

## PETRO POLLY... Humor for the Day

The new cashier had been caught coming in late three times already, and on the fourth morning, the boss decided to read the riot act.

*“Look hear,” he snapped, “don’t you know what time we start work around here?”*

*“No Sir,” said the cashier. “They’re always working when I get here!”*

As per usual, summer went entirely too fast! While there’s still about four weeks left as I’m writing this, I still have that “cram everything you possibly can in” feeling. When you live on the east side of the Divide spring comes later, and fall comes earlier; but enough whining! We need to report the good news that the June convention was a great success! For the third year in a row, attendance increased by a small percentage and the resulting net income proves that the convention remains an important, vital income stream for maintaining a healthy Association. The trend that showed trade shows and conventions losing “steam” in the past decade has apparently reversed itself; at least in the West. It appears that all of our WPMA states have shown growth in their annual meeting attendance and income. Thanks to all who attended! We hope it was beneficial in all ways.

In other Association business we need to thank a couple of retiring Board members for their years of service in volunteer leadership. First is Bary Moore, Moore Oil Co. in Thompson Falls. Bary served no less than ten terms on the MPMCSA Board which totals twenty years in lending his advice and assistance in managing this great Association. Thank you Bary for your support, humor and generosity! Also retiring is Doug McCracken, EZ Mart in Harlem, who served four years in the small retailer position. It’s a big commitment to live in Harlem and attend Board meetings; so thank you Doug!

Replacing Bary and Doug on the Board are Linda Sutey, Sutey Oil / Thriftway in Butte and Ron May, Mike’s Convenience Store in Columbia Falls. Thanks to Linda and Ron

for “stepping up” to move the Association forward in the coming years. We look forward to working with you!

## SUPREME COURT UPHOLDS STATE’S MILK RULE

Recently the Montana Supreme Court unanimously upheld a lower-court decision supporting the state Board of Livestock’s decision to retain its rule providing for a “sell-by” date for milk of 12 days after pasteurization. (If the milk hasn’t been sold in those 12 days, it must be pulled from retailers’ shelves). The ruling ends, at least for now, a decade-long fight over Montana’s 12-day milk dating rule which was enacted in 1980. Core-Mark International, a regional food distributor, challenged the rule, contending that individual milk processors ought to be able to stamp their own expiration date on their milk containers. Core-Mark said this “open-code” milk dating method would be a more reliable and accurate tool for consumers than the current 12-day rule.

Montana is one of the few states to enforce a sell-by dating for milk products. Most states endorse the milk producers dating as the most responsible method. A hearing examiner for the State had recommended the 12-day rule be rejected and replaced by a system like that advocated by Core-Mark, but the Board of Livestock rejected that recommendation in May 2012; Core-Mark subsequently sued.

While both the District Court judge and the Supreme Court decision written by Justice Jim Rice agreed that there was conflicting evidence on whether Core-Mark’s proposed method or the State’s current sell-by date was best for milk consumers and producers, both found that the Board has the legal authority to adopt rules it “considers necessary or proper” for controlling the standards of milk and its by-products. The Association has supported the efforts of Core-Mark and our member convenience stores that are negatively affected by the 12-day rule. It is quite possible that legislation will be introduced next Session to affect a change in the system, but for now the sell-by date will remain.

## EPA / SPCC

Earlier this year we had contacted the Region 8 EPA office in Denver about a potential workshop regarding the revised regulations for Spill Prevention Control & Countermeasure (SPCC) plans; however, due to government sequestration the staff was limited in resources and unable to travel. In June, the Denver EPA office did conduct an online workshop on preparing and implementing an SPCC plan. The content of the workshop is available now in webinar format by accessing this link: [http://epaosc.org/site/site\\_profile.aspx?site\\_id=9305](http://epaosc.org/site/site_profile.aspx?site_id=9305).

Owners should find this information helpful in assessing their sites for SPCC revisions.

## MONTANA LOTTERY

The Montana Lottery Commission has amended certain sections of rule to clarify statutory requirements.

New language has been added to 2.63.607 for Business Changes: (2) *“Pursuant to the licensee’s contract, a licensee shall notify the director of any change, move, or removal of lottery terminal, equipment, and / or peripherals.”*

New language has been added to 2.63.1201 for Prizes: (14) *“An owner or employee of a licensed lottery retailer shall identify themselves as such to the lottery officials when claiming a prize. This information must be recorded on the claim form presented to the Lottery.”* This means that the rule will only impact claims over \$600 when made in person at the lottery office or by mail.



**Ronna Alexander**  
Executive Director,  
Montana Petroleum  
Marketers &  
Convenience Store  
Association



MPMCSA's Brittany Barnes accepts Scholarship from WPMA past President Dallas Herron during school honors