

Maine State Laws Affected by H.R. 4879

- I. Food
 - a. Food Safety
 - i. Date Label Laws
 - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
 - 2. Code Me. R. tit. 01-001 Ch. 331, § 3-2
 - 3. Code Me. R. tit. 13-188 Ch. 15, § 15.21
 - ii. Date Packaged, Produced, or Harvested
 - 1. These laws require manufacturers to indicate on items the date on which they were harvested, produced, or otherwise packaged and processed. They are intended to inform consumers as to freshness and quality.
 - 2. Code Me. R. tit. 13-188 Ch. 15, § 15.21
 - b. Shellfish
 - i. Date Labels
 - 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
 - 2. Code Me. R. tit. 01-001 Ch. 331, § 3-2
 - ii. Sourcing Requirements
 - 1. These regulations impose requirements on the sourcing of shellfish. Most often, they stipulate that molluscan shellfish received into the state through interstate commerce must be from sources approved by the Interstate Certified Shellfish Shippers List.
 - 2. 10-144 CMR Ch. 200, Ch. 3, § 3-2
 - 3. 01-001 CMR Ch. 331, § 3-2
 - c. Mushrooms
 - i. Sale of Wild Mushrooms
 - 1. These regulations impose identification requirements on the sale of mushrooms harvested from the wild. Often, they mandate that wild mushrooms must be positively identified by a mushroom identification expert in order to be sold for human consumption in order to protect the public from accidental poisoning caused by the ingestion of toxic mushrooms.
 - 2. ME ST T. 22 § 2175
 - d. Maple Syrup
 - i. Grading and Labeling
 - 1. These laws impose regulations on the labeling of maple syrup such as the name and address of the packager, the type of syrup, as well as other quality standards.

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2. Me. Rev. Stat. tit. 7, § 893
- e. Baby Food
 - i. Packaging with BPA
 1. These laws prohibit the sale of baby food in jars containing the additive bisphenol A (“BPA”) due to concerns about the chemical’s safety and adverse health impacts it may have on young children.
 2. 06-096 CMR Ch. 882, § 5
- II. Alcohol
 - a. None
- III. Drugs
 - a. Recreational
 - i. Salvia
 1. Salvia divinorum or “Salvia” is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.
 2. 17 M.R.S.A. § 2012
 - b. Tobacco
 - i. Minimum Age Requirements
 1. These laws restrict the sale of tobacco products to buyers under a certain age. Federally, tobacco cannot be sold to anyone under 18 years of age. However, some states impose further limitations and require buyers be either 19 or 21 years of age.
 2. 22 M.R.S.A. § 1555-B
 - ii. Fire Safety Standards
 1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
 2. Me. Rev. Stat. tit. 22, § 1555-E
- IV. Fishing
 - a. Ocean Fishing: Commercial and Sport
 - i. Beyond State Waters
 1. These laws not only regulate fishing activities within a state’s territorial waters (which generally extend three nautical miles from shore), but also fishing that takes place in certain areas of the ocean beyond that zone. These statutes impose licensing or other regulatory requirements on individuals fishing beyond the state waters.
 2. Me. Rev. Stat. tit. 12, § 6421
 - ii. License or Permit Requirements

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1. These laws require anyone who lands commercial fish within the state to be licensed, obtain a landing permit, or in some other way be regulated. These regulations require permits or impose other regulations on non-resident, commercial fishing operations that first bring fish to shore in the state.
2. Me. Rev. Stat. tit. 12, § 6421
- iii. Equipment Requirements, Harvest Techniques, and Prohibitions
 1. These laws impose equipment requirements or prescribe special harvesting techniques for out-of-state fishing operations that bring their catch to shore in the state. They are intended to prohibit the use of unsporting or environmentally damaging fishing practices and ensure a safe and sustainable harvest.
 2. Me. Rev. Stat. tit. 12, § 6431-A
 3. Me. Rev. Stat. tit. 12, § 6431-B
 4. Me. Rev. Stat. tit. 12, § 6431-E
 5. Me. Rev. Stat. tit. 12, § 6431-F
 6. Me. Rev. Stat. tit. 12, § 6432
 7. Me. Rev. Stat. tit. 12, § 6432-a
 8. Me. Rev. Stat. tit. 12, § 6433
 9. Me. Rev. Stat. tit. 12, § 6433-A
 10. Me. Rev. Stat. tit. 12, § 6433-B
 11. Me. Rev. Stat. tit. 12, § 6433-C
 12. Me. Rev. Stat. tit. 12, § 6434
 13. Me. Rev. Stat. tit. 12, § 6421
 14. Me. Rev. Stat. tit. 12, § 6422
 15. Me. Rev. Stat. tit. 12, § 12651
 16. Me. Rev. Stat. tit. 12, § 12652
 17. Me. Rev. Stat. tit. 12, § 12654
- iv. Harvest and Size Limits
 1. These laws impose harvest or size limits on fishing catches first landed in the state. Typically these regulations limit the amount or type of fish that can be harvested and may set minimum or maximum size limitations for certain species. They are intended to support sustainable catch limits and protect local populations from overfishing.
 2. Me. Rev. Stat. tit. 12, § 6431
 3. Me. Rev. Stat. tit. 12, § 6436
 4. Me. Rev. Stat. tit. 12, § 6440
 5. 12 Me. Code R § 6431-F
- V. Wood and Lumber
 - a. None
- VI. Home Goods and Products
 - a. Children's Products and Upholstery
 - i. Brominated Flame Retardants

