

HOUSE No. 436

Bill accompanying the petition of William P. Brooks for legislation to regulate the use of utensils for testing the composition or value of milk or cream. Agriculture. January 13.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

AN ACT

To regulate the Use of Utensils for testing the Composition or Value of Milk and Cream.

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

1 SECTION 1. No bottle, pipette, or other measuring
2 glass or utensil shall be used in this commonwealth by
3 any inspector of milk or cream or by any person in any
4 milk inspection laboratory in determining, by the Bab-
5 cock or other centrifugal machine, the composition of
6 milk or cream for the purposes of official inspection; or
7 by any person in any milk depot, creamery, cheese fac-
8 tory, condensed milk factory, or other place in determin-
9 ing, by the Babcock or other centrifugal machine, the
10 composition or value of milk or cream as a basis for pay-
11 ment in buying or selling, until it has been tested for

12 accuracy and verified by the director of the Massachu-
13 setts agricultural experiment station or by his duly desig-
14 nated deputy or deputies. Every such bottle, pipette, or
15 other measuring glass or utensil shall be submitted to the
16 said director by the owner or user thereof, to be tested
17 for accuracy before the same is used in this common-
18 wealth for the purposes aforesaid. And the said owner
19 or user shall pay to the said director for the use of the
20 said station as a fee for making said test, a sum not ex-
21 ceeding five cents for each and every bottle, pipette, or
22 other measuring glass or utensil tested.

23 Any bottle, pipette, or other measuring glass or utensil
24 that has been tested and verified as aforesaid shall be
25 marked by the director or by his said deputy or deputies
26 to indicate the fact, or if tested and found to be inac-
27 curate may be marked by him or them to indicate that
28 it is inaccurate. And no bottle, pipette, or other meas-
29 uring glass or utensil that has been marked by the said
30 director or by his duly designated deputy or deputies to
31 indicate that the said glass or utensil is inaccurate shall
32 be used in this commonwealth by any person in deter-
33 mining the composition or value of milk or cream.

1 SECTION 2. Every Babcock or other centrifugal ma-
2 chine used in this commonwealth by any inspector of
3 milk or cream or by any person in any milk inspection
4 laboratory for determining the composition of milk or
5 cream for purposes of inspection, or by any person in any
6 milk depot, creamery, cheese factory, condensed milk fac-
7 tory, or other place for determining the composition or
8 value of milk or cream as a basis for payment in buying
9 or selling, shall be subject to inspection at least once in
10 each year by the director of the Massachusetts agricul-
11 tural experiment station or by an inspector or deputy of

12 the said director. And the owner or user of any such
13 centrifugal machine shall pay to the said director for the
14 use of said station as a fee for making said annual inspec-
15 tion the actual cost of such inspection for each and every
16 machine inspected.

17 Any Babcock or other centrifugal machine used as
18 aforesaid that is not, in the opinion of the director or of
19 an inspector or deputy of the said director, in condition
20 to give accurate results, may be condemned by the said
21 director or by his said inspector or deputy. And no Bab-
22 cock or other centrifugal machine that has been con-
23 demned by said director or by an inspector or deputy of
24 the said director as not in condition to give accurate re-
25 sults shall be used in this commonwealth by any person
26 for determining the composition or value of milk or cream
27 as aforesaid unless the said machine be changed to the
28 satisfaction of the said director, his inspector or deputy,
29 and approved by him.

1 SECTION 3. No inspector of milk or cream and no
2 person in any milk inspection laboratory shall manipu-
3 late the Babcock or other centrifugal machine for the
4 purpose of determining the composition of milk or cream
5 for purposes of inspection, and no person in any milk
6 depot, creamery, cheese factory, condensed milk factory,
7 or other place in this commonwealth shall manipulate
8 the Babcock or other centrifugal machine for the purpose
9 of determining the value of milk or cream as a basis for
10 payment in buying or selling, without first obtaining a
11 certificate from the director of the Massachusetts agri-
12 cultural experiment station or his duly designated deputy
13 that he is competent to perform such work. The fee for
14 such certificate shall be two dollars, and shall be paid
15 by the applicant therefor to the said director for the

16 use of the said station. And in case any holder of a cer-
17 tificate is notified by the director or his duly designated
18 deputy to correct his use of a Babcock or other centrif-
19 ugal machine, the actual cost of making an inspection to
20 ascertain if the said person has corrected his use of the
21 said machine shall be paid by the said person or by the
22 employer of said person to the director for the use of the
23 said station.

