

MAINE STATE LEGISLATURE

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NINETY-SECOND LEGISLATURE

Legislative Document

No. 909

S. P. 354

In Senate February 16, 1945.

Transmitted by revisor of statutes pursuant to joint order
Referred to Committee on Agriculture. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Townsend of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

An Act to Require the Enrichment of Flour and Bread to Meet Certain Standards of Vitamin and Mineral Content.

Preamble. There exists in the diets in this country a widespread deficiency of certain food ingredients essential to the health and well-being of the people, and it is necessary and advisable to protect so far as may be possible the health of the people of this state against such deficiency by providing for the enrichment of certain kinds of flour and bread to increase the content of such essential ingredients, normally present in wheat. In the accomplishment of such purpose, it is necessary and advisable to promote uniformity in the laws applicable to interstate and to intrastate shipments of such foods.

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

R. S., c. 27, §§ 170-A-170-E, additional. Chapter 27 of the revised statutes is hereby amended by adding thereto 5 new sections, to be numbered 170-A to 170-E, inclusive, to read as follows:

'Sec. 170-A. Definitions. When used in sections 170-A to 170-E, inclusive, unless the context otherwise requires, the following words shall have the following meanings:

I. "Flour" includes and shall be limited to the foods commonly known in the milling and baking industries as:

A. White flour, also known as wheat flour or plain flour;

B. Bormated flour;

C. Self-rising flour, also known as self-rising white flour or self-rising wheat flour; and

D. Phosphated flour, also known as phosphated white flour or phosphated wheat flour;

but excludes whole wheat flour and also excludes special flours not used for bread, roll, bun or buiscuit baking, such as specialty cake, pancake and pastry flours.

II. "White bread" means any bread made with flour, as defined in subsection I, whether baked in a pan or on a hearth or screen, which is commonly known or usually represented and sold as white bread, including Vienna bread, French bread, and Italian bread.

III. "Rolls" includes plain white rolls and buns of the semi-bread dough type, namely: soft rolls, such as hamburger rolls, hot dog rolls, Parker House rolls, and hard rolls, such as Vienna rolls, Kaiser rolls, but shall not include yeast-raised sweet rolls or sweet buns made with fillings or coatings, such as cinnamon rolls or buns and butterfly rolls.

IV. "Commissioner" means the commissioner of agriculture.

V. "Persons" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or any group of persons whether incorporated or not, engaged in the commercial manufacture or sale of flour, white bread or rolls.'

'Sec. 170-B. Reinforcement of flour. It shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale for human consumption in this state flour, as defined in section 170-A, unless the following vitamins and minerals are contained in each pound of such flour: not less than 2.0 mg. and not more than 2.5 mg. of thiamine; not less than 1.2 mg. and not more than 1.5 mg. of riboflavin; not less than 16.0 mg. and not more than 20.0 mg. of niacin or niacin-amide; not less than 13.0 mg. and not more than 16.5 mg. of iron (Fe); except in the case of self-rising flour which in addition to the above ingredients shall contain not less than 500 mg. and not more than 1,500 mg. of calcium (Ca); provided, however, that the terms of this section shall not apply to flour sold to distributors, bakers or other processors, if the purchaser furnishes to the seller a certificate in such form as the commissioner shall by regulation prescribe, certifying that such flour will be:

I. Resold to a distributor, baker or other processor, or

II. Used in the manufacture, mixing or compounding of flour, white bread or rolls enriched to meet the requirements of sections 170-A to 170-E, inclusive, or

III. Used in the manufacture of products other than flour, white bread or rolls.

It shall be unlawful for any such purchaser so furnishing any such certificate to use or resell the flour so purchased in any manner other than as prescribed in this section.'

