

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

shall be paid in equal amounts to those recipients which have met such standards.”

With respect to this section you ask, “Must this new money be spent to improve racing facilities only, or can the money be spent for facility improvements other than racing?”

It is our opinion that the money should be spent for improvement of both racing facilities and other facilities which are controlled by the Commissioner of Agriculture. The money cannot be spent to improve racing facilities only. It must be spent in both categories, racing facilities and such facilities as come within the control of the Commissioner of Agriculture.

JAMES GLYNN FROST
Deputy Attorney General

July 17, 1957

To Harvey H. Chenevert, Executive Secretary, Milk Commission

Re: Central Dairymen’s League Project

We have examined the project of the Central Dairymen’s League, Washington County, in order to determine, at your request, whether such project violates the Maine Milk Commission Law.

The Central Dairymen’s League has announced a contest from June 24 to July 24 where the contestants having the greatest number of licensed dealers’ bottle-caps would be awarded prizes, the first prize being a saddle horse, and the second and third prizes bicycles.

Chapter 33, Section 4-VI reads in part as follows:

“No method or device shall be lawful whereby milk is bought or sold at prices less than the scheduled minimum applicable to the transaction whether by any discount, rebate, free service, advertising allowance, combination price for milk with any other commodity or for any other consideration.”

An examination of the statute leads us to the conclusion that the contest does not violate the above quoted provision of law.

It can be seen that the milk bottle-cap of a licensed dealer would entitle one to participate in the program, not so far as the dealer is concerned; he is not, because of the transaction, selling his milk below the scheduled minimum. He is getting his price, regardless of the value the League may place upon the bottle-cap.

In order that a person be in violation of the statute, it must be proved that that person is buying or selling milk at prices less than the scheduled minimum. The League is not buying or selling milk. It is offering prizes for the greatest number of bottle-caps. The individual licensee is not in violation because, from the facts supplied us, he is still selling his milk at the regular price.

For the above reasons we are of the opinion that the contest being run by the Central Dairymen’s League does not violate Section 4-VI of Chapter 33.

JAMES GLYNN FROST
Deputy Attorney General