

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1600

H. P. 1335

House of Representatives, April 13, 1977

On motion of Mr. Mahany of Easton, referred to Committee on Agriculture.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Brenerman of Portland.

Cosponsors: Messrs. Hobbins of Saco, Davis of Orono, Blodgett of
Waldoboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Give Milk Markets the Option of Terminating the Maine Milk
Commission's Retail Price-fixing Authority.**

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

7 MRSA § 2954-B is enacted to read:

§ 2954-B. Termination of retail price-fixing authority

1. Local option. The municipal officers of cities and towns and the assessors of plantations, upon receipt of a petition signed by 15% of the voters in that municipality voting in the last gubernatorial election and addressed to the municipal officers as defined in Title 30, section 1901, subsection 7, not more than 45 days nor less than 30 days prior to the municipal election or town meeting, are empowered and directed to notify the inhabitants of their respective municipalities to meet in the manner prescribed by law for the calling and holding of municipal elections or town meetings to vote upon the following question:

“Shall the Maine Milk Commission cease to have the authority to set the price for milk, except the price paid by the dealer to the producer, in this city or town?”

2. Results of vote. If a majority of the votes cast in any municipality in answer to the local option question is in the affirmative, the Maine Milk Commission shall not have the authority to set any price for the sale of milk, except for the price paid to a producer by a dealer in that municipality.

If a majority of the votes cast in any municipality in answer to any local option question is in the negative, the Maine Milk Commission shall have the authority to set prices for the sale of milk in that municipality.

In case of a tie vote on the question in subsection 1, the law shall remain as it was before the voting.

3. Unincorporated places. Upon petition signed by 15% or more of the voting age residents in any unincorporated place requesting a vote on local option questions, the Secretary of State shall forthwith appoint a time and place, give public notice and cause a vote on those questions to be taken in that unincorporated place under his supervision and subject to rules and regulations as he shall promulgate. Voting age Indian reservation residents shall be determined from annual tribal census.

If a majority of the votes cast on any local option question is in the affirmative, the Maine Milk Commission shall not have the authority to set any price for the sale of milk, except for the price paid to a producer by a dealer in that place.

If a majority of the votes cast on any local option question is in the negative, the Maine Milk Commission shall have the authority to set prices for the sale of milk in that place.

The affirmative or negative vote, as cast, on any local option question, shall prevail in such unincorporated place, unless and until changed by another local option vote, subsequently held, on petition to the Secretary of State as provided. No local option vote shall be taken more often than once in any 2-year period.

STATEMENT OF FACT

This bill allows municipalities the option of having a referendum to remove themselves from the resale and retail pricing authority of the Maine Milk Commission. This bill in no way affects the present wholesale powers that the commission has over the State.