, distribution or transportation in the state by any person shall have affixed, in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly giving the number of net pounds in the package, together with all other information specified in section 184. In case a commercial fertilizer contains plant foods or other compounds which may cause injury to plant growth unless special precautions are taken, these precautions shall be clearly stated on the container. If the fertilizer is sold in bulk or put up in containers furnished by the purchaser, the seller shall furnish the latter with a copy of the statements named in this section. (R. S. c. 27, § 164. 1949, c. 343, § 3. 1955, c. 77, § 2.)

**Effect of amendment.**—The 1955 amendment deleted the words "upon request of the purchaser," which formerly appeared before the word "furnish" in the last sentence.

**Sec. 188. Registration refused when name or trade-mark misleading.**—The commissioner may refuse to register commercial fertilizer bearing a name, brand or trade-mark which is misleading or deceptive or which would tend to mislead or deceive as to materials of which it is composed. He may also cancel the registration of commercial fertilizer that he deems to be manufactured, sold, distributed, transported, offered or exposed for sale, distribution or transportation in violation of any of the provisions of this chapter. The registration of each brand of commercial fertilizer shall terminate on the 31st day of December of each year. (R. S. c. 27, § 167. 1951, c. 205, § 8. 1957, c. 331, § 5.)

**Effect of amendment.**—Prior to the 1957 amendment this section was also applicable to "commercial feeding stuff" Section 10 of such amendatory act provided that it should become effective January 1, 1958.

**Sec. 189. When goods deemed adulterated.**—For the purpose of this chapter an article shall be deemed to be adulterated:

**I. In case of commercial fertilizer:**

**A.** If its weight, composition, quality, strength or purity do not conform in each particular to the claims made upon the affixed guaranty.

**B.** If it contains any material in sufficient amount to be deleterious to growing plants. (1949, c. 343, § 4. 1957, c. 331, § 7)

**C.** If it is found to contain any pulverized leather, hair, ground hoofs, horns, wool waste, peat, garbage tankage, cyanamid or any nitrogenous ingredients derived from any inert material whatsoever, unless the same has been so treated as to be available as plant food as determined by the methods adopted by the association of official agricultural chemists, without an explicit printed statement of the fact, conspicuously affixed to the package of such fertilizer and accompanying and going with every lot or package of the same, in which fertilizer the above named materials aid in making up the required or guaranteed analysis. (1949, c. 343, § 4. 1953, c. 308, § 50. 1957, c. 331, § 7)

**II. In case of a drug:**

**A.** If, when a drug is sold under or by a name recognized in the United States pharmacopoeia or national formulary, it differs from the standard of strength, quality or purity as laid down in the United States pharmacopoeia or national formulary official at the time of investigation, or as fixed by the commissioner: provided that no drug defined in the United States pharmacopoeia, the national formulary or by said commissioner shall be deemed to be adulterated under the provision if the standard of strength, quality or purity be plainly stated, so as to be understood by the nonprofessional person, upon the bottle, box or other container thereof, although the standard may differ from that laid down in the United States pharmacopoeia, national formulary or that fixed by said commissioner.

**B.** If its strength or purity differs from the professed standard or quality under which it is sold.

**III. In case of meat or meat products:**

If any sodium sulphite, sodium bisulphite or any drug, chemical, chemical compound or preservative from which sulphur dioxide can be liberated has been added thereto or mixed therewith. [1951, c. 220. 1953, c. 308, § 50. 1957, c. 331, § 7]. (R. S. c. 27, § 168. 1949, c. 343, § 4. 1951, c. 52; c. 74, § 7; c. 205, § 9; c. 220. 1953, c. 308, § 50; c. 334, § 5. 1957, c. 331, §§ 6, 7.)

**Effect of amendment.** — The 1957 amendment repealed former subsection I which related to commercial feeding stuff and renumbered former subsections II, III and IV to appear as "I", "II" and "III" respectively. Section 10 of the amendatory act provided that it should become effective January 1, 1958.

**Sec. 190. "Misbranded" defined.**—The term "misbranded" as used herein shall apply to all articles of commercial feeding stuff, commercial fertilizer, drug or food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, or which is falsely branded in any particular.

For the purpose of this chapter an article shall also be deemed to be misbranded:

**I. In case of commercial fertilizer:**

**A.** If any package fails to bear all the statements required by section 184.

**B.** If the printed statements required by section 184 to be affixed to the package differ from the statement required by section 186.

**C.** If any brand is manufactured, transported, distributed, sold, offered or exposed for sale, distribution or transportation upon which the registration fee required by section 184 has not been paid. (1953, c. 308, § 51. 1957, c. 331, § 9)

**II. In case of a drug:**

**A.** If it be an imitation of or offered for sale under the name of another article.

**B.** If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or except in the case of a physician's prescription compounded by a physician or a registered pharmacist, if the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or any preparation of any such substances contained therein. [1957, c. 331, § 9]. (R. S. c. 27, § 169. 1951, c. 74, § 8; c. 205, §§ 10, 11. 1953, c. 308, §§ 51, 52; c. 334, § 6. 1957, c. 331, §§ 8, 9.)

**Effect of amendment.** — The 1957 amendment repealed former subsection I which related to commercial feeding stuff and renumbered former subsections II and III to appear as "I" and "II", respectively. Section 10 of the amendatory act provided that it should become effective January 1, 1958.

### Packing of Food.

**Sec. 228-A. Packing of food; permit; inspection.**—The commissioner shall, upon application for permit and receipt of such fee as he deems necessary from any food packer or processor, inspect all operations of said packer or processor for compliance with the provisions of the Maine food law and shall cause the same law to be diligently enforced. Each such permit shall cover one group of buildings constituting a packing plant in one location.

Only the holder of such a permit may mark or label any food so inspected as packed or processed or inspected and passed under provisions of the Maine food law.

