

No. 168, A.]

[Published July 21, 1921.]

CHAPTER 571.

AN ACT to repeal sections 1495—1 to 1495—37, inclusive, subsection (14) of section 20.60, and subdivision (j) of subsection (4) of section 20.60; and to create sections 1495—1 to 1495—30, inclusive, of the statutes; creating a department of markets, transferring the personnel and records of the division of markets to said department, defining its powers and duties, providing penalties and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1495—1 to 1495—37, inclusive, subsection (14) of section 20.60 and subdivision (j) of subsection (4) of section 20.60, of the statutes, are repealed.

SECTION 2. There are added to the statutes thirty new sections to read: Section 1495—1. The following terms, wherever used in sections 1495—1 to 1495—30, inclusive, or in any standard, order or regulation made thereunder, shall have the meaning as indicated, unless a different meaning is given in the context:

“Department” shall mean the department of markets.

“Commissioner” shall mean the commissioner of markets.

“Production” shall include mining, manufacturing, agriculture, horticulture, dairying and live stock, poultry or bee raising.

“Marketing” shall include packing, storing, offering or shipping to a point within the state, if any of these acts is for a commercial purpose, or selling.

“Products” shall include all articles and commodities in general use.

“Food products” shall include all articles and commodities used for food, drink, confectionery or condiment.

“Farm products” shall include all products of agriculture, horticulture, dairying and of live stock, poultry or bee raising.

“Co-operative association” shall include any corporation doing business upon a co-operative basis, except banks, building and loan associations, insurance companies and public utilities subject to the jurisdiction of the railroad commission.

“Business” shall include any business, except that of banks, building and loan associations, insurance companies and public utilities subject to the jurisdiction of the railroad commission.

“Documents” shall include books, papers, accounts, records and correspondence.

“Person” shall include individuals, partnerships, corporations and associations and shall import the singular or plural.

“Publish” shall mean as defined in section 35.65.

Section 1495—2. 1. There is hereby created a department of markets, in charge of a commissioner of markets.

2. The department shall keep its office in the state capitol and shall be provided with the necessary rooms, office furniture, stationery and other supplies by the superintendent of public property.

3. The department shall be provided with a seal bearing the inscription “Wisconsin Department of Markets” to be affixed to such instruments as the commissioner may require.

Section 1495—3. 1. The commissioner shall be appointed by the governor, by and with the advice and consent of the senate. His term of office shall be four years and until his successor qualifies. The commissioner shall receive an annual salary not exceeding five thousand dollars and shall be reimbursed for actual and necessary traveling expenses incurred in the discharge of his official duties.

2. The commissioner shall have a general understanding of matters relating to the distribution of products. He shall devote his entire time to the performance of his duties. He shall not hold any stock or interest whatsoever in any commission business, wholesale or retail produce business, cold storage, warehouse or transportation company or serve on or under any political committee or as manager of any political campaign for any candidate or party.

3. The commissioner, before entering upon the duties of his office, shall file with the state treasurer an official bond in such sum as the governor may deem necessary, conditioned for the faithful performance of the duties of his office. The expense of this bond shall be paid from the appropriation of the department.

4. The commissioner, in addition to other methods of removal provided by law, may be removed by joint resolution of the legislature adopted by an aye and nay vote of at least a majority of the members elected to each house.

Section 1495—4. 1. The commissioner shall appoint and fix the compensation of such assistants, clerks and other employes as may be necessary in carrying out the provisions of sections 1495—

1 to 1495—30, inclusive. Such assistants, clerks and other employes shall be reimbursed for actual and necessary traveling expenses incurred in the discharge of their official duties.

2. The governor, upon the recommendation of the commissioner, may require from any employe in the department a bond in such sum as may be deemed necessary for the faithful performance of his duties. The expense of such bond shall be paid from the appropriation of the department.

Section 1495—5. 1. The present attorney for the department shall be added to the staff of the attorney-general as an assistant attorney-general but he shall devote his entire time to the work of the department, except where the commissioner consents to a departure from this requirement. His successor shall be appointed by the commissioner, subject to the approval of the attorney-general.

2. The provisions of section 1495—4 shall apply to this appointment in respect to compensation and reimbursement.

Section 1495—6. The officials and employes of the former division of markets are hereby made the officials and employes of the department of markets, to serve until the expiration, if any, of their original terms. The property and documents of the former division of markets are hereby made the property and documents of the department of markets. The existing standards, orders, and regulations made by the former division of markets are hereby continued as the standards, orders and regulations of the department of markets. The proceedings begun and causes of action arisen under former sections 1495—1 to 1495—37, inclusive, are hereby continued as proceedings and causes of action under sections 1495—1 to 1495—30, inclusive. The unexpended appropriation of the former division of markets is hereby made available to the department of markets.

