

MAINE STATE LEGISLATURE

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June 3, 1948

To the Milk Control Board

In reply to your inquiry dated May 16th, which arrived at this office on May 20th:- The facts, which involve an interpretation of the Milk Control Law, are as follows:

A dealer whose principal established place of business is in Bristol, which is within the Rockland area, and who sells milk within the Rockland area to consumers for fluid consumption, receives delivery of this milk at Wiscasset from the company dealer located in the Auburn area; and the question is whether the company dealer should pay for said milk at the producer price prevailing at Wiscasset or the producer price of the Rockland area, which is higher. The company dealer contends that the delivery of the milk is made at the dealer's premises located in Wiscasset. The fact, however, is that the dealer has no premises located in Wiscasset, nor is he a dealer in that area.

I am of the opinion that the computation should be made on the price fixed in the Rockland area, in view of the prohibition contained in subsection 6 of Section 4 of Chapter 28 of the Revised Statutes of 1944, in the 5th paragraph thereof, which forbids a dealer, store, or other person handling milk in such market to buy or offer to buy, sell or offer to sell milk for prices less than the scheduled minimum applicable to the particular transaction in such market. The retail dispenser to whom I have referred in the above as dealer, as aforesaid, handles the milk in the Rockland area, where his business is located. This section thus prohibits him from buying milk at a price less than the scheduled minimum in that market.

I therefore advise you that computations on these transactions are to be based upon the prices established by the Board for the Rockland area.

I return the letter which Mr. Howard Cole left with me.

Abraham Breitbard
Deputy Attorney General

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