

MAINE STATE LEGISLATURE

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June 30, 1959

Walter Steele, Executive Secretary
George A. Wathen, Asst. Atty. Gen.

Milk Commission
Attorney General

Half and Half

I have your request for an opinion regarding the validity of Rules numbered 5, 9 and 25.

Section 3 of Chapter 33, Revised Statutes 1954, sets out the powers and duties of the Commission and authorizes the Commission to promulgate rules and regulations necessary to carry out the provisions of the act.

As I understand the fact situation, a dairy is manufacturing a fluid product which has the same butterfat content as half and half as defined by Rule 25, such product composed of sweetened condensed milk, stabilizer and another ingredient which is not milk as defined by the statute. None of the ingredients come from producers.

Rule 25 provides that producers are to be paid Class 1 price for one-half by volume of sales of half and half. Rule 9 provides that no fluid milk or cream shall be sold for human consumption in a controlled area at other than butterfat percentages set out in the rules.

It appears that the rules heretofore mentioned are properly promulgated, but fail to fit the instant situation completely.

In order to effect an equitable solution, it might be well to alter the definition of half and half so as to exclude products manufactured from powdered and condensed milk and to clarify Rule 25 by adding a statement comparable to that found in Rule 23.

GAW:CBH

George A. Wathen
Assistant Attorney General