

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

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PUBLIC LAWS
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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 A, § 30, is repealed and the following enacted in its place: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-

made milk shake, freezer-made shake, mellorine, parvine, lo-mel, as all such products are commonly known, together with any mix used in such frozen desserts and any products which are similar in appearance, odor or taste to such products or are prepared or frozen as frozen desserts are customarily prepared or frozen, whether made with milk products or nonmilk products.

Sec. 3. 7 MRSA § 2901, sub-§ 10-D, as enacted by PL 1979, c. 672, Pt. A, § 30, is amended to read:

10-D. Frozen dessert plant. “Frozen ~~dairy products~~’ dessert plant” means any place, premises or establishment and any part thereof ~~were~~ where frozen ~~dairy products~~ dessert, such as ice cream, frozen custard, ice milk, sherbet, ices and related food products are assembled, processed, manufactured or converted into form for distribution or sale, and rooms or premises where such frozen ~~dairy products~~’ dessert manufacturing equipment is washed, sterilized or kept.

Sec. 4. 7 MRSA § 2901, sub-§ 13-A, as enacted by PL 1979, c. 672, Pt. A, § 31 is amended to read:

13-A. Homemade or home maid. “Homemade” or “home maid,” or similar terminology applied to these frozen ~~dairy products~~ desserts, means frozen ~~dairy products~~ desserts manufactured and frozen under conditions normally found in the home.

Sec. 5. 7 MRSA § 2901, sub-§ 22, first sentence, as amended by PL 1979, c. 672, Pt. A, § 32, is further amended to read:

“Milk products” means cream, sour cream, milk, butter, evaporated milk, sweetened condensed milk, nonfat dry milk solids, half and half, reconstituted half and half, concentrated milk, skim milk, nonfat or fat-free milk, reconstituted milk and milk products, vitamin D milk and milk products, low-fat milk, fortified milk and milk products, homogenized milk, flavored milk, flavored dairy drink, eggnog, imitation eggnog, eggnog flavored milk, cultured buttermilk, cottage cheese, creamed cottage cheese, acidified milk and milk products, frozen ~~dairy products~~ dessert and frozen ~~dairy product~~ dessert mix, and any other products designated as milk products by the commissioner.

Sec. 6. 7 MRSA § 2901, sub-§ 33, as enacted by PL 1979, c. 672, Pt. A, § 33, is amended to read:

33. Wholesale manufacturer. “Wholesale manufacturer” means any person, firm, corporation, association or society which manufactures frozen ~~dairy products~~ dessert, any of which are sold to another for resale, or which manufactures frozen ~~dairy product~~ dessert mix within the State, or for sale within the State.

Sec. 7. 7 MRSA § 2902, 3rd ¶, as enacted by PL 1979, c. 672, Pt. A, § 35, is amended to read:

Each wholesale manufacturer of frozen ~~dairy products~~ **dessert** not licensed under this section as a milk dealer shall, during the month of June in each year, file with the commissioner an application for a license, upon a form prescribed by the commissioner.

Sec. 8. 7 MRSA § 2902, 4th ¶, first and 3rd sentences, as enacted by PL 1979, c. 672, Pt. A, § 35 are amended to read:

The application shall show the location of the plant at which frozen ~~dairy products~~ **dessert** or frozen ~~dairy product~~ **dessert** mix is to be manufactured and the name of the brand or brands, if any, under which the product or product mix is to be sold.

Each license shall cover one group of buildings constituting a frozen ~~dairy products~~² **dessert** plant in one location.

Sec. 9. 7 MRSA § 2902, 7th ¶, as enacted by PL 1979, c. 672, Pt. A, § 36, is amended to read:

The fee for each wholesale license to sell or distribute frozen ~~dairy products~~ **dessert** shall be \$25.

Sec. 10. 7 MRSA § 2903, 2nd ¶, as enacted by PL 1979, c. 672, Pt. A, § 37, is amended to read:

No person may sell, advertise or offer or expose for sale any frozen ~~dairy product~~ **dessert** or frozen ~~dairy product~~ **dessert** mix unless the manufacturer of the product or mix is licensed under this chapter. No person may sell, offer for sale or advertise for sale any frozen ~~dairy product~~ **dessert** or frozen ~~dairy product~~ **dessert** mix if the label upon it or the advertising accompanying it gives a false indication of the origin, character, composition or place of manufacture, or is otherwise false or misleading in any particular. No person may sell, advertise or offer or expose for sale any frozen ~~dairy product~~ **dessert** for which a standard has not been established by the commissioner, regardless of trade name, brand or coined name. No person may sell or offer, advertise or expose for sale any frozen ~~dairy product~~ **dessert** or frozen ~~dairy product~~ **dessert** mix which does not conform to the standards of strength, quality, purity and identity now or hereafter fixed by the commissioner.

Sec. 11. 7 MRSA § 2903, 4th ¶, as amended by PL 1979, c. 672, Pt. A, § 38, is further amended to read:

It shall be unlawful for any milk dealer to sell any milk, or milk products as defined in sections 2901 to 2904 and 3101 to 3103, except frozen ~~dairy products~~ **dessert**, the container of which is not plainly marked or ~~labelled~~ **labeled** with the name of the contents, the word "pasteurized" or the word "natural" in accordance with the quality therein contained and the name and address of the

licensed dealer and sufficient information to identify the milk plant where packaged.

Effective September 18, 1981

CHAPTER 316

H. P. 1440 — L. D. 1583

AN ACT Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1982, and June 30, 1983.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

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

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

PART A

Sec. 1. Appropriations from General Fund. In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1982, and June 30, 1983, the following sums, as designated in the following tabulations, are appropriated out of any moneys in the General Fund not otherwise appropriated.

Sec. 2. Allotments required. Upon receipt of allotments duly approved by the Governor based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these appropriations, together with expenditures for other purposes necessary to the conduct of State Government on the basis of such allotments and not otherwise. Allotments for personal services, capital expenditures and amounts for all other departmental expenses shall not exceed the amounts shown in the budget document or as they