Said commissioner may cancel any permit whenever there is a lack of compliance with the Maine food law. He shall establish such rules and regulations as he deems necessary. He shall make such charges as will be reasonable and as nearly as may be to cover the cost of the service rendered. All such fees and all such money thus collected for services rendered by the commissioner shall be paid by him to the treasurer of state. Said fees and money are appropriated for the purposes of this section.

The commissioner may employ such agents and assistants, subject to the provisions of the personnel law, and make such purchases as may be necessary in the performance of his duties. (1957, c. 261, § 1.)

### Maine Commercial Feed Law.

**Editor's note.**—Public Laws 1957, c. 331, which inserted this subdivision, provided in § 10 thereof that this act should become effective January 1, 1958.

**Sec. 236-A. Title.**—Sections 236-A to 236-K, inclusive, shall be known as the "Maine Commercial Feed Law." (1957, c. 331, § 1.)

**Sec. 236-B. Enforcing official.**—Sections 236-A to 236-K, inclusive, shall be administered by the commissioner of agriculture, hereinafter referred to as the "commissioner." (1957, c. 331, § 1.)

**Sec. 236-C. Definitions.**—As used in sections 236-A to 236-K, inclusive, the following words and phrases shall have the following meanings:

"Brand" means the term, design or trademark and other specific designation under which an individual commercial feed is distributed in this state.

"Commercial feed" means all materials which are distributed for use as feed for animals other than man except:

- I. Unmixed whole seed and meals made directly from the entire seeds;
- II. Unground hay;

**III.** Whole or ground straw, stover, silage, cobs and hulls when not mixed with other materials.

"Distribute" means to offer for sale, sell, barter or otherwise supply commercial feeds.

"Distributor" means one who registers a commercial feed or feeds under the provisions of sections 236-A to 236-K, inclusive, or who offers for sale, sells, barter or otherwise supplies commercial feeds.

"Label" means a display of written, printed or graphic matter upon the container in which a commercial feed is distributed.

"Official sample" means any sample of commercial feed taken by the commissioner.

"Per cent" or "percentage" means percentage by weight.

"Person" includes individual, partnership, corporation, firm, association and agent.

"Sell" or "sale" includes exchange.

"Ton" means a net weight of 2,000 pounds avoirdupois. (1957, c. 331, § 1.)

#### **Sec. 236-D. Registration.**

**I.** Each brand of commercial feed shall be registered before being offered for sale, sold or otherwise distributed in this state. The application for registration shall be submitted to the commissioner on forms furnished by the commissioner, and shall be accompanied by a fee of \$20 per brand, and if the commissioner so requests shall also be accompanied by a label or other printed matter describing the product. Upon approval by the commissioner, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31st of each year unless sooner cancelled. The fees so collected by the commissioner shall be deposited with the treasurer of state and appropriated for carrying out the provisions of sections 236-A to 236-K, inclusive, including the cost of inspection, sampling and analysis of commercial feed. Such funds shall not lapse, but shall remain a continuing carrying account.

The applications shall include the following information:

**A.** The name and principal address of the person guarantying the commercial feed;

**B.** The name or brand under which the commercial feed is to be sold;

**C.** The guaranteed analysis, listing the minimum percentage of crude protein, minimum percentage of crude fat and maximum percentage of crude fiber. For mineral feeds, the list shall include the following if added: Minimum and maximum percentage of calcium (Ca), minimum percentage of phosphorus (P), minimum percentage of iodine (I) and minimum and maximum percentages of salt (NaCl). Other nutritional substances or elements, determinable by laboratory methods, may be guaranteed by permission of the commissioner. When any such other items are guaranteed, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the commissioner. Products sold solely as mineral and vitamin supplements and guaranteed as specified in this section need not show guarantees for protein, fat and fiber;

**D.** The common or usual name of each ingredient used in the manufacture of the commercial feed.

**II.** A distributor shall not be required to register any brand of commercial feed which is already registered by another person.

**III.** Changes in the guarantee of either chemical or ingredient composition of a commercial feed may be permitted provided satisfactory evidence is submitted showing that such changes would not result in a lowering of the feeding value of the product for the purpose for which designed.

**IV.** The commissioner is empowered to refuse registration of any application not in compliance with all provisions of sections 236-A to 236-K, inclusive, and to cancel any registration when it is subsequently found to be in violation of any provision of sections 236-A to 236-K, inclusive, or when he has satisfactory evidence that the registrant has used fraudulent or deceptive practices in attempted evasion of the provisions of sections 236-A to 236-K, inclusive, or regulations thereunder. No registration shall be refused or cancelled until the registrant shall have been given opportunity to be heard before the commissioner. (1957, c. 331, § 1.)

**Sec. 236-E. Labeling.**—Any commercial feed offered for sale or sold or otherwise distributed in this state in bags, barrels or other containers shall have placed on or affixed to the container in written or printed form the net weight and the information required by paragraphs A, B, C and D of subsection I of section 236-D.

If distributed in bulk, a written or printed statement of the net weight and the information required by paragraphs A, B, C and D of subsection I of section 236-D shall accompany delivery and be furnished to the purchaser. (1957, c. 331, § 1.)

**Sec. 236-F. Adulteration.**—No person shall distribute an adulterated commercial feed. A commercial feed shall be deemed to be adulterated:

**I.** If any poisonous, deleterious or non-nutritive ingredient has been added in sufficient amount to render it injurious to animal health when fed in accordance with directions for use on the label;

**II.** If any valuable constituent has been in whole or part omitted or abstracted therefrom or any less valuable substance substituted therefor;

**III.** If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling;

**IV.** If it contains added hulls, screenings, straw, cobs or other high fiber material unless the name of each such material is clearly and prominently stated on the label;

**V.** If it contains more than 1% of weed seeds considered injurious to livestock or more than 15 viable weed seeds in the aggregate per ounce. (1957, c. 331, § 1.)

