

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

PUBLIC LAWS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
2013

CHAPTER 435
H.P. 252 - L.D. 377

**An Act To Provide Funding to
Soil and Water Conservation
Districts**

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

Sec. 1. Appropriations and allocations.
The following appropriations and allocations are
made.

**AGRICULTURE, CONSERVATION AND
FORESTRY, DEPARTMENT OF**
**Division of Agricultural Resource Development
0833**

Initiative: Provides ongoing funding for soil and water
conservation districts.

GENERAL FUND	2013-14	2014-15
All Other	\$50,000	\$50,000
GENERAL FUND TOTAL	\$50,000	\$50,000

See title page for effective date.

CHAPTER 436
H.P. 490 - L.D. 718

**An Act To Protect Maine Food
Consumers' Right To Know
about Genetically Engineered
Food**

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

Sec. 1. 22 MRSA c. 565 is enacted to read:

CHAPTER 565
GENETICALLY ENGINEERED PRODUCTS

§2591. Purpose

It is the purpose of this chapter to:

1. Public health and food safety. Promote food
safety and protect public health by enabling consumers
to avoid the potential risks associated with genetically

engineered foods and serve as a risk management tool
enabling consumers, physicians and scientists to iden-
tify unintended health effects resulting from the con-
sumption of genetically engineered foods;

2. Environmental impacts. Assist consumers
who are concerned about the potential effects of ge-
netic engineering on the environment to make in-
formed purchasing decisions;

**3. Consumer confusion and inadvertent decep-
tion.** Reduce and prevent consumer confusion and
inadvertent deception and promote the disclosure of
factual information on food labels to allow consumers
to make informed decisions;

4. Promote economic development. Create ad-
ditional market opportunities for those producers who
are not certified organic producers and whose products
are not produced using genetic engineering and enable
consumers to make informed purchasing decisions;
and

5. Protect religious and cultural practices. En-
sure consumers are provided with data from which
they may make informed decisions for personal, reli-
gious, moral, cultural or ethical reasons.

§2592. Definitions

As used in this chapter, unless the context other-
wise indicates, the following terms have the following
meanings.

1. Commissioner. "Commissioner" means the
Commissioner of Agriculture, Conservation and For-
estry.

2. Food. "Food" means food intended for human
consumption.

3. Genetically engineered. "Genetically engi-
neered" has the same meaning as under Title 7, section
1051, subsection 2.

4. Medical food. "Medical food" means food
prescribed by a physician for treatment of a medical
condition.

**§2593. Disclosure requirements for genetically en-
gineered food**

1. Disclosure. Beginning 18 months after the ef-
fective date of this section, any food offered for retail
sale that is genetically engineered must be accompa-
nied by a conspicuous disclosure that states "Produced
with Genetic Engineering." The statement must be
located on the package for all packaged food or, in the

case of unpackaged food, on a card or label on the store shelf or bin in which the food is displayed.

2. Use of term "natural." A food that is subject to disclosure under subsection 1 may not be described on the label or by similar identification as "natural."

3. Misbranding. Any food that is genetically engineered that does not display the disclosure required under subsection 1 or that is labeled or identified as natural in violation of subsection 2 is considered misbranded for the purposes of chapter 551, subchapter 1 except that:

A. A food is not considered misbranded if the food is produced by a person who:

(1) Grows, raises or otherwise produces that food without knowledge that the food was created from other seed or other food that was genetically engineered; and

(2) Obtains a sworn statement from the person from whom the food was obtained that the food was not knowingly genetically engineered and was segregated from and not knowingly commingled with a food component that may have been genetically engineered;

B. A food product derived from an animal is not considered misbranded if the animal was not genetically engineered but was fed genetically engineered feed; and

C. A packaged processed food is not considered misbranded if the total weight of the processed food that was genetically engineered is less than 0.9% of the total weight of the processed food.

4. Rules. The commissioner may adopt routine technical rules under Title 5, chapter 375, subchapter 2-A for the administration and enforcement of this chapter.

§2594. Third-party protection

1. Reliance on affidavit. A distributor or retailer that sells or advertises food that is genetically engineered that fails to make the disclosure required under section 2593, subsection 1 is not subject to liability in any civil action to enforce this chapter if the distributor or retailer relied on the affidavit under section 2596 provided by the producer or grower stating that the food is not subject to the disclosure requirements under this chapter.

2. Eating establishments. Eating establishments are exempt from the disclosure requirements of this chapter.

3. Exempt products. Alcoholic beverages and medical food are exempt from the disclosure requirements of this chapter.

§2595. Enforcement

1. Authority. The commissioner shall enforce this chapter in the same manner as is authorized for enforcement of chapter 551, subchapter 1.

2. No private right. There is no private right of action to enforce this chapter.

3. Penalty. A person who violates this chapter commits a civil violation for which a fine may be assessed that may not exceed \$1,000 per day per misbranded product per sales location.

§2596. Affidavit

The commissioner shall develop an affidavit form that may be provided by a producer or grower of food to distributors and retailers and that may be included in shipments of food within the State certifying that the food being sold or shipped is not subject to the disclosure requirements of this chapter.

Sec. 2. Effective date; repeal.

1. Effective date. The Commissioner of Agriculture, Conservation and Forestry shall monitor legislative activities in other states and certify to the Secretary of State and the Revisor of Statutes when legislation requiring mandatory labeling of genetically engineered food has been adopted by at least 5 contiguous states including Maine. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters when certification is made. That section of this Act that enacts the Maine Revised Statutes, Title 22, chapter 565 takes effect 30 days after the date of the commissioner's certification.

2. Repeal. If no certification has been made by the Commissioner of Agriculture, Conservation and Forestry under subsection 1 before January 1, 2018, this Act is repealed on that date.

See title page for effective date, unless otherwise indicated.

CHAPTER 437

S.P. 276 - L.D. 738

An Act To Promote the Maine Economy and Support Maine's Sporting Camp Tradition

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

Sec. 1. 12 MRSA §11154, sub-§14 is enacted to read:

14. Permits for hunting lodges. In any year in which the total number of moose permits available as determined by the commissioner under subsection 2