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Testimony of Rep. Sally Cluchey in support of

LD 1597, An Act to Prohibit the Use of Dynamic Pricing for Certain Consumer Goods

Before the Joint Standing Committee on Housing and Economic Development

Senator Curry, Representative Gere and distinguished members of the Housing and Economic Development Committee, my name is Sally Cluchey, and I represent House District 52, which includes Bowdoinham, Richmond and part of Bowdoin. I am in strong support of **LD 1597, An Act to Prohibit the Use of Dynamic Pricing for Certain Consumer Goods**.

Dynamic pricing—a form of price gouging—is a strategy that adjusts selling prices based on demand, consumer preferences and time of day. Major retailers like Walmart and restaurant chains such as Wendy's now possess the technology to instantly modify prices throughout the day.

In February 2024, Wendy's CEO announced that the fast-food chain would begin testing dynamic pricing in 2025 by replacing traditional drive-through menus with electronic displays. While Wendy's has claimed it would not increase prices during peak hours, there are no safeguards preventing them from doing so. For instance, they could charge more for a burger and fries during the lunch rush. Corporations like Kroger and Walmart *are* currently using dynamic pricing with electronic shelf labels, which allow businesses to digitally display and adjust product prices based on location and demand.

This practice mirrors what we already see with companies like Uber and Ticketmaster. During storms, Uber raises its rates, and when purchasing tickets for popular concerts through Ticketmaster, prices often surge. However, dynamic pricing for basic essentials like food should be off-limits.

Dynamic pricing undermines fair business practices and severely damages consumer trust. The cost of living has already increased significantly over the past few years, and the economic outlook remains concerning.

Maine consumers should not be targeted by large corporations seeking to maximize profits while they're simply grocery shopping or stopping for lunch.

While this practice hasn't yet reached Maine, it's only a matter of time. I want to thank Representative Malon for this preemptive legislation that protects Maine consumers.

Thank you for your consideration, and I urge you to support LD 1597.