

this section, less the amount of any retirement salary previously paid the deceased teacher.

Upon the death of a teacher who at the time of death is not in membership service, and who is entitled to a return of his contributions, the accumulated contributions as specified in Sec. 16 of this Act shall be paid to his designated beneficiary or estate. Further, if a teacher dies within one (1) year after leaving membership service, and is entitled to a return of his contributions

and has not received such return on all service, and has not filed a claim for disability retirement but would have been eligible for such retirement if claim had been filed, the designated beneficiary or estate shall in addition be entitled to the payment specified in provision (b) of the second paragraph of this section.

Sec. 8. Sec. 18, Chapter 145, SLA 1955, is hereby repealed.

Sec. 9. This Act shall become effective July 1, 1957.

Approved April 1, 1957

## CHAPTER 143

### AN ACT

**Amending Chapter 5 of Title 35, ACLA 1949, pertaining to weights and measures and authorizing the inspector to adopt specifications, tolerances and regulations for commercial weighing and measuring devices; and prescribing certain penalties.**

(S. B. 76)

**Be it enacted by the Legislature of the Territory of Alaska:**

Section 1. Section 35-5-1, ACLA 1949, is hereby amended by adding the following subsection:

a. In addition thereto, the inspector is authorized and empowered to adopt and promulgate rules and regulations pertaining to specifications and tolerances for commercial weights and measures and weighing and measuring devices.

Sec. 2. The following sections are to follow immediately after Section 35-5-11, ACLA 1949:

**Sec. 35-5-12. Marking Require-**

**ments for Food Packages:** No person shall sell, offer or expose for sale any food in package form unless the quantity of contents is plainly and conspicuously marked on the outside of each package in terms of net weight, measure or numerical count; provided, however, that the provisions of this Act shall not be construed to apply to fruits and vegetables sold in original standard containers, or to vegetables which by common custom are offered for sale, or sold by the bunch, nor shall the provisions of this Act be construed to apply to fresh berries and other small fruits which are customarily of-

ferred for sale, and sold by the box, basket or other receptacle, nor to salmon bellies or other sea foods or products sold in kits and barrels.

**Sec. 35-5-13. Misleading Packages:** That no commodity in package form shall be so wrapped, nor shall it be in a container so made, formed, or filled as to mislead the purchaser as to the quantity of the contents of the package; the contents of a container shall not fall below such reasonable standard of fill as may have been prescribed for the commodity in question by regulation.

**Sec. 35-5-14. Report of Repair or of Sale of Equipment:** Any person engaged in the sale or repair of weighing or measuring devices, shall report within ten (10) days after such sale or repair, in writing, to the Division of Weights and Measures, the name and address of such person for whom such repair was made or equipment delivered.

**Sec. 35-5-15. Breaking of Seals:** Request for authority to break seals and remove condemned tags for the purpose of repair and/or adjusting weighing and/or measuring devices, may be obtained from the Division of Weights and Measures upon application by those persons regularly engaged in repairing and adjusting weighing or measuring devices. Such application shall state the kind of equipment to be repaired and qualifications of the applicant. Persons, firms or corporations issued letters of authority to break seals, shall promptly fill out, sign and return to the Division of Weights and Measures all forms which may be sent to them

pertaining to the installing, repairing or adjusting of weighing or measuring devices.

**Sec. 35-5-16. Fraudulent Sale of Liquid Fuels, Lubricating Oils:**

It shall be unlawful for any person, firm or corporation, to store, expose for sale, offer for sale, or sell, any liquid fuels, lubricating oils or other similar products, in any manner whatsoever, so as to deceive or tend to deceive the purchaser as to the nature, quality, quantity, and identity of the product so sold or offered for sale.

**Sec. 35-5-17. Unlawful to Sell From Distributing Equipment Any Liquid Fuels Other Than Those Named Thereon:**

It shall be unlawful for any person, firm or corporation, to store, offer for sale, expose for sale, or sell, from any tank, or container, or from any pump, or other distributing device or equipment, any other liquid fuels, lubricating oils, or other similar products, than those indicated by the name, trade name, trade-mark, symbol or sign, or other distinguishing mark or device of the manufacturer or distributor, either as owner or licensee, appearing on the tank, container, pump, or other distributing equipment, from which the same are sold or offered for sale; or to mix, substitute or adulterate the liquid fuels, lubricating oils, or other similar products sold or offered for sale or distributed, under such trade name or trade-mark.

