

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the current law requiring dealers to accept an unlimited number of returnable beverage containers from any one person creates severe problems for many store owners with respect to cash flow, storage space and personnel; and

Whereas, the current law imposes an especially unfair burden on smaller dealers who are, in the aforementioned respects, less able to handle unlimited numbers of returnables; and

Whereas, this burden may pose an immediate threat to the livelihood of some smaller dealers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

32 MRSA § 1866, sub-§ 2-A is enacted to read:

2-A. Limitation or number of returnables accepted. A dealer may limit the total number of beverage containers which he will accept from any one consumer or other person in any one business day to 240 containers, or any other number greater than 240.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 15, 1979

CHAPTER 451

H. P. 121 — L. D. 138

AN ACT Concerning Remedies under the Unfair Trade Practices Statutes.

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

5 MRSA § 213, sub-§ 1, as amended by PL 1973, c. 788, § 13, is further amended

by adding at the end the following new sentence:

There shall be a right to trial by jury in any action brought under this section.

Effective September 14, 1979

CHAPTER 452

H. P. 206 — L. D. 254

AN ACT to Amend the Law Relating to the Maine Milk Tax Committee.

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

Sec. 1. 36 MRSA § 4502, is repealed and the following enacted in its place:

§ 4502. Definitions

As used in this chapter unless the context otherwise indicates, the following terms shall have the following meanings.

1. Dealer. "Dealer" means any person who purchases or receives milk for sale as the consignee or agent of a producer, or handles milk for sale, shipment, storage or processing within the State and shall include a producer-dealer, or a store.

2. Milk. "Milk" means cows' milk and shall include cream in the proportion that one quart of cream shall be considered the equivalent of 4 quarts of milk.

3. Producer. "Producer" means any person who produces milk and sells milk to a dealer.

4. Producer-dealer. "Producer-dealer" means any dealer who himself produces a part or all of his milk and sells milk other than to a dealer.

5. Class 1 milk. "Class 1 milk" means:

A. All fluid milk sold, distributed or disposed of as or in milk which contains not more than 11% butterfat and skim milk and cultured buttermilk sold for human consumption; and

B. All milk products sold, distributed or disposed of for human consumption as or in flavored milk and flavored skim milk.

6. Board. "Board" means the Maine Dairy Promotion Board.