'Sec. 170-C. Vitamins and minerals required in bread or rolls. It shall be unlawful for any person to manufacture, bake, sell, or offer for sale for human consumption in this state any white bread or rolls, as defined in section 170-A, unless the following vitamins and minerals are contained in each pound of such bread or rolls: not less than 1.1 mg. and not more than 1.8 mg. of thiamine; not less than 0.7 mg. and not more than 1.6 mg. of riboflavin; not less than 10.0 mg. and not more than 15.0 mg. of niacin; not less than 8.0 mg. and not more than 12.5 mg. of iron (Fe).'

Sec. 170-D. Enforcement by commissioner. The commissioner is hereby charged with the duty of enforcing the provisions of sections 170-A to 170-E, inclusive, and he is hereby authorized and directed to make, amend or rescind rules, regulations and orders for the efficient enforcement of said sections.

Whenever the vitamin and mineral requirements set forth in sections 170-A to 170-E, inclusive, are no longer in conformity with the legally established standards governing the interstate shipment of enriched flour and enriched white bread or enriched rolls, the commissioner, in order to maintain uniformity between intrastate and interstate vitamin and mineral requirements for the foods within the provisions of sections 170-A to 170-E, inclusive, is authorized and directed to modify or revise such requirements to conform with amended standards governing interstate shipments. Any revisions in vitamin and mineral requirements established by the commissioner shall be reported to the legislature.

In the event of findings by the commissioner that there is an existing or imminent shortage of any ingredient required by sections 170-B or 170-C, and that because of such shortage the sale and distribution of flour or white bread or rolls may be impeded by the enforcement of the provisions of sections 170-A to 170-E, inclusive, the commissioner shall issue an order, to be effective immediately upon issuance, permitting the omission of such

ingredient from flour or white bread or rolls; and if he finds it necessary or appropriate, excepting such foods from labeling requirements until he issues a further order relative thereto. Any such findings may be made without hearing, on the basis of an order or of factual information supplied by the appropriate federal agency or officer. The commissioner on his own motion may, and upon receiving the sworn statements of 10 or more persons subject to the provisions of sections 170-A to 170-E, inclusive, that they believe such a shortage exists or is imminent shall, within 20 days thereafter, hold a public hearing with respect thereto, at which any interested person may present evidence; and shall make findings based upon the evidence presented. The commissioner shall publish notice of any such hearing at least 10 days prior thereto.

Whenever the commissioner has reason to believe that such shortage no longer exists, he shall hold a public hearing, after at least 10 days' notice shall have been given, at which any interested person may present evidence, and he shall make findings based upon the evidence so presented. If his findings be that such shortage no longer exists, he shall issue an order to become effective not less than 30 days after the publication thereof, revoking such previous order; provided, however, that undisposed flour stocks of flour on hand at the effective date of such revocation order, or flour manufactured prior to such effective date for sale in this state, may thereafter be lawfully sold or disposed of.

All orders, rules and regulations adopted by the commissioner pursuant to the provisions of sections 170-A to 170-E, inclusive, shall be published in the manner hereinafter prescribed, and within the limits specified in said sections shall become effective upon such date as the commissioner shall fix.

Whenever, under the provisions of sections 170-A to 170-E, inclusive, publication of any notice, order, rule or regulation is required, such publication shall be made at least twice in at least 1 daily newspaper of general circulation printed and published in this state.

For the purpose of sections 170-A to 170-E, inclusive, the commissioner, or such officers or employees under his supervision as he may designate, is authorized to take samples for analysis and to conduct examinations and investigations, and to enter, at reasonable times, any factory, mill, bakery, warehouse, shop or establishment where flour, white bread or rolls are manufactured, processed, packed, sold or held, or any vehicle being used for the transportation thereof, and to inspect any such place or vehicle and any flour, white bread or rolls therein, and all pertinent equipment, materials, containers and labeling.'

'Sec. 170-E. Penalty. Any person who violates any of the provisions of sections 170-A to 170-E, inclusive, or the orders, rules or regulations promulgated by the commissioner under authority thereof shall be punished by a fine of not more than \$100.'