

# MAINE STATE LEGISLATURE

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(After Deadline)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1632

S.P. 540 In Senate, May 20, 1987  
Approved for Introduction by a Majority of the Legislative  
Council pursuant to Joint Rule 27.

Reference to the Committee on Agriculture suggested and  
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator MATTHEWS of Kennebec.

Cosponsored by Representative NUTTING of Leeds,  
Representative WEYMOUTH of West Gardiner, Senator DILLENBACK of  
Cumberland.

STATE OF MAINE

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

1 AN ACT Relating to the Maine Milk Commission.  
2

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

5 Sec. 1. 7 MRSA §2952, as amended by PL 1985, c.  
6 785, Pt. B, §48, is repealed and the following en-  
7 acted in its place:

8 §2952. Organization

9 1. Established. The Maine Milk Commission, as  
10 established by Title 5, section 12004, subsection 6,  
11 shall consist of 7 members one of whom shall be the  
12 Commissioner of Agriculture, Food and Rural Resources  
13 or a designee, ex officio.

1           2. Members; qualifications. All members of the  
2 commission shall be residents of the State. The 4  
3 members, other than the Commissioner of Agriculture,  
4 Food and Rural Resources, shall be appointed by the  
5 Governor, subject to review by the joint standing  
6 committee of the Legislature having jurisdiction over  
7 agriculture and confirmation by the Legislature.  
8 They shall serve for a term of 4 years and until  
9 their successors have been duly appointed and quali-  
10 fied. In addition to the limitations of Title 5,  
11 section 18, none of the members appointed by the Gov-  
12 ernor to the commission, except as provided in sub-  
13 section 3, may at the time of appointment or while  
14 serving as a member or employee of the commission, do  
15 any of the following with a firm which provides any  
16 professional or other service for any producer, deal-  
17 er, store or other entity whose activities are sub-  
18 ject to the jurisdiction of the commission:

19           A. Transact any business, other than retail pur-  
20 chases of milk;

21           B. Have any professional connections or rela-  
22 tions;

23           C. Hold any interest or stock or securities in  
24 such a firm; or

25           D. Provide services to or be a member of such a  
26 firm.

27           3. Members representing the dairy industry. Two  
28 members of the Maine Milk Commission appointed by the  
29 Governor shall represent the dairy farmers and the  
30 milk dealers of the State.

31           A. One dairy farmer representative shall be cho-  
32 sen for a 4-year term by the Governor for ap-  
33 pointment to the commission from a nomination  
34 slate identifying the candidates with the highest  
35 number of votes and the 2nd highest number of  
36 votes in a special election for this nomination.  
37 Dairy farmers from this State who are listed on  
38 an official register to be established and main-  
39 tained by the Department of Agriculture, Food and  
40 Rural Resources may seek office, are eligible to  
41 vote or may sign petitions for nomination. Only

1 names of dairy farmers who sell milk to licensed  
2 dairy processing plants in this State or who partic-  
3 ipate in the Maine Milk Pool shall appear on  
4 the official register.

5 B. One milk dealer shall be chosen for a 4-year  
6 term by the Governor for appointment to the com-  
7 mission from a nomination slate identifying the  
8 processor with the highest number of votes and  
9 the dealer with the 2nd highest number of votes  
10 in a special election for this nomination. Own-  
11 ers or managers of dairy processing plants in  
12 this State who are licensed by the Maine Milk  
13 Commission may seek office, are eligible to vote  
14 or may sign petitions for nomination. Subdealers  
15 are not eligible to participate in the special  
16 election.

17 The Maine Milk Commission shall conduct the spe-  
18 cial elections in accordance with Title 21-A. The  
19 commission may establish, by rule, special procedures  
20 and guidelines necessary for the proper implementa-  
21 tion of this section and section 2952-A.

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

35 When vacancies occur on the commission, the Gov-  
36 ernor shall fill only the 4 seats for which he has  
37 unrestricted appointment authority. The remaining 2  
38 seats shall be filled from nominees by special elec-  
39 tion as provided in this section.

40 Members of the commission shall be compensated as  
41 provided in Title 5, chapter 379, that compensation  
42 to be determined by the Governor. The cost of admin-

1 istration of the commission, including expenses and  
2 compensation of members, shall not exceed the amount  
3 of fees collected under this chapter. The commission  
4 shall be furnished a suitable office in the State  
5 Capitol with necessary equipment and supplies.

6 The commission shall hold regular meetings on the  
7 3rd Thursday of each calendar month. The chairman  
8 shall call special meetings of the commission whenever  
9 requested in writing by 2 or more members of the  
10 commission.

