

~~331 CMR 6.00: MONTHLY PAYMENTS; PERIODIC REPORTS; MINIMUM PRICES PAID~~

~~Section~~

~~6.01: Monthly Payments by Milk Dealers to Milk Control Commission~~

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~~6.01: Monthly Payments by Milk Dealers to Milk Control Commission~~

~~(1) Payments. With respect to payments on account of milk distributed or sold on and after 12:01 A.M., July 1, 1971, each milk dealer, other than one who is also a producer selling to consumers not more than 50 quarts daily, shall on or before the 25th day of each month pay to the Commission for the month immediately preceding an amount equivalent to~~

~~(a) \$.02 per hundredweight on all milk distributed or sold by him as Class I milk within Massachusetts Milk Marketing Area Nos. 1, 2 and 3 during such preceding month, with respect to which he is the first dealer within the Commonwealth dealing in or handling said milk in either manner described below, to wit, either~~

~~1. By pasteurizing, processing, or bottling or otherwise packaging for sale, and selling or distributing said milk, or~~

~~2. By selling or distributing the same to persons other than milk dealers not eligible for exemption under M.G.L. c. 94A, § 4, subsection (b), as provided in M.G.L. c. 94A, § 9 which amount the Commission finds equitable for said milk marketing areas.~~

~~(b) \$.05 per hundredweight on all milk distributed or sold by him as Class I milk within Milk Marketing Area No. 4 during such preceding month, with respect to which he is the first milk dealer within the Commonwealth dealing in or handling said milk in either manner set forth above, as provided in M.G.L. c. 94A, § 9, which amount the Commission finds equitable for said Milk Marketing Areas.~~

~~(2) Definitions. As used herein the following words shall, unless the context otherwise requires, have the following meanings:~~

~~Class I milk means Class I milk as defined by any applicable Federal Milk Marketing order or Massachusetts Milk Control Commission order, which regulates the payment of producers for the milk classified or under which the milk dealer who is also the producer of such milk is required to report his Class I use of such milk; with respect, however, to any milk for which payment of producers is not regulated nor report of Class I use thereof required by or under any one of said orders, "Class I milk" means Class I milk as now and from time to time hereafter defined in 331 CMR 8.03.~~

~~Milk means milk as defined in M.G.L. c. 94A, § 1.~~

~~Milk Dealer means milk dealer as defined in M.G.L. c. 94A, § 1.~~

~~6.02: Annual and Monthly Reports by Milk Dealers~~

~~(1) Each milk dealer shall, on or before June 15 in each year, and each other person before engaging in business as a milk dealer, shall in connection with, and as a part of, his application for license required pursuant to M.G.L. c. 94A, § 5, report to the Director of Milk Control, upon forms approved by the Milk Control Commission, and supplied by the Director of Milk Control, the following facts with respect to the business of the applicant during the last preceding month of April (or if the applicant did not operate a milk business during such entire month, with respect to the business of the applicant during the first full calendar month of operation thereafter, or if the applicant has not operated a milk business during any full calendar month, with respect to the applicant's intended, expected and estimated business for the first full calendar month of operation subsequent to the date on which the application is made):~~

6.02 continued

~~(a) The full name of the individual, partnership or corporation making application for license, the applicant's principal business address in Massachusetts, the applicant's mail address, if different, the residence of the applicant, the trade name, if any, under which the applicant engaged or proposes to engage in business; if a corporation, the state of organization, affiliations with other corporations (including names, addresses and relationship with such affiliate); names and addresses of dealers and/or associations from whom milk was purchased, names, addresses, and hauling rate of Massachusetts producers and out of state producers from whom milk was purchased, and the milk marketing plan (buying plan) on which milk was purchased from producers, and whether or not purchased on a butterfat basis, and the amount of bond, if any, filed with the Commissioner of Agriculture.~~

~~(b) Whether or not the applicant will at any time during the license year for which application is filed, engage in producing milk, buying milk from Massachusetts or out of state producers, or from associations or cooperatives, or from Massachusetts dealers or out of state dealers, whether or not the applicant did or intends to engage in pasteurizing for himself, or other dealers, bottling for himself, or other dealers, separating milk for himself or other dealers, selling at retail to consumers, selling to stores, selling from his own stores, (if answer is "yes", list the address of each such store,) selling to wholesale consumers, hotels, hospitals, restaurants, institutions, or other dealers, selling Grade A milk, separating some or all cream sold by him, buying New England or Western cream, or in manufacturing butter, cheese, soured cream or ice cream; and~~

~~(c) Source of milk and cream supply, giving quarts produced on own farm and number of cows owned, quarts bought direct from Massachusetts producers, from out of state producers, through producer associations, from other Massachusetts dealers, and from out of state dealers, and total quarts purchased;~~

