

# MAINE STATE LEGISLATURE

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# TITLE 7

## AGRICULTURE AND ANIMALS

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### PART 1

#### ADMINISTRATION

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#### CHAPTER 1

##### DEPARTMENT OF AGRICULTURE

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**§ 1. Commissioner; salary; employees; deputy**

The Department of Agriculture, as heretofore established and hereinafter in this Title 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 Title 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 \$11,000. He shall 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 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.1954, c. 32, § 1; 1955, c. 473, § 10; 1957, c. 418, § 11; 1959, c. 361, § 10; 1963, c. 396, § 5.

**§ 2. — Duties**

The commissioner is the chief executive charged with the enforcement of this Title and shall be vigilant in discovering violations thereof and making complaint to the proper authorities. He shall by personal observation, investigation and correspondence acquaint himself with the methods and wants of practical husbandry, the means of fertilization and the adaptation of various products to the soils and climate of the State and with the progress of scientific and practical agriculture elsewhere, with a view to the more complete development of the natural resources of the State. He shall gather statistics of information concerning agriculture and publish the same annually. He shall assist the farmers of the State, in so far as is practicable, to secure farm help and to promote increased production of farm crops through the selection, the growing and the dissemination of superior strains of seeds. He shall make and preserve a full record of all rules and regulations promulgated under this Title, and all payments and expenses incurred hereunder, and all other transactions performed by him in the discharge of his duties. He shall collect the legal and usual fees payable to him by virtue of his office and shall pay them over forthwith to the Treasurer of State.

R.S.1954, c. 32, § 2.

**§ 3. Departmental divisions**

The various bureaus and lines of work in the department shall be grouped into divisions, known as Divisions of Administration, Markets, Animal Industry, Plant Industry and Inspection.

R.S.1954, c. 32, § 10.

**§ 4. Rules of construction**

The word "person" as used in this Title shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing this Title, the act, omission or failure of any officer, agent or other person acting for or empowered by any corporation, company, society or association within the scope of his employment or office, shall in every case be deemed to be the act, omission or failure of such corporation, company, society or association as well as that of the person.

R.S.1954, c. 32, § 8.

**§ 5. Deputies**

The commissioner may, with the approval of the Governor and Council, appoint and fix the compensation of a chief deputy and such other deputies as in his judgment are required to assist him, and to enable him to carry out all laws, the execution of which is entrusted to him. The chief deputy shall hold office during good behavior and such other deputies during the pleasure of the commissioner. Their compensation and expenses shall be paid from any funds appropriated for the use of the commissioner in the execution of said laws.

R.S.1954, c. 32, § 7.

**§ 6. Farmers' institutes**

The commissioner shall hold or cause to be held 2 farmers' institutes in each county annually and as many more as the appropriation therefor will allow. The work of said institutes shall be devoted to the presentation and discussion of questions bearing upon agriculture and the agricultural interests of the State, and for this purpose said commissioner may employ speakers who are qualified and versed in the subjects assigned them. He may appoint and employ assistants, experts, lecturers, a stenographer and other aides needed in conducting such institute work, and shall fix the compensation of such employees. He may hold such institutes independently or in connection with other organizations devoted to agricultural interests and as far as possible and for the best agricultural interests of the State, aid and encourage agricultural societies and associations in the State, and shall collect and preserve in his office for public inspection all valuable data relating to the practical work of such societies and associations.

R.S.1954, c. 32, § 11.

**§ 7. Dairymen's conference**

The commissioner shall, in connection with and with the aid of the Maine Dairymen's Association, annually hold a state dairymen's conference for the exhibit of cattle, dairy products and appliances, wherein prizes for high merit and quality may be offered, and may employ experts and lecturers to enhance dairy interests.

R.S.1954, c. 32, § 12.



**§ 8. Horticultural and dairy work**

The commissioner shall aid and assist societies and associations organized and established for the advancement of pomology, horticulture and dairy work, and societies devoted to the interests of the pure breeding of stock of all kinds.

R.S.1954, c. 32, § 13.

**§ 9. Cooperative agreements**

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.

**§ 10. Biennial report**

The commissioner shall biennially make a report to the Governor and Council, on or before the first day of July of each even-numbered year, of the work of the department in detail, combining in the same a report of the Maine State Pomological Society and Maine Dairymen's Association, and all other matters relating to the promotion of agriculture. For the purpose of said report, said society and association shall furnish said commissioner with all necessary data therefor on or before the first day of June of each year. He shall report all farmers' institutes held and the work therein done, and all public lectures carried on under his authority, and such part of said reports as is of public interest shall be printed for free distribution. For the purpose of making up his report, said commissioner shall attend the various agricultural exhibitions in the State and report upon the quality and character of the work of the same.

R.S.1954, c. 32, § 14.

**§ 11. Annual account of expenditures**

The commissioner shall render on the first day of July of each year a detailed and itemized account of all expenses of his office, of all institutes held and of all moneys paid out for employees under the provisions hereof, all sums of money paid for prizes on exhibits and for all other purposes. For this purpose he shall keep necessary books in which an account of all moneys received and expended shall be entered, which books shall be open to public inspection.

R.S.1954, c. 32, § 15.

**§ 12. Rules, regulations and standards**

The commissioner shall make uniform rules and regulations for carrying out this Title, Title 10, chapter 309 and Title 32, chapter 61. He may fix standards of purity, quality or strength when such standards are not specified or fixed by law, and shall publish them together with such other information concerning articles of commercial feeding stuff, commercial fertilizer, drug or food as he may deem to be of public benefit.

R.S.1954, c. 32, § 3; 1959, c. 363, § 18; 1961, c. 417, § 92; 1963, c. 257, § 3.

**§ 13. Enforcement**

The commissioner shall diligently enforce all provisions of this Title and Title 32, chapter 27 and shall be entitled to and shall receive the assistance of the Attorney General and of the several county attorneys. He may recover the penalties imposed for violations of this Title and Title 32, chapter 27 in a civil action brought in his own name, the venue to be as in other civil actions, and if he prevails in any such action, shall recover full costs, or he may prosecute for violations hereof by complaint or indictment, and such prosecution shall be commenced in the county in which the offense was committed.

R.S.1954, c. 32, § 5; 1961, c. 317, § 70.

**§ 14. Hearings on violations**

When the commissioner becomes cognizant of the violation of any provision of this Title, Title 10, chapter 309, Title 22, sections 2151 to 2162 and Title 32, chapter 61, he shall cause notice of such fact, stating the date, hour and place of hearing, with a copy of the finding or, in case of a packer of food, a copy of the

charge to be preferred, 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.1954, c. 32, § 4; 1957, c. 331, § 2; 1959, c. 241, § 2; c. 363, § 19; c. 378, § 29; 1961, c. 417, § 93; 1963, c. 257, § 4.

### § 15. Jurisdiction; disposal of fines

The District Court and the Superior Court shall have concurrent jurisdiction of actions brought for the recovery of penalties imposed by this Title and Title 32, chapter 27, and of prosecutions for violations hereof. All fines received under this Title and Title 32, chapter 27 shall accrue to the Treasurer of State for deposit in the General Fund.

R.S.1954, c. 32, § 9; 1963, c. 402, § 56.

### § 16. Penalties

Any person, firm, partnership or corporation who shall violate any of the provisions of this Title or of the rules and regulations promulgated thereunder, excepting only those for the violation of which specific penalties have been provided, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

R.S.1954, c. 32, § 6.