

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 300 - L.D. 416

An Act Regarding the Production and Sale of Birch Syrup and Birch Syrup Products

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

Whereas, it is imperative that this legislation take effect for the upcoming birch syrup season; 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:

Sec. 1. 7 MRSA c. 103, sub-c. 8-C is enacted to read:

SUBCHAPTER 8-C

BIRCH SYRUP PRODUCTS

§901. Exposed for sale

For purposes of this subchapter, any birch syrup products governed by this subchapter that are packed in any type or kind of container and found in any place in the State, whether a warehouse, packing house or place where birch syrup products are stored, are deemed to be exposed for sale.

§902. Labeling of birch syrup

All containers of birch syrup sold or offered for sale for human consumption must be labeled with the volume, name and address of the producer or packer, together with the producer's or packer's seal in a manner approved by the commissioner on the cap of the container, which must be affixed so that the container cannot be opened until the seal is broken. Any marking that indicates pure Maine birch syrup must be used exclusively for

pure birch syrup produced in this State that has not been bleached or lightened in color by artificial means.

The words "Maine Birch" may not be used alone or in combination with other words on a label or container to designate the flavor of the contents unless all of the birch flavoring of the contents is a pure birch produced in this State.

§903. Labeling containers

A person may not sell or offer for sale in any place or serve in any hotel, restaurant or other public eating place any birch sugar, birch confection or candy or birch syrup or any product labeled or represented as such that is in any way combined, interfused or diluted with cane or other sugars or other substance without distinctly marking, stamping or labeling the article or the package containing cane or other sugars or other substance or the advertisement of or menu statement with an accurate and descriptive name of the article and, in the case of birch sugar and birch syrup, the percentage in which birch sugar or birch syrup enters into its composition. In the case of birch confection or candy, the ingredients must be listed in the order of the volume of each ingredient with the ingredient of greatest volume listed first. The words "birch," "birched" and "birching" and words of similar import, except as printed in the percentage statement, may not appear in any manner on the article in which a product of birch syrup is combined, interfused or diluted, unless the word "blend" appears immediately before, after, above or below and in equal prominence with the word "birch" or words of similar import, or unless the term "birch flavored" appears in similar fashion on the label.

§904. Enforcement; jurisdiction

The commissioner shall enforce this subchapter. The commissioner or the commissioner's designee must have free access to any place or building, store, gift shop or any other building where birch syrup or birch syrup products are packed, stored, transported, sold or offered or exposed for sale or for transportation. The commissioner or the commissioner's designee may open any container and may upon tendering the market price take samples. The commissioner may recover fines imposed for a violation under this subchapter in a civil action and if the commissioner prevails in that action may recover full costs.

All fines for violations under this subchapter must be paid to the Treasurer of State and appropriated for enforcing this subchapter.

The commissioner shall adopt rules to implement this subchapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§905. Violations

A person who violates any of the provisions of this subchapter commits a civil violation for which the following fines may be adjudged:

- 1. First violation.** For the first violation, a fine not to exceed \$100; and
- 2. Subsequent violations.** For each subsequent violation, a fine not to exceed \$200.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.