Section 1495—7. The department may:

(1) Obtain and furnish information relating to prices, profits and costs involved in the production or distribution of products and to the supply, demand, sales, purchases, deliveries, receipts, offers, acceptances, storage and commercial movement of products and to any other factors affecting the market value of products or market conditions.

(2) Obtain and furnish information regarding the sources of supply of products necessary for the people of the state and the location of markets for Wisconsin products.

(3) Obtain and furnish information relating to economy and efficiency in the distribution of products.

(4) Obtain and furnish information relating to the selection of proper shipping routes, adoption of advisable shipping methods, avoidance of delays incident to transportation and to other distribution problems connected with transportation.

(5) Obtain and furnish lists of persons engaged in the production or distribution of products.

Section 1495—8. 1. The department may give assistance in the organization, operation or reorganization of co-operative associations.

2. The department may require any co-operative association doing business in this state to file with the department a verified copy of its by-laws and of any exclusive contract of sale or agency between the association and its members or patrons.

3. The department may prescribe uniform systems of accounting for co-operative associations doing business in this state and may require any such association to render reports, in form indicated by the department, to show the nature and volume of business, resources, liabilities, profits, losses and any other facts bearing upon the financial condition of the association.

4. The department may investigate the management of any co-operative association doing business in this state and may make the facts, relating to said management, available to the members of the association; provided, that a request for such investigation has been filed with the department, signed by at least twenty per cent of the members (in the case of associations of less than five hundred members) and by at least one hundred members (in the case of associations of five hundred or more members).

5. The department may require any co-operative association doing business in this state or in the process of organization to file with the department a report of its promotion expenses.

Section 1495—9. 1. The department may give assistance in the organization, operation or reorganization of such public markets as are authorized by law.

2. The department may prescribe uniform systems of accounting for public markets and may require any such market to render reports, in form indicated by the department, to show the nature and volume of business, resources, liabilities, profits, losses, and any other facts bearing upon the financial condition of the market.

Section 1495—10. 1. The department, after public hearing, may establish standards for the grade or other classification of food products and farm products and for receptacles therefor and may prescribe regulations governing the marks or tags which may be required upon food products or farm products or upon receptacles therefor, for the purpose of showing the name, address or serial number of the person producing or marketing the product, the grade or other classification, quality, quantity, type, variety, size, weight, nature or condition of the product.

2. No standard or regulation under this section, which is repugnant to any requirement made mandatory under federal law, shall apply to products or receptacles which are being shipped from the state in interstate commerce.

3. No standard shall apply to products or receptacles coming from outside the state but such products or receptacles may be required to be marked or tagged to indicate that they come from outside the state and to show any other fact regarding which marking or tagging may be required under this section; provided, that such products or receptacles, at the time when marking or tagging is required, have ceased to be interstate commerce.

4. No standard established under this section for the grade or other classification of any food product or farm product shall affect the right of any person to dispose of such product without conforming to the standard, but such person may be required to mark or tag such product, in such a manner as the department may direct, to indicate that it is not intended to be marketed as of a grade or classification contained in the standard and to show any other fact regarding which marking or tagging may be required under this section.

5. No standard or regulation shall be established or prescribed under this section which is in conflict with any standard or regulation contained in or heretofore promulgated under authority of any other statute of the state.

6. No standard or regulation shall be established or prescribed by the department of markets under this section in any case where any other state department, commission or official has authority to establish such a standard or prescribe such a regulation, unless the department of markets establishes the standard or prescribes the regulation jointly with such other department, commission or official. No standard or regulation shall be established or prescribed by any other state department, commission or official in

any case where the department of markets has authority to establish such a standard or prescribe such a regulation under this section, unless such other department, commission or official establishes the standard or prescribes the regulation jointly with the department of markets. The governor shall act as arbiter in case of disagreement or conflict of authority between the department of markets and any other state department, commission or official under this section.

7. No standard established under this section shall become effective until at least thirty days after the text thereof is published.

