

MAINE STATE LEGISLATURE

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February 12, 1976

Walter B. Steele, Exec. Secretary

Maine Milk Commission

Donald G. Alexander, Assistant

Attorney General

Producer payroll deductions

Your memorandum of January 30, 1976, requests this office's opinion as to whether certain deductions from producer's checks made by dealers at the request of producers violate the Maine Milk Statutes. Your memo does not specify any particular statutory provision which would apply to this situation. The statutes involved appear to be 7 M.R.S.A. §§ 2954, 2954-A and 2956.

No violations of these statutes result from the deductions you have described. The deductions are the result of written authorizations from producers. As such, the funds have really been paid to the producers, and thus the Maine Milk Statutes have been complied with. The dealers have simply been holding the deducted funds in trust for producers for assigned purposes. While these are not "creditor assignments" as such, no statutory problem is created because the funds in question represent independent transactions between producer and dealer separate from receipt of payment for raw milk. This conclusion is not altered by the fact that the transaction may be entered into and approved by a signed authorization before the payment is made.

DONALD G. ALEXANDER
Assistant Attorney General

DGA/ec