

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

used for the purposes of lobster biology research, of propagation of lobsters by liberating seed lobsters and female lobsters in Maine coastal waters and of establishing and supporting lobster hatcheries.

See title page for effective date.

CHAPTER 355

S.P. 200 - L.D. 645

**An Act To Promote the
Commonsense Consumption of Food**

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

Sec. 1. 14 MRSA §170 is enacted to read:

§170. Consumption of food

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Food product" means any product that is grown, prepared, manufactured, provided, served or sold and that is primarily intended for human consumption and nourishment.

B. "Long-term" means consisting of multiple instances over a period of time and not a single or isolated instance.

2. Liability limited. Except as provided in subsection 3, a manufacturer, distributor or seller of a food product, or an association of one or more such entities, is not liable for personal injury or death to the extent the liability is based upon a person's weight gain or obesity resulting from the person's long-term consumption of the food product.

3. Exception. Subsection 2 does not bar a claim for damages if otherwise available under any other provision of law against a manufacturer or distributor of food products if the manufacturer or distributor has failed to provide nutritional content information as required by any applicable state or federal statute, rule or regulation or has provided materially false or misleading information to the public.

See title page for effective date.

CHAPTER 356

H.P. 648 - L.D. 929

**An Act To Create Freedom of Citizen
Information Regarding Ballot
Questions**

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

Sec. 1. 21-A MRSA §901-A is enacted to read:

**§901-A. Petition requirements for direct
initiatives of legislation**

The following provisions apply to direct initiatives of legislation under the Constitution of Maine, Article IV, Part Third, Section 18.

1. Opportunity to read direct initiative summary. A person circulating a petition must provide the voter the opportunity to read the proposed direct initiative summary required by section 901 prior to that voter signing the petition. The summary presented to the voter must be as it appears on a publicly accessible website established by the Secretary of State.

2. Required statements; placement of information. The Secretary of State shall include the following statements at the top of the petition to be submitted to voters in a type size of no less than 16 points:

"Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary prepared by the Secretary of State."

"Ballot questions during the 20.. election [most recent election cycle] cost taxpayers approximately \$..... [Secretary of State shall use fiscal information provided by the Office of Fiscal and Program Review] each to be placed on the ballot. As a citizen of Maine, you have a right to this information."

The summary of the proposed direct initiative must be printed on the petition immediately following the statements required by this subsection.

See title page for effective date.