**Sec. 236-G. Misbranding.**—No person shall distribute misbranded feed. A commercial feed shall be deemed to be misbranded:

**I.** If its labeling is false or misleading in any particular;

**II.** If it is distributed under the name of another feed;

**III.** If its container is not labeled as required in section 236-E and in regulations prescribed under the provisions of sections 236-A to 236-K, inclusive;

**IV.** If it purports to be or is represented as a feed ingredient, or if it purports to contain or is represented as containing a feed ingredient, unless such feed ingredient conforms to the definition of identity, if any, prescribed by regulation of the commissioner; in the adopting of such regulations the commissioner shall give due regard to commonly accepted definitions such as those issued by the Association of American Feed Control Officials.

**V.** If any word, statement or other information required by or under authority of sections 236-A to 236-K, inclusive, to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;



**VI.** If it is a brand of commercial feed which is not registered with the commissioner and the prescribed fee paid in accordance with section 236-D. (1957, c. 331, § 1.)

**Sec. 236-H. Inspection, sampling and analysis.**—It shall be the duty of the commissioner to inspect and sample for analysis in accordance with section 208, commercial feeds distributed within this state at such time and place to such an extent as he may deem necessary to determine whether such commercial feeds are in compliance with the provisions of sections 236-A to 236-K, inclusive. The commissioner is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial feeds subject to the provisions of sections 236-A to 236-K, inclusive, and the rules and regulations pertaining thereto.

The methods of sampling and analysis shall be those adopted from sources such as the Journal of the Association of Official Agricultural Chemists.

The commissioner, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided solely by the official sample as defined in section 236-C and obtained and analyzed as provided for in the first 2 paragraphs of this section.

When the inspection and analysis of an official sample indicate a commercial feed has been adulterated or misbranded, the results of analysis shall be forwarded by the commissioner to the distributor or manufacturer. Upon request within 30 days, the commissioner shall furnish to the registrant a portion of the samples concerned. (1957, c. 331, § 1.)

**Sec. 236-I. Regulations, standards and definitions.**—The commissioner is charged with the enforcement of the provisions of sections 236-A to 236-K, inclusive, and after due public hearing is empowered to promulgate and adopt such reasonable rules and regulations as may be necessary to carry into effect the full intent and meaning of sections 236-A to 236-K, inclusive. The commissioner is empowered to adopt regulations establishing definitions and standards for commercial feed ingredients and such other regulations as may be necessary for the enforcement of any provision of sections 236-A to 236-K, inclusive. (1957, c. 331, § 1.)

**Sec. 236-J. Detained commercial feeds.**

**I. "Withdrawal from sale" orders.** When the commissioner has reasonable cause to believe a commercial feed is being distributed in violation of any of the provisions of sections 236-A to 236-K, inclusive, or of any of the prescribed regulations under sections 236-A to 236-K, inclusive, he may issue and enforce a written or printed "withdrawal from sale" order warning the distributor not to dispose of the feed in any manner until written permission is given by the commissioner or the court. The commissioner shall release the commercial feed so withdrawn when the provisions and regulations have been complied with and all costs and expenses incurred in the withdrawal have been paid. If compliance is not obtained within 30 days, the commissioner may begin proceedings for condemnation.

**II. Condemnation and confiscation.** Any lot of commercial feed not in compliance with the provisions of sections 236-A to 236-K, inclusive, shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds the said commercial feed to be in violation of the provisions of sections 236-A to 236-K, inclusive, and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state. In no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said com-

mercial feed or for permission to process or re-label said commercial feed to bring it into compliance with the provisions of sections 236-A to 236-K, inclusive. (1957, c. 331, § 1.)

**Sec. 236-K. Penalties.**—Any person, firm or corporation violating any of the provisions of sections 236-A to 236-K, inclusive, or any rule or regulation duly promulgated thereunder, or neglecting or refusing to comply with the provisions thereof shall be punished by a fine of not more than \$100 for the first offense and not more than \$200 for each subsequent offense.

Nothing in sections 236-A to 236-K, inclusive, shall be construed as requiring the commissioner to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the provisions of sections 236-A to 236-K, inclusive, when he believes that the public interests will be best served by a suitable notice of warning in writing. (1957, c. 331, § 1.)

### **Slaughterhouses and Meat Processing Plants.**

**Sec. 248. Licenses for slaughterhouses and meat processing plants; carcasses stamped.**—No person, firm, partnership, corporation, association or society shall operate a slaughterhouse or meat processing plant within the state of Maine unless such person, firm, partnership, corporation, association or society be licensed by the commissioner of agriculture. A license shall not be required of any farmer or other person who raises and slaughters his own domestic animals on his farm or premises for consumption or sale as human food, this being incidental to his general livelihood, nor of any retail sales establishment; nor the home kitchen operated only by the owner and his immediate family. An application for a license, or renewal of license, shall be made each year upon a form prescribed by the commissioner. Such license shall commence upon the 1st day of August. With the application, there shall be paid to the commissioner a license fee of \$5. Upon receipt of the application for a license, or renewal of same, the commissioner shall issue a license after being satisfied that the applicant has complied with section 251 and the regulations promulgated thereunder. Each such license shall cover a group of buildings or parts thereof, in one location, constituting a slaughterhouse, meat processing plant, or both; operated by the licensee. Said license shall run for 1 year from the 1st day of August in each year, or unless sooner revoked as provided in section 249.  
(1955, c. 107, § 1.)

**Effect of amendment.**—The 1955 amendment rewrote the first paragraph. As the second paragraph was not changed, it is not set out.

**Sec. 250. Definitions.**—The term “slaughterhouse” shall mean any establishment wherein animals or poultry are slaughtered for human consumption.

The term “slaughter” shall mean the butchering of animals or poultry for human consumption.

The term “meat processing plant” shall mean any place where meat or meat products are prepared, processed, manufactured, packaged or frozen, for human consumption. (R. S. c. 27, § 190. 1955, c. 107, § 2.)

