

Bond Case Briefs

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MUNICIPAL ORDINANCE - MAINE

State v. Brown

Supreme Judicial Court of Maine - June 17, 2014 - A.3d - 2014 ME 79

The state brought a complaint against farmer for violations of state licensing and labeling laws. The Superior Court entered summary judgment in favor of the state and enjoined farmer from selling milk without a license, selling unpasteurized milk without labeling it as such, and operating a food establishment without a license. It later imposed civil penalties totaling \$1000 and costs of \$132 and denied farmer's motion to stay and motion to alter or amend the judgment. Farmer appealed.

The Supreme Judicial Court of Maine held that:

- Previous statement by state veterinarian did not estop the state from requiring farmer to obtain a milk distributor's license;
- Municipal ordinance would be construed to avoid a preemption issue; and
- Civil penalties could be imposed on farmer for each act that constituted a violation of state licensing and labeling laws.