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An Act To Clarify Exemptions in 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, this legislation needs to take effect as soon as possible in order to provide a credit for any fee paid with respect to the sale or shipment of packaged milk outside this State by a person other than the handler that paid the fee; 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 §4903 is enacted to read:

§ 4903. Credit

1. Credit allowed. A handler of packaged milk may claim a credit for any fee paid pursuant to this chapter with respect to the sale or shipment of packaged milk outside this State by a person other than the handler that paid the fee as long as that milk is not later imported for sale into this State.

2. Claim for credit. A handler claiming a credit under this section must file a claim with the assessor within 30 days following the date on which the milk handling fee was paid by the handler. The credit must be claimed on the report required under section 4902, subsection 5. The claim must be accompanied by a statement, prescribed by the assessor, made under penalty of perjury that the packaged milk upon which a fee was reported and paid has been delivered outside the State by a 3rd party and that the milk will not be later sold in this State. The credit claim must be accompanied by such additional information as the assessor may require.

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

SUMMARY

This bill provides a credit to a milk handler for any fee paid pursuant to the law governing milk handling with respect to the sale or shipment of packaged milk outside this State by a person other than the handler that paid the fee as long as that milk is not later imported for sale into this State.