

MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 184

H. P. 125

House of Representatives, January 28, 1959.

Referred to the Committee on Agriculture, sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Chapman of Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Sale of Kosher Meat and Foods.

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

R. S., c. 32, §§ 254-A - 254-I, additional. Chapter 32 of the Revised Statutes is amended by adding thereto 9 new sections to be numbered 254-A to 254-I, as follows:

'Sale of Kosher Meat and Foods.

Sec. 254-A. Definitions. As used in sections 254-A to 254-I, the following words shall have the following meanings:

"Kosher" shall mean a strict compliance with every Jewish law and custom pertaining and relating to the killing of the animal or fowl from which the meat is taken or extracted, the dressing, treatment and preparation thereof for human consumption, and the manufacture, production, treatment and preparation of such other food or foods in connection wherewith Jewish laws and customs obtain and to the use of tools, implements, vessels, utensils, dishes and containers that are used in connection with the killing of such animals and fowls and the dressing, preparation, production, manufacture and treatment of such meats and other products, foods and food stuffs.

"Person" shall include any individual, partnership, corporation, company, society or association.

Sec. 254-B. License. No person shall sell or expose for sale in any restaurant, hotel or other place where food products are sold any article of food represented to be kosher unless such person be licensed by the Commissioner of Agriculture. An application for a license, or renewal of license, shall be made

each year upon a form prescribed by the commissioner. Such license shall commence upon the first day of October. With the application there shall be paid to the commissioner a license fee of \$5. Upon receipt of the application for a license, or renewal thereof, the commissioner shall issue a license after being satisfied that the applicant has complied with section 254-D and the regulations promulgated thereunder. A separate license shall be issued for each business establishment operated by the licensee. Such license shall run for one year from the first day of October in each year, or unless sooner revoked as provided in section 254-C.

The Rabbinical Association of Maine shall advise, counsel and confer with the commissioner on matters of policy and licensing under sections 254-A to 254-H and consider all matters submitted to it by the commissioner. It may on its own initiative recommend to the commissioner such suggestions that it deems advisable for the effective administration and enforcement of sections 254-A to 254-H.

Sec. 254-C. Revocation and suspension of license; appeals; hearing. The commissioner shall have the power to revoke or suspend any license issued under sections 254-A to 254-I, whenever it is determined by himself or any of his deputies that any of said sections have been violated. Any person whose license has been revoked or suspended shall discontinue until said sections have been complied with and a new license issued or the suspension removed. The commissioner may revoke or suspend such license temporarily until there is a compliance with sections 254-A to 254-I, or permanently for the unexpired period of such license. Before revoking or suspending any license, the commissioner shall give written notice to the licensee affected stating that he contemplates the revocation or suspension of the same and giving his reasons therefor. Such notice shall appoint a time for hearing before said commissioner. On the date of hearing the licensee may present such evidence to the commissioner as he deems fit, and after hearing all the testimony, the said commissioner shall decide as to whether the license shall be revoked or not. Any licensee who is aggrieved by the decision of the commissioner may within 10 days thereafter appeal to any Justice of the Superior Court, by presenting to him a petition therefor, in term time or vacation. Such justice shall fix a time and place for hearing, which may be in term time or vacation, and cause notice thereof to be given to the said commissioner; and after hearing, such justice may affirm or reverse the decision of said commissioner and the decision of such justice shall be final. Pending judgment of such justice, the decision of such commissioner shall remain in full force and effect. The commissioner shall, within 3 days after notice of such appeal, forward to such justice a certified copy of the proceedings.

Sec. 254-D. Inspection; rules. The commissioner shall by adequate inspection see that the food products sold or exposed for sale under sections 254-A to 254-I were prepared under the direction or supervision of the Rabbinical Association of Maine. The commissioner shall promulgate regulations for carrying out sections 254-A to 254-I. The commissioner shall have free access, ingress and egress at all reasonable hours to any business establishment covered by a license issued under section 254-B.

Sec. 254-E. Disposition of fees. All license fees and all money received under sections 254-A to 254-I and all fines which shall be collected in any proceeding or proceedings to enforce sections 254-A to 254-I shall be paid over to the commissioner, and by him deposited with the Treasurer of State to be credited to the General Fund.

Sec. 254-F. Falsely representing nonkosher foods as kosher. No person shall sell or expose for sale in any restaurant, hotel or other place where food products are sold, any article of food which is falsely represented to be kosher, either:

- I. By direct statements, orally or in writing; or
- II. By the display of the word "kosher" in English or Hebrew letters, or by the display of any sign or mark in simulation of that word; or
- III. By having or permitting to be inscribed on any food product, or on any package or container or its contents, the word "kosher" in any language; or
- IV. By display of any insignia, 6-pointed star, or any mark which might reasonably be calculated to deceive or lead a reasonable person to believe that a representation is being made that the food exposed for sale or sold is kosher, or prepared in accordance with orthodox Hebrew religious requirements.

Sec. 254-G. Misrepresentation as to kosher and nonkosher meats. No person shall, with intent to defraud, sell or expose for sale any meat or meat preparation, whether the same be raw or prepared for human consumption, and falsely represent the same to be kosher, or as having been prepared under and of a product or products sanctioned by the orthodox Hebrew religious requirements.

Sec. 254-H. Sale of kosher fresh meat. It shall be unlawful to sell or expose for sale in one establishment both kosher and nonkosher fresh meat as differentiated from prepared meat products. Separate establishments must be maintained for this purpose and must be conducted according to orthodox Hebrew religious law. There shall not be any connecting door or entrance of any type between the establishment that offers for sale kosher fresh meats and the one that offers nonkosher fresh meats for sale.

Sec. 254-I. Penalty. Any person who violates any of the provisions of sections 254-F, 254-G and 254-H is guilty of a misdemeanor and shall be punished by a fine of not more than \$500, or by imprisonment for not less than 30 days nor more than 6 months, or by both.'