

shall cause appropriate notice to be given to such person. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings and if thereafter in the opinion of the State Chemist it shall appear that the provisions of the sub-title have been violated by such person, then the State Chemist shall refer the facts to the proper prosecuting attorney for the county in which the violation shall have occurred with a copy of the results of the analysis or the examination of such article; provided, however, that nothing in this sub-title shall be construed as requiring the State Chemist to report for prosecution or for the institution of libel proceedings minor violation of the sub-title whenever he believes that the public interests will be best served by a suitable notice of warning in writing.

(b) It shall be the duty of the proper prosecuting attorney to whom any such violation is reported to cause appropriate proceedings to be instituted and prosecuted in the proper court without delay.

(c) The State Chemist shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of this sub-title.

140. Exemptions.

(a) The penalties provided for violations of Section 136 of this sub-title shall not apply to—

(1) any carrier while lawfully engaged in transporting a pesticide within this State, if such carrier shall, upon request, permit the State Chemist or his designated agent to copy all records showing the transactions in and movement of the articles;

(2) public officials of this State and the Federal Government engaged in the performance of their official duties;

(3) the manufacturer or shipper of a pesticide for experimental use only

(I) by or under the supervision of an agency of this State or of the Federal Government authorized by law to conduct research in the field of pesticides, or

(II) by others if the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only—Not to be sold", together with the manufacturer's name and address; Provided, however, that if a written permit has been obtained from the State Chemist, pesticides may be sold for experiment purposes subject to such restrictions as may be set forth in the permit.

(b) No article shall be deemed in violation of this sub-title when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this sub-title shall apply.

140A. Penalties.

(a) Any person violating Section 136 (a) (1) of this sub-title shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$100.