8. Whenever any standard or regulation under this section has become effective, no person marketing or having in his possession for commercial purposes any product or receptacle to which the standard is applicable shall represent such product or receptacle, unless in a manner authorized by the department, as being of any grade or classification other than a grade or classification contained in such standard, except as provided in subsections 2 and 3 of this section; and no person marketing or having in his possession for commercial purposes any product or receptacle to which the standard is applicable shall represent such product or receptacle as being of a grade or classification contained in the standard, when as a matter of fact such product or receptacle is below the requirements of such grade or classification; and no person shall market or have in his possession for commercial purposes any product or receptacle unless the marking or tagging thereon conforms to the regulation prescribed under this section; provided, that representing a product or receptacle as being of a grade or classification contained in the standard, when as a matter of fact such product or receptacle is below the requirements of such grade or classification, shall not be a violation of this section, if the department has adopted the means of enforcing the standard described in section 1495—11; provided, further, that possession, under this section, shall not include possession by a carrier or other bailee.

9. Whenever the department finds that any person marketing or having in his possession any product or receptacle to which the standard is applicable has intentionally violated any provision of subsection 8 of this section, the department, after opportunity for hearing has been given such person, may, by special order, revoke the right of such person to represent any product or receptacle to which the standard is applicable as being of any grade or classifi-

cation contained in the standard and may, in said order, require such person to mark or tag such product or receptacle as provided in subsection 4 of this section. The department may, without hearing, suspend such right for a period not exceeding ten days, pending investigation. The department may, in the discretion of the commissioner, restore such right to any person from whom it has been revoked.

Section 1495—11. 1. The department, as a means of enforcing the standard for the grade or other classification of any food product or farm product or for any receptacle therefor, may require any such product or receptacle to bear the official certificate of an inspector licensed under section 1495—12.

2. Whenever the department has required any product or receptacle to bear the official certificate of an inspector licensed under section 1495—12, no person marketing or having in his possession for commercial purposes any such product or receptacle shall remove, mutilate or alter the official certificate thereon or represent such product or receptacle, unless in a manner authorized by the department, as being of any grade or classification other than the grade or classification designated by the official certificate thereon, except as provided in subsections 2 and 3 of section 1495—10; and no person shall market or have in his possession for commercial purposes any such product or receptacle unless such product or receptacle bears the official certificate of an inspector licensed under section 1495—12, except as provided in subsections 2, 3 and 4 of section 1495—10; provided, that such a product or receptacle may be marketed or had in possession without an official certificate issued at the point of shipment if such product or receptacle is destined for shipment to a point within the state, where the shipper has arranged for the issuance of an official certificate; provided, further, that possession, under this section, shall not include possession by a carrier or other bailee.

Section 1495—12. 1. The department, upon presentation of satisfactory evidence that the applicant is competent, may issue a license to any person to certify the grade or other classification of food products or farm products or of receptacles therefor, for which standards have become effective under section 1495—10. The purpose of such certification may be either to enforce the standard or merely to furnish to an interested party an official statement of the grade or other classification. A certificate issued

under this section, unless superseded by a finding as provided in subsection 3 of this section, shall be accepted in any court of this state as prima facie evidence of the facts to which the certificate relates.

2. No fee shall be charged the licensee for any license issued under this section.

3. The department may—in the discretion of the commissioner—fix and cause to be collected a reasonable, uniform fee for certification where the purpose of such certification is to enforce the standard. The department shall fix and cause to be collected a reasonable, uniform fee for certification where the purpose of such certification is merely to furnish to an interested party an official statement of the grade or other classification.

4. Any person affected by a certification made under this section may appeal to the department from such certification within a reasonable time to be prescribed in regulations issued by the department. The department shall thereupon make an investigation to determine the true grade or other classification of the product or receptacle and shall issue a finding thereof. Such a finding shall be accepted in any court of this state as prima facie evidence of the facts to which the finding relates.

5. The department shall charge and collect a reasonable fee for any appeal taken under this section but shall refund such fee if the appeal is sustained.

6. The department, after opportunity for hearing has been given the licensee, may, by special order, revoke any license issued under this section, whenever the department finds that such licensee is incompetent or has knowingly or carelessly issued any false or improper certificate of grade or other classification or has accepted money or other consideration, directly or indirectly, as compensation for any neglect or improper performance of duty or has violated any provision of sections 1495—1 to 1495—30, inclusive, or any regulation made thereunder. The department may, without hearing, suspend such right for a period not exceeding ten days, pending investigation. The department may in the discretion of the commissioner, restore the license of any person whose license has been revoked.