**Effect of amendment.**—The 1955 amendment rewrote this section.

**Sec. 251. Inspection; rules.**—The floors, walls, ceilings, partitions, posts, doors, equipment and other parts of all licensed slaughterhouses or meat processing plants shall be of such materials, construction and finish as will make them susceptible of being readily and thoroughly cleaned. Said establishments shall, at all times, be maintained and operated in a sanitary manner and in compliance with the Maine food law. Meat or meat products shall be prepared, processed, handled, packaged and transported in such a manner as to protect them from rapid decomposition, adulteration or contamination. The commissioner shall promulgate reg-

ulations for carrying out the provisions of sections 248 to 254, inclusive, fix standards of quality and identity for meat and meat products, and by adequate inspection, enforce the provisions of sections 248 to 254, inclusive. (R. S. c. 27, § 191. 1955, c. 107, § 3.)

**Effect of amendment.**—The 1955 amendment rewrote this section.

### Packing of Food.

**Secs. 256, 257.** Repealed by Public Laws 1957, c. 261, § 2.

**Cross reference.**—For present provision re packing of food, see c. 32, § 228-A.

### Packing of Sardines.

**Sec. 258. Packers licensed.**—No person, firm, corporation, association or society shall pack sardines within the state for sale without having first filed with the commissioner an application for license, accompanied with a fee of \$50, upon receipt of which application the commissioner shall issue to the person, firm, corporation, association or society making such application a license to pack sardines as hereinafter provided. Each such license shall cover 1 group of buildings constituting a packing plant in one location. Said license shall run from April 15th to December 1st of each year, unless sooner revoked as herein provided and shall be renewed annually thereafter. Before issuing such license or renewing it, the commissioner may by adequate inspection determine that the laws and regulations relating to the packing of sardines and the operation of sardine plants are being observed. (R. S. c. 27, § 198. 1945, c. 66, § 2. 1947, c. 42, § 1. 1949, c. 248, § 1. 1953, c. 171, § 1. 1955, c. 174, § 1.)

**Effect of amendment.**—The 1955 amendment added the last sentence.

**Sec. 259. Repeal or revocation of license; appeal.**—The commissioner shall have the power to refuse to issue, to refuse to renew, to revoke or to suspend any license issued under the provisions of sections 258 to 267, inclusive, whenever he determines that any of the provisions of said sections or rules or regulations promulgated or established thereunder have been violated. Any person, firm, corporation, association or society whose license has been so revoked or suspended shall discontinue the packing of sardines until the provisions of said sections have been complied with and a new license issued or the suspension removed. The commissioner may revoke or suspend such license temporarily until there is a compliance with the provisions of said sections as hereinafter provided, or permanently for the unexpired period of such license. On the refusal to issue or to renew and before revoking or suspending any license, the commissioner shall give written notice to the applicant or licensee affected stating that he contemplates refusing to issue or renew said license or the revocation or suspension of the same and giving his reasons therefor; such notice shall appoint a time of hearing before said commissioner. On the date of hearing, the applicant or licensee may present evidence to the commissioner, and after hearing all the testimony, the said commissioner shall decide whether or not the license shall be issued, renewed, revoked or suspended. Any licensee who feels aggrieved or dissatisfied with the decision of the commissioner may appeal from said decision within 10 days to the superior court. (R. S. c. 27, § 199. 1955, c. 174, § 2.)

**Effect of amendment.**—The 1955 amendment rewrote the first, fourth and fifth sentences, making them applicable to refusal to issue or renew a license, as well as to revocation and suspension thereof, and making other changes.

**Sec. 261. Inspection; conformity with food and drug acts; branding of cans; embargo and condemnation of sardines packed in violation of §§ 258-267.**—The commissioner shall by adequate inspection, by such methods,

including sampling procedures, and at such times including before, during and after packing, as he may from time to time deem appropriate, see that sardines are packed in conformity with the requirements of the federal food and drug act, the laws of this state, including the provisions of sections 258 to 267, inclusive, and the rules and regulations promulgated or established thereunder by the commissioner, and shall determine the grade or quality of each lot of sardines for which he shall have established grades under section 263. He shall make uniform rules and regulations, which shall have the effect of law, for carrying out the provisions of said sections and for insuring sardines are packed in a sanitary environment and manner and for the sanitary storage and condition of packing media and may fix standards of quality in addition to standards fixed by law; and he shall authorize the persons packing sardines in conformity with the requirements of said sections to mark the container of said sardines with a statement certifying that the food contained therein was packed, inspected and passed under the provisions of sections 216 to 228, inclusive. Any sardines falsely marked shall be deemed to be misbranded, and any person, firm, corporation, association or society who shall misbrand or falsely mark any container of sardines or sell or offer for sale such misbranded containers shall be punished by a fine of not more than \$500 for each container thus falsely marked.

Beginning April 15, 1956, every holder of a license issued under the provisions of section 258 shall, before packing sardines in  $\frac{1}{4}$  size cans, or in other containers for which grades shall have been established by the commissioner under section 263, have on file with the commissioner of agriculture a code plan satisfactory to the commissioner, which plan shall show the plant where packed, lot and the calendar year of packing, and may at the option of the licensee show such other information as is desired. Optional coding information may, but need not be included in the plan filed. Said code plan shall define "lot" as not more than the entire output of one packing plant for one day. Said plan shall remain effective until modified or rescinded by said licensee and another approved code plan is filed. After April 15, 1956, no such licensee shall pack, process, manufacture, sell, ship, deliver, consign or have in his possession sardines for which a code plan is required unless said code appears legibly and permanently upon each container and also upon the shipping case containing said sardines.

Beginning April 15, 1958, the commissioner may issue a certificate for each lot of sardines, as defined in the applicable code plan on file with him, stating the fact of his inspection, the date of inspection, the code, the number of containers in the lot, the number of cans inspected, and the quality or grade of said lot, which said certificate shall be prima facie evidence of the facts therein stated. Certificates shall be issued only to those packers who make written request to the commissioner, which requests must state that the applicant applies for certificates for the entire seasonal output of the year in which the application is made, or for the entire output of the balance of such season if the application is made after the season has begun, and such application shall include all plants operated by the individual, corporation or company making the application.

