

**From:** John Vetne  
**To:** ronald cotterill  
**Sent:** Monday, December 18, 2006 11:45 AM  
**Subject:** Re: Ct. Milk Marketing Board Bill - Commerce Clause analysis and comments

see below.

----- Original Message -----

**From:** ronald cotterill  
**To:** John Vetne  
**Sent:** Monday, December 18, 2006 8:56 AM  
**Subject:** Re: Ct. Milk Marketing Board Bill - Commerce Clause analysis and comments

John, it was sufficiently early. I will look at what you have sent and call you . Two preliminary thoughts. Are we sure that an unfair trade practices clause covers switching to "more distant" dealers that are really unprofit enhancing moves but defeat the program. dealers can bring fluid milk in from "California" if it is profitable --- no problem but not at a loss if nearby milk is available.

RESPONSE: There is a Supreme Court case called Polar Ice Cream v Andrews 375 US 361 (1964) that dealt with a Florida law requiring dealers to buy local (Florida-produced) milk for Class I use, if available. The law was struck down. Similar analysis might apply if Connecticut institutes rewards and disincentives based on milk origin, whether at high prices or low ones.

Second, the pooling in CT could be replicated in other states if one absolutely needs identical language IN THE REGS NOT HERE AS YOU SUGGEST. also in the reg phase if Agrimark and DMS cooperate they could do the payment back to farmers including the rebend for farmers in particular states. Certainly they will determine which farmers "touch base" and participate in the program. If they do it does it avoid commerce problems?

WHAT DMS, DFA OR AGRIMARK, AS MILK SUPPLIERS, DO WITH THE CONNECTICUT SUBSIDY IS THEIR BUSINESS. BEST LEFT ALONE BY STATE REGULATORS, EVEN THOUGH DFA/DMS MAY REDISTRIBUTE THE PROCEEDS TO PRODUCERS THAT DO NOT SUPPLY PLANTS SERVING CONNECTICUT, OR TO PRODUCERS IN OTHER REGIONS ALTOGETHER.

Ron

Second  
Thanks Ron

----- Original Message -----

**From:** John Vetne  
**To:** Cotterill, Ronald  
**Cc:** ronald cotterill  
**Sent:** Monday, December 18, 2006 6:55 AM  
**Subject:** Re: Ct. Milk Marketing Board Bill - Commerce Clause analysis and comments

Following your example, I send a new, improved, and slightly revised opinion letter and edited bill. I hope this is sufficiently "early A.M."

----- Original Message -----

**From:** John Vetne  
**To:** Cotterill, Ronald  
**Cc:** ronald cotterill  
**Sent:** Sunday, December 17, 2006 10:00 PM  
**Subject:** Ct. Milk Marketing Board Bill - Commerce Clause analysis and comments

are attached, along with a Word version of my bill edits, red-lined.

----- Original Message -----

**From:** Cotterill, Ronald

**To:** John Vetne

**Sent:** Thursday, December 14, 2006 11:03 AM

**Subject:** better version of 14th bill

John the date on what I just sent was not changed to the 14th so here is one with the 14th on it to distinguish from the earlier version (13th). Ron

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