

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 488

H. P. 340

House of Representatives, February 1, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Watts of Machias.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Controlling the Marketing, Grading and Labeling of Maple Products.

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

Sec. 1. R. S., T. 7, c. 103, sub-c. VIII-B, additional. Chapter 103 of Title 7 of the Revised Statutes is amended by adding a new subchapter VIII-B, to read as follows:

SUBCHAPTER VIII-B

MAPLE PRODUCTS

§ 891. Expose for sale

Maple products packed in any type or kind of container, and found in any place in the State of Maine, whether that place shall be a warehouse, packing house or any place where maple products are stored, shall be deemed to be exposed for sale under sections 891 to 898.

§ 892. Official standards

The commissioner is authorized and empowered, after holding public hearing, to establish and promulgate official definitions and standards for grading, or classifying, packing and labeling maple products, and to change such official standards from time to time.

Such official standards shall not be lower in their requirements than the minimum requirements of the official standards for corresponding grades of classifications, as promulgated from time to time by the Secretary of Agriculture of the United States, commonly known as U. S. Grades.

§ 893. Labeling of maple syrup

All containers of maple syrup sold or offered for sale for human consumption by any person, partnership, association, firm or corporation shall be labeled with the grade, the volume, name and address of the producer or packer, together with the producer's or packer's seal in such form as approved by the Commissioner of Agriculture on the cap of the container which must be so affixed that the container cannot be opened until such seal is broken. Any marking which indicates pure Maine maple syrup shall be used exclusively upon pure maple syrup produced within the State of Maine and which has not been bleached or lightened in color by artificial means.

The words "Maine Maple" shall not be used alone or in combination with other words on a label or container to designate the flavor of the contents unless all of the maple flavoring of the contents is a pure maple, produced in this State.

§ 894. Labeling containers

Any person, partnership, association, firm or corporation shall not sell or offer for sale in any place, or serve in any hotel, restaurant or other public eating place any maple sugar, maple confection or candy or maple syrup or any product labeled or represented as such that is in any way combined, interfused or diluted with cane or other sugars or any substance without distinctly marking, stamping or labeling the article or the package containing the same or the advertisement of or menu statement thereof with an accurate and descriptive name of such article and in the case of maple sugar and maple syrup, the percentage in which maple sugar or maple syrup enters into its composition. In case of maple confection or candy a list of the ingredients thereof shall be listed in the order of their volume. The word "maple", "mapled", "mapleing" and words of similar import, except as printed in the percentage statement shall not appear in any manner on the said article in which a product of maple sap is so combined, interfused or diluted, unless the word "blend" appears immediately before, after, above or below said word or words of similar import in equal prominence with the word "maple" or similar term, or unless the term "maple flavored" appears in similar fashion on the label.

§ 895. Advertising

Any person, partnership, association, firm or corporation, when quoting the price, shall include the grade on all flyers, newspapers, radio and television advertisements.

§ 896. Exemptions

Any producer selling to another producer or packer is exempt, except if containers are labeled with a grade, the contents of said container must meet the grade marked on said container.

§ 897. Enforcement; jurisdiction

The commissioner shall diligently enforce all of the provisions of sections 891 to 898. He, either in person or by a duly authorized representative, shall have free access, ingress and egress to any place or building, store, gift shop or any building wherein maple or maple products are packed, stored, transported, sold

or offered or exposed for sale or for transportation. He may also in person, or by a duly authorized representative, open any container and may upon tendering market price, take samples therefrom. He may recover penalties imposed for violation of said sections in a civil action brought in his own name and if he prevails in such action shall recover full costs or he may prosecute for violation thereof by complaint or indictment.

The District Court and the Superior Court shall have concurrent jurisdiction of actions brought for recovery of penalties imposed by sections 891 to 898 by the commissioner and all money and fines received by him under said sections shall be paid by him to the Treasurer of State and the same are appropriated for carrying out said sections.

The commissioner shall establish such rules and regulations as may be needed for the proper enforcement of sections 891 to 898.

§ 898. Penalties

Any person, firm or corporation who shall violate any of the provisions of sections 891 to 898 or neglect or refuse to comply with any of the provisions required therein or in any way violates any of said provisions 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.