

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 808, L.D. 2035)
2 (New Title)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2278

8
9 S.P. 911

In Senate, March 31, 1986

10 Reported by Senator Gauvreau of Androscoggin from the Committee on
11 Human Resources and printed under Joint Rule 2. Original bill sponsored by
12 Senator Perkins of Hancock. Cosponsored by Senator Erwin of Oxford,
Representative Whitcomb of Waldo and Representative Daggett of
Manchester.

JOY J. O'BRIEN, Secretary of the Senate

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
18

19 AN ACT to Require Labeling of Coffees and
20 Teas Decaffeinated with Methylene
21 Chloride.
22

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

25 Sec. 1. 22 MRSA §2157, §10, as amended by PL
26 1981, c. 470, Pt. A, §88, is further amended to read:

27 10. Dietary properties. If it purports to be or
28 is represented for special dietary uses, unless its
29 label bears such information concerning its vitamin,
30 mineral and other dietary properties as the Commis-
31 sioner of Agriculture, Food and Rural Resources de-
32 termines to be, and by regulation prescribed as nec-
33 essary in order to fully inform purchasers as to its
34 value for such uses; ~~or~~

35 Sec. 2. 22 MRSA §2157, sub-§11, as amended by PL
36 1979, c. 731, §19, is further amended to read:

1 11. Artificial flavoring and coloring. If it
2 bears or contains any artificial flavoring, artificial
3 coloring or chemical preservative, unless it
4 bears labeling stating the fact. If the artificial
5 flavoring and artificial coloring declaration does
6 not refer to the entire contents of the package, the
7 words "artificial flavoring" and "artificial coloring"
8 must follow immediately each of the ingredients
9 of the package containing one or more of these substances.
10 The common or usual name of any chemical
11 preservative must be immediately followed by the
12 words "chemical preservation". To the extent that
13 compliance with the requirements of this subsection
14 is impracticable, exemptions shall be established by
15 regulations promulgated by the Commissioner of "Agriculture,
16 Food and Rural Resources". This subsection,
17 and subsections 7 and 9, with respect to artificial
18 coloring, shall not apply in the case of butter,
19 cheese or ice cream; or

20 Sec. 3. 22 MRS §2157, sub-§12 is enacted to
21 read:

22 12. Coffees or teas decaffeinated with methylene
23 chloride. In the case of packaged coffee or coffee
24 products and packaged tea or tea products, if it has
25 been processed with methylene chloride, unless it
26 bears the following on the label:

27 WARNING: THIS PRODUCT HAS BEEN PROCESSED WITH
28 METHYLENE CHLORIDE WHICH IS A PROBABLE
29 CARCINOGEN.

30 Individual tea bags are not subject to this label re-
31 quirement.

32 Sec. 4. 22 MRS §2166, as amended by PL 1985, c.
33 49, §2, is further amended by adding at the end a new
34 paragraph to read:

35 This section shall not apply to any violation
36 which relates to coffee or coffee products and tea or
37 tea products processed with methylene chloride.

38 Sec. 5. Effective date. This Act shall take ef-
39 fect January 1, 1987.

1

STATEMENT OF FACT

2 This new draft, with new title, replaces the
3 original bill. It retains the concept of the original
4 bill which requires a warning label for coffee
5 processed with methylene chloride with the following
6 changes.

7 1. It requires the caution label on tea or tea
8 products in addition to coffee or coffee products.

9 2. It clarifies the intent of the original bill
10 to require the label only on packaged goods. A label
11 is not required on coffee or tea sold by the cup or
12 the thermos. Only "packaged" coffee or tea and coffee
13 or tea products are required to be labeled. Individual
14 tea bags are not required to be labeled.

15 3. It corrects the wording of the caution from
16 "possible" carcinogen to "probable" carcinogen.

17 4. It deletes any monetary penalty for a violation
18 of this provision.

19 5. It reallocates the provision to the Maine Revised
20 Statutes, Title 22, chapter 551, Pure Foods and
21 Drugs Generally. By placing the law in a more appropriate
22 section of the laws it:

23 A. Retains the authority of the Department of
24 Agriculture, Food and Rural Resources to enforce
25 the law;

26 B. Prohibits incorrect labeling of the packages
27 and prohibits manufacture, sale, delivery or
28 holding for sale of nonlabeled goods;

29 C. Requires the label to be conspicuous;

30 D. Provides for an embargo of the goods for violations
31 of this law. Section 2 of the new draft
32 prohibits any monetary penalties for violations;
33 and

34 E. Allows the Commissioner of Agriculture, Food
35 and Rural Resources to provide a warning or no-

1 tice of a minor violation prior to embargoing the
2 goods.

3 6. It adds an effective date of January 1, 1987,
4 to allow adequate notice of this labeling require-
5 ment.

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