

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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**Legislative Document**

**No. 718**

H.P. 514

House of Representatives, February 23, 2011

### **An Act Regarding the Milk Handling Fee**

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Received by the Clerk of the House on February 18, 2011. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative KNIGHT of Livermore Falls.  
Cosponsored by Senator SHERMAN of Aroostook and  
Representatives: CRAFTS of Lisbon, CROCKETT of Bethel, EDGECOMB of Caribou,  
FITZPATRICK of Houlton, GIFFORD of Lincoln, HARVELL of Farmington, NEWENDYKE  
of Litchfield, TIMBERLAKE of Turner.

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

2 **Sec. 1. 36 MRSA §4901, sub-§3**, as enacted by PL 2005, c. 396, §8, is amended  
3 to read:

4 **3. Handler.** "Handler," with respect to a particular container of packaged milk,  
5 means the wholesale handler or, if none, the producer-handler or the retail handler. If  
6 more than one wholesale handler handles a particular container of packaged milk in this  
7 State, "handler" means the wholesale handler that first handles a particular container of  
8 packaged milk.

9 **Sec. 2. 36 MRSA §4902, sub-§1**, as amended by PL 2007, c. 240, Pt. PPP, §1  
10 and c. 269, §1, is further amended to read:

11 **1. Fee.** Upon notification by the Maine Milk Commission in accordance with Title  
12 7, section 2954, subsection 16, the assessor shall levy and impose a fee at the rate  
13 established in subsection 2-A on the handling in this State of packaged milk for sale in  
14 this State. With respect to the handling in this State of a particular container of packaged  
15 milk for sale in this State, the fee must be paid by the handler, but in no event may a  
16 container of packaged milk for sale in this State be subject to more than one handling fee.  
17 There is no fee on the handling in this State of packaged milk for sale in containers of less  
18 than one quart or more than 20 ~~or more~~ quarts in volume, or packaged milk that is sold to  
19 an institution that is owned and operated by the State or the Federal Government.

20 **Sec. 3. 36 MRSA §4903** is enacted to read:

21 **§4903. Credit for fee paid for packaged milk**

22 **1. Credit allowed.** A handler or its designee may claim a credit for a fee paid  
23 pursuant to this chapter with respect to packaged milk that:

24 A. Was not sold for consumption at a place of business within this State; or

25 B. Was not subject to the minimum retail sale prices established pursuant to Title 7,  
26 chapter 603.

27 **2. Claim for credit.** A handler or its designee claiming a credit under subsection 1  
28 must file a claim with the assessor. The credit must be claimed on the report required  
29 under section 4902, subsection 5.

30 **SUMMARY**

31 This bill allows only one milk handling fee to be assessed on any particular container  
32 of packaged milk and imposes a handling fee on 20-quart containers of packaged milk,  
33 which formerly were exempt from handling fees. If more than one wholesale handler  
34 handles a particular container of packaged milk in this State, for purposes of collection of  
35 the fee, the handler is the wholesale handler that first handles the milk. This bill provides  
36 credits to milk handlers or their designees for any fee paid pursuant to the law governing

1 milk handling fees with respect to any packaged milk that is sold or shipped outside this  
2 State.