

HOUSE No. 3785

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

1 SECTION 1. Section 48 of chapter 10 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out, in line 4, the words “twenty of chapter
3 twenty” and inserting in place thereof the following words:- 13B of chapter 128.

4 SECTION 2. Said section 48 of said chapter 10, as so appearing, is hereby further
5 amended by striking out, in line 7, the word “twenty” and inserting in place thereof the following
6 figure:- 13B.

7 SECTION 3. Section 13B of chapter 128 of the General Laws, as so appearing, is hereby
8 amended by inserting before the word “The”, in line 1, the first time it appears, the following:-
9 (a).

10 SECTION 4. Said section 13B of said chapter 128, as so appearing, is hereby further
11 amended by striking out the second paragraph and inserting in place thereof the following 2
12 subsections:-

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

21 (c) Notwithstanding the provisions of section 13A to the contrary, a milk producer who
22 pays into the fund pursuant to subsection (a) may, after application approved by the
23 commissioner, be reimbursed up to an amount equal to the monies paid by the applicant into the
24 fund minus any funds previously distributed to said applicant plus a pro rata share of the interest
25 earned by the fund. The commissioner shall establish criteria for the approval of these
26 applications that shall include, but shall not be limited to: whether the milk producer continues to
27 produce milk, whether the milk producer has joined a cooperative association and other criteria
28 the commissioner may deem relevant. The commissioner shall not authorize a reimbursement if
29 payment thereof would result in the balance of the fund falling below \$1,000,000. Upon
30 approval of an application, the commissioner shall certify the amount determined to be due
31 thereon, and transmit the same for payment to the state treasurer pursuant to section 48 of
32 chapter 10.

33 SECTION 5. The commissioner of the department of agricultural resources shall
34 establish guidelines for the implementation of sections 13A and 13B of chapter 128 of the
35 General Laws.