

FIRST SPECIAL SESSION (EMERGENCY)

ONE-HUNDREDTH LEGISLATURE

Legislative Document

No. 1674

H. P. 1221 Committee on Agriculture suggested. HARVEY R. PEASE, Clerk

Presented by Mr. Waterman of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SIXTY-ONE

AN ACT Granting Courts Power to Issue Injunctions to Enforce Milk Commission Law.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless passed as emergencies; and

Whereas, the production and distribution of milk is an industry within the State affected with a public interest; and

Whereas, the health of the public requires a continuous abundant supply of wholesome pure milk; and

Whereas, certain unfair practices have been carried on and may be carried on which are detrimental to the production, sale and distribution of wholesome milk, thereby leading to a lowering of the health standards and impairing an adequate supply of wholesome milk to the public; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 33, § 1, amended. The 3rd paragraph from the end of section 1 of chapter 33 of the Revised Statutes, which relates to the definition of "store", as amended by section 5 of chapter 384 of the public laws of 1957, is repealed and the following enacted in place thereof: ""Store" means a grocery store, dairy product store, canteen, milk vending machine operator, milk dispensing operator or any similar commercial establishment or outlet or any other sale where milk is sold to consumers for consumption off the premises where sold."

Sec. 2. R. S., c. 33, § 4, amended. Section 4 of chapter 33 of the Revised Statutes, as amended, is further amended by adding at the end, a new paragraph, as follows:

'Whenever milk produced outside the State becomes a subject of regulation by the State in the exercise of its police powers, the provisions of this chapter shall apply and the powers of the commission shall attach. After any such milk so produced shall come within the jurisdiction of this State, any sale of such milk within this State at a price less than the scheduled minimum price established in any given market shall be unlawful.'

Sec. 3. R. S., c. 33, § 9-A, additional. Chapter 33 of the Revised Statutes is amended by adding a new section 9-A, to read as follows:

'Sec. 9-A. Injunction. In addition to any other remedy set forth in this chapter for the enforcement of this chapter or any rule, regulation, order or decision of the commission, the Superior Court shall have jurisdiction upon complaint filed by the commission, or any person duly authorized to act for the commission, including but not limited to its executive secretary, to restrain or enjoin any person from committing any act prohibited by this chapter or prohibited by any rule, regulation, order or decision of the commission. If it is established upon hearing that the person charged has been or is committing any act declared to be unlawful by this chapter or is in violation of any rule, regulation, order or decision of the commission, the court shall enter a decree perpetually enjoining said person from further commission of such act or actions. In case of violation of any injunction issued under this section, the court shall summarily try and punish the person for contempt of court. The existence of other civil or criminal remedies shall be no defense to this proceeding. The commission or its authorized agent shall not be required to give or post a bond when making an application for an injunction under this section.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Atterno

2