

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

H.P. 514 - L.D. 718

An Act Regarding the Milk Handling Fee

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

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

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

**Sec. 2. 36 MRSA §4902, sub-§1**, as amended by PL 2007, c. 240, Pt. PPP, §1 and c. 269, §1, is further 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 2-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, but in no event may a container of packaged milk for sale in this State be subject to more than one handling fee. There is no fee on the handling in this State of packaged milk for sale in containers of less than one quart or more than 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. 3. 36 MRSA §4903** is enacted to read:

**§4903. Credit or refund for fee paid for packaged milk**

**1. Credit or refund allowed.** A handler or handler's designee may claim a credit or refund for a fee paid pursuant to this chapter on packaged milk that is subsequently exported from this State by a customer of the handler or the handler's designee for sale out of state.

**2. Handler's claim for credit or refund.** A handler claiming a credit or refund under subsection 1 must file a claim with the assessor. The credit or refund must be

claimed on the report required under section 4902, subsection 5. A handler may not claim a credit or refund under this section for any sales occurring before October 1, 2011.

**3. Designee's claim for credit or refund.** A handler's designee claiming a credit or refund under subsection 1 must file a claim with the assessor. The credit or refund must be claimed on a report required under section 4902, subsection 5 or other form as prescribed by the assessor. A handler's designee may not claim a credit or refund under this section for any sales occurring before October 1, 2011.

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor