

person violating or threatening to violate any provision of this chapter, or any act amendatory thereof.

Sec. 6. *Minnesota Statutes 1957, Sections 31.42, 616.07, and 616.08 are repealed.*

Approved March 23, 1961.

CHAPTER 145—H. F. No. 58

An act relating to potato labeling, grading, and inspection; providing penalties; amending Minnesota Statutes 1949, Section 30.19; amending Minnesota Statutes 1957, Sections 30.01, Subdivisions 1, 4, 5, and 6; 30.04; 30.06; 30.10; 30.11; 30.13; 30.14; 30.17; and 30.24, Subdivision 1; repealing Minnesota Statutes 1957, Sections 30.01, Subdivisions 3, 7, and 8; 30.02; 30.03; 30.05; 30.07; 30.09; 30.18; and 30.24, Subdivisions 2 and 3.

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

Section 1. Minnesota Statutes 1957, Section 30.01, Subdivision 1, is amended to read:

30.01 Definitions. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2 and 4 6 shall, for the purposes of sections 30.01, subdivisions 4 and 5, 30.04, 30.06, 30.08, 30.10 to 30.15, 30.16 to 30.20, and 30.24, subdivision 1, be given have the meanings subjoined given to them; the words, terms phrases defined in subdivisions 3; 5 and 6, shall, for the purposes of sections 30.16 to 30.18, be given the meanings subjoined to them; and the term defined in subdivision 7 shall, for the purpose of sections 30.02 to 30.09, have the meaning subjoined to it:

Sec. 2. Minnesota Statutes 1957, Section 30.01, Subdivision 4, is amended to read:

Subd. 4. **Definition of potatoes.** *For the purposes of Minnesota Statutes, Sections 30.04, 30.06, 30.08, and 30.10 to 30.15, "potatoes" means all potatoes offered for sale within the state of Minnesota.*

Sec. 3. Minnesota Statutes 1957, Section 30.01, Subdivision 5, is amended to read:

Subd. 5. **Definition of potatoes.** *For the purposes of*

Changes or additions indicated by italics, deletions by strikeout.

Minnesota Statutes, Sections 30.16 to 30.20, "potatoes" means all the potatoes produced within the state and all potatoes offered for sale in ~~earlots~~ *lots of 3,000 pounds or more* within the state.

Sec. 4. Minnesota Statutes 1957, Section 30.01, Subdivision 6, is amended to read:

Subd. 6. **Container or package.** "Container" or "package" means cloth, burlap, or fibre sacks, barrels, boxes, crates, cartons, hampers, or baskets, *or any container which is either sewed, tied, nailed, or otherwise secured.*

Sec. 5. Minnesota Statutes 1957, Section 30.04, is amended to read:

30.04 Marks and brands. The marks and brands prescribed in sections ~~30.02 to 30.09~~ *30.04 and 30.10 to 30.13* may be accompanied by additional marks or brands which are not inconsistent with, or more conspicuous than, and which do not in any way obscure, the marks and brands prescribed.

Sec. 6. Minnesota Statutes 1957, Section 30.06, is amended to read:

30.06 Freedom of contract not impaired. Nothing in sections *30.04 and 30.09 to 30.15* shall be construed in any manner to impair the freedom of contract between individuals relative to the sale and disposal of potatoes between the owners thereof and the persons purchasing the same. When any seller or buyer of potatoes shall, by a contract in writing, agree to sell and dispose of to any person potatoes in any lots or quantities of the grades and varieties specified herein, or of any other grade and variety or quality concerning which the persons desire to contract, he shall have the legal right to do so and shall be bound by the terms of such contract so entered into, and in case any seller attempts to tender in fulfillment of any such contract potatoes of a lower standard or quality than those specified in such a contract the purchaser of the same shall have the legal right to either reject or accept them upon a tolerance basis commensurate in value between the market price of the grade and quality contracted for and the grade and quality of the potatoes tendered in delivery thereon.

Sec. 7. Minnesota Statutes 1957, Section 30.10, is amended to read:

30.10 Potato grades. The intent and purpose of ~~sec-~~
Changes or additions indicated by italics, deletions by ~~strikeout~~.

tions 30.04 and 30.10 to 30.15 is to regulate the grade of potatoes when the potatoes are offered for sale by any person, grower, firm, dealer, trucker, association, organization, or corporation, either by wholesale or retail, or in any other manner. *Except where otherwise provided*, the provisions of sections 30.04 and 30.10 to 30.15 shall not apply to the grower when hauling, transporting, delivering, consigning, or selling potatoes of his own production and excepting Minnesota grown potatoes marketed between July first and ~~September~~ *fifteenth* October first of each year.