7. No person shall certify or attempt to certify that the grade or other classification of any food product or farm product or of any receptacle therefor conforms or does not conform to the standard established under section 1495—10, unless such person

holds an unrevoked and unsuspended license issued under this section. No person shall influence or attempt to influence any licensee to neglect or improperly perform his duty. No licensee shall knowingly issue any false or improper certificate of grade or other classification or accept money or other consideration, directly or indirectly, as compensation for any neglect or improper performance of his duty.

Section 1495—13. 1. The department may adopt uniform labels and trademarks for brands of Wisconsin products and shall, upon request, permit the use of such labels and trademarks by any person engaged in the production or distribution of products who complies with regulations issued by the department for the use of such labels or trademarks.

2. The secretary of state shall, upon application of the commissioner, record any such label or trademark under sections 1747a to 1747dd—2, inclusive. The department shall be entitled to protect such label or trademark under said sections and in any other manner authorized by law.

Section 1495—14. 1. Methods of competition in business and trade practices in business shall be fair. Unfair methods of competition in business and unfair trade practices in business are hereby prohibited.

2. The department, after public hearing, may issue general orders forbidding methods of competition in business or trade practices in business which are determined by the department to be unfair. The department, after public hearing, may issue general orders prescribing methods of competition in business or trade practices in business which are determined by the department to be fair.

3. The department, after public hearing, may issue a special order against any person, enjoining such person from employing any method of competition in business or trade practice in business which is determined by the department to be unfair. The department, after public hearing, may issue a special order against any person, requiring such person to employ the method of competition in business or trade practice in business which is determined by the department to be fair.

Section 1495—15. Any person who shall suffer pecuniary loss because of a violation by any other person of any order issued under section 1495—14 may sue such person for damages therefor in any court of competent jurisdiction and shall recover twice

the amount of such pecuniary loss, together with costs, including a reasonable attorney's fee.

Section 1495—16. 1. The methods of distribution and practices in the distribution of food products and fuel shall be free from needless waste and needless duplication which tend to increase the cost of such products to the consuming public. Methods of distribution and practices in the distribution of food products and fuel, wherever such waste or duplication tends to increase the costs of such product to the consuming public, are hereby prohibited.

2. The department, after public hearing, may issue general orders forbidding methods of distribution or practices in distribution which are found by the department to cause waste or duplication as defined herein. The department, after public hearing, may issue general orders prescribing methods of distribution or practices in distribution which are found by the department to avoid waste or duplication as defined herein.

3. The department, after public hearing, may issue a special order against any person, enjoining such person from employing any method of distribution or practice in distribution which is found by the department to cause waste or duplication as defined herein. The department, after public hearing, may issue a special order against any person, requiring such person to employ the method of distribution or practice in distribution which is found by the department to avoid waste or duplication as defined herein.

Section 1495—17. The department, with the consent of the governor, may issue orders to avert, relieve or terminate a scarcity of food products or fuel in this state.

Section 1495—18. The department, at the request of the attorney-general or of any district attorney, may assist in the enforcement of any of the following statutes relating to trade: 1747e to 1747h—1, inclusive; 1791j to 1791m, inclusive; 1770g to 1770i, inclusive; 1791n—1 to 1791n—12, inclusive; 4466a; 4568; 1747k; 1747m; 4432; 4601aa; 1684w—7 to 1684w—10, inclusive; 3237; 3241; 3466.

Section 1495—19. 1. The commissioner or any official, employe or agent of the department authorized by him may, in relation to any matter within the department's powers, issue subpoenas to compel the attendance of witnesses and the production of documents, administer oaths and take testimony.

2. Any witness who appears in response to a subpoena issued under this section and every officer who serves such a subpoena shall be entitled to the same fees as are allowed to witnesses and officers in civil actions in courts of record. Such fees shall be audited and paid by the state in the same manner as other expenses are audited and paid and shall be charged to the appropriation of the department. No witness subpoenaed at the instance of any party other than the department shall be entitled to payment of fees by the state, unless the department certifies that the testimony of such witness was material to the hearing or proceeding.

3. No person shall, without reasonable cause, fail to comply with a subpoena issued under this section, nor, without reasonable cause, refuse to be sworn or to be examined or to answer a proper question or produce a pertinent document, when ordered to do so by the official, employe or agent conducting the investigation or proceeding.

4. If any person shall, without reasonable cause, fail to comply with a subpoena issued under this section or, without reasonable cause, refuse to be sworn or to be examined or to answer a proper question or produce a pertinent document, when ordered to do so by the official, employe or agent conducting the investigation or proceeding, the commissioner or any official, employe or agent of the department authorized by him may apply to the circuit court of any county or to the judge thereof for an order requiring such person to comply with the subpoena or to be sworn or to be examined or to answer the question or produce the document; and it shall be the duty of the circuit court or the judge thereof to issue such an order and to punish disobedience thereof as contempt of court.

