

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 549

H. P. 374

House of Representatives, January 19, 1961

Referred to Committee on Agriculture. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Boothby of Livermore.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Testing Milk.

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

Sec. 1. R. S., c. 32, §§ 109-A - 109-L, additional. Chapter 32 of the Revised Statutes is amended by adding 12 new sections to be numbered 109-A to 109-L, to read as follows:

'Sec. 109-A Definitions. As used in sections 109-A to 109-L, the following words and phrases shall have the following meanings:

I. Commissioner. "Commissioner" means the Commissioner of Agriculture or his duly authorized agents.

II. Milk dealer. "Milk dealer" means any person who owns or operates a milk plant or receiving station.

III. Milk plant. "Milk plant" or "receiving station" means any place, premises, establishment or vehicle at which milk or cream from producers is received, collected, gathered or otherwise handled.

IV. Person. "Person" means any person, firm, corporation or society.

Sec. 109-B. Milk or cream for resale. All milk or cream purchased from producers for use in or to be resold by any milk plant in this State, the value of which is determined in whole or in part by the amount of milkfat therein contained, shall be weighed or measured in compliance with the rules and regulations promulgated by the commissioner, and shall be tested by the Babcock test or official methods of the Association of Official Agricultural Chemists to ascertain the amount of milkfat therein contained. The test shall be made by

the operators or owners of the milk plant purchasing said milk or cream, or may be made by the commissioner or his deputies. Bacteriological and other quality tests that may be used as a basis of payment for milk purchased from producers shall be made and conducted in compliance with the rules and regulations issued by the commissioner.

Sec. 109-C. Taking of samples. The commissioner may enter upon the premises of any milk plant, dairy farm or receiving station, and may take possession of any or all samples of milk or cream for the purpose of testing their milkfat contents, which are on the premises or in the possession of any person, or may take samples from producers' deliveries and may test the same then and there. The owner, operator or manager of any milk plant or receiving station for milk or cream shall, if requested by the commissioner, give him full access to all records appertaining to the tests thereof, and said commissioner may make transcripts therefrom. The results of the tests made by said commissioner may, at the discretion of said commissioner, be communicated to the owner, operator or manager or to any or all of the producers of the milk plant or receiving station from whom such samples have been taken.

Sec. 109-D. Testing equipment. The commissioner may enter the premises of any milk plant for milk or cream and may inspect all testing equipment, materials, samples and methods to determine if any of the provisions of sections 109-A to 109-L or the rules and regulations issued thereunder are being violated.

Sec. 109-E. Regulations on testing. The commissioner shall promulgate such uniform rules and regulations concerning the weighing, measuring, sampling, care of samples and the making of tests as he deems proper. No person shall credit any producer with a lesser percentage of milk fat than is actually contained in the milk or cream received from the producer.

Sec. 109-F. Obstruction to duty. It shall be unlawful for any person to hinder, obstruct or impede the commissioner in the discharge of his duty or to refuse him access to the testing equipment or to the test records.

Sec. 109-G. Marking of glassware. No bottles, pipettes or other measuring glasses shall be used to determine the value of milk and cream received from producers, unless said glassware has been marked ineffaceably by the Maine Agricultural Experiment Station for accuracy.

The director of the Maine Agricultural Experiment Station shall cause to be tested for accuracy all bottles, pipettes or other measuring glasses forwarded to him. He shall cause them to be ineffaceably lettered as proof that they have been so tested. Persons or corporations for whom such service is performed shall pay to the director the actual cost incurred.

No person shall use any sulfuric acid of less than 1.82 of specific gravity tested at 60°F., in the Babcock test for the purpose of measuring the milkfat contents in milk or cream as a basis for apportioning the value of such milk or cream.

Sec. 109-H. Babcock tester's license. No person either for himself or in the employ of any other person, firm or corporation, shall manipulate the Babcock test or official methods of the Association of Official Agricultural Chemists for the purpose of measuring the milkfat contents in the milk or cream as a basis for apportioning the value of such milk or cream, unless he first shall have secured a tester's certificate from the commissioner, stating that the applicant is competent and well qualified to perform such work.

The commissioner shall make rules and regulations governing the application for and the granting of such certificate and may revoke such certificate for cause. The fee for issuing a certificate shall be \$1 and shall be deposited in the State Treasury.

Sec. 109-I. Composite test period. All composite sample periods shall end on the 15th and on the last day of each month, or at such other times as may be approved by the commissioner. No person shall test composite samples before the end of the current period. All composite samples shall be held in good condition for 12 days, in a cool, dark place after the close of the period, for check-testing. Within 5 days after the end of the last previous sampling period, the dealer shall give the producer written notice of such test for the last previous sampling period. Within 3 days after each day on which the dealer received milk from a producer, the dealer shall give the producer written notice of the daily quantity received.

Sec. 109-J. Penalties. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the provisions of sections 109-A to 109-L, or the rules and regulations issued thereunder, shall be punished by a fine of not more than \$100 for the first offense, nor more than \$200 for each subsequent offense.

Sec. 109-K. County attorney. The county attorney for the county in which any violation of sections 109-A to 109-L has occurred shall, if requested, assist the commissioner in the prosecution of cases arising thereunder.

Sec. 109-L. Trial justices. Trial justices shall have original jurisdiction, concurrent with municipal courts and the Superior Court in cases arising under sections 109-A to 109-L.'

Sec. 2. R. S., c. 32, §§ 109-113 and §§ 122-126, repealed. Sections 109 to 113 and sections 122 to 126 of chapter 32 of the Revised Statutes are repealed.