

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2645

H.P. 1952 House of Representatives, May 4, 1988
Reference to the Committee on Agriculture suggested and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative TARDY of Palymra.

Cosponsored by Senator BLACK of Cumberland and
Representative SHERBURNE of Dexter.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Clarify Milk Pricing Laws as They
2 Relate to Over-Order Premiums.
3

4 Emergency preamble. Whereas, Acts of the
5 Legislature do not become effective until 90 days
6 after adjournment unless enacted as emergencies; and

7 Whereas, the credits issued by the Regional
8 Cooperative Marketing Agency are accumulating and
9 there is no mechanism in the absence of this

1 legislation to prevent this accumulation and to
2 distribute the credits for the benefit of consumers;
3 and

4 Whereas, it is necessary to take action in order
5 to correct this situation prior to the convening of
6 the next Legislature; and

7 Whereas, in the judgment of the Legislature, these
8 facts create an emergency within the meaning of the
9 Constitution of Maine and require the following
10 legislation as immediately necessary for the
11 preservation of the public peace, health and safety;
12 now, therefore,

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

15 7 MRSA §2954, sub-§11 is enacted to read:

16 11. Adjustments for over-order premiums. If
17 following the establishment of minimum prices under
18 subsection 1, which include an over-order premium as
19 defined by section 3152, subsection 8-A, the
20 commission receives new evidence showing that the
21 actual over-order premium in effect in the period
22 during which the minimum prices apply, or any portion
23 thereof, are different from the over-order premium
24 included in the prices, the commission may adjust
25 minimum prices in a subsequent period to offset that
26 difference. Any such adjustment shall be made equally
27 applicable to wholesale and retail minimum prices.

28 Emergency clause. In view of the emergency
29 cited in the preamble, this Act shall take effect when
30 approved.

31 STATEMENT OF FACT

32 The Regional Cooperative Marketing Agency has
33 issued credits long after the Maine Milk Commission
34 was required to establish over-order prices according
35 to

1 state law. This bill allows the commission to adjust
2 resale and wholesale prices in a subsequent time
3 period so that state consumers will be able to benefit
4 from these price reductions in a timely manner.
5 Recent administrative changes in the operation of
6 over-order pricing have created a situation whereby
7 issued credits have accumulated and the milk
8 commission is unable to pass these credits along to
9 consumers. This clarification will allow the state's
10 consumers to benefit from these credits.

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