11 Sec. 2. 7 MRSA §2952-A is enacted to read:

12 §2952-A. Election of members to the Maine Milk Com-  
13 mission

14 In order to properly conduct the elections which  
15 are necessary to provide the Maine Milk Commission  
16 with representation from dairy farmers and milk deal-  
17 ers, the following guidelines are to be observed.

18 1. Petition requirements. A nomination petition  
19 shall be on a form developed and provided by the  
20 Maine Milk Commission and shall conform to the fol-  
21 lowing requirements.

22 A. The form must contain:

23 (1) The name of one candidate;

24 (2) Place of residence of the candidate;  
25 and

26 (3) The office sought.

27 B. A nomination petition may be signed only by  
28 those qualified, as specified in section 2952,  
29 subsection 3, paragraph A.

30 C. A qualified voter must personally sign his  
31 name in a manner to satisfy the executive direc-  
32 tor of the Maine Milk Commission. Either the  
33 voter or the circulator of the petition shall  
34 print the voter's name as well.

1 D. The voter or the circulator of the petition  
2 must print the voter's street address or rural  
3 route number, post office box number and the mu-  
4 nicipality of residence.

5 E. A prospective candidate seeking election to  
6 the Maine Milk Commission as a dairy farmer rep-  
7 resentative must obtain a minimum of 25  
8 signatures. A prospective candidate seeking  
9 election to the Maine Milk Commission as a repre-  
10 sentative of the dairy processing industry must  
11 obtain a minimum of 5 signatures.

12 Nomination papers will be made available on November  
13 1st and the filing deadline for the nomination peti-  
14 tion is December 1st. The commission shall refer to  
15 Title 21-A, section 354, in establishing petition re-  
16 quirements.

17 2. Balloting. After nomination petitions have  
18 been returned to the Maine Milk Commission, an elec-  
19 tion ballot will be prepared containing the following  
20 items in the following order:

21 A. The names of the candidates arranged alpha-  
22 betically with the last name first and without  
23 any title; and

24 B. The municipality of residence.

25 Election ballots will be mailed to all qualified vot-  
26 ers, as specified in section 2952, subsection 3, par-  
27 agraphs A and B, not later than December 15th.

28 In developing ballot and balloting procedures, the  
29 Maine Milk Commission shall refer for guidance to Ti-  
30 tle 21-A, sections 102 and 103.

31 3. Method of voting. Voting shall be as fol-  
32 lows.

33 A. A qualified voter shall receive his ballot  
34 from the Maine Milk Commission by mail, mark his  
35 ballot and return his ballot to the Maine Milk  
36 Commission by mail. He shall receive no assist-  
37 ance in marking his ballot, the following proce-  
38 dures apply.

1 (1) While the voter is marking the ballot,  
2 there may be no communication between the  
3 voter and any other individual as to the  
4 person or question for which the voter is to  
5 vote.

6 (2) After the voter has completed marking  
7 his ballot, he must then seal the ballot in  
8 its return envelope and complete the affida-  
9 vit on the envelope. No notary or witness  
10 certification is required.

11 (3) The voter must then insert the ballot  
12 in the enclosed addressed envelope and mail  
13 it back to the Maine Milk Commission or de-  
14 liver it in person to be received no later  
15 than the last Friday of January at 5 p.m.

16 (4) On the Monday following the deadline  
17 for submission of ballots, the Maine Milk  
18 Commission shall convene a special meeting  
19 to oversee the inspection and counting of  
20 the ballots. The count will be conducted  
21 under the observation of the public, but no  
22 person except those authorized by the chair-  
23 man of the Maine Milk Commission may touch  
24 any ballot.

25 (5) When the count is completed, materials,  
26 ballots and ballot sheets shall be sealed  
27 and retained for a period of at least 10  
28 years.

29 (6) The executive director shall record the  
30 official returns of the election and certify  
31 to the Secretary of State the official re-  
32 sults. These official results shall be open  
33 to the public as soon as the count is com-  
34 pleted and the results have been announced.

35 (7) In case of a recount, the ballots or  
36 ballot cards shall be recounted manually un-  
37 der the supervision of the Secretary of  
38 State.

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STATEMENT OF FACT

2           This bill increases the size of the Maine Milk  
3 Commission by 2 seats. One seat allows for represen-  
4 tation from the dairy farmer and the other enables a  
5 representative of the dairy processing industry to  
6 participate in commission affairs. These dairy rep-  
7 resentatives shall be chosen by the Governor from a  
8 nomination slate which is developed as a result of  
9 special elections. With dairy farmers only voting  
10 for the farmer candidates and with owners and manag-  
11 ers of dairy plants voting for the milk dealers can-  
12 didates, the Governor shall choose between the candi-  
13 dates with the highest number of votes and the 2nd  
14 highest number of votes.

15           The method of election is determined in this bill  
16 and the Maine Milk Commission is given authority to  
17 establish special election procedures by rule.

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