

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2058

H.P. 1473

House of Representatives, December 29, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 29, 1989. Referred to the Committee on Energy and Natural Resources and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HOGLUND of Portland.

Cosponsored by Representative ALLEN of Washington and Representative ANDERSON of Woodland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Promote the Availability of Nutritionally Fortified Infant
Fruit Juices.**

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
as emergencies; and

4
Whereas, all beverage containers offered for sale to
6 consumers in Maine must be refundable as of September 1, 1990; and

8
Whereas, infant fruit juices are manufactured and packaged
as a food to meet the special dietary and nutritional needs of
10 infants; and

12
Whereas, vitamin-fortified infant fruit juices are an
important part of the diet of infants, particularly those in the
14 first 6 months of life, many of whom may not yet be ready for
solid foods; and

16
Whereas, vitamin-fortified infant fruit juices are primarily
18 offered for sale to new parents who can ill afford the price
increase anticipated as a result of the new refund law; and

20
Whereas, the added cost of refundable fruit juice containers
22 will discourage use of this nutritionally important part of
infants' diets, to the detriment of Maine's children; and

24
Whereas, in the judgment of the Legislature, these facts
26 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
28 necessary for the preservation of the public peace, health and
safety; now, therefore,

30
Be it enacted by the People of the State of Maine as follows:

32
34 Sec. 1. 32 MRSA §1862, sub-§1, as amended by PL 1987, c. 649,
§1, is further amended to read:

36
38 1. Beverage. "Beverage" means beer, ale or other drink
produced by fermenting malt, soda water or other nonalcoholic
carbonated drink in liquid form and intended for human
40 consumption. "Beverage" also includes wine coolers. "Beverage "
does not include infant fruit juices.

42
44 A. "Wine cooler" means a beverage of less than 8% alcohol
content by volume consisting of wine and:

46
48 (1) Plain, sparkling or carbonated water; and

(2) Any one or more of the following:

50
52 (a) Fruit juices;

(b) Fruit adjuncts;

- 2 (c) Artificial or natural flavors or flavorings;
- 4 (d) Preservatives;
- 6 (e) Coloring; or
- 8 (f) Any other natural or artificial blending material.

10 **Sec. 2. 32 MRSA §1862, sub-§1**, as repealed and replaced by PL
12 1989, c. 585, Pt. D, §§2 and 11, is amended to read:

14 **1. Beverage.** "Beverage" means beer, ale or other drink
16 produced by fermenting malt, spirits, wine, wine coolers, soda or
18 noncarbonated water, and all nonalcoholic carbonated or
noncarbonated drinks in liquid form and intended for internal
human consumption, except for milk and dairy-derived products
and infant fruit juices.

20 **Sec. 3. 32 MRSA §1862, sub-§8-A** is enacted to read:

22 **8-A. Infant fruit juice.** "Infant fruit juice" means a
24 beverage fortified to meet or exceed infant recommended dietary
allowances for vitamin C as determined by the United States Food
26 and Drug Administration and containing 50% or more fruit juice
from whole fruit or fruit juice concentrate and sold in beverage
containers of 8 ounces or less.

28 **Sec. 4. Repeal; effective date.** Section 1 of this Act is
30 repealed on September 1, 1990. Section 2 of this Act is
effective September 1, 1990.

32 **Emergency clause.** In view of the emergency cited in the
34 preamble, this Act shall take effect when approved.

36 **STATEMENT OF FACT**

38 Infant fruit juices are manufactured and packaged to meet
40 the special dietary and nutritional needs of infants. The new
refund law will substantially increase the cost of infant fruit
42 juices in the State, thus discouraging use of these nutritionally
important products by new parents.

44 This bill creates a narrow exemption from the refund law for
46 vitamin-fortified infant fruit juice containers intended for
babies.