

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 416

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H.P. 300

House of Representatives, February 10, 2021

### **An Act Regarding the Production and Sale of Birch Syrup and Birch Syrup Products**

(EMERGENCY)

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Received by the Clerk of the House on February 8, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative KINNEY of Knox.  
Cosponsored by Representatives: HALL of Wilton, HARRINGTON of Sanford, MORRIS of Turner, Senator: DAVIS of Piscataquis.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** it is imperative that this legislation take effect for the upcoming birch syrup  
4 season; and

5 **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
6 the meaning of the Constitution of Maine and require the following legislation as  
7 immediately necessary for the preservation of the public peace, health and safety; now,  
8 therefore,

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

10 **Sec. 1. 7 MRSA c. 103, sub-c. 8-C** is enacted to read:

11 **SUBCHAPTER 8-C**

12 **BIRCH SYRUP PRODUCTS**

13 **§901. Exposed for sale**

14 For purposes of this subchapter, any birch syrup products governed by this subchapter  
15 that are packed in any type or kind of container and found in any place in the State, whether  
16 a warehouse, packing house or place where birch syrup products are stored, are deemed to  
17 be exposed for sale.

18 **§902. Labeling of birch syrup**

19 All containers of birch syrup sold or offered for sale for human consumption must be  
20 labeled with the volume, name and address of the producer or packer, together with the  
21 producer's or packer's seal in a manner approved by the commissioner on the cap of the  
22 container, which must be affixed so that the container cannot be opened until the seal is  
23 broken. Any marking that indicates pure Maine birch syrup must be used exclusively for  
24 pure birch syrup produced in this State that has not been bleached or lightened in color by  
25 artificial means.

26 The words "Maine Birch" may not be used alone or in combination with other words  
27 on a label or container to designate the flavor of the contents unless all of the birch flavoring  
28 of the contents is a pure birch produced in this State.

29 **§903. Labeling containers**

30 A person may not sell or offer for sale in any place or serve in any hotel, restaurant or  
31 other public eating place any birch sugar, birch confection or candy or birch syrup or any  
32 product labeled or represented as such that is in any way combined, interfused or diluted  
33 with cane or other sugars or other substance without distinctly marking, stamping or  
34 labeling the article or the package containing cane or other sugars or other substance or the  
35 advertisement of or menu statement with an accurate and descriptive name of the article  
36 and, in the case of birch sugar and birch syrup, the percentage in which birch sugar or birch  
37 syrup enters into its composition. In the case of birch confection or candy, the ingredients  
38 must be listed in the order of the volume of each ingredient with the ingredient of greatest  
39 volume listed first. The words "birch," "birched" and "birching" and words of similar

1 import, except as printed in the percentage statement, may not appear in any manner on the  
2 article in which a product of birch syrup is combined, interfused or diluted, unless the word  
3 "blend" appears immediately before, after, above or below and in equal prominence with  
4 the word "birch" or words of similar import, or unless the term "birch flavored" appears in  
5 similar fashion on the label.

6 **§904. Enforcement; jurisdiction**

7 The commissioner shall enforce this subchapter. The commissioner or the  
8 commissioner's designee must have free access to any place or building, store, gift shop or  
9 any other building where birch syrup or birch syrup products are packed, stored,  
10 transported, sold or offered or exposed for sale or for transportation. The commissioner or  
11 the commissioner's designee may open any container and may upon tendering the market  
12 price take samples. The commissioner may recover fines imposed for a violation under  
13 this subchapter in a civil action and if the commissioner prevails in that action may recover  
14 full costs.

15 All fines for violations under this subchapter must be paid to the Treasurer of State and  
16 appropriated for enforcing this subchapter.

17 The commissioner shall adopt rules to implement this subchapter. Rules adopted  
18 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375,  
19 subchapter 2-A.

20 **§905. Violations**

21 A person who violates any of the provisions of this subchapter commits a civil violation  
22 for which the following fines may be adjudged:

23 **1. First violation.** For the first violation, a fine not to exceed \$100; and

24 **2. Subsequent violations.** For each subsequent violation, a fine not to exceed \$200.

25 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
26 takes effect when approved.

27 **SUMMARY**

28 This bill provides for the regulation of the production, sale and labeling of birch syrup  
29 and birch syrup products.