**Sec. 35-5-18. Unlawful to Distribute Into Any Distributing Device Any Liquid Fuels Other Than Those Indicated By Name Thereon:** It shall be unlawful for any person, firm or corporation,

to aid or assist any other person, firm or corporation in the violation of the provisions of this article, by depositing or delivering in any tank, receptacle, or other container, any other liquid fuels, lubricating oils, or like products, than those intended to be stored therein and distributed therefrom, as indicated by the name of the manufacturer, distributor, trade name or product displayed on the container, pump or other distributing device used in connection therewith.

**Sec. 35-5-19. Penalty for Violating Sections 35-5-12 Through 35-5-18:** Any person violating any of the provisions of Sections 35-5-12 through 18 herein, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than Five Hundred Dollars for each offense, or imprisonment for not more than one year or both such fine and imprisonment.

**Sec. 35-5-20. Public Weighmaster: Definition:** A Public Weighmaster is any person who possesses a permit under the provisions of this Act who weighs, measures or counts any commodity, for hire, and issues therefore a signed or initialed statement or memorandum of the weight, measure, or count accepted as the accurate weight, measure or count upon which the purchase or sale of the commodity is based.

**Sec. 35-5-21. Weighmasters Permits:** Any person may make application to the Inspector of Weights and Measures for a Weighmaster's permit, upon application of a form prescribed by the Inspector, accompanied by a fee of \$5.00 for such permit. Each applicant shall furnish satisfac-

tory evidence of good moral character, ability to weigh accurately, and to issue correct weight tickets.

**Sec. 35-3-22. Posting of Permit: Renewal of Same:** All weighmasters under the provisions of this Act shall post the original or certified copy of the weighmasters permit in a conspicuous place on the premises where the weighmaster is engaged in weighing.

Permits shall be issued for a period of one year and renewable each year upon payment of a fee of \$5.00 to the Division of Weights and Measures: Monies collected for such permit shall be deposited with the Territorial Treasurer.

**Sec. 35-5-23. Duties of Weighmasters:** It shall be the duty of every certified public weighmaster under this Act, to obtain at his expense, an official seal, stamp, design or legend as the Inspector of Weights and Measures may deem appropriate. The seal shall be stamped or impressed upon each and every weight, reading or recording certificate issued by the Weighmaster, and when so applied the certificate shall be recognized and accepted as a declaration of the official, true and accurate weight, measure, count, reading or recording of the commodity, product or article weighed, measured or counted within the tolerances allowed by the "Weights and Measures" Act of this Territory.

**Sec. 35-5-24. Use of Equipment:** It shall be unlawful for any weighmaster to use any weights or measures or weighing, recording or measuring device, which has not been first tested and/or approved by the Inspector of Weights and Measures.

Sec. 35-5-25. **Penalty for Violations of Weighmaster:** Any person who shall mark, stamp, issue, or write any false weight ticket, scale ticket, measuring, count, or weight certificate, knowing it to be false, shall be guilty of a

misdemeanor, and upon conviction thereof, shall be fined not more than Five Hundred Dollars for each offense, or imprisonment for not more than one year or both such fine and imprisonment.

Approved April 1, 1957

## CHAPTER 144

### AN ACT

**Relating to the vocational rehabilitation of physically and mentally handicapped persons in Alaska, constitution of the Board of Vocational Rehabilitation, authority of the Alaska agency, cooperation with the Federal Government, and all pertaining to vocational rehabilitation in Alaska; repealing and re-enacting Sections 37-9-5 through 37-9-9, ACLA 1949, inclusive, as amended by Ch. 169, SLA 1955; amending Title 37, Article 9 ACLA 1949, by adding seven new sections thereto; repealing Ch. 55 SLA 1955 and Ch. 79 SLA 1955, establishing a small businesses revolving fund and authorizing an appropriation.**

(C. S. for S. B. 78)

**Be it enacted by the Legislature of the Territory of Alaska:**

Section 1. Sec. 37-9-5, ACLA 1949, as amended by Ch. 169, SLA 1955, is hereby repealed and re-enacted to read as follows:

Sec. 37-9-5. **Definitions.** For the purposes of this Act:

(1) "Handicapped individual" means any individual who is under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a remunerative occupation;

(2) "Vocational rehabilitation services" means any goods and

services, including diagnostic and related services, necessary to render a handicapped individual fit to engage in a remunerative occupation;

(3) "Individual who is under a physical or mental disability" means an individual who has a physical or mental condition which materially limits, contributes to limiting, or, if not corrected, will probably result in limiting his activities or functioning;

(4) "Workshop" means a place where any manufacture or handiwork is carried on, and which is operated for the primary purpose of providing remunerative employment to severely handicapped individuals (a) as an interim