

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1928

S.P. 713

In Senate, February 23, 1994

An Act to Require Labeling on Genetically Engineered Food.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TITCOMB of Cumberland.
Cosponsored by Representative HEESCHEN of Wilton and
Senators: CAHILL of Sagadahoc, McCORMICK of Kennebec, PEARSON of Penobscot,
WEBSTER of Franklin, Representatives: AULT of Wayne, CHASE of China, JACQUES of
Waterville, KILKELLY of Wiscasset, KUTASI of Bridgton, MARSHALL of Eliot, NASH of
Camden, SPEAR of Nobleboro, TARDY of Palmyra.

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

2
4 Sec. 1. 22 MRSA §2152, sub-§§1-B, 2-A, 4-C, 4-D, 4-E and 4-F are enacted to read:

6 1-B. Common name. "Common name" means the term or word
8 customarily used and understood by people not trained in biology, botany, zoology or other plant and animal sciences.

10 2-A. Distributor. "Distributor" means a person who sells
12 or transports or causes the sale or transportation of food or food organisms for human consumption at a point between a manufacturer and a retail food establishment.

14 4-C. Food organism. "Food organism" means the
16 developmental stage of a living organism, including seeds of the living organism, a part of which organism, including the mature fruit, is intended for human consumption.

20 4-D. Genetically engineered food. "Genetically engineered
22 food" means a substance for human consumption containing a genetic material from another species or a genetic material assembled in vitro, which genetic material is introduced into the substance by nonsexual means as the result of a current or previous application of a recombinant deoxyribonucleic acid, or rDNA, technique or other similar technique for genetic manipulation capable of combining or introducing genetic material from dissimilar organisms, and a substance containing a genetically engineered food or part of that genetically engineered food as an ingredient.

32 4-E. Genetically engineered food organism. "Genetically
34 engineered food organism" means a food organism that contains a genetic material from another species or a genetic material assembled in vitro, which genetic material is introduced into the organism by nonsexual means as the result of a current or previous application of an rDNA technique or other similar technique for genetic manipulation capable of combining or introducing genetic material from dissimilar organisms.

40 4-F. Genetic material. "Genetic material" means
42 deoxyribonucleic acid, or DNA, or ribonucleic acid, or RNA.

44 Sec. 2. 22 MRSA §2152, sub-§7-A, as enacted by PL 1979, c.
46 672, Pt. A, §53, is repealed.

48 Sec. 3. 22 MRSA §2152, sub-§§9 to 11 are enacted to read:

50 9. Manufacturer. "Manufacturer" means a person who owns,
leases, operates, controls or supervises a plant, farm or any

2 other facility at which food or food organisms for human
3 consumption are produced.

4 10. Retailer. "Retailer" means a person who owns, leases,
5 operates, controls or supervises a retail food establishment.

6 11. Retail food establishment. "Retail food establishment"
7 means an establishment at which food or food organisms are sold
8 or offered for sale for off-premises consumption and does not
9 include restaurants.

10
11 Sec. 4. 22 MRSA §2157, sub-§11, as amended by PL 1985, c. 676,
12 §2, is further amended to read:

13
14 11. Artificial flavoring and coloring. If it bears or
15 contains any artificial flavoring, artificial coloring or
16 chemical preservative, unless it bears labeling stating the fact.
17 If the artificial flavoring and artificial coloring declaration
18 does not refer to the entire contents of the package, the words
19 "artificial flavoring" and "artificial coloring" must follow
20 immediately each of the ingredients of the package containing one
21 or more of these substances. The common or usual name of any
22 chemical preservative must be immediately followed by the words
23 "chemical preservation". To the extent that compliance with the
24 requirements of this subsection is impracticable, exemptions
25 shall must be established by regulations--promulgated rules
26 adopted by the Commissioner--of--"Agriculture,--Food--and--Rural
27 Resources" commissioner. This subsection, and subsections 7 and
28 9, with respect to artificial coloring, shall do not apply in the
29 case of butter, cheese or ice cream; or

30
31 Sec. 5. 22 MRSA §2157, sub-§13, ¶C, as enacted by PL 1989, c.
32 115, is amended to read:

33
34 C. There is a conspicuously displayed directory to which
35 customers can refer for information on the contents of
36 unpackaged products offered for sale.;

37
38 Sec. 6. 22 MRSA §2157, sub-§14, ¶C, as amended by PL 1991, c.
39 506, §5, is further amended to read:

40
41 C. The owner or manager of a retail outlet shall ensure
42 that produce without post-harvest treatment, as determined
43 by the commissioner, is identified by a sign contiguous to
44 the specific produce.;

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46 Sec. 7. 22 MRSA §2157, sub-§§15 to 17 are enacted to read:

47
48 15. Sale by manufacturer or distributor of genetically
49 engineered food or organisms. If a manufacturer or distributor
50 sells any genetically engineered food or genetically engineered

2 food organisms, unless the delivery tickets and invoices for the
3 food or food organisms are correctly marked with:

4 A. The words "genetically engineered";

6 B. The source of the genetic material either by the common
7 or usual name of the source organism for genetic material
8 transferred from another species or by the term "synthetic
9 genetic material" for genetic material assembled in vitro;
10 and

12 C. The purpose or intended effect of producing the food or
13 food organisms using the application of a genetic
14 engineering technique;

16 16. Purchase by manufacturer, distributor or retailer of
17 genetically engineered food or organisms. If a manufacturer,
18 distributor or retailer purchases genetically engineered food or
19 genetically engineered food organisms unless they maintain for a
20 period of 2 years after the date of purchase all delivery tickets
21 and invoices relating to the purchase of the food or food
22 organisms. The delivery tickets and invoices must be made
23 available for inspection by the commissioner during reasonable
24 business hours; and

26 17. Sale by retailer of genetically engineered food or
27 organisms. If a retailer sells, offers for sale or exposes for
28 sale any genetically engineered food or genetically engineered
29 food organisms unless:

30 A. The food or food organisms are displayed separately from
31 other food that is not genetically engineered; and

34 B. The retailer posts a plain, clear and conspicuous sign
35 at the point of display of the food or food organisms
36 correctly marked with:

38 (1) The words "genetically engineered";

40 (2) The source of the genetic material, either by the
41 common or usual name of the source organisms for
42 genetic material transferred from another species or by
43 the term "synthetic genetic material" for genetic
44 material assembled in vitro; and

46 (3) The purpose or intended effect of producing the
47 food or food organisms using the application of a
48 genetic engineering technique.

50 Sec. 8. 22 MRSA §2166, as amended by PL 1991, c. 230, §2, is
further amended by adding at the end a new paragraph to read:

2 It is an affirmative defense in an action or proceeding
4 against a distributor or retailer for a violation of section 2157
6 if the person from whom the distributor or retailer purchased the
8 genetically engineered food or genetically engineered food
 organisms did not provide notice on the delivery tickets and
 invoices of the information described in section 2157,
 subsections 15 to 17.

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STATEMENT OF FACT

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This bill requires the labeling by retailers of genetically
engineered food or food organisms.

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This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.

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