

# MAINE STATE LEGISLATURE

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Secretary  
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Maine Milk Commission  
Attorney General

The scope of review and powers of the Maine Milk Commission with respect to the transportation charges assessed by dealers against producers.

**FACTS:**

Three milk producers have petitioned the Maine Milk Commission to review the reasonableness of the charges made by a milk dealer for transporting milk from their farms to the dealer's place of business, and to establish a new schedule of charges if the schedule in existence is found to be unreasonable. Other producers do business with the dealer but did not join in the petition.

**QUESTION:**

On the facts as presented may the Commission review the entire schedule of charges, and establish a new schedule if necessary, or is the scope of the Commission's review limited to the charges assessed against the three petitioning producers?

**OPINION:**

Me. Rev. Stat. Ann., Tit. 7, § 2954 (Supp. 1966) outlines the scope of review and powers of the Commission with respect to the transportation charges assessed by dealers against producers, and reads in pertinent part as follows:

"Any interested producer . . . may petition the commission at any time to review the reasonableness of any such schedule of transportation charges . . . and, after hearing, (the commission is empowered) to disapprove and reject any schedules, then pending or theretofore in effect, found to be unreasonable, or, after hearing, to approve any such schedules found to be reasonable or to establish any new schedules deemed to be reasonable."

In our opinion the petition as presented to the Commission clearly seeks a review of the entire schedule of transportation charges made by the dealer in question, and the cited statute empowers the Commission to review the entire schedule with regard to its reasonableness.

Due process requires that the Commission seasonably notify all the producers who would be affected by any change in the present transportation charges, as well as the dealer, of the date of the hearing and the fact that review of the schedule will be undertaken.

Robert G. Fuller, Jr.  
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