

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 279

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H.P. 220

House of Representatives, January 27, 1995

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### **An Act to Require Labeling on Genetically Engineered Food.**

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HEESCHEN of Wilton.  
Cosponsored by Representatives: AULT of Wayne, CHARTRAND of Rockland, CHASE of China, DEXTER of Kingfield, KILKELLY of Wiscasset, MERES of Norridgewock, SHIAH of Bowdoinham, Senators: FERGUSON of Oxford, PINGREE of Knox.

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

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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 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 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 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 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. "Genetically engineered food" does not include a food developed exclusively through traditional methods of breeding, such as artificial insemination, embryo transfer, hybridization or nondirected mutagenesis, nor does it include foods containing extracted products of a genetically engineered organism with no more than trace amounts of the organism itself or its genetic material.

38       **4-E. Genetically engineered food organism.** "Genetically 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 a recombinant deoxyribonucleic acid, or rDNA, technique or other similar technique for genetic manipulation capable of combining or introducing genetic material from dissimilar organisms. "Genetically engineered food organism" does not include a food organism developed exclusively through traditional methods of breeding, such as artificial insemination, embryo transfer, hybridization or nondirected mutagenesis.

2           **4-F. Genetic material.**    "Genetic material" means  
deoxyribonucleic acid, or DNA, or ribonucleic acid, or RNA.

4           **Sec. 2. 22 MRSA §2152, sub-§7-A,** as enacted by PL 1979, c.  
6 672, Pt. A, §53, is repealed and the following enacted in its  
place:

8           **7-A. Retail food establishment.**   "Retail food  
10 establishment" means an establishment at which food or food  
organisms are sold or offered for sale for off-premises  
12 consumption and does not include restaurants.

14           **Sec. 3. 22 MRSA §2152, sub-§§9 and 10** are enacted to read:

16           **9. Manufacturer.**   "Manufacturer" means a person who owns,  
18 leases, operates, controls or supervises a plant, farm or any  
other facility at which food or food organisms for human  
consumption are produced.

20           **10. Retailer.**   "Retailer" means a person who owns, leases,  
22 operates, controls or supervises a retail food establishment.

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

26           **11. Artificial flavoring and coloring.** If it bears or  
28 contains any artificial flavoring, artificial coloring or  
chemical preservative, unless it bears labeling stating the  
30 fact. If the artificial flavoring and artificial coloring  
32 declaration does not refer to the entire contents of the package,  
the words "artificial flavoring" and "artificial coloring" must  
34 follow immediately each of the ingredients of the package  
containing one or more of these substances. The common or usual  
36 name of any chemical preservative must be immediately followed by  
the words "chemical preservation." To the extent that  
38 compliance with the requirements of this subsection is  
impracticable, exemptions shall ~~must~~ be established by  
40 ~~regulations--promulgated rules adopted by the Commissioner--of~~  
~~"Agriculture,--Food--and--Rural--Resources"~~ commissioner. This  
42 subsection, and subsections 7 and 9, with respect to artificial  
coloring, shall do not apply in the case of butter, cheese or ice  
cream; ~~ex~~

44           **Sec. 5. 22 MRSA §2157, sub-§13, ¶C,** as enacted by PL 1989, c.  
46 115, is amended to read:

48           C. There is a conspicuously displayed directory to which  
customers can refer for information on the contents of  
50 unpackaged products offered for sale; ~~and~~

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

2 C. The owner or manager of a retail outlet shall ensure  
3 that produce without post-harvest treatment, as determined  
4 by the commissioner, is identified by a sign contiguous to  
5 the specific produce.;

6  
7 **Sec. 7. 22 MRSA §2157, sub-§§15 to 17** are enacted to read:

8  
9 **15. Sale by manufacturer or distributor of genetically**  
10 **engineered food or organisms.** If a manufacturer or distributor  
11 **sells any genetically engineered food or genetically engineered**  
12 **food organisms, unless the delivery tickets and invoices for the**  
13 **food or food organisms are correctly marked with:**

14 A. The words "genetically engineered";

15 B. The source of the genetic material either by the common  
16 or usual name of the source organism for genetic material  
17 transferred from another species or by the term "synthetic  
18 genetic material" for genetic material assembled in vitro;  
19 and

20 C. The purpose or intended effect of producing the food or  
21 food organisms using the application of a genetic  
22 engineering technique;

23  
24 **16. Purchase by manufacturer, distributor or retailer of**  
25 **genetically engineered food or organisms.** If a manufacturer,  
26 **distributor or retailer purchases genetically engineered food or**  
27 **genetically engineered food organisms unless they maintain for a**  
28 **period of 2 years after the date of purchase all delivery tickets**  
29 **and invoices relating to the purchase of the food or food**  
30 **organisms. The delivery tickets and invoices must be made**  
31 **available for inspection by the commissioner during reasonable**  
32 **business hours; and**

33  
34 **17. Sale by retailer of genetically engineered food or**  
35 **organisms.** If a retailer sells, offers for sale or exposes for  
36 **sale any genetically engineered food or genetically engineered**  
37 **food organisms unless:**

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

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

43  
44 (1) The words "genetically engineered";

2                   (2) The source of the genetic material, either by the  
3                   common or usual name of the source organisms for  
4                   genetic material transferred from another species or by  
5                   the term "synthetic genetic material" for genetic  
6                   material assembled in vitro; and

7                   (3) The purpose or intended effect of producing the  
8                   food or food organisms using the application of a  
9                   genetic engineering technique.

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

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

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23                   **STATEMENT OF FACT**

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

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