

# MAINE STATE LEGISLATURE

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MILK AND MILK PRODUCTS

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**§ 2901. Definitions**

As used in sections 2901 to 2904 and 3101 to 3103 the following words and phrases shall have the following meanings:

**1. Adulterated and misbranded milk and milk products.** Adulterated milk and milk products means milk or milk products which upon analysis are found to contain added water or which contain any unwholesome substance, or milk or milk products which contain any antibiotics, pesticide or chemical residues, or which if defined in sections 2901 to 2904 and 3101 to 3103 or defined in the regulations promulgated by the commissioner do not conform to the definition thereof, shall be deemed to be adulterated. Milk or milk products shall be deemed to be misbranded if the labeling is false, improper or misleading in any particular, or the labeling does not comply with the requirements promulgated by the commissioner.

1963, c. 255, § 1.

2. **Commissioner.** Commissioner means the Commissioner of Agriculture or his duly authorized agents.

3. **Concentrated milk.** Concentrated milk means the fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk. When recombined with water in accordance with instructions printed on the container, the resulting product conforms with the standards for milk fat and solids not fat of milk as defined.

4. **Cottage cheese.** Cottage cheese means the soft, uncured cheese prepared from the curd obtained by adding harmless, lactic acid producing bacteria, with or without rennet, to pasteurized skim milk, concentrated skim milk or nonfat dry milk solids. It shall contain not more than 80% moisture.

5. **Cream.** Cream means the portion of milk which contains not less than 18% milkfat.

6. **Creamed cottage cheese.** Creamed cottage cheese means the soft, uncured cheese prepared by mixing cottage cheese with pasteurized cream, or a pasteurized mixture of cream with milk or skim milk, or both. It shall contain not less than 4% milk fat by weight and not more than 80% moisture.

7. **Cultured buttermilk.** Cultured buttermilk means the fluid product, resulting from the souring or treatment by a lactic acid or other culture, of pasteurized milk, pasteurized skim milk or a mixture of both. It shall contain not less than 8.5% milk solids not fat.

8. **Dairy or dairy farm.** Dairy or dairy farm means any place or premises where one or more cows are kept, a part or all of the milk or cream from which is offered for sale.

9. **Flavored dairy drink.** Flavored dairy drink means a dairy drink consisting of milk or skim milk to which has been added a syrup or flavor made from wholesome ingredients. The standard plate count of flavored dairy drink shall not be more than 50,000 colonies of bacteria per ml.

10. **Flavored milk.** Flavored milk means a beverage consisting of milk to which has been added a syrup or flavor made from wholesome ingredients. Flavored milk shall not contain less than 3.25% milk fat. The standard plate count of flavored milk shall not be more than 50,000 colonies of bacteria per ml.

11. **Goat milk.** Goat milk means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy goats.

**12. Half and half.** Half and half means the fresh, pure, pasteurized dairy product resulting from the combining of milk and cream in such proportions as to result in a mixture containing not less than 11% milk fat. It may contain added nonfat milk solids. It may be homogenized. It shall contain no preservative, neutralizer or other foreign substance.

**13. Heavy cream.** Heavy cream means cream which contains not less than 38% milk fat.

**14. Homogenized milk.** Homogenized milk means milk which has been treated in such a manner as to insure break up of the fat globules to such an extent that, after 48 hours of quiescent storage, no visible cream separation occurs on the milk and the fat percentage of the top 100 milliliters of milk in a quart bottle, or of proportionate volume in containers of other sizes, does not differ by more than 10% of itself from the fat percentage of the remaining milk as determined after thorough mixing.

**15. Light cream.** Light cream means cream which contains not less than 18% milk fat.

**16. Medium cream.** Medium cream means cream which contains not less than 30% milk fat.

**17. Milk.** Milk means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. It shall contain not less than 11.75% milk solids, and not less than 3.25% milk fat. The word "milk" shall be interpreted to include goat milk.

1963, c. 255, § 2.

**18. Milk dealer.** Milk dealer means any person who owns or operates a milk plant or any person who owns or operates a dairy farm where sales of milk or cream are made as a business other than to a licensed dealer or a subdealer.

**19. Milk fat.** Milk fat or butterfat means the fat of milk.

**20. Milk plant.** Milk plant means any place, premises or establishment where milk or milk products are collected, handled, processed, pasteurized, bottled or otherwise prepared for distribution.

**21. Milk producer.** Milk producer means any person who owns or controls one or more cows, a part or all of the milk or cream from which is sold or offered for sale.

