

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FIRST LEGISLATURE

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Legislative Document

No. 241

H. P. 172

House of Representatives, January 16, 1963

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Boothby of Livermore.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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### AN ACT Clarifying the Maine Milk Law.

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

**Sec. 1. R. S., c. 32, § 87-B, sub-§ I, amended.** Subsection I of section 87-B of chapter 32 of the Revised Statutes, as enacted by section 1 of chapter 163 of the public laws of 1961, is amended to read as follows:

**'I. Adulterated milk and milk products.** Adulterated ~~and misbranded~~ 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 87-A to 87-G 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.'

**Sec. 2. R. S., c. 32, § 87-B, sub-§ XVII, amended.** Subsection XVII of section 87-B of chapter 32 of the Revised Statutes, as enacted by section 1 of chapter 163 of the public laws of 1961, is amended to read as follows:

**'XVII. 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 ~~8.5%~~ 11.75% milk solids, and not less than 3.25% milkfat. The word "milk" shall be interpreted to include goat milk.'

**Sec. 3. R. S., c. 32, § 87-D, amended.** The 3rd paragraph of section 87-D of chapter 32 of the Revised Statutes, as enacted by section 1 of chapter 163 of the public laws of 1961, is amended to read as follows:

'It shall be unlawful for any milk dealer to sell any milk, or milk products as defined in sections 87-A to 87-G, the container of which is not plainly marked or labelled with the name of the contents, the word "pasteurized" or the word "raw" in accordance with the quality therein contained and the name ~~or trade name of the dealer~~ and address of the licensed dealer and sufficient information to identify the milk plant where packaged.'

**Sec. 4. R. S., c. 32, § 87-D, amended.** Section 87-D of chapter 32 of the Revised Statutes, as enacted by section 1 of chapter 163 of the public laws of 1961, is amended by adding at the end a new paragraph, as follows:

**'It shall be unlawful for any person to sell, offer or expose for sale any milk or cream which has not been handled, processed or packaged in a milk plant operated by a dealer licensed in accordance with section 87-C.'**

**Sec. 5. R. S., c. 32, § 87-G-1, additional.** Chapter 32 of the Revised Statutes is amended by adding a new section 87-G-1, to read as follows:

**'Sec. 87-G-1. Injunction.** In addition to any other remedy for the enforcement of sections 87-A to 87-G or any rule, regulation, order or decision of the commissioner, the Superior Court shall have jurisdiction upon complaint filed by the commissioner to restrain or enjoin any person from committing any act prohibited by sections 87-A to 87-G or prohibited by any rule, regulation, order or decision of the commissioner. If it is established, upon hearing, that the person charged has been or is committing any act declared to be unlawful by sections 87-A to 87-G or is in violation of any rule, regulation, order or decision of the commissioner, the court shall enter a decree perpetually enjoining said person from further commission of such act or actions. In case of violation of any injunction issued under this section, the court shall summarily try and punish the person for contempt of court. The existence of other civil or criminal remedies shall be no defense to this proceeding. The commissioner shall not be required to give or post a bond when making an application for an injunction under this section.'