

MAINE STATE LEGISLATURE

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(New Title)
New Draft of: H. P. 1656, L. D. 2049
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2554

H. P. 2014 House of Representatives, March 5, 1974
Reported by Majority from the Committee on Agriculture and printed
under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Relating to the Powers of the Milk Commission.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 7, § 2951, sub-§ 14, additional. Section 2951 of Title 7 of the Revised Statutes is amended by adding a new subsection 14, to read as follows:

14. Retail store. "Retail store" means a grocery store, dairy product store or any similar commercial establishment where milk is sold to consumers for consumption off the premises.

Sec. 2. R. S., T. 7, § 2952, amended. The first sentence of section 2952 of Title 7 of the Revised Statutes, as amended by chapter 362 of the public laws of 1967, is repealed and the following enacted in place thereof:

The Maine Milk Commission, as heretofore established, shall consist of 2 producers, a dealer, a producer-dealer, the owner of a retail store and 2 consumers, one of whom shall be a representative from a nonprofit organization established for the purposes of consumer protection. All members of the commission shall be residents of the State.

Sec. 3. R. S., T. 7, § 2954, amended. The last 2 sentences of the first paragraph of section 2954 of Title 7 of the Revised Statutes are repealed and the following enacted in place thereof:

The commission is vested with power to establish and change after investigation the minimum prices to be paid to producers by dealers for milk received,

purchased, stored, manufactured, processed, distributed or otherwise handled within the State. The commission shall hold a public hearing prior to establishing and changing such prices whenever any single increase in price is greater than 23¢ per hundredweight or whenever the sum of the price increases since the last preceding public hearing is greater than 23¢ per hundredweight. Due notice of such a public hearing shall be given by publishing it at least 7 days prior to said hearing in appropriate newspapers. The commission is further vested with power to establish and change, after investigation and public hearing, the wholesale and retail prices to be charged for milk distributed for sale within the State, wherever produced, including the following sales:

Sec. 4. R. S., T. 7, § 2954, amended. Section 2954 of Title 7 of the Revised Statutes, as amended by section 5-B of chapter 425 and chapter 245, both of the public laws of 1965, and by chapter 129 of the public laws of 1971, is further amended by inserting 2 new paragraphs before the 2nd paragraph to read as follows:

In establishing and changing minimum wholesale and retail prices, the commission shall use no system which by itself determines such prices in the preceding 6 sales categories by means of mathematical formula, price bracket or similar device using as a basis the prices paid to producers. Prior to consideration of each price change in each of the preceding 6 sales categories, the commission shall conduct a public hearing, of which due notice has been given by publishing it at least 7 days prior to said hearing in appropriate newspapers. At such hearing, the commission shall solicit and receive testimony to determine whether such a price change is just and reasonable under this chapter.

In establishing and changing minimum wholesale and retail prices in the preceding 6 sales categories, the commission is authorized to consider evidence relating to any variations in costs of different types of container and different sizes of container. The commission shall use, among other factors, these variations in costs, if any, in determining the minimum wholesale and retail prices in the 6 sales categories.

Sec. 5. R. S., T. 7, § 2954, amended. The 3rd paragraph of section 2954 of Title 7 of the Revised Statutes is amended to read as follows:

The commission in its discretion may waive public hearing when the sole change to be made in minimum prices paid to producers by dealers is to conform with orders of any federal agency duly authorized by law to determine prices.

Sec. 6. R. S., T. 7, § 2954, amended. The 6th paragraph of section 2954 of Title 7 of the Revised Statutes is repealed as follows:

~~No price shall be established for any one or more of said sales, unless at the same time a price shall be established for all of said sales in any market.~~

Sec. 7. R. S., T. 7, § 2954, amended. The last sentence of the next to the last paragraph of section 2954 of Title 7 of the Revised Statutes is amended to read as follows:

Violation of this paragraph shall be sufficient cause for the ~~Maine Milk Commission~~ ~~commission~~ to revoke or withhold a dealer's license.

STATEMENT OF FACT

The purposes of this bill are :

1. To change the composition of the Maine Milk Commission ;
2. To assure that each price change authorized by the commission is separately justified as a result of evidence presented at a public hearing ; and
3. To offer consumers the possibility of cost savings by authorizing, wherever it can be justified, different prices for various types and sizes of container.

It is further the intent of the Legislature that the Maine Milk Commission shall hold public hearings, as far as possible, on the same day as the regular monthly meeting.