**22. Milk products.** Milk products means cream, sour cream, half and half, reconstituted half and half, concentrated milk, skim milk, nonfat or fat-free milk, flavored milk, flavored dairy drink, cultured buttermilk, cottage cheese, creamed cottage cheese and any other product designated as a milk product by the commissioner.

**23. Nonfat or fat-free milk.** Nonfat or fat-free means skim milk which contains not more than 0.1% milk fat. The standard plate count of nonfat or fat-free milk shall not be more than 50,000 colonies of bacteria per ml.

**24. Pasteurization or pasteurized.** Pasteurization or pasteurized means the process of heating every particle of milk, cream or milk products to at least 145° F., and holding it at such temperature continuously for at least 30 minutes, or to at least 161° F., and holding it at such temperature continuously for at least 15 seconds, in approved and properly operated equipment or to such higher temperatures for such time intervals as the commissioner may from time to time determine, specifically for milk, or skim milk, or cream or a milk product.

**25. Person.** The word "person" means any person, firm, corporation, association or society.

**26. Producer dealer.** Producer dealer means a milk producer who is a milk dealer.

**27. Reconstituted half and half.** Reconstituted half and half means the product resulting from the combination of reconstituted milk or reconstituted skim milk with cream or reconstituted cream resulting in a mixture containing not less than 11% milk fat. It may be homogenized. It shall contain no preservative, neutralizer or other foreign substance.

**28. Skim milk.** Skim milk means milk which contains less than 3.25% milk fat. The standard plate count of skim milk shall not be more than 50,000 colonies of bacteria per ml.

**29. Sub-dealer.** Sub-dealer means any person who obtains for distribution all milk and cream in the final container from a licensed milk dealer.

**30. Sour cream or cultured cream.** Sour cream or cultured cream means cream, the acidity of which is more than 0.20%, expressed as lactic acid.

1961, c. 163, § 1; 1963, c. 255, §§ 1, 2.

**§ 2902. Licensing; rules and regulations**

No milk dealer shall sell milk or cream without first obtaining a license from the commissioner. No person shall produce grade A milk for sale without first obtaining a license from the commissioner to produce grade A milk, and no person shall pasteurize grade A milk for sale without first obtaining a license from the commissioner to pasteurize grade A milk.

Every milk dealer shall, on or before the first day of January in each year, apply to the commissioner for a license to sell milk, furnishing such information as may be required upon a form prescribed by the commissioner. Each vehicle from which sales or distribution of milk or cream are made, shall be covered by a license. Each group of buildings, constituting a dairy farm or milk plant in one location from which sales or distribution of milk or cream are made shall be covered by a license.

The commissioner, if satisfied after inspection or investigation, that the applicant has complied with sections 2901 to 2904 and 3101 to 3103 and the rules and regulations issued thereunder, shall issue a license. The fee for each license to sell or distribute milk or cream from a vehicle, milk plant or dairy farm shall be \$1. All money received by the commissioner shall be paid by him to the Treasurer of State.

The commissioner shall have the power, after due hearing, to revoke or suspend any license issued under sections 2901 to 2904 and 3101 to 3103, when it appears that any statement upon which it was issued, was false or misleading, or that any of the provisions of sections 2901 to 2904 and 3101 to 3103 and the rules and regulations issued thereunder have been violated.

Any person wishing to produce grade A milk or to pasteurize grade A milk, as the case may be, shall apply to the commissioner for a license, furnishing such information as may be required upon a form prescribed by the commissioner. The commissioner, if satisfied, after inspection or investigation, that the applicant has complied with the rules and regulations and standards of definition and quality pertaining to grade A milk and pasteurized grade A milk, shall issue a license.

The commissioner shall, after investigation and public hearing, adopt and promulgate rules and regulations, and standards of definition and quality for the production, pasteurization and distribution of grade A milk.

1961, c. 163, § 1.

**§ 2903. Restrictions on sales**

No person shall sell, offer for sale or advertise for sale any milk or milk product, if the label upon it or the advertising accompanying it shall give a false indication of the origin, character, composition, or place of manufacture or production, or shall be otherwise false or misleading in any particular.

It shall be unlawful for any milk dealer to have in his possession any milk or milk products, the sources of which have not been approved by the commissioner.

It shall be unlawful for any milk dealer to sell any milk, or milk products as defined in sections 2901 to 2904 and 3101 to 3103, the container of which is not plainly marked or labeled with the name of the contents, the word "pasteurized" or the word "natural" in accordance with the quality therein contained and the name and address of the licensed dealer and sufficient information to identify the milk plant where packaged.

