

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1596

H. P. 1135

House of Representatives, March 17, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Wheeler of Portland by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Sale of Kosher Meats and Foods.

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

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

SUBCHAPTER VIII-A

KOSHER MEATS AND FOODS

§ 873. Sale of kosher meat and food products

A person who, with intent to defraud, sells or exposes for sale any meat or meat preparations, article of food or food products, and falsely represents the same to be kosher, whether such meat or meat preparations, article of food or food products, be raw or prepared for human consumption, or as having been prepared under, and of a product or products sanctioned by, the orthodox Hebrew religious requirements, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such food is kosher or prepared in accordance with the orthodox Hebrew religious requirements, or falsely represents any food products or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or who exposes for sale in any show window or place of business both kosher and nonkosher meat or meat preparations, or kosher and nonkosher food or food products, either raw or prepared for human consumption, and who fails to display over each kind of meat or meat preparation so

exposed a sign in block letters at least 4 inches in height reading "kosher meat" or "nonkosher meat", as the case may be, or "kosher food" or "non-kosher food", as the case may be, is guilty of a misdemeanor. Possession of nonkosher meat and food, in any place of business advertising the sale of kosher meat and food only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of this section.

§ 874. In hotels and restaurants

A person who, with intent to defraud, sells or exposes for sale in any hotel, restaurant or other place where food products are sold for consumption on or off the premises, any meat or meat preparations, article of food or food products, and falsely represents the same to be kosher, whether such meat or meat preparations, article of food or food products be raw or prepared for human consumption, or as having been prepared under, and of a product or products sanctioned by, the orthodox Hebrew religious requirements, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such food is kosher or prepared in accordance with the orthodox Hebrew religious requirements, or falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or who exposes for sale in any show window or place of business both kosher and nonkosher food or food products, either raw or prepared for human consumption, and who fails to display over each kind of food or food preparation so exposed a sign in block letters at least 4 inches in height reading "kosher food" or "non-kosher food", as the case may be, is guilty of a misdemeanor. Possession of nonkosher food, in any place of business advertising the sale of kosher food only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of this section.

§ 875. Fraudulent identification

No person shall:

1. Tags. Willfully mark, stamp, tag, brand, label or in any other way or by any other means of identification, represent or cause to be marked, stamped, tagged, branded, labeled or represented as kosher or as having been prepared in accordance with the Hebrew orthodox religious requirements food or food products not kosher or not so prepared, or

2. Defacing. Willfully remove, deface, obliterate, cover, alter or destroy or cause to be removed, defaced, obliterated, covered, altered or destroyed the original slaughterhouse emblem or any other mark, stamp, tag, brand, label or any other means of identification affixed to foods or food products to indicate that such foods or food products are kosher or have been prepared in accordance with the Hebrew orthodox religious requirements, or

3. No tags. Knowingly sell, dispose of or have in his possession, for the purpose of resale to any person as kosher, any food or food products not having affixed thereto the original slaughterhouse plumba or any other

mark, stamp, tag, brand, label or other means of identification employed to indicate that such food or food products are kosher or have been prepared in accordance with the Hebrew orthodox religious requirements or any food or food products to which such plumba, mark, stamp, tag, brand, label or other means of identification has or have been fraudulently affixed.

§ 876. Advisory board

There is established in the Department of Agriculture an Advisory Board on Kosher Law Enforcement which shall consist of 9 members, to be appointed by the commissioner. Of the members first appointed, 3 shall be appointed for terms of one year, 3 for terms of 2 years and 3 for terms of 3 years. Their successors shall be appointed for terms of 3 years. The commissioner shall designate one of such appointees to be chairman. The advisory board may elect from its membership a vice-chairman and a secretary. Vacancies in the membership of the advisory board, occurring from any cause, shall be filled by the commissioner for the unexpired term.

The commissioner may detail from time to time to the assistance of the advisory board such employees of the department as may be required, and shall provide suitable space in the office of the department for the meetings and records of the advisory board.

The advisory board shall meet at the call of the commissioner and at such other times as it may deem necessary and at such places as may be convenient.

It shall be the duty of the advisory board to advise, counsel and confer with the commissioner on matters of policy in connection with the administration and enforcement of laws and rules relating to kosher meats, meat preparations and food products, to consider all matters submitted to it by the commissioner, and on its own initiative to recommend to the commissioner such changes in the laws or rules relating to the possession, sale and exposure for sale of kosher meats, meat preparations and food products, as may be deemed advisable to secure the effective administration and enforcement of such laws and rules and, with the consent of the commissioner, to submit for enactment by the Legislature such draft or drafts of legislation imposing such further restrictions on the possession, sale and exposure for sale of kosher meats, meat preparations and food products, as may be deemed necessary.

The advisory board shall adopt rules and regulations to govern its own proceedings. The secretary shall keep a complete record of all its proceedings which shall show the names of the members present at each meeting and any action taken by the advisory board. The record shall be filed in the office of the department. All records and other documents of the department relating to matters within the jurisdiction of the advisory board shall be subject to inspection by members of the advisory board.

The members of the advisory board shall receive no compensation for their services, but they shall be entitled to reimbursement for their actual and necessary traveling and other expenses incurred by them in connection with the performance of their duties under this section.

§ 877. Penalty

Any violation of any of the provisions of sections 873 to 875 shall be a misdemeanor punishable by imprisonment for not more than one year or by a fine of not more than \$500, or by both.

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$3,500 to carry out the purposes of this Act. The breakdown shall be as follows:

	1971-72	1972-73
AGRICULTURE, DEPARTMENT OF		
Advisory Board on Kosher Law		
Enforcement		
All Other	\$1,500	\$2,000

STATEMENT OF FACT

The purpose of this bill is to regulate the sale of kosher meats and foods.