

PROVISIONS OF THIS SUBTITLE AND ORDERS THE CONDEMNATION, THE COMMERCIAL FEED SHALL BE DISPOSED OF IN ANY MANNER CONSISTENT WITH THE QUALITY OF THE COMMERCIAL FEED AND THE LAWS OF THE STATE. THE COURT MAY NOT DISPOSE OF THE COMMERCIAL FEED WITHOUT FIRST GIVING THE CLAIMANT AN OPPORTUNITY TO APPLY TO THE COURT FOR RELEASE OF IT OR FOR PERMISSION TO PROCESS OR RELABEL THE COMMERCIAL FEED SO THAT IT COMPLIES WITH THE PROVISIONS OF THIS SUBTITLE.

REVISOR'S NOTE: This section presently appears as Art. 48, §126(a) and (b) of the Code. In subsection (a), the present reference that requires the State Chemist to begin condemnation proceedings "upon request" is proposed for deletion as obsolete. This provision is a remnant of the days when the State Chemist was under the jurisdiction of the Board of Agriculture and provides a mechanism whereby the Board could force the State Chemist to begin condemnation proceedings.

In subsection (b), new language is added to indicate that the Secretary may petition the circuit court of any county where the feed is located. This provision includes Baltimore City because under Art. 1, §14 and §1-101(b), a reference to county includes Baltimore City. These are the courts having jurisdiction in condemnation proceedings. The only other changes made are in style.

SEC. 6-114. OFFICIAL ANALYSIS PRIMA FACIE EVIDENCE OF COMPOSITION.

IN ANY PROSECUTION UNDER THIS SUBTITLE RELATING TO THE COMPOSITION OF COMMERCIAL FEED, A CERTIFIED COPY OF THE OFFICIAL ANALYSIS SIGNED BY THE SECRETARY OR THE STATE CHEMIST IS PRIMA FACIE EVIDENCE OF THE COMPOSITION.

REVISOR'S NOTE: This section is new language derived from the last sentence of Art. 48, §127(a) of the Code. A clause is added providing for either the signature of the Secretary or the State Chemist for the convenience of the Department. The reference to the Secretary is included since all duties and responsibilities under this Article are vested in him.