

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-269)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1016, L.D. 1286, Bill,
"AN ACT to Define What Foods May be Labeled or Advertised
as Natural or Organic."

Amend the Bill by inserting at the beginning of the
first line after the enacting clause the underlined
abbreviation and figure 'Sec. 1.'

Further amend the Bill by striking out all of paragraphs B and
C of subsection 1 of that part designated "§551." and
inserting in its place the following:

'B. The application of physical processes such as cutting,
grinding, drying, homogenizing or pulping or the mixing
or blending of 2 or more foods which changes only the form
of the food;

C. The processing necessary to make the food edible
or safe for human consumption or to preserve it by heating,
pasteurizing, freezing, smoking, curing or the addition
of water or salt;

D. The peeling or seeding of fruits and vegetables,
shelling of nuts, the removal of chaff and hull from grains;

E. The pressing of fruits and vegetables to express their
juice or the pressing of seeds, nuts and other source materials
to express their oil, provided such is done without the use
of solvents, bleaches and dyes;

F. The separation of grains into their component parts,
provided that each component has a nutrient density at least
as great as that of the whole grain;

G. The partitioning of eggs into yolks and whites;

H. The separation of milk into skim milk and cream and its churning or fermenting, whether the fermentation is accomplished by naturally occurring organisms or by the addition of cultures; and

I. The addition of micro organisms approved by the Food and Drug Administration for use in food.'

Further amend the Bill by striking out all of paragraphs A and B of subsection 2 of that part designated "§551." and inserting in their place the following:

'A. Two years after the appearance of flower buds in the case of woody perennial crops; and 3 years prior to the harvest of herbaceous perennial crops; or

B. Three years prior to seeding in the case of annual crops.'

Further amend the Bill by inserting, before the period, at the end of subsection 1 of that part designated "§552." the underlined words 'added after harvesting'

Further amend the Bill by inserting at the end of that part designated "§552." the following:

'3. Exemptions. Exempted from the provisions of this section are alcoholic beverages subject to the Federal Alcohol Administration Act of 1935; dietary supplements of vitamins, minerals or protein; ^{and} Natural flavors and colors approved by the Food and Drug Administration for use in food.'

Further amend the Bill by striking out at the end of paragraph A of subsection 1 of that part designated "§553." the semicolon and inserting in its place the following: '. Microbiological products shall include, but are not limited to, raw manures, composted manures and inoculants and shall exclude chemically contaminated and uncomposted sludge;'

Further amend the Bill in that part designated "§553." by inserting after the underlined word "veterinarian" in the 5th line of paragraph D of subsection 1 (4th line in L.D.) the underlined words 'or extension specialist'

Further amend the Bill in that part designated "§553." by inserting after the underlined word "veterinarian" in the 8th line of paragraph E of subsection 1 (5th line in L.D.) the underlined words 'or extension specialist'

Further amend the Bill in that part designated "§557." by striking out in the 6th line of subsection 1 (4th and 5th lines in L.D.) the underlined punctuation and words ", excluding water,"

Further amend the Bill by striking out all of those parts designated "§560." and "§561." and inserting in their place the following:

'§560. Injunctive relief

Any person, organization or public or private entity may bring an action in Superior Court pursuant to this section, and that court has jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction restraining any person from violating any provision of this chapter. Any proceeding under this section shall conform to the Maine Rules of Civil Procedure.

In addition to the injunctive relief provided in this section, the court may award to that person, organization or entity reasonable attorney's fees as determined by the court.

§561. Stores and restaurants

This chapter does not prohibit the use of the term natural, organic or biological to identify a store or restaurant or any part of a store or a restaurant.

§562. Enforcement obligations

The Department of Agriculture has no affirmative obligation to enforce this chapter.

Sec. 2. Effective date. This Act shall take effect on January 1, 1980.'

Statement of Fact

This amendment adds to and clarifies the definitions by making them more specific. It adds exemptions from the definition of minimal processing. It also adds extension specialists to those persons who presently advise and prescribe concerning illness or disease in plants and animals. The amendment deletes exceptions to the Maine Rules of Civil Procedure governing injunctive relief and adds an exception for the use of the title "natural, organic or biological" to identify a store.