

MAINE STATE LEGISLATURE

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L.D. 1711

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-601)
110TH LEGISLATURE
SECOND REGULAR SESSION

6 COMMITTEE AMENDMENT "A" to H.P. 1726, L.D. 1711, Bill,
7 "AN ACT to Protect Maine Milk Producers from Abrupt Loss of
8 Markets."

9 Amend the Bill in section 2 by striking out all of that
10 part designated "§2903-A." and inserting in its place the
11 following:

12 §2903-A. Refusal to purchase

13 1. Notice of refusal. A milk dealer who has a verbal
14 or written contract with a milk producer for the purchase of
15 milk shall not refuse to continue to purchase milk under the
16 contract without first giving notice to the producer in ac-
17 cordance with this section. The dealer shall give written
18 notice of intent to refuse to purchase to the producer and
19 to the commissioner. The notice shall state the date upon
20 which the refusal will become effective.

21 A. Except as provided in paragraph B, the refusal
22 shall not become effective until 30 days following the
23 milk dealer's notice of intent to refuse to purchase
24 milk from the producer.

25 B. If a milk dealer's refusal to continue to purchase
26 milk is based on failure of the producer's milk to meet
27 the milk dealer's quality criteria or the Interstate
28 Milk Shipments Conference Standards, whichever is
29 applicable, the refusal may become effective on less
30 than 30 days' notice. Upon issuance of notice of
31 intent to refuse purchase because of failure to meet
32 the criteria or standards, the dealer shall cause a
33 sample of the refused milk to be taken immediately and
34 transferred to the commissioner for testing in the
35 state central laboratory. Upon receipt of the test
36 results that the sample does not meet the milk dealer's
37 quality criteria or the Interstate Milk Shipments Con-
38 ference Standards, whichever is applicable, refusal to

1 COMMITTEE AMENDMENT "A" to H.P. 1726, L.D. 1711

2 continue to purchase shall become effective immedi-
3 ately. Notice shall be given to the producer by the
4 dealer immediately upon his receipt of the test
5 results. The state central laboratory shall mail the
6 results of the test to the milk dealer and milk pro-
7 ducer.

8 2. Challenge of refusal; adjudicatory hearing. If the
9 producer or dealer desires to question the refusal to pur-
10 chase or the test given under paragraph B, he may do so
11 within 10 days after receipt of the notice from the dealer
12 of the test results by requesting, in writing, that the com-
13 missioner conduct an adjudicatory hearing pursuant to the
14 Maine Administrative Procedure Act, Title 5, chapter 375.
15 If a request for hearing is made by the milk dealer, refusal
16 to purchase shall not become effective until the hearing is
17 held and a decision upholding the dealer's refusal has been
18 issued by the commissioner. The decision of the commis-
19 sioner as to the reasonableness of the dealer's refusal to
20 purchase shall be considered final agency action for pur-
21 poses of the Maine Administrative Procedure Act.

22 STATEMENT OF FACT

23 This amendment requires 30 days' advance notice instead
24 of 45 days' notice as originally proposed, before a licensed
25 milk dealer in the State may discontinue purchase of milk
26 from a Maine producer, unless refusal to purchase is based
27 on failure to meet the milk dealer's quality criteria or the
28 Interstate Milk Shipments Conference Standards.

29 This amendment also clearly stipulates that a challenge
30 of refusal to purchase can only be posed when questions
31 exist regarding the quality determinations made in the loss
32 of the producer's milk market.

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Reported by the Committee on Agriculture.
Reproduced and distributed under the direction of the Clerk
of the House.

2/19/82

(Filing No. H-601)