

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

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

for the public chance drawing under subsection 9 exceeds 3,140, 10% of the permits exceeding 3,140 must be allocated through a chance drawing separate from the chance drawing under subsection 9 to hunting outfitters in accordance with this subsection. The fee for a moose hunting permit under this subsection is \$1,500.

A. For the purposes of this subsection, "hunting outfitter" means a person who operates an eating and lodging place licensed under Title 22, chapter 562 and who provides package deals that include food, lodging and the services of a guide licensed under chapter 927 for the purpose of hunting.

B. A hunting outfitter may sell or transfer a permit allocated under this subsection only once, and only under the following conditions:

(1) The sale or transfer must be part of a package deal that includes the food and lodging to be provided by the hunting outfitter to the person receiving the permit;

(2) The person receiving the permit from the hunting outfitter must be accompanied during the hunt by a guide licensed under chapter 927; and

(3) The hunting outfitter must notify the department of the identity of the person receiving the permit.

C. A hunting outfitter may be allocated more than one permit.

D. A permit allocated under this subsection may be used only for the year, season, sex and wildlife management district for which the permit is issued.

E. Permits allocated under this subsection may not exceed 10% of the total permits issued per year for each season, sex and wildlife management district permit type.

F. An individual may hunt with a permit sold or transferred under this subsection only if that individual is otherwise eligible to obtain and hunt with a permit under subsection 5.

G. If proceeds in any year from the auction authorized under subsection 11 are less than \$107,000, proceeds from the chance drawing conducted pursuant to this subsection must be used to fund youth conservation education programs as provided under subsection 11 up to \$107,000. The remainder must be deposited in the Moose Research and Management Fund under section 10263.

Sec. 2. Lapsed balances; Department of Inland Fisheries and Wildlife carrying account. On or before June 30, 2014 and on or before June 30, 2015, the State Controller shall lapse \$10,374

from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the General Fund unappropriated surplus to offset the loss in revenue from changes made to moose permit fees.

See title page for effective date.

**CHAPTER 438
S.P. 281 - L.D. 743**

An Act To Extend and Improve the Maine Seed Capital Tax Credit Program

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

Sec. 1. 10 MRSA §963-A, sub-§50-A is enacted to read:

50-A. Value-added. "Value-added" means that an enhancement to a product or service that increases the value or marketability of the product or service has been applied.

Sec. 2. 10 MRSA §1100-T, sub-§1-A, as enacted by PL 2011, c. 454, §2, is amended to read:

1-A. Private venture capital fund. As used in this section, "private venture capital fund" means a professionally managed pool of capital organized ~~for a limited life~~ to make equity or equity-like investments in unrelated private companies using capital derived from multiple limited partners or members at least half of which, measured in dollar commitments, are unaffiliated and unrelated, and includes any venture capital fund licensed by the United States Small Business Administration. The authority may require such information as may be necessary or desirable for determining whether an entity qualifies as a private venture capital fund. An entity that otherwise qualifies as a private venture capital fund may elect not to be treated as a private venture capital fund for purposes of this section with respect to any investment.

Sec. 3. 10 MRSA §1100-T, sub-§2, as amended by PL 2011, c. 454, §§3 and 4, is further amended to read:

2. Eligibility for tax credit certificate for individuals and entities other than venture capital funds. The authority shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to implement the program. Without limitation, the requirements for eligibility for a tax credit certificate include the following.

A. For investments made in tax years beginning before January 1, 2012, a tax credit certificate may be issued in an amount not more than 40% of the amount of cash actually invested in an eligible Maine business in any calendar year or in an