

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1788

H. P. 1679

House of Representatives, January 10, 1980

Referred to the Committee on Agriculture. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk of the House

Presented by Mr. Wood of Sanford.

Cosponsor: Mr. Tuttle of Sanford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT Concerning Regulation of Milk by the Maine Milk Commission in Municipalities which Vote for Decontrol.

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

Sec. 1. 7 MRSA § 2953-B is enacted to read:

§ 2953-B. Referendum by voters in proposed or expanded market areas

1. Commission action suspended. No action of the commission which creates a new market area or expands an existing market area is valid until ratified by the legal voters of the new or expanded area, after an election held in accordance with this section. After creating or expanding a market area, the commission shall notify, in writing, the clerk of each municipality in the new or expanded market area.

2. Election procedure. The question of the ratification of the commission action shall be submitted to the legal voters of any municipality affected, at a special town meeting to be called and held for that purpose within 90 days of notification from the commission. The special town meeting shall be called, advertised and conducted according to the law relating to municipal elections.

3. Ballot. The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of the referendum to the following question:

**Shall the action of the Maine Milk Commission, in voting to include this municipality within a market area subject to milk price controls, be ratified?**

**The voters shall indicate by a cross or check mark placed against the word "yes" or "no" their opinion of the same.**

**4. Ratification. The action of the commission shall take effect 30 days after ratification by a majority of the legal voters voting at the election.**

**The municipal officers of any municipality voting on the question shall declare the results and file a due certificate of those results with the commission.**

**Sec. 2. Suspension and ratification of prior commission action.** Any action of the Maine Milk Commission taken since January 1, 1979, which has created a new market area or expanded an existing market area is suspended on the effective date of this Act. The action is not thereafter effective until ratified in accordance with the Maine Revised Statutes, Title 7, section 2953-B, as enacted by section 1 of this Act. The commission, within 30 days of the effective date of this Act, shall notify, in writing, the clerk of each municipality in any such new or expanded area, for purposes of conducting an election in accordance with the Maine Revised Statutes, Title 7, section 2953-B.

#### STATEMENT OF FACT

The purpose of this bill is to provide a referendum mechanism for legal voters to determine whether to ratify action by the Maine Milk Commission which would place them in a market area subject to commission control. Without such a ratification, the commission action would be ineffective.

The bill also provides for a similar referendum mechanism for legal voters in any new market area created by the commission since January 1, 1979.