

height to reasonably protect the employees from weather conditions, provided, however, that no railroad company shall be required in any one year to equip more than an additional 25 such motor cars with the equipment referred to in this subdivision.

Subd. 2-3. Any person, firm or corporation operating or controlling any railroad running through or within this state using or permitting to be used on its line in this state a track motor car in violation of the provisions of this section is guilty of a misdemeanor.

Sec. 2. *This act shall be effective January 1, 1962.*

Approved April 15, 1961.

CHAPTER 406—S. F. No. 247

An act relating to eggs; amending Minnesota Statutes 1957, Section 29.21, Subdivision 1; Section 29.22, Subdivision 1, and Subdivision 2 as amended, and Subdivision 4; and Sections 29.23 and 29.26.

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

Section 1. Minnesota Statutes 1957, Section 29.21, Subdivision 1, is amended to read:

29.21 **Definitions.** Subdivision 1. The word "person" when used in sections 29.21-29.28 means any individual, firm, partnership, corporation, company, association, joint stock association, and shall include any officer, employee, agent, trustee, receiver, assignee, or other similar representative thereof, provided that neither a producer of eggs when selling *shell* eggs of his own production nor a hatchery which produces or purchases *shell* eggs solely for hatching shall be deemed a "person."

Sec. 2. Minnesota Statutes 1957, Section 29.22, Subdivision 1, is amended to read:

29.22 **Dealer's licenses, fees.** Subdivision 1. No person shall engage in the business of buying for resale, selling, dealing in, or trading in eggs except a retail grocer who sells eggs previously candled and graded without first obtaining a license therefor from the commissioner. Applications for such license shall be made in writing upon forms to

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

be prepared by the commissioner. The annual license fee for such business shall be \$5 for each place or location whereat such business of the applicant is being or will be conducted. The commissioner shall, before issuing any license, determine that the applicant is a proper and qualified person to conduct such business. Every license shall expire on the last day of ~~September~~ *May* next following the issuance thereof. Such licenses may be renewed for additional periods of one year upon written application therefor and payment of a \$5 fee for each place or location whereat such business is being or will be conducted.

Sec. 3. Minnesota Statutes 1957, Section 29.22, Subdivision 2, as amended by Laws 1959, Chapter 49, Section 1, is amended to read:

Subd. 2. **Egg dealers, license fees.** In addition to the annual dealer's license, there shall be an annual inspection fee computed on the basis of the number of cases of shell eggs handled at each place of business during the month of April of each year, providing that if said dealer or processor is not operating during the month of April, the department shall estimate the volume of shell eggs handled, and may revise the fee after three months of operation. *The provisions of this subdivision do not apply to a retail grocer who sells eggs previously candled and graded.* In the event that a given lot of eggs is moved from one location of business to a second location of business and provided that the dealers' license is held by the same person at both locations, the given lot of eggs shall be counted in determining the volume of business on which the inspection fee is based at the first location of business but shall not enter into the computation of volume of business for the second location. For the purpose of determining fees, a case shall be one of 30 dozen capacity. The schedule of fees shall be as follows:

Volume (30 dozen cases) in April	Minimum-Maximum Fee
1-100	\$5-\$10
101-1000	\$10-\$25
1001-2000	\$25-\$50
2001-4000	\$50-\$75
4001-6000	\$75-\$100
6001-8000	\$100-\$125
8001-10,000	\$125-\$150
Over 10,000	\$150-\$200

The commissioner shall fix the annual inspection fee within the limits set herein and may annually adjust the fee,

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as he deems necessary, within those limits, to more nearly meet the costs of inspection required to enforce the provisions of sections 29.21 to 29.28. Each person holding a dealer's license shall, under the direction of the commissioner, keep such records as may be necessary to accurately determine the volume of shell eggs on which the inspection fee is due and shall prepare annually a written report of such volume upon forms supplied by the commissioner. This report, together with the required inspection fee, shall be filed with the department on or before the last day of ~~September~~ *May* of each year.

Sec. 4. Minnesota Statutes 1957, Section 29.22, Subdivision 4, is amended to read:

Subd. 4. **Dealers' licenses, fees.** No person shall engage in the business of breaking eggs for resale without first having secured from the department a license to conduct such business to be issued upon proper application ~~and the payment of \$50 as a license fee.~~ *The license fee shall be \$50 for persons engaged in the business of breaking eggs for resale except that for producers breaking eggs of their own production only, the license fee shall be \$25.* All licenses so issued shall expire on the last day of June next following the issuance thereof but may be renewed. The licensee shall at all times comply with the rules and regulations of the department in respect to the conduct of such business.

Sec. 5. Minnesota Statutes 1957, Section 29.23, is amended to read:

29.23 **Candling.** The first licensed buyer shall cause all eggs to be candled and graded according to Minnesota purchase grades as established by the commissioner and shall remove all adulterated and inedible eggs before purchase. Such candling and grading shall be done before payment in full is made, but 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 and grading. Such candling and grading shall also be done within the state of Minnesota unless the first licensed buyer obtains special permission *in writing* from the commissioner to do such candling and grading outside the state of Minnesota, in which event the commissioner shall require that such candling and grading be done under the supervision of the grading service of the United States department of agriculture on a continuous basis *or under comparable supervision ap-*

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proved by the commissioner and that a grading report based on Minnesota purchase grades be issued to the producer for each lot of eggs candled and graded. The commissioner shall promulgate by regulation Minnesota purchase grades and Minnesota consumer grades and the standards on which these grades are based. The commissioner shall also by regulation provide for minimum plant and equipment requirements for candling, grading, handling and storing eggs, and shall define candling. It shall be mandatory that eggs be held at a temperature not to exceed 60 degrees Fahrenheit after being received by the first licensed dealer. ~~Expiration date for candlers and graders license shall be September 30.~~

Sec. 6. Minnesota Statutes 1957, Section 29.26, is amended to read:

29.26 Eggs in possession of retailer. *Persons handling eggs for retail sale only are exempt from the provisions of Section 29.22, Subdivision 1, and from the provisions of Section 29.22, Subdivision 2. However, All eggs sold or offered for sale at retail must have been candled and graded and must be clearly labeled according to Minnesota consumer grades as established by regulation under section 29.23. No eggs shall be sold or offered for sale as "ungraded," "unclassified," or by any other name that does not clearly designate the grade. All eggs in possession of the retailer, either in temporary storage or on display, must be held at a temperature not to exceed 60 degrees Fahrenheit.*

Sec. 7. Effective date; prorating of fees. *This act takes effect on October 1, 1961. The commissioner of agriculture, dairy, and food shall charge eight twelfths of the annual license fee required by section 2 and eight twelfths of the annual inspection fee required by section 3 for the eight-month license and inspection period from October 1, 1961, to May 31, 1962. After May 31, 1962, the commissioner shall charge the annual fees set forth in sections 2 and 3 respectively, for licenses and for inspection services.*

Approved April 17, 1961.

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