

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 650

S. P. 349

In Senate, February 17, 1943.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Woodbury of Waldo.

STATE OF MAINE

**IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE**

AN ACT Relating to Buyers and Sellers of Milk and Cream.

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

Sec. 1. R. S., c. 42, § 41, amended. Section 41 of chapter 42 of the revised statutes is hereby amended to read as follows:

'Sec. 41. Commissioner may inspect weighing, testing, and sampling apparatus and order same condemned. The commissioner of agriculture, or his deputy, may enter the premises of any creamery, cheese factory, condensary, or receiving station for milk or cream, and may inspect all apparatus and materials used for making tests for the purpose of determining the accuracy of the same, and for ascertaining whether the provisions of sections 26, 27, 28, and 29 are being complied with. Said commissioner of agriculture may order any **weighing, testing and sampling** apparatus to be repaired or may condemn the same or any part thereof or any materials used in making tests, and may give such instructions regarding **weighing, sampling and** the making of tests as he deems proper.'

Sec. 2. R. S., c. 42, § 24, amended. Section 24 of chapter 42 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 24. Milk to be weighed and tested by Babcock test. All milk or

cream purchased by any person, firm, or corporation, for use in or to be resold by any creamery in this state, at the option of the seller or producer, shall be weighed and shall be tested by the Babcock test to ascertain the amount of butter-fat per pound therein contained; and the value of the cream or milk thus purchased shall be determined by the amount of butter-fat per pound as thus ascertained. Sellers or producers as aforesaid who are making regular or daily delivery of milk or cream to the same purchaser that desire to sell said products as herein provided, shall give to the purchaser 10 days' written notice of their desire to make future sales in accordance with the provisions hereof. The test herein provided shall be made by the owners or operators of the creamery purchasing as aforesaid or by the commissioner of agriculture or his deputies; ~~but upon petition in writing, signed by 25% or more of the patrons of any creamery and addressed to the commissioner of agriculture, or upon petition in writing signed by the owner or operator of any creamery and addressed to said commissioner, + or more tests shall be made by, or under the direction of said commissioner, and the finding of said commissioner shall be conclusive upon all parties therein concerned; provided, however, that when the total number of patrons of any + creamery exceeds 100 then the number of petitioners herein required need not exceed 30.~~ All samples of cream tested by said test shall be weighed and the standard unit for testing shall be 18 grams.

Every person, firm, or corporation purchasing milk or cream under the weight and test basis of the provisions of this section shall pay a fee of 2c per hundredweight for all milk and cream purchased. One cent per hundredweight may be deducted from the amount paid to all milk producers. All such fees and money shall be paid monthly to the commissioner of agriculture on or before the 10th of the succeeding month and the purchasers of the aforesaid milk and cream shall make such reports on blanks, furnished by the commissioner of agriculture as he shall direct. The commissioner of agriculture or his deputies may weigh, sample, and test all milk and cream purchased on the weight and test basis by any person, firm, or corporation to determine the basis of payment for said milk and cream. All findings determined by the commissioner of agriculture or his deputies shall be conclusive upon all parties concerned and shall be used as the basis of payment for said milk and cream. All such fees and money thus collected for such services rendered by the commissioner of agriculture shall be paid by him to the treasurer of state; and the aforesaid funds and money are appropriated for the purposes of this chapter. Any unexpended balance from such funds, thus appropriated, shall not lapse, but shall be carried forward to the same fund for the next fiscal year.'