

**§2402. Powers and duties**

The state sealer shall: [PL 1973, c. 91, §5 (RPR).]

**1. Federal standards.** Maintain traceability of the state standards to the National Bureau of Standards;

[PL 1973, c. 91, §5 (NEW).]

**2. Enforcement.** Enforce this chapter;

[PL 1973, c. 91, §5 (NEW).]

**3. Regulations.** Issue, in a manner consistent with the Maine Administrative Procedure Act, reasonable regulations for the enforcement of this chapter, which regulations shall have the force and effect of law;

[PL 1977, c. 694, §176 (AMD).]

**4. Standards.** Establish standards of weight, measure or count, reasonable standards of fill and standards for the presentation of cost per unit information for any packaged commodity;

[PL 1973, c. 91, §5 (NEW).]

**5. Exemptions.** Grant any exemptions from this chapter or any regulations promulgated pursuant thereto, when appropriate to the maintenance of good commercial practices within the State;

[PL 1973, c. 91, §5 (NEW).]

**6. Investigations.** Conduct investigations to ensure compliance with this chapter;

[PL 1973, c. 91, §5 (NEW).]

**7. Delegation of responsibility.** Delegate to appropriate personnel any of these responsibilities for the proper administration of his office;

[PL 1973, c. 91, §5 (NEW).]

**8. Tests.** Test annually the standards of weight and measure used by any city or county within the State and approve the same when found to be correct;

[PL 1973, c. 91, §5 (NEW).]

**9. Inspection -- sale.** Inspect and test weights and measures kept, offered or exposed for sale;

[PL 1973, c. 91, §5 (NEW).]

**10. -- commercial use.** Inspect and test to ascertain if they are correct, weights and measures commercially used:

A. In determining the weight, measure or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure or count; or [PL 1973, c. 91, §5 (NEW).]

B. In computing the basic charge or payment for services rendered on the basis of weight, measure or count; [PL 1973, c. 91, §5 (NEW).]

[PL 1973, c. 91, §5 (NEW).]

**11. -- institutions.** Test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which funds are appropriated by the Legislature;

[PL 1973, c. 91, §5 (NEW).]

**12. Approval or rejection.** Approve for use, and may mark, such weights and measures as the state sealer finds to be correct and shall reject and mark as rejected such weights and measures as the state sealer finds to be incorrect. Weights and measures that have been rejected may be seized, if not corrected within the time specified or if used or disposed of in a manner not specifically authorized. The state sealer shall condemn and may seize weights and measures found to be incorrect that are not capable of being made correct. This approval, rejection, specification or condemnation may not be

considered to be licensing or an adjudicatory proceeding, as those terms are defined by the Maine Administrative Procedure Act;  
[RR 2009, c. 2, §20 (COR).]

**13. Sampling.** Weigh, measure or inspect packaged commodities kept, offered or exposed for sale, sold or in the process of delivery, to determine whether they contain the amounts represented and whether they are kept, offered or exposed for sale in accordance with this chapter or regulations promulgated pursuant thereto. In carrying out this section, the state sealer shall employ recognized sampling procedures such as are designated in National Bureau of Standards Handbook 67, "Checking Prepackaged Commodities;"  
[PL 1973, c. 91, §5 (NEW).]

**14. Appropriate measure.** Prescribe, by regulation adopted in a manner consistent with the Maine Administrative Procedure Act, the appropriate term or unit of weight or measure to be used, whenever he determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count or combination thereof does not facilitate value comparisons by consumers or offers an opportunity for consumer confusion;  
[PL 1977, c. 694, §178 (AMD).]

**15. Variations.** Allow reasonable variation from the stated quantity of contents which shall include those caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice only after the commodity has entered intrastate commerce;  
[PL 1973, c. 91, §5 (NEW).]

**16. Personnel training.** Provide for the weights and measures training of inspection personnel and shall establish minimum training requirements which shall be met by all municipal and state weights and measures inspection personnel in the State;  
[PL 1973, c. 91, §5 (NEW).]

**17. Standards to enforcement.** Prescribe the standards of weight and measure, additional equipment and methods of test and inspection to be employed in the enforcement of this chapter. The state sealer may prescribe or provide, or both, the official test and inspection forms used in the enforcement of this chapter; and  
[PL 1991, c. 712, §1 (AMD); PL 1991, c. 712, §5 (AFF).]

**18. Registration of commercial motor fuel dispensers.** Accept applications for the registration of motor fuel dispensers in accordance with section 2412.  
[PL 1991, c. 712, §2 (NEW); PL 1991, c. 712, §5 (AFF).]

#### SECTION HISTORY

PL 1973, c. 91, §5 (RPR). PL 1977, c. 694, §§176-178 (AMD). PL 1991, c. 712, §§1,2 (AMD). PL 1991, c. 712, §5 (AFF). RR 2009, c. 2, §20 (COR).

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