

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE
3, SECTION 164, SUBSECTION 6.**

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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1981

CHAPTER 313

S. P. 402 — L. D. 1194

AN ACT to Ensure that the Provision for the Arbitration of Classification and Allocation Determinations in State Employee Collective Bargaining Agreements is not Inconsistent with the Personnel Law.

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

5 MRSA § 593, first sentence, as amended by PL 1975, c. 766, § 4, is further amended to read:

Any Except where otherwise provided by a governing bargaining agreement, any employee or appointing authority aggrieved by the determination of the Commissioner of Personnel concerning the classification of positions, the allocation of new positions or the reallocation of existing positions in the classified service may appeal from such determination to the State Personnel Board.

Effective September 18, 1981

CHAPTER 314

S. P. 485 — L. D. 1387

AN ACT to Provide for Identifying Natural, Nonimitation Food Products Sold in the State.

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

7 MRSA § 552, sub-§ 4 is enacted to read:

4. Natural food symbol. A natural food symbol may be selected and issued under the following provisions.

A. The Department of Agriculture, Food and Rural Resources may select an appropriate symbol to designate that a food is found by the department to be a natural food. A person wishing to label any food with the symbol shall first obtain a license from the department. A person shall not use the symbol for any food that is not natural. A separate license shall be obtained for each food.

B. The commissioner shall issue a license if he is satisfied that the food proposed to be labeled by the applicant is natural. The commissioner may

require a signed affidavit stating the ingredients of the food and may use other methods to determine whether a food is natural. If the commissioner is unable to determine to his satisfaction that a food is natural, he is not required to issue a permit.

C. A license is valid for one year and may be renewed. The commissioner may charge a fee for a license, provided that the fee is not greater than the actual cost of administration of a license.

D. The commissioner or his duly authorized agent may refuse to grant or renew a license, after notice and opportunity for a hearing has been provided in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, as to adjudicatory proceedings, upon a finding that the licensee has labeled as natural a food that is not natural. The Administrative Court may, in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, suspend or revoke a license upon finding that the licensee has labeled as natural a food that is not natural.

Effective September 18, 1981

CHAPTER 315

H. P. 1427 — L. D. 1578

AN ACT Relating to Frozen Dessert Products.

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

Sec. 1. 7 MRSA § 2901, sub-§ 10-B, as enacted by PL 1979, c. 672, Pt. A, § 30, is amended to read:

10-B. Frozen dessert mix. “Frozen ~~dairy-product~~ dessert mix” means any unfrozen mixture to be used in the manufacture of frozen ~~dairy-products~~ dessert for sale or resale and shall contain in whole or in part the ingredients enumerated under the definition of frozen ~~dairy-products~~ dessert.

Sec. 2. 7 MRSA § 2901, sub-§ 10-C, as enacted by PL 1979, c. 672, Pt. A, § 30, is repealed and the following enacted in its place:

10-C. Frozen dessert. “Frozen dessert” means ice cream, frozen custard, ice milk, sherbet, water ice, nonfruit sherbet, nonfruit water ice, goat’s milk ice cream, goat’s milk ice milk, frozen yogurt, frozen low-fat yogurt, frozen nonfat yogurt, quiescently frozen confection, quiescently frozen dairy confection, frozen dietary dairy dessert, dietary frozen dessert, manufactured dessert mix, freezer-