

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
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3, SECTION 164, SUBSECTION 6.**

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

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that date, that the revenues raised by this Act have been used for the Bureau of Marine Patrol.

Effective September 18, 1981, unless otherwise indicated

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## CHAPTER 481

H. P. 1660 — L. D. 1688

**AN ACT to Establish Temporary Minimum Prices to be Paid to Milk Dealers and Retailers and to Facilitate Compliance of the Milk Commission with Recent Cases before the Maine Courts.**

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

Whereas, under the criteria announced by the Supreme Judicial Court it is possible that no order of the commission prior to Order 80-6 other than Order 80-5 can now be regarded as valid with respect to dealer margins; and

Whereas, as a result of the decisions by the Superior Court and the Supreme Judicial Court for the first time since 1935 no minimum dealer and retailer prices currently exist; and

Whereas, the Maine Milk Commission does not have the data, staff and other resources necessary to promptly adopt a valid order to establish dealer and retailer minimum; and

Whereas, the production and distribution of milk is an industry within the State affected with a public interest; and

Whereas, the absence of valid, enforceable dealer and retailer minimum prices for even a short period of time will cause serious and potentially permanent economic dislocations for the milk industry of this State; and

Whereas, the only feasible solution to this problem is for the Legislature to enact temporary dealer and retailer minimum prices while giving the Maine Milk Commission the time and resources to adopt a valid enforceable order for dealer and retailer minimum prices; 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:**

**Sec. 1.** 7 MRSA § 2956, 3rd ¶, as repealed and replaced by PL 1975, c. 770, § 45, is amended to read:

Each licensed dealer shall pay to said the commission an annual license fee of \$1 and the sum of ~~3¢~~ 5¢ per hundredweight as monthly payments, based on quantity of milk purchased or produced in any market area, or purchased or produced in an uncontrolled area and sold in any market area. ~~One~~ Two and one-half cents per hundredweight may be deducted by dealers from amounts paid by them to producers of such milk, except that the milk farm-processed into cream for the manufacture of butter shall not be subject to such sums of ~~3¢~~ 5¢ per hundredweight.

**Sec. 2.** 7 MRSA § 2961 is enacted to read:

**§ 2961.** Temporary minimum prices to be paid to dealers and retailers for the sale of milk

Notwithstanding any other provision of this chapter, minimum prices to be paid to dealers and retailers for the sale of milk shall be as provided in this section.

1. **Purpose.** The purpose of this section is to provide the Maine Milk Commission with an interim basis for establishing minimum prices to be paid to dealers and retailers for the sale of milk as authorized by this chapter pending an opportunity for the commission to establish a new pricing order in full compliance with all the requirements of this chapter, as interpreted by *Cumberland Farms Northern, Inc. v. Maine Milk Commission, Me.*, 377 A.2d 84 (1977) and *Cumberland Farms Northern, Inc. v. Maine Milk Commission*, Law Docket No. Cum-80-52, decided April 23, 1981, "Cumberland Farms, 1981."

2. **Interim minimum prices.** Except as provided in subsections 3 and 4, the minimum prices to be paid to dealers and retailers for the purchase or sale of milk in the market areas heretofore established by the commission shall be those contained in Maine Milk Commission Order 81-6, adopted April 30, 1981.

3. **Adoption of order.** No later than January 10, 1982 the Maine Milk Commission shall adopt an order establishing minimum dealer and retailer prices in accordance with this chapter in effect immediately prior to the effective date of this section. The prices established by the commission pursuant to this subsection shall supersede the prices established pursuant to subsection 2.

4. **Changes in prices.** Notwithstanding subsections 2 and 3, the commission shall adopt orders which shall adjust the prices established pursuant to those subsections to reflect changes in producer prices established pursuant to section 2954, subsection 2, paragraph A.

5. **Automatic termination.** This section shall terminate no later than January 10, 1982 or upon the effective date of an order of the commission issued pursuant to subsection 3.

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

Effective June 19, 1981

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## CHAPTER 482

H. P. 1513 — L. D. 1632

**AN ACT to Authorize the Public Utilities Commission to Purchase Electric Energy for Resale on a Nonprofit Basis to Electric Utilities Serving this State.**

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

Whereas, the State currently has no ability to negotiate for the purchase of electric energy from Canada; and

Whereas, such ability will greatly enhance the security of supply of electricity to the people of Maine and may, in some instances, result in lower electricity prices; and

Whereas, Canadian authorities have recently made clear their willingness to negotiate with the State of Maine for the sale of electric energy; and

Whereas, that opportunity could be lost by undue delay; 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:**

35 MRSA § 2328 is enacted to read:

**§ 2328. Purchase and resale of electric energy or capacity by Public Utilities Commission**

**The Public Utilities Commission, when authorized by the Governor, shall represent the State in negotiating, contracting for and purchasing electric energy generated outside of the State, and in reselling the purchased energy to electric companies serving this State, as defined in chapter 1, when the commission determines that the purchases and resales will serve the energy needs of the State in a manner consistent with the public interest. As used in this section, the term**