

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1345**

H. P. 1960

House of Representatives, March 11, 1949

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

HARVEY R. PEASE, Clerk

Presented by Mr. Wight of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT Limiting Milk Control to Producers.**

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

**Sec. 1. R. S., c. 28, § 1, amended.** The 3rd paragraph of section 1 of chapter 28 of the revised statutes, which relates to the definition of "dealer" is hereby repealed and the following enacted in place thereof:

**"Dealer" means milk dealer, including any person, store, sub-dealer or producer-dealer, who purchases, receives or handles milk within the state for sale, shipment, storage, processing, manufacturing or other disposal within or without the state.'**

**Sec. 2. R. S., c. 28, § 1, amended.** The 5th paragraph of section 1 of chapter 28 of the revised statutes, which relates to the definition of "producer-dealer", and the 11th, 12th and 13th paragraphs of said section 1, which relates to the definitions of "store", "retail sale" and "wholesale sale" are hereby repealed.

**Sec. 3. R. S., c. 28, § 2, amended.** The 1st sentence of section 2 of chapter 28 of the revised statutes is hereby amended to read as follows:

'The milk control board, as heretofore established, shall consist of 2 producers, ~~a dealer~~ 2 dealers and ~~a producer dealer~~ 2 members to represent

consumers, these 2 to be in no way connected with the milk industry, all of whom shall be residents of the state.'

**Sec. 4. R. S., c. 28, § 4, amended.** Section 4 of chapter 28 of the revised statutes as amended by section 3 of chapter 293 of the public laws of 1945, is hereby further amended to read as follows:

'**Sec. 4. Price fixing, when authorized.** The board 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 board whenever requested in writing by any 2 members of the board. The board is vested with power to establish and change, after investigation and public hearing, 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 board 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:~~

- I. ~~By dealers to dealers~~
- II. ~~By dealers to consumers~~
- III. ~~By stores to consumers, except for consumption on the premises where sold~~
- IV. ~~By dealer to stores either for consumption on the premises or resale to consumers~~
- V. ~~By any person not included in the foregoing classifications to another person~~
- VI. ~~By producers to dealers~~

~~The board 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 dealer to dealer prices for all sales shall be established only in such market areas as are necessary for the stabilizing of market con-~~

ditions, but all such sales between dealers shall be considered Class I milk

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 insuring of an adequate supply of pure and wholesome milk and conditions affecting the milk industry, including a reasonable return to the producer and dealer.

Upon fixing said minimum ~~prices~~ **producer price** in any market ~~which shall apply to the various grades and classes of milk and~~ which may vary in the several market areas of the state, the board shall ~~furnish~~ **notify** all dealers registered in said market ~~with a schedule of such prices~~ **price**, and shall publish ~~a schedule thereof~~ **such price** in appropriate newspapers in said market, and such publication shall constitute an official order with respect to ~~the minimum prices~~ **price** 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 applicable to the particular transaction~~ **a lower price**.

Any dealer who purchases or receives milk for sale as consignee or agent of a producer may deduct an allowance for transportation not in excess of the amount specified in a written agreement between the dealer and producer, a copy of which, signed by both parties, shall have been filed with the board prior to the beginning of the delivery period.

No method or device shall be lawful whereby milk is bought or sold at prices less than the scheduled minimum applicable to the transaction whether by any discount, rebate, free service, advertising allowance, combination price for milk with any other commodity, or for any other consideration.