

MAINE STATE LEGISLATURE

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New Draft of: H. P. 588, L. D. 666
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1578

H. P. 1427

House of Representatives, May 6, 1981

Reported by Representative Smith from the Committee on Agriculture and
Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Relating to Frozen Dessert Products.

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

Sec. 1. 7 MRSA § 2901, sub-§ 10-B, as enacted by PL 1979, c. 672, Pt. A, § 30, is amended to read:

10-B. Frozen dessert mix. “Frozen ~~dairy-product~~ dessert mix” means any unfrozen mixture to be used in the manufacture of frozen ~~dairy-products~~ dessert for sale or resale and shall contain in whole or in part the ingredients enumerated under the definition of frozen ~~dairy-products~~ dessert.

Sec. 2. 7 MRSA § 2901, sub-§ 10-C, as enacted by PL 1979, c. 672, Pt. A, § 30, is repealed and the following enacted in its place:

10-C. Frozen dessert. “Frozen dessert” means ice cream, frozen custard, ice milk, sherbet, water ice, nonfruit sherbet, nonfruit water ice, goat’s milk ice cream, goat’s milk ice milk, frozen yogurt, frozen low-fat yogurt, frozen nonfat yogurt, quiescently frozen confection, quiescently frozen dairy confection, frozen dietary dairy dessert, dietary frozen dessert, manufactured dessert mix, freezer-made milk shake, freezer-made shake, mellorine, parvine, lo-mel, as all such products are commonly known, together with any mix used in such frozen desserts and any products which are similar in appearance, odor or taste to such products or are prepared or frozen as frozen desserts are customarily prepared or frozen, whether made with milk products or nonmilk products.

Sec. 3. 7 MRSA § 2901, sub-§ 10-D, as enacted by PL 1979, c. 672, Pt. A, § 30, is amended to read:

10-D. Frozen dessert plant. “Frozen ~~dairy products~~’ **dessert plant**” means any place, premises or establishment and any part thereof ~~were where~~ frozen ~~dairy products~~ **dessert**, such as ice cream, frozen custard, ice milk, sherbet, ices and related food products are assembled, processed, manufactured or converted into form for distribution or sale, and room or premises where such frozen ~~dairy products~~’ **dessert** manufacturing equipment is washed, sterilized or kept.

Sec. 4. 7 MRSA § 2901, sub-§ 13-A, as enacted by PL 1979, c. 672, Pt. A, § 31 is amended to read:

13-A. Homemade or home maid. “Homemade” or “home maid,” or similar terminology applied to these frozen ~~dairy products~~ **desserts**, means frozen ~~dairy products~~ **desserts** manufactured and frozen under conditions normally found in the home.

Sec. 5. 7 MRSA § 2901, sub-§ 22, first sentence, as amended by PL 1979, c. 672, Pt. A, § 32, is further amended to read:

“Milk products” means cream, sour cream, milk, butter, evaporated milk, sweetened condensed milk, nonfat dry milk solids, half and half, reconstituted half and half, concentrated milk, skim milk, nonfat or fat-free milk, reconstituted milk and milk products, vitamin D milk and milk products, low-fat milk, fortified milk and milk products, homogenized milk, flavored milk, flavored dairy drink, eggnog, imitation eggnog, eggnog flavored milk, cultured buttermilk, cottage cheese, creamed cottage cheese, acidified milk and milk products, frozen ~~dairy products~~ **dessert** and frozen ~~dairy product~~ **dessert** mix, and any other products designated as milk products by the commissioner.

Sec. 6. 7 MRSA § 2901, sub-§ 33, as enacted by PL 1979, c. 672, Pt. A, § 33, is amended to read:

33. Wholesale manufacturer. “Wholesale manufacturer” means any person, firm, corporation, association or society which manufactures frozen ~~dairy products~~ **dessert**, any of which are sold to another for resale, or which manufactures frozen ~~dairy product~~ **dessert** mix within the State, or for sale within the State.

Sec. 7. 7 MRSA § 2902, 3rd ¶, as enacted by PL 1979, c. 672, Pt. A, § 35, is amended to read:

Each wholesale manufacturer of frozen ~~dairy products~~ **dessert** not licensed under this section as a milk dealer shall, during the month of June in each year, file with the commissioner an application for a license, upon a form prescribed by the commissioner.

Sec. 8. 7 MRSA § 2902, 4th ¶, first and 3rd sentences, as enacted by PL 1979, c. 672, Pt. A, § 35 are amended to read:

The application shall show the location of the plant at which frozen ~~dairy products~~ ~~dessert~~ or frozen ~~dairy product~~ ~~dessert~~ mix is to be manufactured and the name of the brand or brands, if any, under which the product or product mix is to be sold.

Each license shall cover one group of buildings constituting a frozen ~~dairy products~~ ~~dessert~~ plant in one location.

Sec. 9. 7 MRSA § 2902, 7th ¶, as enacted by PL 1979, c. 672, Pt. A, § 36, is amended to read:

The fee for each wholesale license to sell or distribute frozen ~~dairy products~~ ~~dessert~~ shall be \$25.

Sec. 10. 7 MRSA § 2903, 2nd ¶, as enacted by PL 1979, c. 672, Pt. A, § 37, is amended to read:

No person may sell, advertise or offer or expose for sale any frozen ~~dairy product~~ ~~dessert~~ or frozen ~~dairy product~~ mix unless the manufacturer of the product or mix is licensed under this chapter. No person may sell, offer for sale or advertise for sale any frozen ~~dairy product~~ ~~dessert~~ or frozen ~~dairy product~~ ~~dessert~~ mix if the label upon it or the advertising accompanying it gives a false indication of the origin, character, composition or place of manufacture, or is otherwise false or misleading in any particular. No person may sell, advertise or offer or expose for sale any frozen ~~dairy product~~ ~~dessert~~ for which a standard has not been established by the commissioner, regardless of trade name, brand or coined name. No person may sell or offer, advertise or expose for sale any frozen ~~dairy product~~ ~~dessert~~ or frozen ~~dairy product~~ ~~dessert~~ mix which does not conform to the standards of strength, quality, purity and identity now or hereafter fixed by the commissioner.

Sec. 11. 7 MRSA § 2903, 4th ¶, as amended by PL 1979, c. 672, Pt. A, § 38, is further amended to read:

It shall be unlawful for any milk dealer to sell any milk, or milk products as defined in sections 2901 to 2904 and 3101 to 3103, except frozen ~~dairy products~~ ~~dessert~~, the container of which is not plainly marked or ~~labelled~~ ~~labeled~~ with the name of the contents, the word "pasteurized" or the word "natural" in accordance with the quality therein contained and the name and address of the licensed dealer and sufficient information to identify the milk plant where packaged.

STATEMENT OF FACT

The only differences between this new draft and the original bill, L. D. 666, are:

1. A new definition for "frozen dessert" is substituted for the definition of "frozen dessert products" in section 2 of the bill; and
2. The phrase "frozen dessert" is substituted for the phrase "frozen dessert products" in the remaining sections of the bill.