

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 225

S. P. 88

In Senate, January 16, 1963

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Pike of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Providing for the Maine Apple Cider Law.

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

R. S., c. 32, §§ 285-A - 285-H, additional. Chapter 32 of the Revised Statutes is amended by adding 8 new sections to be numbered 285-A to 285-H, to read as follows:

'Maine Apple Cider Law.

Sec. 285-A. Definitions. Each word in this section has the meaning indicated in this section for the purposes of sections 285-A to 285-G, unless a different meaning is plainly required by the context:

I. Apple cider. Apple cider is the unfermented liquid obtained from the first pressing of properly prepared whole, clean, sound, ripe apples, excluding the liquid from any residual apple material which is prepared without any concentration or dilution or sweetening ingredients. Juice so prepared may be processed with the addition of a preservative approved by the commissioner or sufficiently processed by heat to assure preservation of the product in properly sealed containers.

II. Commissioner. Commissioner shall mean the Commissioner of Agriculture or his agent.

III. Person. Person shall mean any person, firm or corporation.

Sec. 285-B. Manufacturers of apple cider licensed; fee. No person shall manufacture apple cider and no person shall bottle or package apple cider for sale within this State without first having filed with the commissioner an appli-

cation for a license for each plant, accompanied by a fee of \$2, upon receipt of which the commissioner shall, after being satisfied that sections 285-A to 285-G and rules and regulations issued thereunder have been complied with, issue to the person a license to manufacture, package or bottle apple cider. Said license shall run for the current year until the 30th day of June following the date of issuance on which date it shall terminate unless sooner revoked as provided in sections 285-A to 285-G, and it shall be renewed annually thereafter.

Sec. 285-C. Revocation or suspension of licenses; rules and regulations. The commissioners shall have the power to revoke or suspend any license issued under sections 285-A to 285-G, whenever it is determined by the commissioner that any of the provisions of sections 285-A to 285-G or rules and regulations promulgated thereunder have been violated. Before revoking or suspending any license, the commissioner shall give written notice to the licensee affected stating that he contemplates the revocation or suspension of the same and giving his reason therefor. Such notice shall set a time of hearing before said commissioner and shall be mailed by registered or certified mail to the licensee. On the day of the hearing the licensee may, by himself or counsel, present such evidence to the said commissioner as he deems fit, and after hearing all the testimony the said commissioner shall decide the question in such manner as to him appears just and right. Any licensee who feels aggrieved or dissatisfied with the decision of the said commissioner may appeal from said decision within 10 days to the Superior Court in the county where the licensee resides, or in the case of a nonresident to the Superior Court in the County of Kennebec. Any person whose license has been revoked or suspended shall discontinue the manufacture and sale within the State of apple cider until sections 285-A to 285-G have been complied with and a new license issued, or the suspension removed.

The commissioner shall, after investigation and public hearing, adopt and promulgate rules and regulations to supplement and give full effect to sections 285-A to 285-G. These regulations shall establish sanitary requirements for manufacturing and bottling or otherwise handling apple cider. The regulations shall include construction and sanitary conditions of building and equipment and shall direct that apple cider be made from properly prepared whole, clean, sound apples.

It shall be unlawful to sell or offer for sale cider not pressed from apples in an establishment licensed under sections 285-A to 285-G. Such rules and regulations shall be filed and open for public inspection at the office of the commissioner and shall have the force of law.

Sec. 285-D. Returnable or reusable containers, properly cleaned and sanitized. Apple cider shall not be stored, sold or offered for sale in this State in returnable or reusable containers unless such containers have been properly cleaned and sanitized in accordance with rules and regulations promulgated by the commissioner.

Sec. 285-E. Apple cider properly labeled. All apple cider sold or offered for sale in this State shall be deemed to be misbranded unless the label contains the following information:

I. Name of product. The name of the product, apple juice, apple cider or sweet cider.

II. Name of manufacturer. Name and address of the licensed manufacturer or means to identify.

III. If preservative or color used. If the apple cider contains any chemical preservative or artificial color or has been heat treated, this fact must be stated plainly and conspicuously on the label.

IV. Quantity. A statement of the quantity of the net contents.

Sec. 285-F. Penalty. Any person, firm or corporation who shall violate any of the provisions of sections 285-A to 285-G, or shall neglect or refuse to comply with the provisions thereof shall be punished by a fine of not more than \$100 for the first offense and by a fine of not more than \$200 for each subsequent offense.

Sec. 285-G. Disposal of fees and fines. All fees received by the commissioner under sections 285-A to 285-G, and all money and fines received by him under sections 285-A to 285-G, by virtue of sections 5 and 9 shall be paid by him to the Treasurer of State for deposit in the General Fund.

Sec. 285-H. Title. Sections 285-A to 285-H shall be known and may be cited as the "Maine Apple Cider Law."