

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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## Legislative Document

No. 493

H. P. 306

House of Representatives, January 28, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hunter of Durham.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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### AN ACT CREATING the Maine Meat Inspection Act.

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

Sec. 1. R. S., T. 22, c. 564, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 564, to read as follows :

#### CHAPTER 564

#### MAINE MEAT INSPECTION ACT

#### SUBCHAPTER I

#### DEFINITIONS. INSPECTION REQUIREMENTS:

#### ADULTERATION AND MISBRANDING

#### § 2541. Definitions

As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below :

1. **Adulterated.** "Adulterated" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances :

A. If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this subsection if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

## B.

(1) If it bears or contains, by reason of administration of any substance to the live animal or otherwise; any added poisonous or added deleterious substance, other than one which is a pesticide chemical in or on a raw agricultural commodity, a food additive, or a color additive, which may, in the judgment of the commissioner make such article unfit for human food;

(2) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug and Cosmetic Act;

(3) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug and Cosmetic Act;

(4) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug and Cosmetic Act, provided that an article which is not adulterated under subparagraphs (2), (3) or (4) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive or color additive in or on such article is prohibited by regulations of the commissioner in establishments at which inspection is maintained under this subchapter;

C. If it consists in whole or in part of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthful, unwholesome or otherwise unfit for human food;

D. If it has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

E. If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

F. If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

G. If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug and Cosmetic Act;

H. If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

I. If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid or decomposed substance.

2. **Animal food manufacturer.** "Animal food manufacturer" means any person, firm or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules or other equines.

3. **Capable of use as human food.** "Capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the commissioner to deter its use as human food, or it is naturally inedible by humans.

4. **Commissioner.** "Commissioner" means the Commissioner of Agriculture or his delegate.

5. **Federal Food, Drug and Cosmetic Act.** "Federal Food, Drug and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040, and Acts amendatory thereof or supplementary thereto).

6. **Federal Meat Inspection Act.** "Federal Meat Inspection Act" means the Act so entitled approved March 4, 1907, (34 Stat. 1260), as amended by the Wholesome Meat Act (8 Stat. 584).

7. **Firm.** "Firm" means any partnership, association or other unincorporated business organization.

8. **Intrastate commerce.** "Intrastate commerce" means commerce within this State.

9. **Label.** "Label" means a display of written, printed or graphic matter upon the immediate container, not including package liners, of any article.

10. **Labeling.** "Labeling" means all labels and other written, printed or graphic matter upon any article or any of its containers or wrappers, or accompanying such article.

11. **Meat broker.** "Meat broker" means any person, firm or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, goats, horses, mules or other equines on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm or corporation.

12. **Meat food product.** "Meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the commissioner under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this subsection with respect to cattle, sheep, swine and goats.

13. Misbranded. "Misbranded" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

- A. If its labeling is false or misleading in any particular;
- B. If it is offered for sale under the name of another food;
- C. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;
- D. If its container is so made, formed or filled as to be misleading;
- E. If in a package or other container unless it bears a label showing
  - (1) The name and place of business of the manufacturer, packer or distributor; and
  - (2) An accurate statement of the quantity of the contents in terms of weight, measure or numerical count; provided that under this subparagraph, reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the commissioner;
- F. If any word, statement or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- G. If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the commissioner under section 2547 unless it conforms to such definition and standard, and its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients, other than spices, flavoring and coloring, present in such food;
- H. If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the commissioner under section 2547, and it falls below the standard of fill of container applicable thereto, unless its label bears, in each manner and form as such regulations specify, a statement that it falls below such standard;
- I. If it is not subject to the provisions of paragraph G, unless its label bears
  - (1) The common or usual name of the food, if any there be, and
  - (2) In case it is fabricated from 2 or more ingredients, the common or usual name of each such ingredient;except that spices, flavorings and colorings may, when authorized by the commissioner, be designated as spices, flavorings and colorings without naming each; provided that, to the extent that compliance with the requirements

of subparagraph (2) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the commissioner;

J. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the commissioner, after consultation with the Secretary of Agriculture of the United States determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

K. If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that, to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the commissioner; or

L. If it fails to bear, directly thereon or on its container, as the commissioner may by regulations prescribe, the inspection legend and, unrestricted by any of the foregoing, such other information as the commissioner may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

14. Official certificate. "Official certificate" means any certificate prescribed by regulations of the commissioner for issuance by an inspector or other person performing official functions under this chapter.

15. Official device. "Official device" means any device prescribed or authorized by the commissioner for use in applying any official mark.

16. Official inspection legend. "Official inspection legend" means any symbol prescribed by regulations of the commissioner showing that an article was inspected and passed in accordance with this chapter.

17. Official mark. "Official mark" means the official inspection legend or any other symbol prescribed by regulations of the commissioner to identify the status of any article or animal under this chapter.

18. Pesticide chemical, etc. "Pesticide chemical", "food additive", "color additive" and "raw agricultural commodity" shall have the same meanings for purposes of this chapter as under the Federal Food, Drug and Cosmetic Act.

19. Prepared. "Prepared" means slaughtered, canned, salted, rendered, bonded, cut up or otherwise manufactured or processed.

20. Renderer. "Renderer" means any person, firm or corporation engaged in the business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules or other equines, except rendering conducted under inspection under this subchapter.