Section 1495—20. 1. The department may require persons engaged in business to file with the department, at such time and in such manner as the department may direct, sworn or unsworn reports or sworn or unsworn answers in writing to specific questions, as to any matter upon which the department may demand information through subpoena process.

2. The commissioner or any official, employe or agent authorized by him may have access to and may copy any document, or any part thereof, which is in the possession or under the control of any person engaged in business, provided that the contents of such document, or of such part thereof, are relevant to any matter

upon which the department may demand information through subpoena process.

3. The commissioner or any official, employe or agent authorized by him may, for purposes within the department's powers, have access during usual business hours to any storehouse, warehouse, cold storage plant, packing house, stockyard, railroad yard, railroad car, or any other building or place, where products are kept or stored for commercial purposes.

4. The commissioner or any official, employe or agent authorized by him may, for purposes within the department's powers, open any receptacle, inspect the contents thereof, and, upon payment or tender of the market value, take samples of any product contained therein.

5. No person shall refuse, neglect or fail to render any report or answer required under this section at such time and in such manner as the department may prescribe. No person shall refuse, neglect or fail to submit, for the purpose of inspection or copying, any document demanded under this section. No person shall wilfully make any false entry or statement in any report or answer required or document demanded under this section. No person shall wilfully fail to make full and true entries and statements in any report or answer required or document demanded under this section. No person shall, for the purpose of embarrassing the department in the conduct of any investigation, hearing or proceeding, remove out of the jurisdiction of the state or mutilate or alter any document. No person shall, except through judicial process, resist or obstruct any official, employe or agent of the department in the exercise of authority conferred by this section.

Section 1495—21. 1. The department may, at any time, conduct such preliminary investigation as is necessary and proper to determine whether a hearing or proceeding ought to be begun under sections 1495—1 to 1495—30, inclusive.

2. The authority contained in sections 1495—19 and 1495—20 may be used in the conduct of a preliminary investigation under this section.

Section 1495—22. Except as to a hearing or proceeding under section 1495—18 or as to an investigation preliminary thereto, no person shall be excused from testifying or rendering a report or answer or producing or submitting a document, in response to a demand made under section 1495—19 or section 1495—20, upon

the ground or for the reason that the testimony or report or answer or document required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he shall have testified or rendered a report or answer or produced or submitted a document, in response to a demand made under section 1495—19 or section 1495—20, and no testimony so given or report or answer so rendered or document so produced or submitted shall be received against him in any criminal action, investigation or proceeding; provided, that no natural person so testifying shall be exempt from prosecution and punishment for perjury committed by him in so testifying or for misrepresentation or concealment committed by him in so rendering a report or answer or so producing or submitting a document.

Section 1495—23. The department may adopt such measures and make such regulations as are necessary and proper for the enforcement of the provisions of sections 1495—1 to 1495—30, inclusive.

Section 1495—24. 1. The department shall publish notice of any public hearing, except under subsection 3 of section 1495—14 or under subsection 3 of section 1495—16.

2. The department, in any matter arising under subsection 3 of section 1495—14 or under subsection 3 of section 1495—16, shall serve a complaint, prepared in the name of the department, upon the person against whom the complaint is made and shall accompany such complaint by notice of public hearing to be held in the matter not sooner than ten days after such service. The person against whom the complaint is made shall be entitled to be heard in person, or by agent or attorney, and shall have subpoena process to compel the attendance of witnesses.

3. The department shall publish all general orders.

4. The department shall serve a copy of any special order upon the person against whom the order is issued.

5. A complaint, notice of hearing, subpoena, special order or any other process issued by the department may be served by any person authorized by the commissioner either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary or other executive officer or a director of the corporation to be served;

or (b) by leaving a copy thereof at the principal office or place of business of such person, partnership or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership or corporation at his or its principal office or place of business. The verified return by the person serving such process setting forth the manner of service or the return post-office receipt for such process mailed as aforesaid shall be proof of the service of the same.

6. The department shall make its own rules of procedure and practice not inconsistent with any provision of sections 1495—1 to 1495—30, inclusive, or with any other provision of law governing such procedure or practice.