The commissioner shall select and employ an assistant chief of the division of inspection for sardines. He shall also employ subordinate inspectors, sufficient in numbers, so that adequate inspection can be performed; and it shall be the duty of said inspectors to make adequate and uniform and impartial inspection of all the places, shops and factories in the state, wherever sardines are packed for sale, and for this purpose such inspectors shall have free access, ingress and egress at all reasonable hours to any sardine packing plant, may open any case or container and may, upon tendering the market price, take samples therefrom.

The assistant chief of the division of inspection for sardines shall vigilantly enforce all the provisions of sections 258 to 267, inclusive, and all provisions of the law and all regulations relating to sardine packing.

During the packing season, he shall not be assigned to perform or perform any inspection work, other than that pertaining to the packing of sardines.

Whenever the commissioner or any duly authorized agent of the commissioner has reasonable cause to believe that sardines are packed in violation of any of the provisions of sections 258 to 267, inclusive, or regulations promulgated under authority of said sections or that the finished product does not meet the standards and requirements of such sections and regulations, the commissioner or any duly authorized agent of the commissioner may detain or place an embargo upon such sardines by marking or tagging the same, giving notice that such sardines were packed in violation of the provisions of sections 258 to 267, inclusive, and that they have been detained or embargoed, 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 or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission.

The commissioner or duly authorized agent of the commissioner detaining such sardines shall promptly petition the judge of a municipal court or the superior court within whose jurisdiction the sardines are detained for a libel for condemnation of such sardines, the procedure of which shall conform, as nearly as may be, to the procedure for libelling intoxicating liquors.

If the court finds that the sardines were packed in violation of sections 258 to 267, inclusive, or regulations issued thereunder, it shall enter a decree that they shall be destroyed at the expense of the claimant thereof, under supervision of the commissioner, or any of his duly authorized agents, and all court costs and fees, and storage and other proper expenses shall be taxed against the claimant; provided that when the sardines can be brought into conformity with the provisions of sections 258 to 267, inclusive, by proper labelling or by other process, the court, after such costs, fees and expenses have been paid, and a bond to the commissioner or his successors in office, in such sum as the court may direct, with good and sufficient sureties, conditioned that such sardines shall be so labelled or processed, has been approved by the court, may order that such sardines be delivered to the claimant thereof for such labelling or processing under the supervision of the commissioner or any duly authorized agent of the commissioner. The expense of such supervision shall be paid by the claimant. Provided further that when the product is not in conflict with the laws of a foreign country to which it is intended for export, and is labelled on the outside of the shipping package to show that it is intended for export, the court, after the costs, fees and expenses have been paid, and a bond to the commissioner or his successors in office in such sum not less than twice the value of such goods as the court may direct with good and sufficient sureties, conditioned that such fish shall be exported to a foreign country, to be named therein, with whose laws such fish are not in violation and shall not be re-imported into the United States by any person whomsoever, may order such fish to be redelivered to the claimant for export under the supervision of the commissioner or any of his duly authorized agents. (R. S. c. 27, § 201. 1951, c. 266, § 37. 1953, c. 171, § 2. 1955, c. 174, §§ 3, 4. 1957, c. 92, § 1.)

**Effect of amendments.** — The 1955 amendment repealed the former first paragraph of this section and enacted the present first, second and third paragraphs in place thereof. It also added the last three paragraphs. The 1957 amendment rewrote the third paragraph.

**Sec. 262. Fees; disposition.**—Each packer shall pay monthly, not later than the 10th day of each month, 3¢ per case on the amount of sardines packed during the previous month, toward the cost of maintaining the inspection provided for in section 261 and as a part of the fee for obtaining and retaining his license. The inspection fee herein provided for may be increased by the commissioner after consultation with the sardine industry advisory board to an amount not to exceed 5¢ per case, in the event the fee of 3¢ per case is not adequate to cover the cost of such inspection, but such increased fee shall be reasonable and shall cover as nearly as may be possible the cost of such inspection. All license

fees and all money received under the provisions of sections 258 to 267, inclusive, by the commissioner shall be paid by him to the treasurer of state and the same are hereby appropriated for carrying out the provisions of sections 258 to 267, inclusive, and for no other purpose. (R. S. c. 27, § 202. 1945, c. 78, § 1. 1953, c. 171, § 3. 1957, c. 92, § 2.)

**Effect of amendment.** — The 1957 amendment inserted the second sentence.

**Sec. 263. Standards of contents of cans; misbranding.**—The minimum count of fish per  $\frac{1}{4}$  size keyless can, whether packed in oil, mustard sauce, tomato sauce or other packing medium, shall be 4 fish, and in all such cans the heads of all fish shall be removed by cutting. No broken fish shall be packed. The oil feeding device or mechanism shall deliver to the  $\frac{1}{4}$  size keyless cans oil at a rate of not less than 19.66 cubic centimeters of oil per can. The minimum count of fish for  $\frac{3}{4}$  size cans shall be 4 fish. The mustard sauce feeding device or mechanism shall deliver to the  $\frac{3}{4}$  size cans mustard sauce at a rate of not less than 2 ounces of mustard sauce per can and the tomato sauce feeding device or mechanism shall deliver tomato sauce to the  $\frac{3}{4}$  size cans at a rate of not less than 2 ounces of tomato sauce per can. The mustard sauce feeding device or mechanism shall deliver mustard sauce to all  $\frac{1}{4}$  size cans at a rate of not less than one ounce of mustard sauce per can and the tomato sauce feeding device or mechanism shall deliver tomato sauce to all  $\frac{1}{4}$  size cans at a rate of not less than one ounce of tomato sauce per can. After the packing process is completed, the fish sealed in the cans shall be free from defects, no detached heads or tails present. When less than 5 fish are packed in a  $\frac{1}{4}$  size keyless can, there shall be plainly and permanently lithographed thereon in letters and numerals not less than  $\frac{1}{8}$  inch in height a statement clearly indicating that the contents are 4 fish or 4 sardines and the packer shall so offer such cans for sale.