~~(d) Sales or distribution of milk and cream by areas, giving total quarts of milk and cream sold or distributed in each area, including as to each area quarts sold to other dealers, retail customers, hotels, restaurants, clubs, or other wholesale consumers, Federal, State, County and Municipal institutions (including welfare sales), to stores, from stores owned and operated by applicant, or other sales of fluid milk, with description; together with quarts sold to manufacturers of ice cream or other dairy products, and quarts separated, lost, or unaccounted for; and~~

~~(e) The applicant's local license numbers in each city and town in Massachusetts in which he pasteurizes, bottles, and processes, distributes or otherwise handles milk for sale; and~~

~~(f) Provided, however, that a milk dealer who purchases milk only from a licensed milk dealer, and whose only sales of milk are at a store, or any similar mercantile establishment to consumers for consumption off the premises shall not be subject in his application to the provisions of 331 CMR 6.02(1)(a) through 6.02(1)(e), instead such milk dealer will state the nature of the business to be conducted, the name and principal business address in the Commonwealth of the applicant, and, if a firm or association, the name and address of each member thereof, or, if a corporation, the names and addresses of all officers and directors thereof, and the name of each municipality in which business is to be conducted, and the name of each licensed milk dealer from whom the applicant purchased packaged milk in the previous April.~~

~~(2) Each milk dealer shall on or before the 25th day of each month report to the Director of Milk Control upon and in conformity to forms approved by the Milk Control Commission, and supplied by the Director of Milk Control, the number of hundredweight of Class I milk distributed or sold by him within the month immediately preceding, with respect to which he is the first milk dealer within the Commonwealth dealing in or handling said milk in either manner set forth below, to wit, either by pasteurizing, processing, or bottling or otherwise packaging for sale, and selling or distributing said milk, or by selling or distributing the same to persons other than milk dealers not eligible for exemption under M.G.L. c. 94A, § 4.~~

6.03: Dealer's Reports and Prices Payable to Producers

~~(3) Definitions. As used herein the following terms shall, except where the context otherwise requires, have the following meanings:~~

~~(a) Board means the Milk Control Board qualified pursuant to M.G.L. c. 20, § 7, inserted therein by St. 1941 c. 691, § 1, as from time to time amended.~~

~~(b) Cream means cream which contains not less than 16 % butterfat.~~

~~(c) Delivery period means the current marketing period from the first to and including the last day of each month.~~

~~(d) Director means the Director of Milk Control, appointed and qualified pursuant to M.G.L. c. 20, § 8, inserted therein by St. 1941, c. 691, § 1, as from time to time amended.~~

~~(e) Market means one or more cities or towns, or any portion thereof, designated by the Board as a natural milk marketing area within the Commonwealth.~~

~~(f) Milk means milk (natural, skimmed or fortified with additional butterfat content) having a butterfat content of less than 16% and more than ½ of 1%.~~

~~(g) Milk dealer means each milk dealer as defined in M.G.L. c. 94A, § 1, as from time to time amended, except any milk dealer eligible for exemption under M.G.L. c. 94A, § 4 subsection (b); and any milk dealer who is also a producer selling to consumers not more than 50 quarts of milk daily.~~

~~(h) Milk plant means any establishment regularly employed by a milk dealer for pasteurizing, bottling (or otherwise packaging for sale), or otherwise processing or handling milk, or if such milk dealer operates or employs no such establishment within the Commonwealth, it means any place within the Commonwealth at which the milk dealer regularly receives milk from producers or other milk dealers.~~

~~(4) Application. The terms, conditions and regulations set forth in this order shall apply to operations at all milk plants located in any of the several markets of the Commonwealth.~~

~~(5) Periodic Report. Except as to Milk Marketing Area No. 15, 17, 17B (Lowell Lawrence, Greater Boston, New Bedford and Fall River Markets) each milk dealer shall on or before the eighth day after the end of each delivery period report to the Director with respect to milk and cream received by such milk dealer during such delivery period:~~

~~(a) The receipts in each milk plant from producers including the quantity, if any, of his own production;~~

~~(b) The receipts in each milk plant from any other milk dealer including a milk dealer who is also a producer; and~~

~~(c) The respective quantities of milk which were sold, distributed or used at or from such milk plant within each market or milk marketing area within or outside of the Commonwealth, including sales to other milk dealers, in each use classification established by other order or orders of the Board applicable to such transactions and operations; in detail and form approved by the Board and on forms furnished by the Director.~~

~~(6) Computation and Announcement of Prices.~~

~~(a) Computation. For each delivery period, the Director shall compute for each milk dealer who has purchased milk from producers on the composite or base rating plan (as such plans are from time to time determined by other applicable order or orders of the Board), the percentage of such milk sold, distributed, used or disposed of in each use classification, and minimum composite price or minimum base and excess prices, which, on the basis of the milk dealer's report filed as provided in 331 CMR 6.03(3), such milk dealer is pursuant to other applicable orders, rules and regulations of the Board required to pay per hundredweight of milk containing 3.7% butterfat content, received f.o.b. the milk plant of such milk dealer from producers during the delivery period.~~

