



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1326

S.P. 451

In Senate, February 16, 1999

An Act to Clarify the Authority of the Maine Milk Commission.

(EMERGENCY)

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

20 Brien

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator KILKELLY of Lincoln. Cosponsored by Representative GOOLEY of Farmington and Senators: KIEFFER of Aroostook, MILLS of Somerset, Representatives: COWGER of Hallowell, GREEN of Monmouth, KNEELAND of Easton, PIEH of Bremen. Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is confusion as to the authority of the Maine 6 Milk Commission to establish minimal milk prices for dairy farmers; and

Whereas, dairy farming is a difficult business and an 10 integral part of the Maine economy and rural way of life; and

12 Whereas, passage of this legislation would help stabilize prices to dairy farmers; and

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

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

Sec. 1. 7 MRSA §2954, sub-§9, as enacted by PL 1983, c. 573, 24 §2, is amended to read:

9. Minimum wholesale prices paid to producers for their milk. Notwithstanding any other provisions of this chapter or chapter 611, minimum wholesale prices paid by dealers to producers shall-be for their milk that is sold in this State are subject to the previsiens-of-chapter-611 minimum producer prices established by the Maine Milk Commission, regardless of whether the milk is subject to pooling requirements under federal or state law.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

38

SUMMARY

40

34

8

14

20

22

Since its creation in 1935, the Maine Milk Commission has 42 established the minimum price dairy farmers receive for milk produced, processed and sold in this State. Recently, this 44 authority has been questioned with respect to Maine dealers who, as a result of their volume of sales of processed milk out of 46 Maine and into areas of New England subject to federal regulation, are obligated to participate in the federal milk 48 marketing order pooling system. This bill clarifies the Legislature's original intent that all Maine milk producers 50 receive the minimum price established by the Maine Milk Commission in order to maintain a viable dairy industry in the State. Specifically, the bill provides language to the effect that the commission's authority to set minimum producer prices was not intended to be diminished with the introduction in 1983 of the Maine Milk Pool. The commission's authority to set minimum producer prices continues to apply whether a dealer participates in the Maine Milk Pool or the federal milk pool.