

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 605

H.P. 422

House of Representatives, February 13, 1991

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

Reference to the Committee on Agriculture suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative SPEAR of Nobleboro.

Cosponsored by Representative NUTTING of Leeds, Senator TITCOMB of Cumberland and Senator EMERSON of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Provide Administrative Oversight of Organic Food
Certification in Maine.**

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

4 Sec. 1. 7 MRSA §556, as amended by PL 1989, c. 663, is
4 further amended to read:

6 **§556. Certification**

8 No A food which that is labeled or advertised as natural,
10 organic, organically grown, biologically grown or by a similar
12 term, may not be labeled or advertised as "certified" unless the
14 name of the person or organization which that provides that
16 certification is stated on the label or in the advertisement.
18 Any organization within this State that provides certification of
14 food may not make membership a condition of certification under
16 this section. Organizations offering certification services in
the State shall provide information on standards used to the
department on an annual basis.

20 Sec. 2. 7 MRSA §559, as enacted by PL 1979, c. 240, §§1 and
2, is repealed.

22 Sec. 3. 7 MRSA §562, as amended by PL 1979, c. 731, §19, is
24 repealed.

26 Sec. 4. 7 MRSA §562-A is enacted to read:

28 **§562-A. Enforcement obligations**

30 1. Rules. The department shall adopt rules as it
determines appropriate for the proper administration of this
subchapter.

32 2. Violation notices. The department shall issue notices
34 to growers, manufacturers or sellers alleged to have violated any
provision of this subchapter. A person who violates this
36 subchapter commits a civil violation for which a forfeiture not
to exceed \$1,000 may be adjudged. The department may also
38 recover costs of investigation, with the limitation that the
total forfeiture assessed for a violation may not exceed \$1,000.

42 **STATEMENT OF FACT**

44 There is increasing consumer interest in the availability of
46 organic foods. This bill allows the Department of Agriculture,
Food and Rural Resources to receive information from private
48 certifying groups in the State. In addition, the department is
authorized to enact rules and conduct investigations to enforce
current law.