

HOUSE No. 1634

By Mr. Fitzgerald of Blackstone, petition of Peter F. Fitzgerald for the licensing by the Department of Agriculture of persons acting as commission agents for farm products and establishing a maximum fee therefor. Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Two.

AN ACT PROVIDING FOR THE LICENSING BY THE DEPARTMENT OF AGRICULTURE OF PERSONS ACTING AS COMMISSION AGENTS FOR FARM PRODUCTS, AND ESTABLISHING A MAXIMUM FEE THEREFOR.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 94 of the General Laws is hereby amended
2 by inserting after section 152D the following two
3 sections: —

4 *Section 152E.* No person shall act as a commission
5 agent for farm products produced within the com-
6 monwealth unless he has a license from the commis-
7 sioner of agriculture, the fee for which, not exceeding
8 five dollars, shall be established by said commissioner,
9 and has filed a surety bond with the commissioner in
10 accordance with the provisions of section one hun-
11 dred and fifty-two D. Such license shall expire on
12 December thirty-first of the year or part thereof for
13 which issued and may be revoked by the commis-

14 sioner for cause and after a hearing. The commis-
15 sioner may make suitable rules or regulations govern-
16 ing the issuance of such licenses.

17 *Section 152F.* Before a license may be issued as
18 provided in section one hundred and fifty-two E, the
19 applicant for a license shall file with the commissioner
20 of agriculture, hereinafter in this section called the
21 commissioner, a statement of business done during
22 the preceding calendar year, and such other informa-
23 tion as may be required by the commissioner on forms
24 to be provided by him. The commissioner shall re-
25 quire the person applying for or holding such license,
26 to file in his office a good and sufficient surety bond,
27 executed by a surety company authorized to do busi-
28 ness within this commonwealth. The amount of such
29 bond shall be determined by the commissioner, and
30 shall be conditioned upon the faithful compliance by
31 the licensee with the provisions of this section, and
32 upon the payment in accordance with the agreement
33 or contract of all amounts due to producers for farm
34 products delivered to or purchased by the licensee
35 during the license year. The bond shall be satisfac-
36 tory to and approved by the commissioner. Upon
37 default by the licensee in any of the conditions of his
38 bond, if there is reason to believe that the licensee
39 owes for farm products purchased or received from
40 producers, the commissioner shall give reasonable no-
41 tice to all such producers to file verified claims with
42 him, and may, if he deems it advisable, fix a limit of
43 time within which such claims may be filed. The
44 commissioner shall examine claims so filed and shall
45 certify the amounts determined by him to be due
46 thereon. The commissioner may bring an action upon
47 the bond, and for the purpose of such action, the certi-

48 ficate determining the amount due shall be prima facie
49 evidence of the facts therein stated. If the sum re-
50 covered in any such action is not sufficient to pay all
51 claims finally determined, then it shall be divided pro
52 rata among them. No suit or action against the
53 surety on any such bond shall be brought unless a
54 written claim shall have been filed within one year of
55 the close of the license year in which the transaction
56 complained of took place.

57 The licensee shall from time to time, when and as
58 required by the commissioner, make and file with the
59 commissioner a verified statement of his disburse-
60 ments during a period to be prescribed by the com-
61 missioner, which shall contain the names of the pro-
62 ducers from whom farm products were received or
63 purchased by the licensee, and the amount due to the
64 producers. If it appears from such statement, or from
65 facts otherwise ascertained by the commissioner, that
66 the security afforded by the bond to producers de-
67 livering or selling farm products to such licensee does
68 not protect such producers to the extent intended by
69 this section, the commissioner may require such li-
70 censee to give an additional bond in a form to be de-
71 termined by the commissioner.

