

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 981

H. P. 805

House of Representatives, March 15, 1977

On motion of Ms. Clark of Freeport referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Wood of Sanford.

Cosponsors: Mr. Brenerman of Portland and Mr. Cary of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Concerning the Pricing of Retail Grocery Items.

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

10 MRSA c. 212 is enacted to read:

CHAPTER 212

UNIT PRICING OF CONSUMER COMMODITIES

§ 1371. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Automatic checkout system. "Automatic checkout system" means a computer capable of reading the universal product code or similar code to determine the price of the items being purchased.

2. Consumer commodity. "Consumer commodity" shall include, but shall not be limited to, the following:

A. Food, including all material, whether solid, liquid or mixed and whether simple or compound, which is used or intended for consumption by human beings or domestic animals normally kept as household pets and all substances or ingredients added to any such material for any purpose. This definition shall not apply to individual packages of cigarettes or individual cigars.

8. Napkins, facial tissues, toilet tissues, foil wrapping, plastic wrapping, paper toweling and disposable plates and cups.

C. Detergents, soaps and other cleaning agents.

D. Pharmaceuticals, including nonprescription drugs, bandages, female hygiene products and toiletries.

3. Grocery department. "Grocery department" means an area within a general retail merchandise store which is engaged primarily in the retail sale of packaged food, rather than food prepared for immediate consumption on or off the premises.

4. Grocery store. "Grocery store" means a store engaged primarily in the retail sale of purchased food, rather than food prepared for consumption on the premises.

5. Packaged. "Packaged" means to be contained in any can, wrapper, box, carton, package or other container in which the commodity shall be sold or offered for sale by a grocery store or grocery department.

6. Sale item or weekend special. "Sale item" or "weekend special" means any consumer commodity offered for a period of 4 days or less on sale in good faith at a price below the normal price that item is usually sold for in that store.

§ 1372. Consumer commodities ; pricing

1. Price to be indicated on each commodity. Every retail grocery store or grocery department within a general retail merchandise store which uses an automatic checkout system shall cause to have a clearly readable price indicated on each packaged consumer commodity offered for sale after June 1, 1978.

2. Exceptions. The provisions of this section shall not apply to:

A. Unpackaged fresh food produce or to consumer commodities which are under 3 cubic inches in size, weigh less than 3 ounces and are priced under 30¢.

B. Any consumer commodity offered as a sale item or as a weekend special.

C. Any business which has as its only regular employees the owner thereof, or the parent, spouse or child of such owner or, in addition thereto, not more than 2 other regular employees.

§ 1373. Penalties

1. Violation. Failure to have a clearly readable price indicated on 12 individual items of the same commodity, pursuant to this chapter shall constitute a civil violation for which a forfeiture of not less than \$25 and not more than \$500 may be adjudged plus reasonable costs and attorneys' fees.

2. Additional violations. Every additional 12 items not priced in compliance with this chapter shall constitute a separate violation. Each day that a violation continues shall also constitute a separate violation.

3. **Enforcement.** Notwithstanding any other provision of law, any person may bring an action to enjoin a violation of this chapter.

STATEMENT OF FACT

The purpose of this bill is to require that each individual grocery item sold carry a notation of the price of that individual item. This required pricing will enable the grocery consumer to tell the price of each grocery item he buys even though the grocery store is using the Universal Pricing Code, which is a computer readable pricing code.