HOUSE DOCKET, NO. 824 FILED ON: 1/19/2011

HOUSE . . . . . No. 240

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen Kulik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the milk producer's security fund reimbursement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anne M. Gobi	*5th Worcester*
Peter V. Kocot	*1st Hampshire*
William Smitty Pignatelli	*4th Berkshire*

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HOUSE . . . . . No. 240

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 240) of Anne M. Gobi, Peter V. Kocot and William "Smitty" Pignatelli relative to the milk producers security fund reimbursement. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *4188* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to the milk producer's security fund reimbursement.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 13B of chapter 128 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the word “the”, in line 1, the following word:- (a).

SECTION 2. Said section 13B of said chapter 128, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following 2 paragraphs:-

(b) The commissioner may suspend collection of payments made pursuant to the previous paragraph from time to time as he determines to be in the best interests of the producers affected by this section and section 13A; provided, however, that the balance of the fund shall not be less than $1,000,000; and provided further, that the commissioner shall consider the quantity of milk covered by the fund and the current price levels for milk when making his determination. The commissioner shall provide 30 days’ written notice of any suspension or reinstatement of payments into the fund to the house and senate committees on ways and means and to all dealers and producers affected.

(c) Notwithstanding the provisions of section 13A to the contrary, a milk producer who pays into the fund pursuant to subsection (a) may, after application approved by the commissioner, be reimbursed up to an amount equal to the monies paid by the applicant into the fund minus any funds previously distributed to said applicant plus a pro rata share of the interest

earned by the fund. The commissioner shall establish criteria for the approval of such applications that shall include, but shall not be limited to, whether the milk producer continues to produce milk, whether the milk producer has joined a cooperative association and other criteria the commissioner may deem relevant. The commissioner shall not authorize a reimbursement if payment thereof would result in the balance of the fund falling below $1,000,000. Upon approval of said application, the commissioner shall certify the amounts determined to be due thereon, and transmit the same for payment to the state treasurer under section 48 of chapter 10.

SECTION 3. The commissioner of the department of agricultural resources shall establish guidelines for the implementation of sections 13A and 13B of chapter 128 of the General Laws.