

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 571

H. P. 1083

House of Representatives, Feb. 8, 1933.

Referred to Committee on Agriculture and 500 copies ordered printed.

Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Osgood of Fryeburg.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-
THREE

AN ACT Requiring the Licensing of Operators of Creameries or Milk
Distributing Plants.

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

Sec. 1. Definitions. As used in this act the term "creamery" shall be held to mean a place, building or establishment where milk and/or cream is received from producers for the purpose of manufacture, and the term "milk distributing plant" shall be held to mean a place, building or establishment where milk and/or cream is received, handled or processed for resale as milk or cream. Neither term shall be held to mean producers who are regularly engaged in the business of dairying and who may purchase milk and/or cream as a supplement to their own supply for delivery to consumers within the state.

Sec. 2. Licenses. No person, firm or corporation buying milk or cream from producers within this state shall operate a creamery or milk distributing plant where milk or cream is received or purchased from producers for sale or resale, or for manufacture, unless licensed by the commissioner of agriculture. Application, upon a form prescribed by the commissioner, shall be made on or before December 1st in each year, for the license year beginning January 1st following. The applicant shall satisfy the said commissioner of his or its financial responsibility and good faith in seeking to operate such creamery or milk distributing plant. The commissioner of

agriculture if so satisfied, shall issue to such applicant, on payment of \$5.00, a license entitling the applicant to operate such creamery or milk distributing plant within the state until the 1st day of January next following. The license may designate the place, or places, where such creameries or milk distributing plants are to be operated. A license shall not be so issued unless the applicant shall execute and file with the application a bond, or shall be relieved from filing a bond as provided in section 4.

Sec. 3. Bonds; action thereon. The bond required by the preceding section shall be upon a form prescribed by the commissioner of agriculture, shall be in the sum fixed by the said commissioner, but not less than \$2,000, shall be executed by a surety company authorized to do business in this State and shall be conditioned upon the prompt payment, by the licensee of all amounts due to producers for milk or cream sold by them to such licensee during the license year. Upon default by the licensee of the conditions of the bond if there is reason to believe that the licensee owes for purchase of milk or cream from producers, the commissioner shall give reasonable notice for all such producers to file verified claims and may fix a limited time within which such claims must be filed. The commissioner shall examine claims so filed and determine the amounts due thereon. He shall then bring an action upon the bond and for the purposes of such action the certificate determining the amounts due shall be presumptive evidence of the facts therein stated. If the recovery on the bond is not sufficient to pay all claims as finally determined, then it shall be divided pro rata among them. The commissioner of agriculture may at any time, in his discretion require such creamery or milk distributing plant to file with him detailed statements of the business transacted by it in this state, but the information so given shall be held as confidential by him. In case such creamery or milk distributing plant shall refuse or neglect to file such detailed statement or to give bond as required by the commissioner, he may suspend the license of such creamery or milk distributing plant until such time as it shall comply with his requirements.

Sec. 4. Exemption from filing bond. No creamery or milk distributing plant shall be required to file a bond as provided in the preceding sections if all of its patrons consent in writing that such bond need not be given, and such written agreement is duly executed and filed with the commissioner of agriculture nor if all of its patrons are stockholders therein. If such written agreement is filed, and other persons become patrons of such company, such company shall notify said commissioner of the names and post addresses of said persons within 5 days after they become patrons of such company and shall also file a written waiver signed by such additional patrons.

This act shall take effect December 1st, 1933, but no such creamery, milk gathering station, manufactory or plant shall be required to furnish bond until January 1st, 1934.