

HOUSE No. 1109

By Mr. Murphy of Westfield, petition of John J. Murphy for legislation relative to the compensation, powers and duties of the Milk Control Board. Agriculture and Public Health, sitting jointly.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Eight.

AN ACT RELATIVE TO THE COMPENSATION, POWERS AND
DUTIES 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. Section four of chapter three hundred
2 and seventy-six of the acts of nineteen hundred and
3 thirty-four, as amended, is hereby further amended
4 by inserting after the word "travel" in the thirteenth
5 line the words:—, but said compensation shall not
6 exceed three hundred dollars to any member during
7 any fiscal year,—so as to read as follows:—*Sec-*
8 *tion 4.* There shall be in the department of agricul-
9 ture a milk control board, hereafter in this act called
10 the board, consisting of three persons, citizens of the
11 commonwealth, to be appointed by the governor,
12 with the advice and consent of the council. The
13 governor, with like advice and consent, may remove
14 any member and shall fill any vacancy in the mem-
15 bership of the board. The board shall annually elect

16 one of its members as chairman. Any action or order
17 of the board shall require the approval of at least
18 two members thereof. Each member of the board
19 shall receive from the commonwealth as compensa-
20 tion the sum of ten dollars for each day's attendance
21 at board meetings and his actual expenses for neces-
22 sary travel, but said compensation shall not exceed
23 three hundred dollars to any member during any
24 fiscal year; provided, that any such member who is
25 otherwise regularly employed by the commonwealth
26 shall not receive compensation, but may be allowed
27 his actual expenses for necessary travel.

1 SECTION 2. Section twelve of said chapter three
2 hundred and seventy-six is hereby further amended
3 by striking out the first thirteen lines of paragraph
4 (D), as amended by section four of chapter four hun-
5 dred and twenty-eight of the acts of nineteen hundred
6 and thirty-seven, and inserting in place thereof the
7 following: —

8 (D) The board, after a hearing or an opportunity
9 to be heard, may suspend or revoke any license if it
10 should appear that a dealer has been finally convicted
11 on more than two occasions in any court in the com-
12 monwealth of any of the following charges: —

1 SECTION 3. Paragraph (E) of said section twelve
2 of said chapter three hundred and seventy-six is
3 hereby amended by striking out, in the first and
4 second lines, the words “declining to grant a license,
5 or granting a conditional or limited license, or sus-
6 pending or”, — so as to read as follows: — (E) Be-
7 fore revoking a license, the board shall give reasonable
8 notice to the applicant or licensee, personally or by

9 mail addressed to his last known address, and afford
10 to him an opportunity to appear and be heard with
11 respect thereto at a time and place specified in such
12 notice. Such applicant or milk dealer may be so
13 heard in person or by attorney, and may offer evidence
14 pertinent to the subject of the hearing, and to that
15 end may request the board to exercise its powers with
16 respect to the compulsory attendance of witnesses
17 and the production of books and records.

18 A duly certified copy of the order of the board upon
19 such hearing shall be served upon the applicant or the
20 licensee in the manner provided by section nine.