~~(b) Announcement. On or before the 15th day after the end of each delivery period, the Director shall announce by mail to all milk dealers who have purchased milk from producers on such composite or base rating plans and to all milk producer associations within the Commonwealth, the percentage of milk sold, distributed, used or disposed of as Class I milk by each such milk dealer, and the minimum composite price or minimum base and excess prices, which such milk dealer, on the basis of his report filed as provided in 331 CMR 6.03(3), is required pursuant to the applicable orders, rules and regulations of the Board to pay per hundredweight of milk containing 3.7% butterfat content received f.o.b. the milk plant by such milk dealer from producers during such delivery period.~~

6.03 continued

~~(7) Correction and Adjustment.~~

~~(a) All computations and prices made and announced as provided in 331 CMR 6.03(4), shall be subject to verification, correction and adjustment by the Director after inspection of the milk dealers' records for the delivery period.~~

~~(b) After such correction and adjustment payments made by any milk dealer in accordance with prices announced as provided in 331 CMR 6.03(4), shall be corrected in accordance with the provisions of other applicable order or orders of the Board relative to correction or errors in payment.~~

6.04: Minimum Prices Paid in Certain Marketing Areas

~~(1) Class I Milk Price.~~

~~(a) The handling of milk for distribution in Area 4 described below shall be subject to federal regulation as printed in the Federal Register, Vol. 43, No. 208, October 26, 1978, Department of Agriculture, Agricultural Marketing Service (Milk Order No. 1, Docket No. AO 14 A57) Part 1001 Milk in the New England Marketing Area. This states in part (when it concerns Massachusetts, and in particular where it may have some effect on plants in Milk Marketing Areas 1, 2 or 3 or a plant not audited by the Federal Milk Market Administrator) as follows: Section 1001.52 Plant Location Adjustments. The Class I and blended prices computed under sections _____ and 1001.61 shall be subject to plant location adjustments based upon the zone locations of plants. The zone location of any plant and the location adjustments applicable to each zone location shall be determined as specified in 331 CMR 6.04.~~

~~1. Each plant that is located in the Massachusetts counties of Barnstable, Bristol, Dukes, Norfolk, Plymouth or Suffolk, or between Boston and Massachusetts highway route number 128 shall be in Zone 1.~~

~~2. Each plant that is located in the Massachusetts counties of Hampden (except the townships of Brimfield, Holland, Monson, Plamer, or Wales) or Hampshire (except the township of Ware) shall be in Zone 8.~~

~~3. The zone location of each plant in Massachusetts (except Berkshire County, which is Zone 14) that is outside the areas specified in 331 CMR 6.04(1)(a)1. and 2. shall be based upon its highway mileage distance to Boston, Mass. The distance for each plant shall be the mileage between the applicable basing point and the named point nearest to the plant, measured to the greatest extent possible over roads designated as principal roads, on the road maps specified in 331 CMR 6.04 (1)(a)4.~~

~~4. The zone location of each plant that is outside the areas specified in 331 CMR 6.04(1)(a)1. through 3. shall be based upon its highway mileage distance to Boston, Mass., as determined by use of Mileage Guide No. 11, and supplements to and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Arlington, Va. The mileages used shall be those shown between designated key points in the mileage charts, and between named points on the appropriate State road maps, as published in the mileage guide. In any instance in which the map does not clearly show the mileage between point on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located. The distance for each plant shall be the mileage between Boston and the named point nearest to the plant, as shown in the mileage charts. If that named point is not listed in the mileage charts, the distance for the plant shall be the lowest mileage distance between Boston and that named point, computed as follows: Determine from the charts the mileage between Boston and each of the three key points nearest to the named point which are nearer to Boston than the named point; and for each of these key points, add to the result the mileage between the key point and the named point, measured to the greatest extent possible over roads designated as principal roads.~~

~~5. Notwithstanding the provisions of 331 CMR 6.04(1)(a)4., for any named point located in Massachusetts, determine the highway mileage distance between Boston and the named point by use of the appropriate State maps contained in Mileage Guide No. 7, issued by Household Goods Carriers' Bureau, Agent, Arlington, Va. Such distance shall be the lowest highway mileage between Boston and the named point on the map, over roads designated thereon as paved, all weather roads. In the event that the~~

~~6.04: continued~~

~~(b) The Class I price per hundredweight of milk containing 3.5 % butterfat shall be the average price per hundredweight for Manufacturing Grade Milk, f.o.b. plants at Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the second preceding month, adjusted on a 3.5 % butterfat basis, plus \$2.52 to arrive at the 201-210 mile basic Class I price, plus or minus plant location zone price adjustments as printed in 331 CMR 6.04(1)(a). The Director of Milk Control shall publicly announce said prices by the fifth day of each month.~~

~~REGULATORY AUTHORITY~~

~~331 CMR 6.00: M.G.L. c. 94A.~~