

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 479

House of Representatives, March 11, 1913.

*Tabled pending reference to a committee, by Mr. Farrar of
Ripley, and ordered printed.*

W. R. ROIX, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

AN ACT relating to foreign dealers in Dairy Products.

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

Section 1. No foreign corporation or co-partnership and
2 no person residing outside the state shall transact or carry
3 on a butter, cheese, cream, milk or condensed milk business
4 in this state unless such corporation, co-partnership or per-
5 son first obtains a license from the commissioner of agri-
6 culture authorizing them so to do, and files a bond as here-
7 inafter provided. Before such corporation shall receive
8 such license, it shall file an application therefor with the sec-
9 retary of state and a certified copy of its charter or articles
10 of association and its by-laws, and a certificate verified by

11 its secretary or clerk of its several duly qualified officers.
12 Before such co-partnership shall receive such license, it shall
13 file with the secretary of state a list of names of the indi-
14 viduals composing such co-partnership. The commissioner
15 of agriculture may require such corporation, co-partnership
16 or person to furnish such further information relative to
17 its organization or business as he may deem proper under
18 the provisions of this act.

Sect. 2. Upon the filing of such application and copy and
2 certificate or such list of partners in case of a co-partner-
3 ship, and the bond hereinafter provided for, and upon the
4 payment of a license fee of five dollars, the commissioner
5 of agriculture shall grant a license authorizing such corpo-
6 ration, co-partnership or person to do business in this state
7 until the first day of April thereafter, unless sooner revoked;
8 and annually thereafter, on the first day of April, such
9 license may, upon application, be renewed upon the pay-
10 ment of a like fee and the filing of the certificate or list of
11 co-partners provided for in the preceding section and upon
12 the giving of a bond as hereinafter provided. Such license
13 may be revoked by the commissioner of agriculture for a
14 violation of a provision of this act or of the general law of
15 this state.

Sect. 3. Before issuing a license as hereinbefore provided
2 the commissioner of agriculture shall require such corpo-
3 ration, co-partnership or person to file in the office of the
4 secretary of state for the benefit of its patrons in this state

5 a good and sufficient surety bond, executed by a surety com-
6 pany duly authorized to do business in this state in such
7 sum as the commissioner of agriculture shall direct, which
8 sum shall not be less than five thousand dollars if the obligor
9 has not done business in the state during the last preceding
10 year, and may be in such further sum as the commissioner
11 of agriculture shall determine, upon a thorough investiga-
12 tion of the financial condition of such corporation, co-part-
13 nership or person. If such corporation, co-partnership or
14 person has done business in the state during the last pre-
15 ceding year, such bond shall be fixed in a sum twenty-five
16 per cent in excess of the maximum amount disbursed by
17 said corporation, co-partnership or person to its patrons in
18 this state in any one month during the last preceding year.
19 In fixing the amount of the bond last above referred to the
20 commissioner of agriculture shall require such corporation,
21 co-partnership or person to file in the office of the secretary
22 of state a sworn statement of its monthly disbursements in
23 this state during the last preceding year.

The commissioner of agriculture may, at any time in his
25 discretion, require such corporation, co-partnership or per-
26 son to file in like manner detailed statements of the business
27 transacted by it in this state, and may at any time require
28 it to give additional bonds if in his judgment such further
29 security becomes necessary for the protection of the patrons
30 of such corporation, co-partnership or person in this state.

Sect. 4. Such corporation, co-partnership or person may

2 contract with its patrons for the payment of the several
3 sums due them for butter, cheese, cream and milk at such
4 times and in such manner as may be mutually agreed upon,
5 but in the absence of agreement in respect thereto such pay-
6 ment shall be due and payable on the fifteenth day of each
7 month for all butter, cheese, milk and cream delivered or
8 furnished during the preceding calendar month. At the
9 time payment is made as aforesaid such corporation, co-
10 partnership or person shall furnish to each patron a state-
11 ment of the number of pounds of butter, cheese, cream and
12 milk delivered or furnished by him during the period covered
13 by the payment so made, together with the price allowed
14 for the same.

Sect. 5. If such corporation, co-partnership or person
2 shall, for a space of ten days after the date agreed upon for
3 the payment of the several amounts due its patrons, and
4 without the consent of such patrons, fail to pay them the
5 several amounts their due for butter, cream, cheese or milk
6 delivered or furnished by them; or, in case no agreement
7 as to time and manner of payment shall be made by and
8 between such corporation, co-partnership or person and its
9 patrons, if such corporation, co-partnership or person shall,
10 on or before the twenty-fifth day of any month, without the
11 consent of its patrons, fail to pay them or any of them the
12 several amounts their due for butter, cheese, milk and cream
13 delivered or furnished by them for the preceding calendar
14 month, such corporation, co-partnership or person shall by

15 reason of such non-payment be in default as to all patrons
16 whose butter, cheese, milk and cream accounts shall then
17 remain unpaid in full, and the bond hereinbefore provided
18 shall be forfeited to the extent of all sums then due from
19 such corporation, co-partnership or person to its several
20 patrons in this state, and by virtue of such default the con-
21 dition of its said bond shall be deemed to be broken.

Sect. 6. All bonds required and furnished under the pro-
2 visions of this act shall be given to the commissioner of
3 agriculture as trustee of the corporation, co-partnership or
4 person furnishing the same, for each and all of the patrons
5 in this state and shall be conditioned for the faithful per-
6 formance by such corporation, co-partnership or person of
7 all the acts prescribed for, and all the conditions imposed
8 upon, such corporation, co-partnership or person by this
9 act or any amendments thereof, and for compliance by such
10 corporation, co-partnership or person with all the general
11 laws of this state now in force or hereafter enacted. Upon
12 breach of the condition of said bond the commissioner of
13 agriculture shall upon application by a patron of such com-
14 pany whose account for butter, cheese, cream or milk shall
15 remain unpaid as hereinbefore provided, institute appropri-
16 ate proceedings thereon in his name as trustee for the benefit
17 of all the patrons of such corporation, co-partnership or
18 person to whom it may be indebted at the time such proceed-
19 ings shall be instituted.

Sect. 7. Such corporation, co-partnership or person shall

2 file in the town clerk's office in each town where it does busi-
3 ness, a duplicate of its license. The commissioner of agri-
4 culture shall receive one dollar for each duplicate license.