

CHAPTER 275—H. F. No. 474.

(AMENDING SECTION 461.03 MINNESOTA STATUTES 1941.)

An act relating to inspection of milk, cream, dairy herds and dairies and authorizing municipalities to contract with one another in the administration thereof, and amending Mason's Minnesota Statutes of 1927, Section 1800.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended—inspection of milk—dairies.**—Mason's Minnesota Statutes of 1927, Section 1800, is amended to read as follows:

The governing body of every city in this state, may provide for the inspection of milk and cream sold within its limits, and of dairies, and of dairy herds kept for the production of such milk and cream.

Two or more such municipalities may contract with one another to provide joint administration of this law and may by contract apportion the expense thereof.

Approved April 2, 1943.

CHAPTER 276—H. F. No. 481.

An act relating to frozen food locker plants, defining the same and providing for the inspection, licensing, and penalties for the violation thereof.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definitions.**—The term "food" as used herein shall include every article used for, or entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery or condiment for man, whether simple, mixed or compound.

"Frozen Food Locker Plant" shall mean a place in which space in individual lockers is rented to individuals for the storage of food and which is artificially cooled for the purpose of preserving such food.

"Sharp frozen" shall mean the freezing of food in a room in which the temperature is zero degrees Fahrenheit or below.

The term "Department" as used herein shall mean the Department of Agriculture, Dairy and Food.

"Person" means any individual, partnership, corporation or association.

Sec. 2. Operators of frozen food locker plants to obtain licenses from department of Agriculture, Dairy and Food.—Every person engaged in the business of operating a Frozen Food Locker Plant shall apply for a license therefor to the Commissioner of the Department of Agriculture, Dairy and Food in such form and shall furnish such information as he may require. Each application shall be accompanied by a fee of \$3.00 for the first 100 lockers or any fraction thereof, and \$1.00 for each additional 100 lockers or any fraction thereof and such sum shall be paid into the state treasury and credited to the Frozen Food Locker Plant fund, hereby created. This sum shall constitute the license fee in case license is granted. If the Commissioner shall find that the applicant maintains a proper place for the storage of frozen foods, the Commissioner shall issue to the applicant a license therefor. Such license shall expire on the 31st day of December, following its issue and no license shall be issued for a longer term than one year, and shall not be transferable from one person to another or from the ownership to whom issued to another ownership or from one place to another place or location.

Sec. 3. Fees to be paid into State Treasury.—All fees collected hereunder by the Commissioner, together with all fines paid for the violation of this Act, shall be paid into the State Treasury and credited to the general revenue fund of the state.

Sec. 4. Commissioner may withhold licenses.—The commissioner may withhold a license from any applicant therefor under any provisions of this act whom he may deem unworthy and may revoke any license issued by him to any licensee who has violated the terms thereof, or who has failed to comply with any requirement of this act, or refused or failed to obey his lawful request or direction, and every conviction of the licensee for an offense punishable under this act shall be a sufficient ground for such revocation.

Sec. 5. Commissioner to enforce provisions.—The commissioner, his inspectors, assistants and employes, shall enforce the provisions of this Act, and in so doing shall have all the powers and authority with relation thereto that is conferred upon them and each of them by Mason's Minnesota Statutes of 1927, Section 3788 to 3873 inclusive, as amended.

Sec. 6. Must meet requirements of rules and regulations.—No article of food except fruits, berries, or vegetables in contain-

ers or jars, shall be stored in any refrigerated locker unless it is in a proper condition for storage and meets all the requirements of the Minnesota Dairy and Food Laws and such rules and regulations as may be established by the Department of Agriculture, Dairy and Food, with the exception of the labelling requirements.

Sec. 7. What may be stored.—Foods or goods not intended for human consumption shall not be stored in a frozen food locker plant, unless it is kept in a separate room with a separate entrance.

Sec. 8. Must be inspected by plant manager.—All food except fruits, berries, or vegetables in containers or jars, must be inspected by plant manager or butcher and sharp frozen before it may be placed in a refrigerated locker, and shall be kept at a temperature of not more than 10 degrees Fahrenheit during the period it is kept therein. The date of entry of each package of food into such locker shall be stamped on each package.

Sec. 9. Not warehousemen.—Persons who own or operate frozen food locker plants shall not be construed to be warehousemen, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their business be construed to be negotiable warehouse receipts.

Sec. 10. Lessor to have lien.—Every lessor owning or operating a frozen food locker plant or plants shall have a lien upon all property therein for the handling, keeping, and storing of the same.

Sec. 11. Enforcement of lien.—Such lien may be enforced by any remedy allowed by law for the enforcement of a lien against personal property, and such remedy shall not bar the right to recover so much of the frozen food locker plant's claim as shall not be paid by the proceeds of the sale of the property.

Sec. 12. Violations and prosecutions.—It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties as in such case herein provided.

Sec. 13. Violation a misdemeanor.—Any person violating or failing to comply with any of the provisions of this act, or any of the provisions of any of the rules, regulations, or rulings made and published thereunder shall be deemed guilty of a misdemeanor, and save as herein specifically provided, for each first offense shall be punished by a fine of not less than \$15.00, or by imprisonment for not less than 20 days and for each subsequent offense, by a fine of not less than \$50.00 or by imprisonment for not less than 60 days.

Approved April 2, 1943.