

# MAINE STATE LEGISLATURE

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

ONE HUNDRED AND TENTH LEGISLATURE

**SECOND SPECIAL SESSION**

September 25, 1981

AND

**THIRD SPECIAL SESSION**

December 9, 1981

AND

**SECOND REGULAR SESSION**

January 6, 1982 to April 13, 1982

AND AT THE

**FOURTH SPECIAL SESSION**

April 28, 1982 to April 29, 1982

AND AT THE

**FIFTH SPECIAL SESSION**

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co.  
Augusta, Maine  
1981

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

AS PASSED AT THE  
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

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## CHAPTER 573

H.P. 1723 - L.D. 1708

### AN ACT to Define Open Firearm Season on Deer.

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

12 MRSA §7001, sub-§25-A is enacted to read:

25-A. Open firearm season on deer. "Open firearm season on deer" means the time during which it is lawful to hunt deer with a firearm, including the special muzzle-loading season as described in section 7107.

Effective July 13, 1982.

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## CHAPTER 574

H.P. 1726 - L.D. 1711

### AN ACT to Protect Maine Milk Producers from Abrupt Loss of Markets.

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

Sec. 1. 7 MRSA §2902, 2nd ¶, as last amended by PL 1979, c. 672, Pt. A, §34, is further amended by adding after the first sentence a new sentence to read:

In applying, the milk dealer consents to comply with chapter 609 for the duration of his license.

Sec. 2. 7 MRSA §2903-A is enacted to read:

§2903-A. Refusal to purchase

1. Notice of refusal. A milk dealer who has a verbal or written contract with a milk producer for the purchase of

milk shall not refuse to continue to purchase milk under the contract without first giving notice to the producer in accordance with this section. The dealer shall give written notice of intent to refuse to purchase to the producer and to the commissioner. The notice shall state the date upon which the refusal will become effective.

A. Except as provided in paragraph B, the refusal shall not become effective until 30 days following the milk dealer's notice of intent to refuse to purchase milk from the producer.

B. If a milk dealer's refusal to continue to purchase milk is based on failure of the producer's milk to meet the milk dealer's quality criteria or the Interstate Milk Shipments Conference Standards, whichever is applicable, the refusal may become effective on less than 30 days' notice. Upon issuance of notice of intent to refuse purchase because of failure to meet the criteria or standards, the dealer shall cause a sample of the refused milk to be taken immediately and transferred to the commissioner for testing in the state central laboratory. Upon receipt of the test results that the sample does not meet the milk dealer's quality criteria or the Interstate Milk Shipments Conference Standards, whichever is applicable, refusal to continue to purchase shall become effective immediately. Notice shall be given to the producer by the dealer immediately upon his receipt of the test results. The state central laboratory shall mail the results of the test to the milk dealer and milk producer.

2. Challenge of refusal; adjudicatory hearing. If the producer or dealer desires to question the refusal to purchase or the test given under paragraph B, he may do so within 10 days after receipt of the notice from the dealer of the test results by requesting, in writing, that the commissioner conduct an adjudicatory hearing pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375. If a request for hearing is made by the milk dealer, refusal to purchase shall not become effective until the hearing is held and a decision upholding the dealer's refusal has been issued by the commissioner. The decision of the commissioner as to the reasonableness of the dealer's refusal to purchase shall be considered final agency action for purposes of the Maine Administrative Procedure Act.