

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 902

H.P. 698

House of Representatives, February 15, 2001

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### **An Act to Require the Labeling of Certain Genetically Engineered Foods.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative VOLENIK of Brooklin.

Cosponsored by Representatives: BULL of Freeport, McKEE of Wayne, Senator RAND of Cumberland and

Representatives: BAGLEY of Machias, BERRY of Livermore, DUDLEY of Portland, SKOGLUND of St. George, TWOMEY of Biddeford, Senators: GOLDTHWAIT of Hancock, TREAT of Kennebec.

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, 4-D, 4-E, 4-F and 4-G are enacted to read:

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

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12 4-C. Genetically engineered food. "Genetically engineered food" means a substance for human consumption that contains one or more genetically engineered ingredients or one or more ingredients produced with genetically engineered inputs, except that genetically engineered animal feeds and vaccines consumed by otherwise genetically engineered-free animals are not considered as genetically engineered ingredients for the purpose of this definition.

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20 4-D. Genetically engineered ingredient. "Genetically engineered ingredient" means a substance for human consumption that contains genetic material from other species or 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. "Genetically engineered ingredient" also means a substance produced through rDNA modifications, including but not limited to cell fusion, gene deletion or doubling, induced sequence or encapsulation variation. "Genetically engineered ingredient" also means a substance that contains a genetically engineered food or part of that genetically engineered food as an ingredient without regard to whether the altered molecular or cellular characteristics of the ingredient are detectable in the material. "Genetically engineered ingredient" does not include an ingredient developed exclusively through traditional methods of breeding, such as artificial insemination, embryo transfer, hybridization or nondirected mutagenesis.

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42 4-E. Genetically engineered input. "Genetically engineered input" means hormones that have been produced by or extracted from genetically engineered organisms. "Genetically engineered input" does not include genetically engineered animal feed or genetically engineered animal vaccines.

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48 4-F. Genetic material. "Genetic material" means deoxyribonucleic acid, or DNA, or ribonucleic acid, or RNA.

2           4-G. Hormone. "Hormone" means chemical messengers,  
commonly produced and secreted by cells of endocrine glands or  
4           other tissues or synthesized in the laboratory that regulate the  
activity of other cells and organs in the body.

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8           Sec. 2. 22 MRSA §2152, sub-§§9 to 12 are enacted to read:

10           9. Manufacturer. "Manufacturer" means a person who owns,  
leases, operates or controls a plant, farm or other facility at  
12           which food for human consumption is produced or packaged.

14           10. Packaged food. "Packaged food" means any food encased  
in a glass, plastic, metal, cardboard or paper container.

16           11. Retailer. "Retailer" means a person who owns, leases,  
operates or controls a retail food establishment.

18           12. Unpackaged food. "Unpackaged food" means any food  
20           offered for consumption without any packaging or container.

22           Sec. 3. 22 MRSA §2157, sub-§§15 to 17 are enacted to read:

24           15. Sale by manufacturer, distributor or retailer of  
genetically engineered food. If a manufacturer, distributor or  
26           retailer knowingly sells or offers for sale a packaged food that  
contains a genetically engineered food or food product, unless  
28           the package in which that food or food product is offered for  
sale conspicuously bears a label or stamp marked with the words  
30           "Produced with Genetically Engineered Ingredients" in type equal  
to an immediately preceding product ingredient labeling.

32           16. Sale by manufacturer or distributor of genetically  
engineered unpackaged food. If a manufacturer or distributor  
34           knowingly sells or offers for sale an unpackaged food that  
contains genetically engineered food to a retailer, unless the  
36           retailer is provided with clear documentation in at least 8-point  
type on the invoice accompanying the unpackaged food or on an  
38           accompanying document that identifies each applicable unpackaged  
40           food with the words "Produced with Genetically Engineered  
Ingredients."

42           17. Sale by retailer of genetically engineered unpackaged  
food. If a retailer knowingly sells or offers for sale an  
44           unpackaged food that contains genetically engineered food, unless  
46           a conspicuous label or sign including the words "Produced with  
Genetically Engineered Ingredients" is placed on the unpackaged  
48           food, immediately next to the food or in an open manner where the  
food or food product is obtained. For the purposes of this  
50           subchapter, possession of documentation on an invoice or

2 accompanying document from the manufacturer or distributor  
3 constitutes constructive notice to a retailer.

4 **Sec. 4. 22 MRSA §2166**, as amended by PL 1991, c. 230, §2, is  
5 further amended by adding at the end 2 new paragraphs to read:

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7 A retailer is not subject to the penalties for a violation  
8 of section 2157 for offering for sale or selling an unpackaged  
9 food that contains genetically engineered food in the absence of  
10 constructive notice from a distributor or manufacturer. A  
11 retailer is not subject to the penalties for a violation of  
12 section 2157 for offering for sale or selling a packaged food  
13 that contains genetically engineered food that was not correctly  
14 labeled by the manufacturer or distributor.

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16 A manufacturer is not subject to the penalties for a  
17 violation of section 2157 if that person is an agricultural  
18 producer and the violation occurs because the food that is grown,  
19 raised or otherwise produced by that producer and is not produced  
20 with a genetically engineered ingredient or genetically  
21 engineered input is contaminated with a food that contains a  
22 genetically engineered ingredient or genetically engineered input  
23 and the contamination, including contamination by mingling the  
24 food produced by that producer with a food that contains a  
25 genetically engineered ingredient or genetically engineered input  
26 and cross-pollination, is not intended by the agricultural  
27 producer. This defense does not apply to an agricultural  
28 producer to the extent that the contamination occurs as a result  
29 of negligence of the producer.

30 **Sec. 5. Effective date.** This Act takes effect October 1, 2002.  
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### SUMMARY

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36 This bill requires labeling of all genetically engineered  
foods offered for sale or sold in the State.