The minimum count of fish per  $\frac{1}{4}$  size key can, whether packed in oil, mustard sauce, tomato sauce or other packing medium, shall be 5 fish. In all key cans the heads of all fish shall be removed by cutting, and in all key cans packed with less than 8 fish the tails shall be removed by cutting or shall be neatly trimmed. No broken fish shall be packed. The oil feeding device or mechanism shall deliver oil to all  $\frac{1}{4}$  size key cans at a rate of not less than 24.5 cubic centimeters of oil per can. The minimum count for  $\frac{3}{4}$  size cans shall be 4 fish. The mustard sauce feeding device or mechanism shall deliver mustard sauce to all  $\frac{1}{4}$  size key cans at a rate of not less than one ounce of mustard sauce per can and shall deliver mustard sauce to all  $\frac{3}{4}$  size cans at a rate of not less than 2 ounces of mustard sauce per can. The tomato sauce feeding device or mechanism shall deliver tomato sauce to all  $\frac{1}{4}$  size key cans at a rate of not less than one ounce of tomato sauce per can and shall deliver tomato sauce to all  $\frac{3}{4}$  size cans at a rate of not less than 2 ounces of tomato sauce per can. After the packing process is completed, the fish sealed in the cans shall be free from defects, no detached heads or tails present.

In packing all sardines, the quality of the vegetable salad oil used shall be a pure, edible vegetable oil, which shall be clear and thoroughly refined. It shall be a deodorized oil free from rancidity, objectionable flavor and shall satisfactorily stand the 5-hour cold test, so called. Its color shall not be darker than 7 lovibond units. The oil shall have a free fatty acid content of not more than .07% and shall retain a satisfactory flavor after heating to 400° Fahrenheit. In packing all sardines, the olive oil used shall possess a typical greenish to light yellow color and shall possess a free fatty acid content, calculated as oleic, of not more than 1.4%. The olive oil shall be free of defects and possess a good typical odor and a good typical flavor. In packing all sardines, the tomato sauce used shall possess a fairly good red tomato color and shall be free of defects and shall possess a fairly good tomato puree (tomato pulp) flavor. It

shall have not less than 8.37% salt-free tomato solids and a specific gravity of not less than 1.035.

The minimum count of fish, which may be any size, per #1 oval can, commonly known as a one pound or 15-ounce oval can, whether packed in tomato sauce, mustard sauce or other packing medium, shall be not less than 4 fish. The heads of all fish shall be removed by cutting. No broken fish shall be placed in cans. The device or mechanism feeding oil, mustard sauce, tomato sauce or other packing medium shall deliver the mustard sauce, tomato sauce, oil or other packing medium to all #1 oval cans, commonly known as one pound or 15-ounce oval cans, at a rate of not less than 2 ounces per can.

The minimum count of fish per 8-ounce oval can, whether packed in tomato sauce, mustard sauce or other packing medium, shall be not less than 4 fish. The heads of all fish shall be removed by cutting. No broken fish shall be packed. The device feeding mustard sauce, tomato sauce, oil or other packing medium shall deliver mustard sauce, tomato sauce, oil or other packing medium to all 8-ounce oval cans at a rate of not less than one ounce per can. Sardines thus packed shall be plainly and conspicuously marked "MAINE SARDINES."

Provided, however, that less than the minimum count of fish per can as above specified may be packed if the cases in which they are contained and each can in said cases are plainly and conspicuously marked with the word "herring" but the word "sardine" nor "sardines" shall not appear either on the case or on the cans that contain less than the minimum count of fish per can as above specified. It is further provided that less than the minimum quantity of oil or mustard sauce or tomato sauce as above specified may be packed if the cases in which they are contained and each can in said cases are plainly and conspicuously marked with a legend indicating that the contents of the cans are not in accord with the standard of quality established in this section. Such cases and cans so marked as "herring" and not marked "sardine" or "sardines" and such cans as contain less than the minimum quantity of oil or mustard sauce or tomato sauce as above specified and marked in accord with the fact shall not be deemed to be misbranded.

The commissioner may establish official grades for sardines packed within the state and may from time to time modify such grades. Such grades may specify among other things, the number of fish per container, the amount, quality and nature of the packing medium or fill, the quality, appearance, odor, character, taste and texture of the fish packed, the style of pack, their workmanship and their arrangement in the container, the quality of the substances contained in the container, the size and type of the container, the tolerances allowing for reasonable variation from grades. The commissioner may also establish and promulgate regulations for the marking, branding or labelling of sardines, and the use of grades established by him. Such grades shall not be lower than the standards set out in sections 258 to 267, inclusive. The commissioner may also promulgate regulations providing that products that do not meet such standards may be sold if labelled "herring."

Before establishing, amending or modifying any such grades, the commissioner shall hold public hearings in such places within the state as shall be reasonably convenient for the packers. Notice of such hearing shall be sent by registered mail to holders of licenses issued under section 258, and notice of such hearings shall also be advertised for 3 successive weeks prior thereto in a newspaper or newspapers of general circulation within the county where the hearing is to be held. In establishing such grades or regulations the commissioner may consider, among other things, packing practices in Maine and in other jurisdictions, consumer expectancy, habits and desires, the types of fish available, conditions of sanitation, tastes and preferences of varying parts of the consumer public, marketing practices, and market experience. Upon the establishment of such grades or tolerances the commissioner shall notify by registered mail all such licensed holders setting forth clearly the requirements of or the grades so established and the date when they become effective.