1. These laws restrict the use or impose requirements on the use of brominated flame retardants and other flame-retardant chemicals in children's products, upholstery, and other goods offered for sale within the state. They are intended to protect consumers from their potentially toxic or carcinogenic effects, to which young children are particularly susceptible. Frequently, these laws set maximum allowable levels of brominated flame retardants that may appear in items offered for sale. They could be preempted to the extent that these chemicals are applied to agricultural products, which may include furniture, changing pads, and bedding.
 2. 38 M.R.S.A. § 1609
 3. 38 M.R.S.A. § 1609-A
- VII. Live Animal Imports
- a. Birds
 - i. Avian Influenza and Newcastle Disease
 1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
 2. 01-001 CMR Ch. 206, § 4
 3. 01-001 CMR Ch. 206, § 5
 - b. Cattle and Bison
 - i. Anthrax
 1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
 2. 01-001 CMR Ch. 206, § 2
 3. 01-001 CMR Ch. 206, § 4
 4. 01-001 CMR Ch. 206, § 5
 - ii. Brucellosis
 1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to

people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.

2. 01-001 CMR Ch. 206, § 5

iii. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease.

Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. 01-001 CMR Ch. 206, § 2

3. 01-001 CMR Ch. 206, § 4

4. 01-001 CMR Ch. 206, § 5

c. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.

2. 01-001 CMR Ch. 206, § 4

3. 09-137 CMR Ch. 4, § 4.09

d. Bees

i. Import Requirements and health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.

2. 7 M.R.S.A. § 2751

3. 7 M.R.S.A. § 2753

e. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive

for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.

2. 01-001 CMR Ch. 206, § 4

f. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.

g. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.

2. 01-001 CMR Ch. 206, § 4

ii. Swine Vesicular Disease

1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.

2. 01-001 CMR Ch. 206, § 2

3. 01-001 CMR Ch. 206, § 4

4. 01-001 CMR Ch. 206, § 5

h. Exotic Meats

i. Bison

1. These regulations require that bison imported into the state be accompanied by a permit or veterinarian certification. They are intended to prevent the spread of zoonotic and infectious diseases, some of which may be transmissible to other species.

2. 01-001 CMR Ch. 206, § 4

VIII. Companion Animals

a. Dogs and Cats

i. Minimum Age at Sale

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1. These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
 2. 01-001 CMR Ch. 701, § I(N)
 - ii. Lemon Laws
 1. These laws impose recordkeeping and other requirements on breeders and dealers who raise and sell dogs and cats commercially. Generally, they require certain assurances that the animal is healthy and require remedies if the animal is not. These regulations are intended to protect consumers from purchasing sick animals and to improve transparency as to their history and origin.
 2. 7 M.R.S.A. § 4152(1)(A)((1-7))
 3. 7 M.R.S.A. § 4152(3)(C)
 4. 7 M.R.S.A. § 4152(1)(B)
 5. 7 M.R.S.A. § 4152(1)(C)
 6. 7 M.R.S.A. § 4152(1)(D)
 7. 7 M.R.S.A. § 4160(1)
 8. 7 M.R.S.A. § 4160(2)
 9. 7 M.R.S.A. § 4152-A
 10. 7 M.R.S.A. § 4155
 - iii. Veterinary Inspection Requirements
 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
 2. 01-001 CMR Ch. 216
- IX. Products for Animals
- a. Prohibited Foods
 - i. Feed Garbage to Swine
 1. Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to owner’s own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.
 2. 01-001 CMR Ch. 206, § 4
- X. Dead Animals and Animal Parts
- a. None
- XI. Invasive Pests, Plants, and Disease

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- a. Seeds
 - i. Genetically Modified Seed Labeling and Reporting
 - 1. These regulations impose recordkeeping, labeling, and reporting requirements on manufacturers of seeds that have been genetically modified. They are intended to increase transparency and reduce the risk of cross contamination of plants.
 - 2. 7 M.R.S. § 1052
- XII. Procurement
 - a. Agricultural Goods
 - i. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
 - ii. 5 M.R.S.A. § 1825-B
 - b. Meat with Pink Slime
 - i. “Pink slime,” also known as lean finely textured beef, is ammonia-treated scrap meat and connective tissue that is used as an additive in processed meats. The National School Lunch Program is a USDA program that offers schools the option to purchase meat with or without pink slime. Some school boards or departments of education prohibit its purchase for schools through regulatory policies.
 - ii. Maine Education Dept.
<https://bangordailynews.com/2012/03/22/news/state/Maine-school-lunch-program-says-no-to-pink-slime/>
- XIII. General Prohibitions
 - a. Toxins in Packaging
 - i. Materials Used to package Agricultural Products
 - 1. Some states have made it illegal to sell products in packaging that contains certain heavy metals, regardless of whether the product was manufactured or packaged within the state. This is because packaging with heavy metals can contaminate a state’s landfills and expose citizens of the state to health hazards. These laws prohibit the sale of products or packaging materials containing dangerous toxins.
 - 2. 32 M.R.S.A. § 1733
- XIV. Miscellaneous
 - a. None