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No. 1579

H.P. 1086

House of Representatives, May 4, 2017

An Act To Amend and Add Consistency to the Maine Weights and Measures Law

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KINNEY of Knox.

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

2 **Sec. 1. 10 MRSA c. 501, sub-c. 4-A** is enacted to read:

3 **SUBCHAPTER 4-A**

4 **LOCAL SEALERS**

5 **§2461. Election by municipal officers**

6 The municipal officers of a municipality may elect or appoint a sealer of weights and
7 measures, and a deputy sealer if necessary, not necessarily a resident of that municipality,
8 and the sealer and deputy sealer hold office during their efficiency and the faithful
9 performance of their duties. The state sealer has final approval authority over a sealer or
10 deputy sealer elected or appointed pursuant to this section. Prior to approval or assuming
11 any duties, a sealer or deputy sealer elected or appointed pursuant to this section must
12 successfully complete certification by the National Conference on Weights and Measures
13 as a weights and measures professional in the National Conference on Weights and
14 Measures professional certification program for the device types the sealer or deputy
15 sealer wishes to seal. On complaint being made to the municipal officers of the
16 inefficiency or neglect of duty of a sealer or deputy sealer, the municipal officers shall set
17 a date for and give notice of a hearing to the complainant, the relevant sealer and the state
18 sealer. If evidence satisfies the municipal officers that the sealer or deputy sealer has been
19 inefficient or has neglected the sealer's or deputy sealer's duty, they may remove the
20 sealer or deputy sealer from office and elect or appoint another in the sealer's or deputy
21 sealer's stead. The state sealer has jurisdiction over a sealer or deputy sealer elected or
22 appointed pursuant to this section, and any vacancy caused by death or resignation must
23 be filled by election or appointment by the municipal officers within 30 days. For each
24 month that the municipal officers neglect their duty, they severally are subject to a fine of
25 \$10. Within 10 days after each such election or appointment, the clerk of each
26 municipality shall communicate the name of the person so elected or appointed to the
27 state sealer and for neglect of this duty is subject to a fine of \$10. A sealer of weights and
28 measures in any municipality may be sealer for several municipalities, if such is the
29 pleasure of the municipal officers of those municipalities, as long as this action receives
30 the approval of the state sealer. The state sealer or the state sealer's designee shall test
31 and certify annually municipal weights and measures equipment used by a sealer or
32 deputy sealer elected or appointed pursuant to this section.

33 **§2462. Appointment by state sealer**

34 The municipal officers of a municipality may request the state sealer to appoint a
35 qualified person to serve as sealer of weights and measures in lieu of local appointment or
36 election as provided for in section 2461. If the municipal officers fail to elect or appoint a
37 sealer and make a return to the state sealer of the election or appointment within 30 days
38 after the election or appointment, the state sealer may appoint a qualified person to act as
39 sealer of weights and measures. Any person appointed under this section may serve in
40 that capacity for more than one municipality.

1 **§2463. Powers and duties**

2 A weights and measures official elected or appointed for a municipality has the duties
3 enumerated in section 2402, subsections 2 to 9 and the powers enumerated in section
4 2403. These powers and duties extend to the official's jurisdiction.

5 **§2464. Records of weights and measures sealed; annual report**

6 A sealer shall keep records of all weights and measures, balances and measuring
7 devices inspected, sealed or condemned by that sealer, giving the name of the owner or
8 agent, the place of business, the date of inspection and kind of apparatus inspected, sealed
9 or condemned. The sealer shall make an annual report on July 1st for the 12 preceding
10 months on forms prescribed by the state sealer and shall furnish such information as the
11 state sealer may require.

12 **Sec. 2. 10 MRSA §2632** is enacted to read:

13 **§2632. Compliance testing of net contents on packaged goods**

14 The specifications, tolerances and other technical requirements for compliance testing
15 of the net contents of packaged goods as adopted by the National Conference on Weights
16 and Measures and published in the National Institute of Standards and Technology
17 Handbook 133 (2016), "Checking the Net Contents of Packaged Goods," and
18 supplements or revisions to this publication, apply to packaged goods in this State, except
19 as modified or rejected by a regulation issued by the state sealer.

20 **SUMMARY**

21 This bill requires compliance testing of the net contents of packaged goods to meet
22 the specifications set by the National Conference on Weights and Measures.

23 This bill reinstates the authority of municipalities to appoint local sealers of weights
24 and measures if they choose to do so. Municipalities may use the state weights and
25 measures program if they opt not to appoint a local sealer.