

appointment shall be made by order filed with the clerk of the court. Every appointee who shall neglect to file with the clerk within 30 days a written acceptance and oath of office shall be deemed to have declined such appointment and his place shall be filled as though he had resigned. The judges, within 30 days thereafter, shall make such rules with reference to such board, and require such reports, as may appear desirable or necessary. Any appointee who has qualified by filing his written acceptance and oath of office within 30 days may thereafter be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order; and *when* any member has failed to perform the duties of his office and has failed to attend four consecutive meetings, without being excused by the board, *the secretary of the board of freeholders shall file a certificate with the court setting forth those facts and the district court shall thereupon make its order of removal, and fill the vacancy created as in the case of a resignation.*

Approved March 31, 1949.

CHAPTER 211—S. F. No. 219

[Coded as Sections 29.011, 29.021, 29.031, 29.095, 29.101, 29.105, 29.115, and 29.13]

An act relating to the candling, grading, handling and marketing of eggs and egg products; providing for licensing thereof and suspension and cancellation of licenses issued; providing penalties for violations thereof; and repealing Minnesota Statutes 1945, Sections 29.01 to 29.04, inclusive, and 29.09 to 29.12, inclusive.

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

[29.011] Section 1. **Definitions.** Subdivision 1. The word "*person*" when used in this act shall mean any individual, firm, partnership, corporation, company, association, joint stock association, and shall include any trustee, receiver, assignee or other similar representative thereof, provided that a producer of eggs shall not be deemed a "*person*" as used in this act, when selling eggs of his own production.

Subd. 2. The word "*commissioner*" shall mean the commissioner of agriculture, dairy and food, unless otherwise indicated in this act.

[29.021] Sec. 2. **Dealer's license.** Subdivision 1. **Application; annual fee; renewal.** No person shall engage in the business of buying, selling, dealing in, or trading in eggs without first obtaining a license therefor from the commissioner. Applications for such license shall be made in writing upon forms to be prepared by the commissioner, accompanied by a license fee as hereinafter provided. The annual license fee for such business shall be \$3 for each place or location whereat such business of the applicant is being or will be conducted. Every license shall expire on the 30th day of September next following the issuance thereof. Such licenses may be renewed for additional periods of one year upon written application therefor and payment of a \$3 fee for each place or location whereat such business is being or will be conducted.

Sec. 3. Subd. 2. **Contents of application; qualifications.** Each application for a license or a renewal shall state the name and address of the applicant and the location of each place or location where such business of the applicant is being or is intended to be conducted, and that the applicant will in the conduct of such business comply with the laws of this state and the rules and regulations promulgated relating thereto. The commissioner shall, before issuing any license, determine that the applicant is a proper and qualified person to conduct such business.

[29.031] Sec. 4. **Retail sale only.** Persons handling eggs for retail sale only, which have been candled by a licensed person under this act, having proper sanitary and refrigerating facilities for handling and storing such eggs at their retail place of business shall not be subject to the licensing provisions of this act.

[29.091] Sec. 5. **Prohibiting sales.** No person shall sell, offer or expose for sale, or have in his possession for sale, eggs for human consumption that are inedible or adulterated. Eggs that are filthy, putrid, decomposed, or otherwise unfit for food in whole or in part, shall be deemed to be adulterated. Eggs which contain black rots, white rots, mixed rots (addled eggs), sour eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs con-

taining embryo chicks (at or beyond the blood ring state), or any other eggs that are filthy, decomposed, or putrid shall be deemed to be inedible.

[29.095] **Sec. 6. Candling.** All eggs shall be candled by the first licensed buyer, irrespective of time or season, and all adulterated and inedible eggs removed before purchase. Nothing in this section shall be construed to prevent a licensed buyer from advancing or making a partial payment to the producer before such candling.

[29.101] **Sec. 7. Dockage; records available; commissioner to adopt rules and regulations.** No person in buying or selling eggs shall take or give a greater or lesser dockage for eggs unfit for human food, as herein defined, than the actual dockage as determined by the correct candling of the eggs purchased or sold. No person in buying or selling eggs shall overgrade or undergrade eggs which are purchased or sold on a grade basis. All licensed persons shall keep such candling and grading records of eggs purchased or sold as may be required by the rules and regulations promulgated by the commissioner, which records shall be available at all reasonable times for inspection and examination by the commissioner, inspector or employees of the department of agriculture, dairy and food.

[29.105] **Sec. 8. Rules and regulations; promulgation; grading not compulsory.** For the protection of public health and welfare, and to secure uniformity in the marketing of eggs, the commissioner is authorized to promulgate purchase and retail standards and grades for eggs, together with such other rules and regulations to enforce the provisions of this act, not inconsistent herewith. The commissioner shall by regulation provide for minimum plant and equipment requirements for candling, handling and storing eggs, and shall define candling. Nothing contained herein shall be construed so as to make the grading of eggs compulsory.

[29.115] **Sec. 9. Cancellation of license; notice; hearing; violation.** The commissioner shall have the power to suspend or cancel any license issued by virtue of this act, after a hearing, upon written notice served by registered mail upon the licensee at the address specified in the application therefor, at least 15 days prior to such hearing. Such notice shall set forth the reasons or grounds upon which such license is proposed to be suspended or cancelled. A violation of any pro-

vision of this act or any rule or regulation promulgated by the commissioner shall constitute a valid ground for a cancellation of any license issued under this act.

[29.13] **Sec. 10. Violations.** Any person who violates any provision of this act or any of the rules promulgated thereunder shall be guilty of a misdemeanor, and punished by a fine not exceeding \$100 or by imprisonment not exceeding three months.

Sec. 11. Repeals. Minnesota Statutes 1945, Sections 29.01 to 29.04, and 29.09 to 29.12, are hereby repealed.

Sec. 12. Effective date. This act shall take effect and be in force from and after May 1, 1949.

Approved March 31, 1949.

CHAPTER 212—S. F. No. 290

[Not Coded]

An act to appropriate money to reimburse the city of Hutchinson for moneys expended for the erection of an armory and providing for the acceptance thereof by said city.

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

Section 1. Appropriation to the city of Hutchinson for moneys expended in the erection of an armory. There is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, the sum of \$25,000 to reimburse the City of Hutchinson for moneys expended by the aforesaid City in connection with the erection of an armory for the use of the National Guard of the State of Minnesota.

Sec. 2. Acceptance by council. Before said sum or any part thereof is paid to the City of Hutchinson the city council of said city shall adopt a resolution accepting the same and such acceptance shall have the effect of transferring all right, title and interest of said city, if any, in and to such armory to the State of Minnesota.