

SENATE No. 431

To accompany the petition of James C. Gahan, Jr., for legislation to establish an office of milk industry in the Department of Agriculture, to establish a position of director of said office and to transfer to said office the powers and duties of the Milk Control Board. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

AN ACT TO ESTABLISH AN OFFICE OF MILK INDUSTRY IN THE DEPARTMENT OF AGRICULTURE AND TO ESTABLISH A POSITION OF DIRECTOR OF THE OFFICE OF MILK INDUSTRY AND TO TRANSFER TO SAID OFFICE ALL THE FUNCTIONS, DUTIES, POWERS AND RECORDS OF THE MILK CONTROL BOARD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There is hereby established in the
2 Department of Agriculture an office of milk industry
3 which shall be under the immediate supervision of a
4 director, who shall be appointed by the governor,
5 with the advice and consent of the council; the term
6 of office shall be for three years and each person ap-
7 pointed to said office shall serve until his successor
8 is appointed and has qualified.

9 The director of the office of milk industry shall
10 receive such salary as shall be provided by law. He

11 may be removed from office by the governor, for
12 cause, upon notice and opportunity to be heard.

1 SECTION 2. Except as otherwise provided herein
2 the functions, powers, duties, records and property
3 of the present director of milk control and the milk
4 control board are hereby transferred to and vested
5 in the office of milk industry established hereunder,
6 to be exercised and used by the director thereof pur-
7 suant to the provisions of this act and as otherwise
8 provided by law.

1 SECTION 3. The commissioner of agriculture shall
2 provide the office of milk industry with such clerical,
3 technical and other personnel as he shall deem neces-
4 sary, after consultation with the director of said
5 office, for the proper discharge of the duties imposed
6 upon such director. The commissioner of agriculture
7 shall fix the compensation of persons thus assigned
8 to the office of milk industry, within the limits of
9 available appropriations therefor.
10 The director of the office of milk industry shall
11 prescribe the duties of all persons thus assigned to said
12 office.

1 SECTION 4. Such employees of the milk control
2 board, except as otherwise provided in this act, as the
3 commissioner of agriculture may determine are needed
4 for the proper performance of the additional functions
5 and duties of the department of agriculture prescribed
6 herein, are hereby transferred to the department of
7 agriculture established hereunder. Persons so trans-
8 ferred shall be assigned to such duties as the com-
9 missioner of agriculture shall determine.

10 Such employees of the present director of milk
11 control, except as otherwise provided in this act, as the
12 commissioner of agriculture may determine are needed
13 for the proper performance of the duties of the director
14 of the office of milk industry are hereby transferred
15 to the office of milk industry established hereunder.
16 Persons so transferred shall be assigned to such
17 duties as the director of the office of milk industry
18 shall determine.

1 SECTION 5. Nothing in this act shall be construed
2 to deprive any person of any right or protection pro-
3 vided him by the civil service statutes and/or under
4 any pension or retirement system of the common-
5 wealth.

1 SECTION 6. The milk control board and the exist-
2 ing office of director of milk control are hereby
3 abolished. The terms of office of the present members
4 of the milk control board shall expire on the effective
5 date of this act.

1 SECTION 7. All appropriations available and to
2 become available to the milk control board and to
3 the existing office of director of milk control abolished
4 by this act are hereby transferred to the department
5 of agriculture.

6 The records and property of the milk control board
7 are hereby transferred to the department of agri-
8 culture.

1 SECTION 8. The orders, rules and regulations here-
2 tofore made or promulgated by the director of milk
3 control, or the milk control board, in effect on the

4 effective date hereof, shall continue with full force
5 and effect until amended or repealed pursuant to law.

1 SECTION 9. Whenever the term "director of milk
2 control" occurs or any reference is made thereto, in
3 any law, contract or document, the same shall be
4 deemed to mean or refer to the director of the office
5 of milk industry established hereunder.

1 SECTION 10. This act shall not affect actions or
2 proceedings, civil or criminal, brought by or against
3 the director of milk control or the milk control board,
4 and pending on the effective date of this act, but
5 such actions or proceedings may be prosecuted or
6 defended in the same manner and to the same effect
7 by the director of the office of milk industry estab-
8 lished hereunder, as if the foregoing provisions had
9 not taken effect; nor shall any of the foregoing provi-
10 sions affect any order or recommendation made by, or
11 other matters or proceedings before, the director of
12 milk control or the milk control board, and all such
13 matters or proceedings pending before such director
14 on the effective date of this act shall be continued by
15 the director of the office of milk industry established
16 hereunder, as if the foregoing provisions had not
17 taken effect.