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Public Law
123rd Legislature
First Regular Session

Chapter 269
H.P. 1030 - L.D. 1468

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, the basic price of milk fluctuates and revised price projections are now available; and

Whereas, adjustment of the rates is needed to better reflect a wide range in potential prices; 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-§1, as enacted by PL 2005, c. 396, §8, is amended to read:

1. Fee. Upon notification by the Maine Milk Commission in accordance with Title 7, section 2954, subsection 16, the assessor shall levy and impose a fee at the rate established in subsection 22-A on the handling in this State of packaged milk for sale in this State. With respect to the handling in this State of a particular container of packaged milk for sale in this State, the fee must be paid by the handler. There is no fee on the handling in this State of packaged milk for sale in containers of less than one quart or 20 or more quarts in volume, or packaged milk that is sold to an institution that is owned and operated by the State or the Federal Government.

Sec. 2. 36 MRSA §4902, sub-§2, as enacted by PL 2005, c. 396, §8, is repealed.

Sec. 3. 36 MRSA §4902, sub-§2-A is enacted 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 per hundredweight and above, the rate of the milk handling fee is 0¢ 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 to \$19.99 per hundredweight, the rate of the milk handling fee is 10¢ 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 to \$17.99 per hundredweight, the rate of the milk handling fee is 16¢ per gallon;
- I. If the basic price is \$17.00 to \$17.49 per hundredweight, the rate of the milk handling fee is 20¢ per gallon;
- J. If the basic price is \$16.50 to \$16.99 per hundredweight, the rate of the milk handling fee is 24¢ per gallon;
- K. If the basic price is \$16.00 to \$16.49 per hundredweight, the rate of the milk handling fee is 28¢ per gallon;
- L. If the basic price is \$15.50 to \$15.99 per hundredweight, the rate of the milk handling fee is 32¢ per gallon; and
- M. If the basic price is \$15.00 to \$15.49 per hundredweight, the rate of the milk handling fee is 36¢ per gallon.

If the basic price falls below \$15.00 per hundredweight, for each 50¢ decrease in the basic price, the rate of the milk handling fee increases by 6¢ 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 June 8, 2007.