It shall be unlawful for any milk dealer to sell any cream which is not conspicuously marked with the words "light," "medium" or "heavy" as defined.

It shall be unlawful for any person to sell, offer or expose for sale, any milk or milk product which is adulterated or misbranded.

It shall be unlawful for any licensed milk dealer to transfer from one container to another or otherwise handle milk or milk products except in a dairy or milk plant operated by a licensed dealer. The sale of dipped milk is prohibited.

It shall be unlawful to sell or serve any milk, skim milk, non-fat or fat-free milk, flavored milk or flavored dairy drink in a hotel, soda fountain, restaurant, grocery store or similar establishment except in the individual, original container in which it was received from the milk dealer or from a bulk container equipped with an approved dispensing device. This requirement shall not apply to cream, half and half or whipped cream which is consumed on the premises.

It shall be unlawful to sell or serve any milk, skim milk, non-fat or fat-free milk, flavored milk or flavored dairy drink in a hotel, soda fountain, restaurant, grocery store, hospital or similar establishment which has not been maintained while in its possession, at a temperature of 50° F., or less, in dry storage. Wet storage is specifically prohibited.

It shall be unlawful for any milk dealer to neglect, refuse or fail to furnish the commissioner, upon request, a true statement

of the actual quantities of milk and milk products produced, purchased and sold together with a list of all sources of milk and milk products.

It shall be unlawful for any milk dealer to neglect, refuse or fail to maintain true recording thermometer chart records, washing and sanitizing chart records, and such other records and tests as are required to comply with the rules and regulations promulgated by the commissioner. Such chart records shall be held for a period of at least 90 days, or until released by the commissioner.

It shall be unlawful for any milk dealer to neglect, fail or refuse to thoroughly clean and subject effectively to bactericidal treatment, in compliance with the rules and regulations promulgated by the commissioner, any cans, bottles, utensils or equipment prior to each use in the production, handling, storage, transportation and sale of milk or milk products.

It shall be unlawful for any milk dealer or person to neglect, fail or refuse to keep any room or place where milk or milk products are stored, bottled or handled, otherwise than in a clean and sanitary condition and in compliance with the rules and regulations promulgated by the commissioner.

It shall be unlawful for any person to hinder, obstruct or interfere in any way with the commissioner in the performance of his duty by refusing entrance or access to any place or equipment which he is authorized to enter or have access to; or by refusing to deliver to him a sample or samples of milk and milk products, substitutes therefor or imitation thereof sold, offered or exposed for sale by the person to whom such request is made.

It shall be unlawful for any person to sell, offer or expose for sale pasteurized milk or cream which has not been handled, processed or packaged in a milk plant operated by a dealer licensed in accordance with section 2902.

1961, c. 163, § 1; 1963, c. 255, §§ 3, 4.

### **§ 2904. Rules and regulations**

The commissioner shall, after investigation and public hearing, adopt and promulgate rules and regulations to supplement and give full effect to sections 2901 to 2904 and 3101 to 3103. Such rules and regulations shall establish sanitary regulations pertaining to the production, processing, handling and distribution of milk, cream and other dairy products, including the construction, sanitary condition of buildings, grounds and equipment

where milk or milk products are produced, processed, handled and distributed. Such rules and regulations shall be filed and open for public inspection at the office of the commissioner and shall have the force of law.

1961, c. 163, § 1.

### § 2905. Sales to institutions

Only pasteurized milk shall be sold to the State, any public hospital, any school lunch program, or any charitable or educational institution which is supported in whole or in part by aid granted by the State or any municipality.

This section shall not apply to nursing homes.

1957, c. 307.

### § 2906. Prosecutions

The county attorney for the county in which any violation of sections 2901 to 2904 and 3101 to 3103 has occurred shall, if requested, assist the commissioner in the prosecution of cases arising thereunder.

1961, c. 163, § 1.

### § 2907. Jurisdiction

The District Court and the Superior Court shall have concurrent jurisdiction in cases arising under sections 2901 to 2904 and 3101 to 3103.

1961, c. 163, § 1; 1963, c. 402, § 59.

### § 2908. Penalties

Any firm, person, corporation or society who shall produce grade A milk, or pasteurized grade A milk for sale in the State or who shall sell milk or cream in the State without the license or licenses provided in section 2902, or who shall violate any of the provisions of sections 2901 to 2904 and 3101 to 3103, or neglects, fails or refuses to comply with any of the provisions of said sections and the rules and regulations issued thereunder, shall be punished by a fine of not more than \$100 for the first offense, and by a fine of not more than \$200 for each subsequent offense.

1961, c. 163, § 1.