Sec. 8. Minnesota Statutes 1957, Section 30.11, is amended to read:

30.11 Standard grades. The standard grades for Minnesota potatoes shall be the United States potato grades and shall conform to, in all respects and be identical with, the latest standards established by the United States department of agriculture for potatoes, all of which grades and standards are hereby adopted and shall be used in this state in the grading of potatoes for sale. Potatoes not conforming to the established United States potato grades may be sold in this state if labeled, tagged, or branded in the same manner as graded potatoes, except that in place of specifying the grade, the word "unclassified" shall be used. Certified seed potatoes inspected and certified under the authority of the commissioner of agriculture, dairy, and food shall not be affected by sections 30.04 and 30.10 to 30.15, but shall be graded and tagged as required under sections 21.111 to 21.122.

Sec. 9. Minnesota Statutes 1957, Section 30.13, is amended to read:

30.13 Not to be sold or transported unless tagged. It shall be unlawful for any person, *including but not limited to the grower*, to sell, deliver, or consign potatoes which have not been graded and branded or tagged to conform to the requirements of the grade declared. The grade declared shall conform to the provisions of sections 30.04 and 30.10 to 30.15.

It shall be unlawful for any common carrier by railroad, or any person, to transport or deliver in any manner potatoes which have not been tagged or branded, and which tag or brand shall show the claimed grade of the potatoes. This section shall be subject to the conditions of section 30.10.

No person shall transport for sale any potatoes on the highways who is the owner thereof, unless the potatoes are

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being transported for the purposes set forth in section 30.10, unless the potatoes have been graded and branded to conform to the requirements of the grade declared. The grade declared shall conform to the provisions of sections *30.04* and 30.10 to 30.15.

When potatoes have been graded, branded, or tagged in an unlawful manner, the condition of these potatoes at the time when the tag, label, certificate or brand is found attached to them shall be prima facie evidence of the condition of these potatoes at the time of attaching.

Sec. 10. Minnesota Statutes 1957, Section 30.14, is amended to read:

30.14 Certificate of inspectors. In determining controversies and standards between the parties, *including but not limited to growers*, as to the quality and condition of potatoes offered for sale or tendered in performance of contracts for sale in this state, the certificates of a fully authorized and commissioned inspector of the commissioner shall be prima facie evidence both of the grade and quality of the potatoes offered for sale or tendered in performance of any such contract.

Sec. 11. Minnesota Statutes 1957, Section 30.17, is amended to read:

30.17 Place of inspection. Inspection of earload lots of potatoes *of 3,000 pounds or more* shall be made at the point of origin when inspectors are available at such points. In cases where an authorized inspector is not available at such shipping points or adjacent to such shipping points, it shall be the duty of the commissioner to designate points at which ~~ear~~ *lots* of potatoes may be inspected.

Sec. 12. Minnesota Statutes 1949, Section 30.19, is amended to read:

30.19 Rules. The commissioner shall promulgate *in the manner provided by law*, rules and regulations deemed necessary to the proper enforcement of the provisions of sections 30.16 to 30.20; ~~after hearing, and the giving of 30 days' notice of such action, and the publication of such proclamation two times in at least three papers of general circulation within the state.~~

Sec. 13. Minnesota Statutes 1957, Section 30.24, Subdivision 1, is amended to read:

Changes or additions indicated by italics, deletions by ~~strikeout~~.

30.24 Penalties. Subdivision 1. Any person violating any of the provisions of sections ~~30.02 to 30.09~~ *30.04, 30.06, 30.08, 30.10 to 30.15, 30.16 to 30.20* or any rules or regulations made thereunder, shall be guilty of a misdemeanor for the first offense and a gross misdemeanor for each subsequent offense, and such conviction may be proper cause for the suspension or forfeiture or cancelation of any license held by the person so convicted.

Sec. 14. *Minnesota Statutes 1957, Sections 30.01, Subdivisions 3, 7, and 8, 30.02, 30.03, 30.05, 30.07, 30.09, 30.18, and 30.24, Subdivisions 2 and 3, are repealed.*

Approved March 23, 1961.

CHAPTER 146—H. F. No. 60

[Coded in Part]

An act relating to chemicals and chemical compounds; amending Minnesota Statutes 1957, Sections 24.02, Subdivisions 1, 2, 3, 4, 5, and 13; 24.04; 24.073, Subdivisions 1 and 2; 24.074; 24.075; 24.076; 24.077; 24.12, Subdivision 2; and 24.30.

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

Section 1. Minnesota Statutes 1957, Section 24.02, Subdivision 1, is amended to read:

24.02 Definitions; caustic alkali or acid act. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2 and 3 shall, for the purposes of sections 24.03 to 24.06, be given *have* the meanings *subjoined given* to them; ~~the term defined in subdivision 4 shall, for the purposes of sections 24.10 to 24.21, be given the meaning subjoined to it, and the word defined in subdivision 5 shall, for the purposes of sections 24.14 to 24.17, be given the meaning subjoined to it; and the terms defined in subdivisions 6 to 17 shall, for the purposes of sections 24.071 to 24.077, be given the meanings subjoined to them.~~

Sec. 2. Minnesota Statutes 1957, Section 24.02, Subdivision 2, is amended to read:

Subd. 2. Dangerous caustic or corrosive substance. The term "dangerous caustic or corrosive substance" means each and all of the acids, alkalis, and substances named below:

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.