

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2290

H.P. 1672 House of Representatives, February 17, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Agriculture suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative CARROLL of Gray.

Cosponsored by Senators PERKINS of Hancock and MATTHEWS
of Kennebec.

STATE OF MAINE

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

1 **AN ACT to Define Chemical Preservative and to**
2 **Provide Alternative Labeling Requirements.**

3

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

6 Sec. 1. 22 MRSA §2152, sub-§1-B is enacted to
7 read:

1 1-B. Chemical preservative. "Chemical
2 Preservative" means any chemical that, when added to
3 or applied on food, tends to prevent or retard
4 deterioration of the food. When applied after
5 harvesting, chemical preservatives include, but are
6 not limited to, waxes, insecticides, fungicides,
7 spoilage inhibitors and regulators of catabolism or
8 growth. Chemical preservatives do not include common
9 salt, sugars, vinegars, spices or oils extracted from
10 spices, substances added to food by direct exposure to
11 wood smoke or substances which do not leave a residue
12 on the food to which they were added or applied.

13 Sec. 2. 22 MRSA §2157, sub-§11, as amended by
14 PL 1985, c. 676, §2, is further amended to read:

15 11. Artificial flavoring and coloring; chemical
16 preservatives. If it bears or contains any artificial
17 flavoring, artificial coloring or chemical
18 preservative, unless it bears labeling stating the
19 fact. If the artificial flavoring and artificial
20 coloring declaration does not refer to the entire
21 contents of the package, the words "artificial
22 flavoring" and "artificial coloring" must follow
23 immediately each of the ingredients of the package
24 containing one or more of these substances. The
25 common or usual name of any chemical preservative must
26 be immediately followed by the words "chemical
27 preservation". To the extent that compliance
28 with the requirements of this subsection is
29 impracticable, exemptions shall be established by
30 regulations promulgated by the Commissioner of
31 Agriculture, "Food and Rural Resources". This
32 subsection, and subsections 7 and 9, with respect to
33 artificial coloring, shall not apply in the case of
34 butter, cheese or ice cream~~er~~ .

35 The following system shall be allowed in lieu of
36 individual labeling of fresh fruits and vegetables
37 which are offered to the public for sale at retail
38 outlets and to which a chemical preservative has been
39 added or applied:

40 A. Retail outlets shall display one or more
41 signs, in clear view of consumers, that indicate

1 which produce has been treated with chemical
2 preservatives, but are not required to identify
3 which chemical preservatives have been added or
4 applied;

5 B. The signs shall indicate that more detailed
6 information is available upon request; and

7 C. Retail outlets shall make information
8 available to the public upon request identifying
9 the specific chemical preservatives and the
10 specific fruits and vegetables to which those
11 chemical preservatives have been added or applied;
12 or

13 STATEMENT OF FACT

14 The purpose of this bill is to ensure that certain
15 important health information is available to the
16 consumer purchasing fresh fruits and vegetables.
17 Present state law requires the labeling of foods which
18 bear or contain chemical preservatives, but does not
19 define the term "chemical preservative." The consumer
20 currently has no means of discovering whether produce
21 has been treated after harvest with waxes,
22 insecticides, fungicides, spoilage inhibitors or
23 regulators of catabolism or growth. This bill
24 clarifies that these treatments constitute chemical
25 preservatives, and provides an alternative and simpler
26 method of labeling food which has been treated with
27 these substances.

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