

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 110

H.P. 86

House of Representatives, January 11, 2005

**An Act To Implement the Recommendations of the Commission To
Study Public Health Concerning Chain Restaurants**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CRAVEN of Lewiston.
Cosponsored by Senator NUTTING of Androscoggin and
Representatives: CANAVAN of Waterville, EBERLE of South Portland, FAIRCLOTH of
Bangor, MAKAS of Lewiston, MOODY of Manchester, PELLETIER-SIMPSON of Auburn,
PINGREE of North Haven, WALCOTT of Lewiston.

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

4 **Sec. 1. 22 MRSA §2502** is enacted to read:

6 **§2502. Caloric information**

8 Beginning January 1, 2006, a restaurant, which for the
9 purposes of this section means a restaurant licensed as an eating
10 establishment under this chapter, that is identified with a
11 restaurant chain having 20 or more locations under the same name
12 nationally, regardless of the type of ownership of the restaurant
13 locations, shall provide caloric information for all food and
14 drink items sold in the restaurant as described under this
15 section. As used in this section, "caloric information" for a
16 food or drink item means the number of calories contained in the
17 item as prepared in accordance with the standard recipe and
18 standard formulation of that item.

19 1. **Menu boards.** Caloric information must be provided on
20 menu boards in restaurants in which menu boards are displayed.
21 The typeface of the caloric information must be at least 2/3 as
22 large as other menu board information. The caloric information
23 must be displayed adjacent to the listing of the food item.

24 2. **Menus.** Caloric information must be provided on menus in
25 restaurants in which menus are used. The typeface of the caloric
26 information must be at least 2/3 as large as other menu
27 information. The caloric information must be displayed adjacent
28 to the listing of the food item.

29 3. **Restaurants without menus.** Restaurants without menus
30 must display caloric information on menu boards on the walls,
31 with at least one menu board 12 feet from each public entrance
32 that can be read at a distance of 12 feet. The menu board must
33 meet the requirements of subsection 1.

34 4. **Telephone orders exempt.** This section does not apply to
35 orders received orally by telephone.

36 5. **Reasonable variation.** A restaurant is not out of
37 compliance with this section for the sole reason that the actual
38 number of calories contained in a food or drink item as served at
39 that restaurant varies from the caloric information provided due
40 to assembly of the item by hand or changes or substitutions made
41 at the request of the customer.

42 **Sec. 2. Rules regarding nutrition information.** By December 31,
43 2005, the Department of Health and Human Services, Bureau of
44 Health shall adopt rules regarding the provision of caloric
45 information required by the State in restaurants. Rules adopted
46

2 pursuant to this section are routine technical rules as defined
in the Maine Revised Statutes, Title 5, chapter 375, subchapter
2-A.

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SUMMARY

8 This bill requires restaurants that are part of chains with
20 or more locations nationally to provide caloric information
10 for food and drink items on menus or menu boards. The bill
specifies the size and placement of this information. The bill
12 also exempts telephone orders from the requirements and allows
for reasonable variation of calories in food items from the
14 provided caloric information due to the assembly of items by hand
or changes or substitutions made at the request of the customer.