

## Northeast Dairy Compact Commission

## § 1301.3

complete upon mailing to the handler's last known address and it shall contain but need not be limited to the following information:

The amount of the obligation;

(2) The month(s) on which such obligation is based; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or such cooperative association, or if the obligation is payable to the compact commission, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under the pricing regulation, to make available to the compact commission all records required by the pricing regulation to be made available, the compact commission may notify the handler in writing, within the two year period provided for in paragraph (a) of this section, of such failure or refusal. If the compact commission so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such records pertaining to such obligation are made available to the compact commission;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under the pricing regulation to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Unless the handler files a petition to the compact commission to commence litigation within the applicable two year period indicated below, the obligation of the compact commission:

(1) To pay a handler any money which such handler claims to be due him under the terms of the pricing regulation shall terminate two years after the end of the month during which the fluid milk product involved in the claim were received; or

(2) To refund any payment made by a handler (including a deduction or offset by the compact commission) shall terminate two years after the end of the

month during which payment was made by the handler.

### PART 1301—DEFINITIONS

Sec.

- 1301.1 Compact.
- 1301.2 Commission.
- 1301.3 Northeast Dairy Compact Regulated Area.
- 1301.4 Plant.
- 1301.5 Pool plant.
- 1301.6 Partially regulated plant.
- 1301.7 Non pool plant.
- 1301.8 Milk.
- 1301.9 Handler.
- 1301.10 Producer-handler.
- 1301.11 Producer.
- 1301.12 Producer milk.
- 1301.13 Exempt milk.
- 1301.14 Fluid milk product.
- 1301.15 Fluid cream product.
- 1301.16 Filled milk.
- 1301.17 Cooperative association.
- 1301.18 Person.
- 1301.19 Route disposition.
- 1301.20 Distributing plant.
- 1301.21 Supply plant.
- 1301.22 State dairy regulation.
- 1301.23 Diverted milk.

AUTHORITY: 7 U.S.C. 7256.

SOURCE: 62 FR 29639, May 30, 1997, unless otherwise noted.

#### § 1301.1 Compact.

*Compact* means the Northeast Dairy Compact as approved by section 147 of the Federal Agriculture Improvement and Reform Act (Fair Act), Pub. L. 104-127.

#### § 1301.2 Commission.

*Commission* means the commission established by the Northeast Dairy Compact.

#### § 1301.3 Northeast Dairy Compact Regulated Area.

*Northeast Dairy Compact Regulated Area* hereinafter called the *Regulated Area* means all territory within the boundaries of the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. All waterfront facilities connected therewith and craft moored thereat, and all territory therein occupied by any governmental installation, institution, or other similar establishment.