Sardines intended for export shall not be deemed to be packed in violation of section 263 if

- I. They accord to the specifications of the foreign purchaser;
- II. The product is not in conflict with the laws of the foreign country to which it is intended for export;
- III. Is labelled on the outside of the shipping package to show that it is intended for export; and
- IV. The licensee under section 258 gives a bond with good and sufficient sureties in an amount not less than twice the value of the sardines running to the commissioner and his successors in office conditioned that such fish shall be exported to a foreign country to be named therein with whose laws it is not in conflict, and shall not be reimported into the United States by any person. (R. S. c. 27, § 203. 1945, c. 78, § 2; c. 376. 1949, c. 248, §§ 2, 3. 1951, c. 63, §§ 1, 2. 1953, c. 171, §§ 4, 5, 6, 7. 1955, c. 174, §§ 5-8; c. 208. 1957, c. 92, § 3.)

**Effect of amendments.**—The first 1955 amendment revised sentences in the first three paragraphs and added the last three paragraphs. The second 1955 amendment added a sentence in the first paragraph.

The 1957 amendment, which became effective on its approval, March 29, 1957, rewrote the former first six paragraphs which now appear as the first five paragraphs.

**Sec. 267. Penalty.**—Any person, firm, corporation, association or society who shall pack sardines in the state for sale without the license provided for in section 258, or who shall violate any of the provisions of sections 258 to 267, inclusive, or neglect or refuse to comply with any of the provisions required in said sections or in any way violate any of their provisions may be punished by a fine not exceeding \$500 or by imprisonment for not more than 6 months, or by both such fine and imprisonment for each and every offense. (R. S. c. 27, § 205. 1955, c. 174, § 9.)

**Effect of amendment.**—The 1955 amendment rewrote this section.

### Sardine Industry Advisory Board.

**Sec. 267-A. Sardine industry advisory board.**—The commissioner after such consultation with members of the industry as he regards desirable shall appoint 7 practical sardine packers as defined in section 268 of chapter 16 to a board to be known as the sardine industry advisory board. Initially 2 members shall be appointed for 1-year terms, 2 members for 2-year terms and 3 members for 3-year terms. All appointments thereafter shall be for 3-year terms except appointments to complete unexpired terms. Members shall serve without pay. The board shall meet with the commissioner at regular intervals to be determined by it, and oftener if called by the commissioner, who shall also call a meeting of the board on written request of 3 members.

The board shall advise the commissioner and the commissioner shall consult with the board on matters of general interest to the sardine industry within the jurisdiction of the commissioner. (1955, c. 174, § 10.)

### Packing of Apples.

**Sec. 269. Standard grades established.**—The grades for apples recommended by the United States department of agriculture and recognized in the central markets of the country as government grades and such other grades or standards as may be promulgated by the commissioner under the provisions of sections 32 to 38, inclusive, are made the official state grades for apples of the state presented for intrastate or interstate shipment. All containers as presented for shipment whether by truck, train or boat shall have written, stamped or at-



tached thereon the provisions required in section 270. (R. S. c. 27, § 208. 1949, c. 312, § 1. 1953, c. 206, § 3. 1957, c. 223, § 2.)

**Effect of amendment.** — The 1957 amendment made two sentences of the former first sentence and inserted the clause "and such other grades or stand-ards as may be promulgated by the commissioner under the provisions of sections 32 to 38, inclusive," in the present first sentence.

**Sec. 272-A. Advertising.**—When apples are advertised for sale by radio, television, newspapers or any other medium in which the price is to be quoted, such advertisement must state the correct grade, size and variety.

No signs, flyers, advertisements or false labels shall be used to sell or offer for sale or expose for sale any apples which do not conform to the standards as established in section 269. When signs, flyers or posters are used to advertise the price of apples, the variety, size and grade must be shown on such signs, flyers and posters. (1957, c. 223, § 3.)

**Sec. 273. Sale and movement of apples.**—No person, firm or corporation shall within this state sell, distribute, transport, offer or expose for sale, distribution or transportation any apples that do not conform to the apple grades established in section 269. Nothing in this section shall apply to any person, firm or corporation supplying apples consigned to a processing plant for use therein. No provisions of sections 268 to 276, inclusive, shall be construed to prevent a grower or shipper of apples from delivering the same to a packing house for grading or to a processing plant or cold storage plant where apples are stored and prepared for market. Apples which do not meet the established grades or classifications as provided by section 269 may be sold as culls provided the package or container is conspicuously marked with the word "culls". The commissioner shall diligently enforce the provisions of this section and in person or by deputy shall have free access, ingress and egress at all reasonable hours to any place or any building wherein apples are stored, transported, sold, offered or exposed for sale or for transportation. He may also in person or by deputy upon tendering the market price take samples of apples therefrom. (R. S. c. 27, § 212. 1957, c. 223, § 4.)

**Effect of amendment.** — The 1957 amendment deleted the words "were grown outside of the state, which" formerly preceding the words "do not conform" in the first sentence, made a former proviso of the first sentence into a separate sentence, and inserted the present third and fourth sentences.

### Branding of Potatoes.

**Sec. 295. Grades.**—The official state grades for potatoes shall be promulgated by the commissioner under the provisions of sections 32 to 38, inclusive, and made the official state grades for potatoes of the state presented for intrastate or interstate shipment and all containers as presented for shipment, whether by truck, train or boat, shall have written, stamped or attached thereon the name and address or serial number of the person producing or marketing the product, as well as the name and grade, state or federal, of the product contained therein. No potatoes shall be offered for sale, had in possession for sale, prepared for sale, exposed for sale, sold, shipped, delivered for sale or consigned unless and until said potatoes shall have been graded or packed in conformity with the provisions of sections 295 to 301, inclusive. Potatoes purchased under the government support program shall be exempted from the provisions of sections 295 to 301, inclusive. (R. S. c. 27, § 225. 1949, c. 302, § 1. 1957, c. 104, § 1.)

