

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2049

H. P. 1656

House of Representatives, January 2, 1974

Referred to the Committee on Agriculture. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. McKernan of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Repealing Milk Control Prices at the Retail Level.

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

R. S., T. 7, § 2954, amended. Section 2954 of Title 7 of the Revised Statutes, as amended, is further amended to read as follows:

§ 2954. Price fixing

The commission shall hold meetings on the 3rd Thursday of each calendar month, and shall appoint a time at each meeting when any producer, dealer or consumer may present complaints or suggestions for the betterment of the conditions of trade and shall endeavor to effect amicable reconciliations of differences which exist between the various milk interests, and such other meetings as are necessary to properly supervise and control the industry. The chairman shall call a meeting of the commission whenever requested in writing by any 2 members of the commission. The commission is vested with power to establish and change, after investigation and public hearing, of which due notice has been given by publishing at least 3 days prior to said hearing in appropriate newspapers, minimum prices to be paid to producers by dealers for milk received, purchased, stored, manufactured, processed, sold, distributed or otherwise handled within the State. ~~The commission shall fix and establish, after investigation and public hearing, of which due notice has been given by publishing at least 3 days prior to said hearing in appropriate newspapers, the wholesale and retail prices to be charged for milk distributed for sale within the State, wherever produced, including the following sales:~~

~~r. Dealers to dealers. By dealers to dealers;~~

2. ~~Dealers to consumers. By dealers to consumers;~~
3. ~~Stores to consumers. By stores to consumers, except for consumption on the premises where sold;~~
4. ~~Dealer to stores. By dealer to stores either for consumption on the premises or resale to consumers;~~
5. ~~Person to person. By any person not included in the foregoing classifications to another person;~~
6. ~~Producers to dealers. By producers to dealers.~~

~~Sales by producers of raw milk produced and sold to consumers on the premises of the producer are excluded from this chapter in respect to such sales.~~

The commission in its discretion may waive public hearing when the sole change to be made in minimum prices is to conform with orders of any federal agency, duly authorized by law to determine prices.

The commission is vested with power to establish and change, after investigation and public hearing, classifications of milk according to its various usages, and shall specify to what classification the prices fixed and established under this chapter shall apply.

~~The dealer to dealer prices for all sales shall be established only in such market areas as are necessary for the stabilizing of market conditions. All sales between dealers shall be considered milk of such classification as the commission by appropriate rules may provide.~~

~~No price shall be established for any one or more of said sales unless at the same time a price shall be established for all of said sales in any market.~~

Prices so fixed shall be just and reasonable taking into due consideration the public health and welfare and the insuring of an adequate supply of pure and wholesome milk to the inhabitants of this State under varying conditions in various marketing areas, seasonal production and other conditions affecting the cost of production, transportation and marketing in the milk industry, including a reasonable return to the producer ~~and dealer.~~

~~Upon fixing said minimum prices in any market which shall apply to the various classifications of milk and which may vary in the several market areas of the State, the commission shall furnish all dealers registered in said market with a schedule of such prices, and shall publish a schedule thereof in appropriate newspapers in said market. Such order shall become effective in accordance with Title 5, chapters 301 to 307 and thereafter no dealer, store or other person handling milk in such market shall buy or offer to buy, sell or offer to sell milk for prices less than the scheduled minimum prices established for that market.~~

Any dealer may deduct an allowance for transportation from the producer's farm to the dealer's dairy plant pursuant to a reasonable schedule of charges filed with the commission, with a copy to each affected producer, at least 30

days prior to the proposed effective date. Any interested producer or any organization representing producers may petition the commission at any time to review the reasonableness of any such schedule of transportation charges, and the commission is empowered to suspend proposed schedules pending hearing, and, after hearing, 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. It shall be incumbent upon the dealer to substantiate the reasonableness of the schedule of the transportation charges filed; and in the absence of said evidence, the schedule of charges filed shall be deemed unreasonable.

~~It shall be unlawful for any person to engage in any practice destructive of the scheduled minimum prices for milk established under this chapter for any market, including but not limited to any discount, rebate, gratuity, advertising allowance or combination price for milk with any other commodity. In addition to any penalty otherwise provided by law, the commission after notice and hearing may prohibit any such practice, and any person feeling himself aggrieved by any order of the commission issued under this chapter may appeal to the Superior Court.~~

The minimum prices established for sales of milk by producers to dealers may, if such sales are made by bulk tank, be increased by such amounts per hundredweight as may be determined by the commission. Violation of this paragraph shall be sufficient cause for the ~~Maine Milk~~ commission to revoke or withhold a dealer's license.

~~Whenever milk produced outside the State becomes a subject of regulation by the State in the exercise of its police powers, 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.~~

STATEMENT OF FACT

The intent of this Act is clearly stated in the title.