

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 809

H.P. 591

House of Representatives, March 16, 1989

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

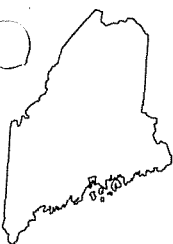
Presented by Representative TARDY of Palmyra.

Cosponsored by Representative PINES of Limestone, Senator KANY of Kennebec and Senator TWITCHELL of Oxford.

STATE OF MAINE

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

An Act to Require Country of Origin Labeling on Fresh Produce.



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

3 7 MRSA c. 101, sub-c. VI is enacted to read:

5 SUBCHAPTER VI

7 LABELING FRESH PRODUCE

9 §530. Country of origin required

11 1. Label required. Fresh produce imported from a foreign
13 country must be labeled in accordance with this section in order
15 to protect the health, safety and welfare of Maine citizens from
the dangers of pesticides used or applied in a manner or at a
rate disallowed in the United States.

17 A. Fresh produce sold or offered for retail sale in this
19 State that was grown or raised in a foreign country
21 designated by the Commissioner of Agriculture, Food and
23 Rural Resources by rule under subsection 2 must be
identified by labeling with the country of origin as
provided in paragraphs B to D.

25 B. Except as provided in paragraph D, each item of fresh
27 produce offered for retail sale as an individual unit must
be individually labeled in accordance with subsection 3.

29 C. Except as provided in paragraph D, fresh produce
31 packaged in consumer units must be labeled in accordance
with subsection 3. For purposes of this section, banana and
grape clusters are a consumer unit.

33 D. Fresh produce that is not labeled in accordance with
35 paragraph B or C may be sold at retail if the labeling
37 information required by subsection 3 appears on a bin label
or placard contiguous to the produce being displayed for
retail sale or on the original shipping container if it
contains the produce offered for sale.

39 2. Rules. The commissioner shall, by rule promulgated in
41 accordance with the Maine Administrative Procedure Act, Title 5,
43 chapter 375, require country of origin labeling for the retail
45 sale of fresh produce that is grown or raised in foreign
47 countries that allow application of pesticides to produce that
are banned for use in the United States, or that are not banned
but are applied at rates or in a manner not allowed in the United
States under federal law, if the produce imported from the
foreign country into the United States is sold for human
consumption in this State and the residues of the pesticides have
unknown effects on human health or have known adverse effects on
human health. For purposes of this section, a foreign country is
a jurisdiction that is not subject to pesticide regulation by the
53 United States.

1 A. The findings supporting a rule shall include, but not be
3 limited to, the following findings.

5 (1) A foreign country allows application of a
7 pesticide that is banned for use with respect to
9 produce for human consumption in the United States
 under federal law or allows application of a pesticide
 not banned at rates or in a manner not allowed in the
11 United States under federal law.

13 (2) Fresh produce from the foreign country may contain
15 residues of the pesticide that is banned for use with
17 respect to produce for human consumption in the United
 States or may contain higher levels of residues of
 pesticides which are not banned than produce from the
 United States.

19 (3) The residues under subparagraph (2) have unknown
21 effects on human health or known adverse effects on
 human health.

23 B. The commissioner shall review the rules at least
25 annually in order to update the list of countries identified
 to be as inclusive as possible.

27 3. Label statement. The country of origin label shall:

29 A. Clearly state the country in which the fresh produce was
31 raised or grown;

33 B. Be conspicuously and prominently placed so as to be
 easily seen by the consumer; and

35 C. Be as legible, indelible and permanent as the nature and
37 display of the product allow without causing adulteration to
 the product.

39 4. Educational program. The department shall institute an
41 educational program designed to inform the general public about
43 this section. This program shall include, but not be limited to,
45 dissemination of information about the countries and produce
 affected and the pesticides, residues and known and potential
 adverse health effects of those pesticides. This dissemination
 shall be made by at least the following:

47 A. Brochures to be made available to consumers through
49 retail outlets; and

51 B. Media coverage, such as public service announcements,
 press releases and press conferences.

5. Enforcement. If inspection personnel of the department find that fresh produce is not properly labeled as required by this section, the commissioner shall issue a stop order for the product until it is labeled in accordance with this section.

6. Penalty. A person who fails to comply with this section or rules adopted under this section is guilty of a Class E crime.

STATEMENT OF FACT

This bill requires that fresh produce imported from a foreign country bear a country of origin label if that country allows the application of pesticides to produce that are banned in the United States or the rate or manner of application of which is not allowed under federal law.