

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1549

H.P. 1060

House of Representatives, April 16, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative TARDY of Palmyra.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Make Maine Milk Laws Conform to Federal Laws.

(AFTER DEADLINE)



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

2
3 **Sec. 1. 7 MRSA §2954, sub-§1**, as repealed and replaced by PL
4 1987, c. 447, §1, is amended to read:

6 **1. Commission empowered to establish prices; public**
7 **hearing.** The commission is vested with the power to establish
8 and change, after investigation and public hearing, the minimum
9 wholesale and retail prices to be paid to producers, dealers and
10 stores for milk received, purchased, stored, manufactured,
11 processed, distributed or otherwise handled within the State. The
12 commission shall hold a public hearing prior to the establishing
13 or changing of such minimum prices. The commission may proceed,
14 however, under the emergency rule-making provisions of Title 5,
15 section 8054 without making findings of emergency when the only
16 changes to be made in the minimum prices are to conform with the
17 orders of any federal or other agency duly authorized by law to
18 establish or negotiate producer prices or are to respond to other
19 conditions affecting prevailing Class I and Class II and Class
20 III prices in southern New England. Title 5, section 8054,
21 subsection 3, the second sentence, does not apply to minimum
22 prices adopted under ~~the previous sentence~~ this subsection. Due
23 notice of the public hearing shall must be given by publishing
24 notice as provided in Title 5, chapter 375. The commission shall
25 hold such a public hearing not less frequently than once every 12
26 months to determine whether the minimum wholesale and retail
27 prices then established should be changed. In addition to the
28 data received through the implementation of the information
29 gathering procedures of its rules as a basis for its
30 determinations, the commission shall solicit and seek to receive
31 oral and written testimony at hearings to determine whether the
32 minimum wholesale and retail prices then established should be
33 changed and whether the proposed minimum wholesale and retail
34 prices are just and reasonable.

36 **Sec. 2. 7 MRSA §2954, sub-§2, ¶A**, as repealed and replaced by
37 PL 1975, c. 517, §3, is amended to read:

38 A. The minimum wholesale prices paid to producers shall ~~be~~
39 are based on the prevailing Class I and Class II and Class
40 III prices in southern New England and, after investigation
41 by the Maine Milk Commission, shall must reflect as
42 accurately as possible the increased costs of production.

44 **Sec. 3. 7 MRSA §3152, sub-§1**, as amended by PL 1987, c. 447,
45 §4, is further amended to read:

46 **1. Blend price.** "Blend price" means the price of milk per
47 hundredweight computed as the sum of the Class I price multiplied
48 by the percentage of milk sold as Class I milk and the Class II
49 price multiplied by the percentage sold as Class II milk and the

2 Class III price multiplied by the percentage sold as Class III
3 milk. The blend price shall must be separately calculated for the
4 base minimum price and the over-order premium.

5 **Sec. 4. 7 MRSA §3152, sub-§1-A**, as amended by PL 1989, c. 436,
6 §2, is further amended to read:

7 **1-A. Base minimum price.** "Base minimum price" means that
8 part of the minimum Class I and Class II and Class III prices
9 established by the Maine Milk Commission pursuant to chapter 603
10 which corresponds to Class I and Class II and Class III prices
11 established pursuant to the New England Milk Marketing Order,
12 excluding any amounts established by the Maine Milk Commission to
13 reflect the increased costs of production pursuant to section
14 2954, subsection 2, paragraph A.

15 **Sec. 5. 7 MRSA §3152, sub-§1-B**, as enacted by PL 1989, c. 436,
16 §3, is amended to read:

17 **1-B. Adjusted base minimum price.** "Adjusted base minimum
18 price" means that part of the minimum Class I and Class II and
19 Class III prices established by the Maine Milk Commission
20 pursuant to chapter 603 which corresponds to Class I and Class
21 II and Class III prices established pursuant to the New England
22 Milk Marketing Order, plus any amounts established by the Maine
23 Milk Commission to reflect the increased costs of production
24 pursuant to section 2954, subsection 2, paragraph A.

25 **Sec. 6. 7 MRSA §3152, sub-§8-A**, as amended by PL 1989, c. 436,
26 §4, is further amended to read:

27 **8-A. Over-order premium.** "Over-order premium" means that
28 part of the minimum Class I and Class II and Class III prices
29 established by the Maine Milk Commission pursuant to chapter 603,
30 which exceeds the applicable Class I and Class II and Class III
31 prices established pursuant to the New England Milk Marketing
32 Order as adjusted to reflect the increased costs of production
33 pursuant to section 2954, subsection 2, paragraph A.

34 **Sec. 7. 7 MRSA §3152, sub-§11**, as enacted by PL 1983, c. 573,
35 §4, is amended to read:

36 **11. Utilization rate.** "Utilization rate" means the
37 percentage of milk produced which that is utilized used as Class
38 I or fluid milk, the percentage of milk produced that is used as
39 Class II milk and the percentage of milk that is used as Class
40 III milk.

41 STATEMENT OF FACT

42 This bill makes technical corrections to the laws governing
43 the Maine Milk Commission and the Maine Milk Pool to reflect a

2 change in the federal milk price regulations establishing a new Class III price classification.