

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1169

H. P. 1033

House of Representatives, February 26, 1953.

Referred to Committee on Agriculture. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Riley of Livermore Falls.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Limiting Milk Control to Producers.

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3rd paragraph of section 1 of chapter 28 of the revised statutes, which relates to the definition of "dealer" is hereby repealed and the following enacted in place thereof: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. Section 1 of chapter 28 of the revised statutes, as amended, is hereby further amended by repealing the paragraphs thereof which relate to “producer-dealer”, “store”, “retail sale” and “wholesale sale”.

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

‘The Maine milk commission, as heretofore established, shall consist of 2

producers, ~~a~~ 1 dealer, ~~a~~ 1 producer dealer and ~~a~~ 1 consumer the latter 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 R. S., c. 28, § 4, repealed and replaced. Section 4 of chapter 28 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 4. Price fixing. The commission 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 commission whenever requested in writing by any 2 members of the commission. The commission is vested with power to establish and change, only 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, of which due notice has been given by publishing at least 3 days prior to said hearing in appropriate newspapers. These changes in price shall only be made upon evidence given at said public hearings and in no way shall this commission adopt other pricing. Any regulations heretofore shall be void unless the same shall be incorporated by legislative action.

Prices so fixed shall be just and reasonable taking into due consideration cost of production, local economic conditions, thus insuring an adequate supply of pure and wholesome milk and conditions affecting the milk industry, including a reasonable return to the producer.

Upon fixing said minimum producer price in any market which may vary in the several market areas of the state, the commission shall notify all dealers registered in said market of such price, and shall publish such price in appropriate newspapers in said market, and such publication shall constitute an official order with respect to the minimum price and thereafter no dealer or other person handling milk in such market shall buy or offer to buy, sell or offer to sell milk for 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 commission prior to the beginning of the delivery period.

A producer shall be paid at least twice monthly by his dealer and the commission shall upon written complaint of any producer not receiving payment for milk, revoke license of said dealer until settlement is made.'

Sec. 5. R. S., c. 28, § 4-A, additional. Chapter 28 of the revised statutes is hereby amended by adding thereto a new section to be numbered 4-A, to read as follows:

'Sec. 4-A. Surplus conditions; price. No milk shall be transferred in Maine markets to create surplus conditions. All milk sold in Maine as fluid milk or to take the place of fluid milk shall be sold for the price of Class I.'