

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1037

S.P. 345

In Senate, April 1, 1987

Reference to the Committee on Agriculture suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator DOW of Kennebec.

Cosponsored by Representative WEYMOUTH of West Gardiner,
Representative MAHANY of Easton.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Amend the Law Concerning the Maine
Milk Commission.

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

Sec. 1. 7 MRSA §2952, as amended by PL 1985, c.
785, Pt. B, §48, is repealed and the following en-
acted in its place:

§2952. Organization

The Maine Milk Commission, as established by Ti-
tle 5, section 12004, subsection 6, shall consist of
7 members and at all times shall include within its
membership the Commissioner of Agriculture, Food and
Rural Resources or his designee, ex officio. To pro-
vide the knowledge and experience necessary for ef-

1 fectively carrying out the mission of the Maine Milk
2 Commission, representation on the commission shall be
3 drawn from the following areas of Maine society: One
4 farmer, one milk dealer, one food retailer, one fac-
5 ulty member or administrator from a Maine university
6 or college who has professional interest in agricul-
7 ture and 2 citizens at large.

8 All members of the commission shall be residents
9 of the State. The 4 members, other than the Commis-
10 sioner of Agriculture, Food and Rural Resources,
11 shall be appointed by the Governor, subject to review
12 by the joint standing committee of the Legislature
13 having jurisdiction over agriculture and confirmation
14 by the Legislature. Those members shall serve for
15 terms of 4 years and until their successors have been
16 duly appointed and qualified. Notwithstanding these
17 conditions of appointment and service, members of the
18 commission who are serving on the effective date of
19 this section shall be allowed to complete the term
20 for which they were appointed.

21 The members of the commission shall elect a
22 chairman. With the approval of the commission, the
23 Commissioner of Agriculture, Food and Rural Resources
24 may employ, subject to the Civil Service Law, a sec-
25 retary and such officers, clerks, assistants and oth-
26 er employees as deemed necessary. The commission may
27 employ such expert, professional or other assistance
28 as the commission deems necessary. Legal services
29 and the services of experts in other lines shall be
30 performed as far as possible by the existing state
31 departments, including the Department of Agriculture,
32 Food and Rural Resources, Department of Human Ser-
33 vices and Department of the Attorney General.

34 Any vacancy in the membership of the commission
35 shall be filled by appointment by the Governor. Mem-
36 bers of the commission shall be compensated as pro-
37 vided in Title 5, chapter 379. The cost of adminis-
38 tration of the commission, including expenses and
39 compensation of members, shall not exceed the amount
40 of fees collected under this chapter. The commission
41 shall be furnished a suitable office in the State
42 Capitol, together with all necessary equipment and
43 supplies.

1 The commission shall hold regular meetings on the
2 3rd Thursday of each calendar month. The chairman
3 shall call special meetings of the commission whenever
4 requested in writing by 2 or more members of the
5 commission.

6 Sec. 2. 7 MRSA §2953, first ¶, as repealed and
7 replaced by PL 1975, c. 517, §2, is amended to read:

8 The commission shall ~~have power to~~ establish and
9 change the minimum wholesale and retail prices for
10 the sale of milk within the State, in such a manner
11 as to supplement such supervision and regulations as
12 are now imposed by existing statutes or by lawful or-
13 dinances or rules and regulations of the several
14 cities and towns of the State. The commission shall
15 have no power to modify, add to or annual any sani-
16 tary regulations imposed by any state or municipal
17 authority or to compel pasturization in any market
18 area.

19 Sec. 3. 7 MRSA §2954, sub-§1, as amended by PL
20 1977, c. 694, §140, is further amended to read:

21 1. Commission shall establish prices; public
22 hearing. ~~The commission is vested with the power to~~
23 shall establish and change, after investigation and
24 public hearing, the minimum wholesale and retail
25 prices to be paid to producers, dealers and stores
26 for milk received, purchased, stored, manufactured,
27 processed, distributed or otherwise handled within
28 the State. The commission shall hold a public hear-
29 ing prior to the establishing or changing of such
30 minimum prices. Provided, however, that the commis-
31 sion may waive the requirement of a public hearing
32 when the only changes to be made in the minimum
33 prices are to conform with the orders of any federal
34 or other agency duly authorized by law to establish
35 or negotiate producer prices. Due notice of such
36 public hearing shall be given by publishing such no-
37 tice as provided in Title 5, chapter 375. The commis-
38 sion shall hold such a public hearing not less fre-
39 quently than once ever 12 months to determine whether
40 the minimum wholesale and retail prices then estab-
41 lished should be changed. In addition to the data re-
42 ceived through the implementation of the information
43 gathering procedures of its rules and regulations as

1 a basis for its determinations, the commission shall
2 solicit and seek to receive oral and written testimo-
3 ny at such hearings to determine whether the minimum
4 wholesale and retail prices then established should
5 be changed and whether the proposed minimum wholesale
6 and retail prices are just and reasonable.

7 Sec. 4. 7 MRSA §2954, sub-§2, ¶B, as repealed
8 and replaced by PL 1975, c. 517, §3, is amended to
9 read:

10 B. The minimum wholesale prices paid to dealers
11 shall be established to reflect the lowest
12 statewide prices at which milk purchased from
13 Maine producers at Maine minimum prices ~~can be~~ is
14 being received, processed, packaged and distrib-
15 uted within the State of Maine at a just and rea-
16 sonable return to all types of stores in all dif-
17 ferent market areas throughout the State.

18 STATEMENT OF FACT

19 This bill reforms the representation of member-
20 ship to the Maine Milk Commission allowing agricul-
21 tural interests to play a decision-making role in
22 dairy policy. In addition, modifications in statutory
23 language are proposed to eliminate any question what-
24 soever about the authority of the Maine Milk Commis-
25 sion to set prices.

26 A proposed change in the section of the law deal-
27 ing with considerations in establishing prices allows
28 the Maine Milk Commission to use actual Maine case
29 cost figures to determine minimum prices.

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