7. The department may revoke or amend any standard, order or regulation made under sections 1495—1 to 1495—30, inclusive; provided, that public hearing has been held and notice thereof given in the same manner as is prescribed for the making of such standard, order or regulation.

Section 1495—25. 1. The commissioner shall keep a record of all standards, orders and regulations made under sections 1495—1 to 1495—30, inclusive, and shall authorize copies thereof to be printed. Any such authorized copy, stamped with the official seal of the department, shall be competent evidence of the standard, order or regulation in any court of this state, without further proof or authentication.

2. The commissioner, on or before the first day of December in each year, shall submit to the governor a report of the work of the department for the preceding fiscal year, together with such recommendations as may be deemed of value to the people of the state.

Section 1495—26. 1. Any person affected by a standard, order or regulation made under sections 1495—1 to 1495—30, inclusive, may file with the department an application for rehearing upon such standard, order or regulation; provided, that such application shall be filed not later than thirty days after such standard, order or regulation becomes effective.

2. The pendency of any application for rehearing shall not stay or suspend the operation of the standard, order or regulation.

Section 1495—27. 1. The provisions for judicial review of any standard, order or regulation made under sections 1495—1 to 1495—30, inclusive, shall be as prescribed in sections 1797m—64

to 1797m—71, inclusive, so far as those sections are applicable. The department's findings of fact, if supported by evidence before it, shall be presumptive, in the absence of fraud.

2. The pendency of any proceeding for review shall not stay or suspend the operation of the standard, order or regulation.

3. The legislature intends that the provisions contained in sections 1495—1 to 1495—30, inclusive, shall be independent of each other and that the invalidity, for any reason, of any provision shall not affect the validity of any other provision.

Section 1495—28. 1. Any corporation organized under the laws of this state which shall violate any order issued under section 1495—14 shall, upon proof thereof, in any court of competent jurisdiction, have its charter or authority to do business in this state canceled and annulled.

2. Upon complaint being made to the attorney-general and evidence presented to him which shall satisfy him that any such corporation has violated any order issued under section 1495—14, he shall forthwith bring an action in the name of the state in any circuit court of this state to have the charter or authority of such corporation to do business in this state canceled and annulled, and, upon due proof being made thereof to the satisfaction of the court, judgment shall be entered therefor.

3. Any foreign corporation which shall violate any order issued under section 1495—14 shall, upon proof thereof, in any court of competent jurisdiction, have its license or authority to do business in this state canceled and annulled.

4. Upon complaint being made to the attorney-general and evidence presented to him which shall satisfy him that any such foreign corporation has violated any order issued under section 1495—14, he shall forthwith bring an action in the name of the state in any circuit court of this state to have the license or authority of such corporation to do business in this state canceled and annulled, and, upon due proof being made thereof to the satisfaction of the court, judgment shall be entered therefor.

Section 1495—29. 1. Any person who violates any provision of subsection 8 of section 1495—10, subsection 2 of section 1495—11, or subsection 7 of section 1495—12, or who violates or refuses, neglects or fails to obey any order or regulation made under any section other than section 1495—14, 1495—16 or 1495—17 shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail

for not more than six months, or by both such fine and imprisonment.

2. Any person who violates any provision of subsection 3 of section 1495—19 or subsection 5 of section 1495—20, or who violates or refuses, neglects or fails to obey any order or regulation made under section 1495—14, 1495—16 or 1495—17 shall, upon conviction thereof, be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Section 1495—30. It shall be the duty of district attorneys to prosecute cases arising under sections 1495—1 to 1495—30, inclusive. The department may be represented in any such case by its attorney. It shall be the duty of county agricultural agents, upon request of the commissioner, to assist in carrying out the provisions of sections 1495—1 to 1495—30, inclusive.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 422, A.]

[Published July 21, 1921.

CHAPTER 572.

AN ACT to create subsection (15) of section 20.20 of the statutes, providing for the establishment of a state fish hatchery in either Florence, Forest, Langlade, Marinette or Shawano county, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The conservation commission is directed to establish a state fish hatchery at some suitable location in either Florence, Forest, Langlade, Marinette or Shawano county.

SECTION 2. A new subsection is added to section 20.20 of the statutes to read: (20.20) (15) On July 1, 1921, two thousand dollars, out of any moneys in the conservation fund not already appropriated, for the construction of necessary buildings and making the necessary investigations to determine the proper location for a state fish hatchery in either Florence, Forest, Langlade, Marinette or Shawano county.

SECTION 3. This act shall take effect upon passage and publication.

Became law by expiration of time without governor's "signature."