

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the amendment in section 6 in §2500-A in subsection 5 in paragraph B in the 2nd line (page 2, line 38 in amendment) by striking out the following: "60" and inserting the following: '90'

Amend the amendment in section 6 in §2500-A by striking out all of subsection 6 (page 3, lines 3 to 8 in amendment) and inserting the following:

‘6. Alcoholic beverages. A chain restaurant may collectively label alcoholic beverages in a clear and prominent manner using the average caloric values for beers, wines and spirits. Collective labeling of alcoholic beverages must otherwise be in accordance with the provisions for calorie labeling in this section. A chain restaurant that collectively labels alcoholic beverages must use the following average nutritional values:

- A. For 5 ounces of wine, 122 calories;
- B. For 12 ounces of regular beer, 155 calories;
- C. For 12 ounces of light beer, 103 calories; and
- D. For 1.5 ounces of 80-proof gin, rum, vodka or whiskey, 96 calories.

A chain restaurant that collectively labels alcoholic beverages may add to the nutrition labeling the following statement: "Signature drinks or liqueurs with added ingredients may increase caloric content."

Amend the amendment in section 6 in §2500-A in subsection 7 in the last line (page 3, line 16 in amendment) by inserting after the following: "213." the following: 'This section may not be construed to create or enhance any claim, right of action or civil liability that did not exist under state law prior to the effective date of this subsection or limit any claim, right of action or civil liability that otherwise exists under state law. No private right of action arises out of this section. The only mechanism for enforcing this section is as provided in this subsection.'

Amend the amendment in section 6 in §2500-A by inserting after subsection 7 the following:

‘8. Uniformity of regulation; preemption. To the extent consistent with federal law, the regulation of disclosure of calorie and nutritional information is a matter of statewide concern, and state law governing that disclosure occupies the whole field of regulation regarding disclosure by chain restaurants of nutritional information and requirements regarding the content required to be posted on menus, menu boards and food display tags. A local government may not adopt an ordinance regulating the dissemination of calorie or nutritional information or requiring information to be placed on menus, menu boards or food display tags by a chain restaurant, and any ordinance or regulation that violates this subsection is void and has no force or effect.’

SUMMARY

This amendment:

1. Increases from 60 to 90 the number of days an item must appear on a menu before the chain restaurant is required to provide caloric information regarding that item;
2. Replaces the language regarding alcoholic beverages to specifically authorize collective labeling of alcoholic beverages;
3. Specifies that this legislation does not create any additional rights or liabilities; and
4. Asserts that state regulation of nutritional information by chain restaurants occupies the whole field of regulation and prohibits municipalities from enacting any ordinance regulating the dissemination of such information.