

# MAINE STATE LEGISLATURE

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L.D. 713

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*MAJORITY*  
AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 506, L.D. 713, Bill, "An Act to Establish Mandatory Labeling for Genetically Engineered Foods"

Amend the bill by inserting after the enacting clause and before section 1 the following:

Sec. 1. 7 MRSA c. 103, sub-c. I-B is enacted to read:

SUBCHAPTER I-B

FOOD LABELED AS NOT GENETICALLY ENGINEERED

§570. Food labeled or advertised as not genetically engineered

A person who grows, processes, packs or manufactures a food or food product may identify that food as "not a genetically engineered food" if none of the ingredients in the food product meets the definition of a "genetically engineered whole food" as defined in Title 22, section 2152, subsection 4-C and the provisions of this subchapter are met.

§571. Records

1. Growers. A grower who sells a food that is derived from a crop and that is identified "as not a genetically engineered food" or by a similar term shall keep accurate records of the location of the acreage used for growing that crop and the seed source for that crop. These records must be retained for 2 years after the food is sold and delivered by the grower.

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2           2. Processors and manufacturers. A person who processes or  
4           manufactures a food that is sold or identified as "not a  
6           genetically engineered food" or by a similar term shall keep  
8           accurate records of the ingredients of that food and the names  
          and addresses of persons from whom the ingredients were  
          purchased. These records must be retained for 2 years after the  
          food is sold and delivered.

10           3. Sellers. A person who sells a food subject to  
12           subsection 2 shall keep accurate records of the names and  
14           addresses of persons from whom that food was purchased. These  
          records must be retained for 2 years after the food is sold and  
          delivered.

16           4. Provision of information. A grower, manufacturer or  
18           seller of any food subject to this section shall provide the  
20           Department of Agriculture, Food and Rural Resources with the  
          relevant information from the records required under this section  
          on demand.

22           §572. Authorized food symbol

24           The Department of Agriculture, Food and Rural Resources may  
26           select an appropriate symbol to designate that a food is not a  
28           genetically engineered food. The department may adopt rules to  
30           establish a process for permitting the use of the symbol. Rules  
          adopted pursuant to this section are major substantive rules as  
          defined in Title 5, chapter 375, subchapter II-A.

32           §573. Enforcement obligations

34           Labeling or otherwise identifying a food or food product as  
36           "not a genetically engineered food" when the food or food product  
38           contains or is produced from a genetically engineered whole food  
          as defined in Title 22, section 2152, subsection 4-C is  
          misbranding and is a violation of Title 22, section 2155,  
          subsection 1.

40           The department may adopt rules for the proper administration  
42           of this subchapter. Rules adopted pursuant to this section are  
44           major substantive rules as defined in Title 5, chapter 375,  
          subchapter II-A.'

46           Further amend the bill in section 1 by striking out all of  
48           subsection 4-C (page 1, lines 11 to 28 in L.D.) and inserting in  
          its place the following:

50           '4-C. Genetically engineered whole food. "Genetically  
          engineered whole food" means an unprocessed or a minimally

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2 processed fruit, vegetable, grain, meat, poultry or fish product  
3 for human consumption that contains a genetic material from  
4 another species or a genetic material assembled in vitro, which  
5 genetic material is introduced into the substance by nonsexual  
6 means as the result of a current or previous application of a  
7 recombinant deoxyribonucleic acid, or rDNA, technique or other  
8 similar technique for genetic manipulation capable of combining  
9 or introducing genetic material from dissimilar organisms.  
10 "Genetically engineered whole food" does not include a food  
11 developed exclusively through traditional methods of breeding,  
12 such as artificial insemination, embryo transfer, hybridization  
13 or nondirected mutagenesis. For the purposes of this subsection,  
14 "minimally processed" means processed in accordance with the  
15 definition for "minimal processing" in Title 7, section 551.'

16 Further amend the bill in section 7 in subsection 15 in the  
17 2nd line (page 2, line 41 in L.D.) by inserting after the  
18 following: "engineered" the following: 'whole' and in the 3rd  
19 line (page 2, line 42 in L.D.) by inserting after the following:  
20 "engineered" the following: 'whole' and in the last line (page  
21 2, line 44 in L.D.) by striking out the following: "and" and  
22 inserting in its place the following: 'or'

24 Further amend the bill in section 7 in subsection 16 in the  
25 first line (page 2, line 46 in L.D.) by inserting after the  
26 following: "engineered" the following: 'whole' and in the last  
27 line (page 2, line 48 in L.D.) by inserting after the following:  
28 "engineered" the following: 'whole'

30 Further amend the bill in section 8 in the indented  
31 paragraph in the 4th line (page 3, line 17 in L.D.) by inserting  
32 after the following: "engineered" the following: 'whole' and in  
33 the last line (page 3, line 19 in L.D.) by inserting after the  
34 following: "16" the following: ', as long as the distributor or  
35 retailer made reasonable efforts to determine if the food was  
36 genetically engineered and reasonably concluded that it was not'

38 Further amend the bill by relettering or renumbering any  
39 nonconsecutive Part letter or section number to read  
40 consecutively.

42 Further amend the bill by inserting at the end before the  
43 summary the following:

46 **·FISCAL NOTE**

48 The Department of Agriculture, Food and Rural Resources will  
49 incur some minor additional costs to enforce certain labeling  
50 requirements and to adopt certain rules pertaining to the

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2 labeling of genetically engineered foods. These costs can be  
absorbed within the department's existing budgeted resources.

4 The collection of fines resulting from violations of certain  
6 labeling requirements may result in insignificant increases of  
General Fund revenue collected by the Department of Agriculture,  
8 Food and Rural Resources.'

10 **SUMMARY**

12 This amendment is the majority report. This amendment  
14 amends the bill to require labeling of genetically engineered  
foods that are unprocessed or minimally processed only. It also  
16 provides for the voluntary labeling of foods that are not  
genetically engineered foods. This amendment also adds a fiscal  
note to the bill.