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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY

IN SUPPORT OF LD 88

An Act to Improve the Weights and Measures Law and Enhance Consumer Protection

January 28, 2025

Senator Talbot Ross, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Craig Lapine, Director of the Bureau of Agriculture, Food and Rural Resources. I am speaking on behalf of the Department of Agriculture, Conservation and Forestry (DACF) in support of LD 88, *An Act to Improve the Weights and Measures Law and Enhance Consumer Protection*.

The Division of Quality Assurance and Regulation (QAR) implements state and federal law regarding commerce in Maine. Our Weights and Measures Consumer Protection Inspectors are tasked with consumer protection activities, specifically enforcing retail compliance to ensure that consumers receive the correct amount of goods for which they have paid. This includes ensuring that gasoline pumps dispense the correct volume of fuel and that scales utilized in retail commerce weigh accurately.

Currently, the Weights and Measures program has limited enforcement ability when vendors shortchange or overcharge customers. A fine structure is in place, but all enforcement must be pursued through a civil action, which can put significant strain on the resources of QAR staff and our legal system.

This has left Maine consumers vulnerable to exploitation. Firewood customers depend on accurate deliveries to heat their homes through Maine's long winter. Deliveries that are short or made without a receipt violate state statute. However, because it is burdensome and impractical for QAR to pursue a civil action for every occurrence, it can be difficult for QAR staff to hold dealers accountable. The QAR Division receives between 12 and twenty complaints of this type each year. If a civil action is not taken by the State, consumers are left with no option beyond small claims court, which few pursue.

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Another obstacle faced by QAR is enforcing price verification. It is the law that an item's advertised or displayed price be the same as the price charged for that item at check out. In retail environments, our inspectors have found error rates as high as over 35% of items tested, with many individual items scanning at more than 10% over the advertised or displayed price. We recognize that many Maine retailers face labor shortages, and it can be a challenge to keep posted prices in line with scanned prices. That said, when the price charged is significantly more than the price advertised, it impacts all Maine consumers and disproportionately impacts those who can least afford it.

The proposed bill would provide Weights and Measures inspectors an administrative rather than a civil procedure for enforcing violations of 10 M.R.S. § 2751 and help prevent or limit the infractions highlighted above. This administrative penalty process would still allow those cited for these violations to contest their penalties through an administrative hearing process. LD 88 is based on existing Vermont law, which has successfully allowed its Weights and Measures program to pursue retailers who regularly sold products that were advertised at lower prices than were ultimately charged to consumers at checkout.

There is currently no fiscal note for this bill. That is because the process envisioned in this bill falls squarely within the current scope of work performed by Weights and Measures inspectors.

Thank you for your time. I would be happy to answer any questions now, and our Weights and Measures staff intends to attend the work session.