

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1382

H.P. 973

House of Representatives, April 19, 1995

An Act to Require the Disclosure of the State of Origin of Farm Products.

Received by the Clerk of the House on April 14, 1995. Referred to the Committee on Agriculture, Conservation and Forestry and ordered printed pursuant to Joint Rule 14.

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

JOSEPH W. MAYO, Clerk

Presented by Representative SPEAR of Nobleboro.

Cosponsored by Representatives: BAILEY of Township 27, CROSS of Dover-Foxcroft, HEESCHEN of Wilton, HICHBORN of Lagrange, KILKELLY of Wiscasset, KNEELAND of Easton, MARSHALL of Eliot, REED of Dexter, Senators: CASSIDY of Washington, LORD of York, PARADIS of Aroostook, PINGREE of Knox.

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

4 **Sec. 1. 7 MRSA §415, sub-§2-A** is enacted to read:

6 **2-A. Labels; advertisements.** A farm or food product
8 offered for sale but not grown or processed within the State must
10 be labeled or advertised in a manner that indicates that the farm
12 or food product was grown or processed out of state.

14 **Sec. 2. 7 MRSA §415, sub-§3,** as enacted by PL 1993, c. 138,
16 §1, is amended to read:

18 **3. Penalty.** A person who violates this section commits a
20 civil violation for which a forfeiture of not less than ~~\$100~~ \$200
22 nor more than ~~\$200~~ \$300 may be adjudged.

24 **Sec. 3. 7 MRSA §415, sub-§3-A** is enacted to read:

26 **3-A. Burden of proof.** The burden of proof concerning the
28 origin of food products is on the seller. The burden may be met
30 by written documentation showing the origin of a food product.

32 **Sec. 4. 7 MRSA §443-A,** as amended by PL 1979, c. 731, §19, is
34 repealed and the following enacted in its place:

36 **§443-A. Native produce**

38 **1. Prohibition.** A farm product sold or offered for sale
40 within the State may not be labeled or advertised as "native,"
42 "native-grown," "locally grown" or by a similar designation,
44 unless that product was actually grown in the State.

46 **2. Penalty.** Violation of subsection 1 is a civil violation
48 punishable by a fine of not less than \$200 nor more than \$300.

3. Burden of proof. The burden of proof concerning the
origin of food products is on the seller. The burden may be met
by written documentation showing the origin of a food product.

4. Enforcement. This section is enforced by the Department
of Agriculture, Food and Rural Resources, Division of Market
Development.

46 **STATEMENT OF FACT**

48 This bill requires that farm products offered for sale at a
farmer's market that have not been grown or processed within the

2 State must be labeled indicating that the farm product was grown
or processed out of state. This bill also increases the fine for
4 a violation of the farmer's market laws and the laws regarding
native, native-grown and locally grown produce.