

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2010

payments distributed in July, August and September 2010 on milk produced in June, July and August 2010, respectively, in accordance with sections 11 and 12.

Sec. 11. Calculation of payments for milk produced June 1, 2010 to August 31, 2010. Notwithstanding the Maine Revised Statutes, Title 7, section 3153-B, the administrator of the Maine Milk Pool shall calculate and make payments to Maine milk producers in accordance with this section for milk produced from June 1, 2010 to August 31, 2010.

1. No later than June 15, 2010, the administrator of the Maine Milk Pool shall assign each producer to one of 4 tiers based on that producer's total production during the 12-month period beginning June 1, 2009 and ending May 31, 2010.

2. Upon receiving the production data for June 2010, the administrator shall:

A. Calculate the amount of money due each producer in accordance with Title 7, section 3153-B, subsection 4;

B. Reduce each producer's payment by a percentage established in section 12; and

C. Certify to the State Controller the amounts to be transferred and distributed.

3. The administrator shall calculate payments for milk produced in July 2010 and milk produced in August 2010 in the manner prescribed in subsection 2, paragraphs A, B and C.

Sec. 12. Reductions in payments for milk produced in June, July and August 2010. The administrator of the Maine Milk Pool shall determine the percentage reduction in payments required under section 11, subsection 2, paragraph B in a manner that results in:

1. Each producer within a tier receiving the same percentage reduction in payment for a month as other producers in that tier receive for that month; and

2. Percentage reductions between adjacent tiers in a ratio of 1 to 2, progressing from tier 1 to tier 4.

Sec. 13. Calculation and distribution of dairy stabilization payments beginning July 1, 2011. Beginning July 1, 2011 and until further legislative action is taken, the administrator of the Maine Milk Pool shall calculate and distribute payments in accordance with the Maine Revised Statutes, Title 7, section 3153-B using the production levels and target prices established in section 9. The administrator may not use authority under section 10 or 11 to reduce payments after June 30, 2011.

Sec. 14. Improvements to cost-of-production study. The Maine Milk Commission shall develop a method for comprehensive data collection to improve the reliability and verification of the

cost-of-production studies used to determine target prices under the Maine Revised Statutes, Title 7, section 3153-B, subsection 3. With improved information, the commission shall establish tiers that are more representative of Maine dairy farms and target prices that more closely approximate the short-run break-even point for each tier.

Sec. 15. Report to joint standing committee. No later than January 15, 2011, the Maine Milk Commission shall report to the joint standing committee of the Legislature having jurisdiction over agriculture matters on the improved data collection method developed under section 14. The report must contain a timetable for implementing the method and for revising the tiers of production and target prices in accordance with the Maine Revised Statutes, Title 7, section 3153-B, subsection 3.

Sec. 16. Legislation authorized. The joint standing committee of the Legislature having jurisdiction over agriculture matters may submit legislation to the 125th Legislature to revise the tiers and target prices used to calculate dairy stabilization payments to Maine milk producers under the Maine Revised Statutes, Title 7, section 3153-B.

Sec. 17. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Milk Commission 0188

Initiative: Provides allocation to the Maine Milk Pool for fiscal year 2010-11 based on an increase in the cap on the milk subsidy to \$17,361,291 for fiscal year 2010-11.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$4,011,691
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,011,691

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

Effective February 12, 2010.

CHAPTER 468

H.P. 1247 - L.D. 1753

An Act To Adjust the Milk Handling Fee

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, revenue from the milk handling fee to the General Fund varies widely when the price of milk experiences extreme fluctuations; and

Whereas, establishing a minimum and maximum handling fee may increase the accuracy of revenue projections; 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. 36 MRSA §4902, sub-§2-A, as enacted by PL 2007, c. 240, Pt. PPP, §3 and c. 269, §3, is amended to read:

2-A. Rate. The rate of the fee levied under this chapter is established for each fee period on the basis of the basic price of milk in effect on the Sunday following the first Sunday of the fee period in accordance with this subsection:

A. If the basic price is ~~\$24.00~~ \$21.00 per hundredweight and above, the rate of the milk handling fee is ~~0¢~~ 4¢ per gallon;

~~B. If the basic price is \$23.00 to \$23.99 per hundredweight, the rate of the milk handling fee is 2¢ per gallon;~~

~~C. If the basic price is \$22.00 to \$22.99 per hundredweight, the rate of the milk handling fee is 4¢ per gallon;~~

~~D. If the basic price is \$21.00 to \$21.99 per hundredweight, the rate of the milk handling fee is 6¢ per gallon;~~

E. If the basic price is \$20.00 to \$20.99 per hundredweight, the rate of the milk handling fee is 8¢ per gallon;

F. If the basic price is ~~\$19.00~~ \$19.50 to \$19.99 per hundredweight, the rate of the milk handling fee is ~~10¢~~ 12¢ per gallon;

~~G. If the basic price is \$18.00 to \$18.99 per hundredweight, the rate of the milk handling fee is 12¢ per gallon;~~

H. If the basic price is ~~\$17.50~~ \$19.00 to ~~\$17.99~~ \$19.49 per hundredweight, the rate of the milk handling fee is 16¢ per gallon;

I. If the basic price is ~~\$17.00~~ \$18.50 to ~~\$17.49~~ \$18.99 per hundredweight, the rate of the milk handling fee is 20¢ per gallon;

J. If the basic price is ~~\$16.50~~ \$18.00 to ~~\$16.99~~ \$18.49 per hundredweight, the rate of the milk handling fee is 24¢ per gallon;

K. If the basic price is ~~\$16.00~~ \$17.50 to ~~\$16.49~~ \$17.99 per hundredweight, the rate of the milk handling fee is 28¢ per gallon;

L. If the basic price is ~~\$15.50~~ \$17.00 to ~~\$15.99~~ \$17.49 per hundredweight, the rate of the milk handling fee is 32¢ per gallon; and

M. If the basic price is ~~\$15.00~~ \$16.50 to ~~\$15.49~~ \$16.99 per hundredweight, the rate of the milk handling fee is 36¢ per gallon.

If the basic price falls below ~~\$15.00~~ \$16.50 per hundredweight, for each 50¢ decrease in the basic price, the rate of the milk handling fee increases by ~~6¢~~ 4¢ per gallon until the handling fee reaches a maximum of 84¢ per gallon.

For any container other than a gallon, the fee is computed on a gallon-equivalent basis.

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

Effective February 12, 2010.

CHAPTER 469
S.P. 663 - L.D. 1736

**An Act To Improve Safety on
Maine's Primary and
Secondary Roads, Reduce
Road Maintenance Costs and
Improve the Environment and
the Economy by Allowing
Certain Heavy Commercial
Vehicles on the Interstate
Highway System in Maine**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the United States Congress has enacted and the President of the United States has signed legislation allowing vehicles up to 100,000 pounds gross vehicle weight on all of the Interstate Highway System in Maine; and

Whereas, the federal legislation allows these larger vehicles on the Interstate for a period of only