

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2107

H.P. 1522

House of Representatives, January 5, 1990

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.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative WHITCOMB of Waldo.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act Prohibiting Membership in a Trade or Similar Association  
from Being a Condition for Licensing or Certifying a Producer's Food  
as Natural or Organic.**

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

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4       Sec. 1. 7 MRSA §552, sub-§4, ¶B, as enacted by PL 1981, c. 314, is amended to read:

6       B. The commissioner shall issue a license if he the  
8       commissioner is satisfied that the food proposed to be  
10       labeled by the applicant is natural. The commissioner may  
12       require a signed affidavit stating the ingredients of the  
14       food and may use other methods to determine whether a food  
16       is natural. Any method for determining that a food is  
natural may not require a person to become a member of a  
trade or similar organization. If the commissioner is  
unable to determine to ~~his~~ the commissioner's satisfaction  
that a food is natural, he the commissioner is not required  
to issue a permit.

18       Sec. 2. 7 MRSA §556, as enacted by PL 1979, c. 240, §§1 and  
20       2, is amended to read:

22       **§556. Certification**

24       No food which is labeled or advertised as natural, organic,  
26       organically grown, biologically grown or by a similar term, may  
28       be labeled or advertised as "certified" unless the name of the  
30       person or organization which provides that certification is  
stated on the label or in the advertisement. Any organization  
that provides certification may not make membership a condition  
of certification. A fee may be charged but it may not exceed the  
costs of providing the service.

34       **STATEMENT OF FACT**

36       This bill prohibits licensure or certification of food  
38       products as being natural or organic from being contingent on the  
applicant's being a member of a trade or similar association.

40       Currently, a food product is forbidden from using the term  
42       natural or organic unless certain conditions are met. The  
44       Department of Agriculture, Food and Rural Resources may develop a  
46       symbol to designate a food as being natural. A person must be  
48       licensed under conditions set by the department to be entitled to  
use this symbol. Also, in order for a food product to be  
identified as "certified" organic or natural, the identity of the  
certifying organization must be indicated.