24 No holder of a certificate whose authority to manipu-
25 late a Babcock or other centrifugal machine has been re-
26 voked by the director of the Massachusetts agricultural
27 experiment station or by his duly designated deputy shall
28 thereafter manipulate in this commonwealth any centrif-
29 ugal machine for the purposes aforesaid.

1 SECTION 4. The director of the Massachusetts agri-
2 cultural experiment station and his duly designated dep-
3 uty are hereby authorized to issue certificates of com-
4 petency to such persons desiring to manipulate the Bab-
5 cock or other centrifugal machine as in the opinion of
6 the director or his said deputy are competent to manip-
7 ulate said machines. And the said director or his deputy
8 may make and enforce rules governing applications for
9 such certificates and the granting thereof and may, in his
10 discretion, revoke the authority of any holder of a cer-
11 tificate who, in the opinion of the director or his said
12 deputy or of an inspector of the said director, is not cor-
13 rectly manipulating any centrifugal machine as afore-
14 said or is using dirty or otherwise unsatisfactory glass-
15 ware or utensils.

1 SECTION 5. It shall be the duty of the director of the
2 Massachusetts agricultural experiment station, and he is
3 hereby authorized, to test or cause to be tested all bottles,

4 pipettes and other measuring glasses or utensils submitted
5 to him as provided in section 1 of this act, to inspect or
6 cause to be inspected at least once each year every Bab-
7 cock or other centrifugal machine used in this common-
8 wealth by an inspector of milk or cream or by any per-
9 son in any milk inspection laboratory for purposes of in-
10 spection, or by any person in any milk depot, creamery,
11 cheese factory, condensed milk factory, or other place
12 for determining the composition or value of milk or cream
13 as a basis for payment in buying or selling, and to col-
14 lect or cause to be collected for the use of said station
15 the fees or actual cost of tests and inspections provided
16 for in this act. The said director, his inspectors and
17 deputies are further authorized to enter upon any prem-
18 ises in this commonwealth where any centrifugal machine
19 is used as aforesaid to inspect the same and to ascertain
20 if the provisions of this act are complied with.

1 SECTION 6. Any person hindering or obstructing the
2 director of the Massachusetts agricultural experiment
3 station or any inspector or deputy of the said director in
4 the discharge of the authority or duty imposed upon him
5 or them by any provision of this act and any person vio-
6 lating any of the provisions of sections one, two and
7 three of this act shall be fined not less than fifteen dollars
8 and not more than fifty dollars for each offence.

1 SECTION 7. It shall be the duty of the director of the
2 Massachusetts agricultural experiment station to see that
3 the provisions of this act are complied with and he may
4 in his discretion prosecute or cause to be prosecuted any
5 person violating any of the provisions of this act. But
6 this act shall not be construed to affect any persons using
7 any centrifugal or other machine or test in determining

8 the composition of milk or cream when such determina-
9 tion is made for the information of said persons only and
10 not for purposes of inspection or as a basis for payment
11 in buying or selling.

1 SECTION 8. A sum not exceeding five hundred dollars
2 yearly shall be allowed and paid out of the treasury of
3 the commonwealth to meet the cost of prosecutions under
4 this act, to be paid upon the presentation to the treasurer
5 of the commonwealth by the director of the Massachu-
6 setts agricultural experiment station of proper vouchers
7 therefor.

1 SECTION 9. The word "person" as used in this act
2 includes a corporation or partnership or two or more
3 persons having a joint or common interest.

1 SECTION 10. Sections sixty-five to sixty-nine inclu-
2 sive of chapter fifty-six of the Revised Laws, and chapter
3 four hundred and twenty-five of the acts of the year
4 nineteen hundred and nine are hereby repealed.

1 SECTION 11. This act shall take effect on the first
2 day of July in the year nineteen hundred and eleven.