

# **MAINE STATE LEGISLATURE**

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## SECOND REGULAR SESSION

## ONE HUNDRED AND TENTH LEGISLATURE

## Legislative Document

No. 1711

EDWIN H. PERT, Clerk

Presented by Representative Mahany of Easton.  
Cosponsor: Senator Hichens of York.  
                  Senator Carpenter of Aroostook.  
                  Representative Sherburne of Dexter.

**STATE OF MAINE**

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-TWO

**AN ACT to Protect Maine Milk Producers from Abrupt Loss of Markets.**

25 Be it enacted by the People of the State of Maine as follows:  
26 Sec. 1. 7 MRSA §2902, 2nd ¶, as last amended by PL  
27 1979, c. 672, Pt. A, §34, is further amended by adding after  
28 the first sentence a new sentence to read:

29 In applying, the milk dealer consents to comply with chap-  
30 ter 609 for the duration of his license.

31 Sec. 2. 7 MRSA §2903-A is enacted to read:

32 §2903-A. Refusal to purchase

1       1. Notice of refusal. A milk dealer who has a verbal  
2 or written contract with a milk producer for the purchase of  
3 milk shall not refuse to continue to purchase milk under the  
4 contract without first giving notice to the producer in ac-  
5 cordance with this section. The dealer shall give notice of  
6 intent to refuse purchase to the producer and to the commis-  
7 sioner. Notice shall be written and shall state with par-  
8 ticularity the grounds upon which refusal is based. The  
9 notice shall also state the date upon which the refusal  
10 shall become effective.

11       A. Except as provided in paragraph B, the refusal  
12      shall not become effective until the milk dealer has  
13      given the producer at least 45-days' notice of inten-  
14      tion to refuse the milk producer's milk.

15 B. If refusal to continue to purchase milk is based on  
16 failure to meet the milk dealer's quality criteria,  
17 upon receipt of notice of such, the commissioner shall  
18 cause a sample of the milk to be taken as soon as pos-  
19 sible after notice is given. This sample shall be  
20 tested in the State Central Laboratory. If this sample  
21 does not meet the milk dealer's quality criteria,  
22 refusal to continue to purchase may become effective  
23 immediately.

24        2. Challenge of refusal; adjudicatory hearing. If the  
25 producer desires to question the existence or validity of  
26 the grounds given for refusal, he may do so within 30 days  
27 after receiving notice of the refusal by requesting that the  
28 commissioner conduct an adjudicatory hearing pursuant to the  
29 Maine Administrative Procedure Act, Title 5, chapter 375.  
30 The producer shall request a hearing in writing, stating  
31 with particularity his challenge to the refusal. If a  
32 request for hearing is made by a purchaser, refusal to pur-  
33 chase shall not become operative until a hearing is held and  
34 a decision in the dealer's favor is issued by the commis-  
35 sioner.

## 36 Statement of Fact

37 This bill requires 45-days' advance notice before a li-  
38 censed milk dealer in the State may discontinue purchase of  
39 milk from a Maine producer, unless refusal to purchase is  
40 due to poor quality. This proposal is similar to legis-  
41 lation currently in effect in Vermont.