**Effect of amendment.**—Prior to the 1957 amendment the official state grades were those recommended by the Bureau of Agricultural Economics of the U. S. Department of Agriculture and such other grades as may be promulgated by the commissioner. The 1957 amendment also inserted the words "state or federal" near the end of the first sentence.

**Sec. 296. Branding mandatory.** — It shall be unlawful for any person, firm, association, organization or corporation, or agent, representative or assistant to any person, firm, association, organization or corporation to expose for sale, or sell, ship, deliver or consign or have in possession potatoes prepared for market unless such container has been legibly and conspicuously tagged, branded, labeled or stenciled before being removed from the premises where prepared for market with the name and address of the person or persons responsible for the grading and packing, and the name of the grade, net weight and the word "potatoes." It shall be unlawful for any person, firm, association, organization or corporation or agent, or representative, or assistant to any person, firm, association, organization or corporation to expose for sale or sell at wholesale or retail any potatoes unless the container in which such potatoes have been placed has been legibly and conspicuously tagged, branded, labeled or stenciled with the name and address of the person or persons responsible for the grading and packing and the name of the grade together with the true net contents of said container. Bulk shipments shall be accompanied by 2 cards not less than 4 by 6 inches in size, placed on the inside of car near each door. Likewise cards in size as herein described shall be prominently displayed on all bulk shipments made by truck or other conveyance. Upon each card shall appear the name and address of the consignor, the name of the grade, the name of the loading station, the date of loading and the name and address of the consignee, if known. It shall be conclusive evidence that potatoes are for sale when contained in containers intended for delivery or transit, or when same are exposed for sale, or when the same are in the process of delivery or transit, or are located at a depot, station, boat dock or any place where potatoes are held in storage or for immediate or future sale or transit. (R. S. c. 27, § 226. 1957, c. 104, § 2.)

**Effect of amendment.** — The 1957 amendment substituted the words "net weight and the word 'potatoes'" for the words "together with true net contents" at the end of the first sentence, deleted the former second sentence relative to color of tags and substituted the present second sentence therefor.

**Sec. 297. False or misleading branding.**—No person, firm, association, organization or corporation or agent, representative or assistant to any person, firm, association, organization or corporation shall sell, expose for sale or ship for sale potatoes in open or closed packages if the packages containing them or the label on them shall bear any statement, design or device regarding such potatoes which shall be false or misleading in any particular or if such potatoes are packed in such a manner that the face or shown surface shall not be an average of the contents of the package, or if such potatoes fail to meet the minimum grade requirements established as a state grade by the commissioner of agriculture. This provision shall be construed to also prohibit the repeated use of any container or sub-container, bearing any markings required by the provisions of sections 295 to 301, inclusive, or any designation of brands, quality or grade unless all such markings which do not properly and accurately apply to the potatoes repacked or replaced shall first be completely removed, erased or obliterated. Nothing in sections 295 to 301, inclusive, shall be construed to conflict with any Maine or federal law or regulations regarding net weight markings on containers or sub-containers. (R. S. c. 27, § 227. 1957, c. 104, § 3.)

**Effect of amendment.** — The 1957 amendment inserted the designations following the word "person" at the beginning of the first sentence and added the last clause of the first sentence relative to failure to meet minimum grade requirements.

**Sec. 298. Sale without grading by grower; culls.**—No provisions of sections 295 to 301, inclusive, shall be construed to prevent a grower or shipper of potatoes from selling or delivering the same within the state unpacked, or selling his crop in bulk, or any part thereof, to a packer for grading, packing or

storage within the state; nor shall any provision of said sections prevent any person from manufacturing the same into any by-product, or from selling the same unpacked to any person actually engaged in the operation of a commercial by-products factory for the sole and express purpose of being used within the state in the manufacture of a by-product for resale. (R. S. c. 27, § 228. 1949, c. 302, § 2. 1957, c. 104, § 4.)

**Effect of amendment.** — The 1957 amendment repealed the former second paragraph of this section.

### State Sealer of Weights and Measures.

**Secs. 311-319.** Repealed by Public Laws 1957, c. 260, § 3.

**Cross reference.**—For present provisions as to state sealer of weights and measures, see c. 32-A.

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## Chapter 32A.

### Maine Weights and Measures Law.

**Sec. 1. Short title.**—This chapter shall be known and may be cited as the "Maine Weights and Measures Law." (1957, c. 260, § 1.)

**Sec. 2. Definitions.** — As used in this chapter, the following words and phrases shall have the following meanings:

"Cord" when used in connection with wood intended for fuel purposes shall mean the amount of wood that is contained in a space of 128 cubic feet, when the wood is ranked and well stowed and  $\frac{1}{2}$  of the kerf of the wood is included.

"Dealer" shall mean any person engaged in the business of dealing in, selling, buying, exchanging or trading in weighing or measuring devices in this state.

"Inspector" shall mean a state inspector of weights and measures.

"Licensed public weighmaster" shall mean and refer to all persons who shall, for hire, weigh or measure any commodity, produce or article and issue therefor, a weight certificate, which shall be accepted as the accurate weight, upon which the purchase or sale of such commodity is based.

"Person" shall mean both the plural and singular, as the case demands, and shall include individuals, partnerships, corporations, companies, societies and associations.

"Repairman" shall mean any person engaged in the business of adjusting or repairing weighing or measuring devices in this state or an employee thereof engaged in such business.

"Sealer" and "deputy sealer" shall mean, respectively, a sealer of weights and measures, and a deputy sealer of weights and measures, of a municipality or of several municipalities.

"Sell" and "sale" shall mean barter and exchange.

"State sealer" and "deputy state sealer" shall mean, respectively, the state sealer of weights and measures, and the deputy state sealer of weights and measures.

"Ton" shall mean a unit of 2,000 pounds avoirdupois weight.

"Vehicle" shall mean any device in, upon or by which any property, produce, commodity or article is or may be transported or drawn.

"Weights and measures," "weight and measure," "weights or measures," "weight or measure" shall mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices. (1957, c. 260, § 1.)