

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 713

H.P. 506

House of Representatives, January 26, 1999

An Act to Establish Mandatory Labeling for Genetically Engineered Foods.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BAGLEY of Machias.
Cosponsored by Senator CASSIDY of Washington and
Representatives: DUGAY of Cherryfield, McKEE of Wayne, NORBERT of Portland, SHIAH
of Bowdoinham, SULLIVAN of Biddeford, TWOMEY of Biddeford, VOLENIK of Brooklin,
Senator: KILKELLY of Lincoln.

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

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

6 **2-A. Distributor.** "Distributor" means a person who sells
8 or transports or causes the sale or transportation of food for
10 human consumption at a point between a manufacturer and a retail
12 food establishment.

14 **4-C. Genetically engineered food.** "Genetically engineered
16 food" means a substance for human consumption that contains a
18 genetic material from another species or a genetic material
20 assembled in vitro, which genetic material is introduced into the
22 substance by nonsexual means as the result of a current or
24 previous application of a recombinant deoxyribonucleic acid, or
26 rDNA, technique or other similar technique for genetic
28 manipulation capable of combining or introducing genetic material
30 from dissimilar organisms. "Genetically engineered food" also
32 means a substance that contains a genetically engineered food or
34 part of that genetically engineered food as an ingredient.
36 "Genetically engineered food" does not include a food developed
38 exclusively through traditional methods of breeding, such as
40 artificial insemination, embryo transfer, hybridization or
42 nondirected mutagenesis, nor does it include foods containing
44 extracted products of a genetically engineered organism with no
46 more than trace amounts of the organism itself or its genetic
48 material.

30 **4-D. Genetic material.** "Genetic material" means
32 deoxyribonucleic acid, or DNA, or ribonucleic acid, or RNA.

34 **Sec. 2. 22 MRSA §2152, sub-§7-A,** as enacted by PL 1979, c.
36 672, Pt. A, §53, is repealed and the following enacted in its
38 place:

40 **7-A. Retail food establishment.** "Retail food
42 establishment" means an establishment at which food is sold or
44 offered for sale for off-premises consumption and does not
46 include restaurants.

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

44 **9. Manufacturer.** "Manufacturer" means a person who owns,
46 leases, operates, controls or supervises a plant, farm or any
48 other facility at which food for human consumption is produced.

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

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

4
6 **11. Artificial flavoring and coloring.** If it bears or
contains any artificial flavoring, artificial coloring or
8 chemical preservative, unless it bears labeling stating the
fact. If the artificial flavoring and artificial coloring
10 declaration does not refer to the entire contents of the package,
the words "artificial flavoring" and "artificial coloring" must
12 follow immediately each of the ingredients of the package
containing one or more of these substances. The common or usual
14 name of any chemical preservative must be immediately followed by
the words "chemical preservation". To the extent that
16 compliance with the requirements of this subsection is
impracticable, exemptions shall ~~must~~ be established by
18 ~~regulations--promulgated rules adopted by the Commissioner--of~~
"Agriculture,--Food--and--Rural--Resources" ~~commissioner~~. This
20 subsection, and subsections 7 and 9, with respect to artificial
coloring, shall do not apply in the case of butter, cheese or ice
22 cream; or

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

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

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

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

38 **Sec. 7. 22 MRSA §2157, sub-§§15 and 16** are enacted to read:

40 **15. Sale by manufacturer or distributor of genetically**
engineered food. If a manufacturer or distributor sells a
42 genetically engineered food unless the invoice for that
particular food is correctly marked with the words "genetically
44 engineered"; and

46 **16. Sale by retailer of genetically engineered food.** If a
retailer sells, offers for sale or exposes for sale a genetically
48 engineered food unless:

2 A. The package in which that food is offered for sale
4 conspicuously bears a label or stamp indicating that the
 food is genetically engineered; or

6 B. When the food is offered for consumption and is not
8 packaged, a conspicuous label or sign is placed on the food
10 or immediately next to the food indicating that the food is
 genetically engineered.

12 **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:

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

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SUMMARY

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

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