§ 2542. Purpose

Meat and meat food products are an important source of the nation's total supply of food. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled and packaged. Unwholesome, adulterated or misbranded meat or meat food products are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and result in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is found that regulation by the commissioner and cooperation by this State and the United States as contemplated by this chapter are appropriate to protect the health and welfare of consumers and otherwise effectuate the purposes of this chapter.

§ 2543. Examination and inspection

For the purpose of preventing the use in intrastate commerce, as provided, of meat and meat food products which are adulterated, the commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, goats, horses, mules and other equines before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering or similar establishment in this State in which slaughtering and preparation of meat and meat food products of such animals are conducted solely for intrastate commerce; and all cattle, sheep, swine, goats, horses, mules and other equines found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, goats, horses, mules or other equines, and when so slaughtered, the carcasses of said cattle, sheep, swine, goats, horses, mules or other equines shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the commissioner as provided for.

§ 2544. —postmortem

For the purposes set forth the commissioner shall cause to be made by inspectors appointed for that purpose, as provided, a postmortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, goats, horses, mules and other equines, capable of use as human food, to be prepared at any slaughtering, meat-canning, salting, packing, rendering or similar establishment in this State in which such articles are prepared solely for intrastate commerce; and the carcasses and parts thereof of all such animals found to be not adulterated shall be marked, stamped, tagged or labeled, as "Inspected and Passed;" and said inspectors shall label, mark, stamp or tag as "Inspected and Condemned," all carcasses and parts thereof of animals found to be adulterated; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the commissioner may remove inspectors from any such establishment which fails to so destroy

any such condemned carcass or part thereof, and said inspectors, after said first inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become adulterated and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be adulterated, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the commissioner may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

#### § 2545. Application

Sections 2541 to 2544 shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, goats, horses, mules and other equines or the meat or meat products thereof, capable of use as human food, which may be brought into any slaughtering, meat-canning, salting, packing, rendering or similar establishment, where inspection under this subchapter is maintained, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products. Sections 2541 to 2544 shall apply to all such products which, after having been issued from any such slaughtering, meat-canning, salting, packing, rendering or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. The commissioner may limit the entry of carcasses, parts of carcasses, meat and meat food products, and other materials into any establishment at which inspection under this subchapter is maintained, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this chapter.

#### § 2546. Inspectors; powers and duties

For the purposes set forth the commissioner shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products prepared in any slaughtering, meat-canning, salting, packing, rendering or similar establishment, where such articles are prepared solely for intrastate commerce and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag or label as "Maine inspected and passed" all such products found to be not adulterated; and said inspectors shall label, mark, stamp or tag as "Maine inspected and condemned" all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as provided, and the commissioner may remove inspectors from any establishment which fails to so destroy such condemned meat food products.

#### § 2547. Labeling

1. Containers. When any meat or meat food product prepared for intrastate commerce which has been inspected as provided and marked "Maine inspected and passed" shall be placed or packed in any can, pot, tin, canvas



or other receptacle or covering in any establishment where inspection under this chapter is maintained, the person, firm or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas or other receptacle or covering, under supervision of an inspector, which label shall state that the contents thereof have been "Maine inspected and passed" under this chapter, and no inspection and examination of meat or meat food products deposited or enclosed in cans, tins, pots, canvas or other receptacle or covering in any establishment where inspection under this chapter is maintained shall be deemed to be complete until such meat or meat food products have been sealed or enclosed in said can, tin, pot, canvas or other receptacle or covering under the supervision of an inspector.

2. Information. All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this chapter and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the commissioner may require, the information required under section 2541, subsection 13.

3. Standards. The commissioner, whenever he determines such action is necessary for the protection of the public, may prescribe:

A. The styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling of any articles or animals subject to this subchapter and subchapter II;

B. Definitions and standards of identity or composition for articles subject to this subchapter and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug and Cosmetic Act, or under the Federal Meat Inspection Act, and there shall be consultation between the commissioner and the Secretary of Agriculture of the United States prior to the issuance of such standards to avoid inconsistency between such standards and the federal standards.

4. Limitations. No article subject to this subchapter shall be sold or offered for sale by any person, firm or corporation in interstate commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the commissioner are permitted.

5. Use withheld. If the commissioner has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this subchapter is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm or corporation using or proposing to use the marking, labeling or container does not accept the determination of the commissioner, such person, firm or corporation may request a hearing, but the use of the marking, labeling or container shall, if the commissioner so directs, be withheld pending hearing and final determination by the commissioner. Any such determination by the commissioner

shall be conclusive unless, within 30 days after receipt of notice of such final determination, the person, firm or corporation adversely affected thereby appeals to the Superior Court.

§ 2548. Sanitation

The commissioner shall cause to be made, by experts in sanitation, or by other competent inspectors, such inspection of all slaughtering, meat-canning, salting, packing, rendering or similar establishments in which cattle, sheep, swine, goats, horses, mules and other equines are slaughtered and the meat and meat food products thereof are prepared solely for intrastate commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered adulterated, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped or tagged as "Maine inspected and passed."

Inspection services shall be inaugurated or continued only to establishments which have complied with the rules and regulations of sanitation and thereby are considered as approved.

§ 2549. Time of inspection

The commissioner shall cause an examination and inspection of all cattle, sheep, swine, goats, horses, mules and other equines, and the food products thereof, slaughtered and prepared in the establishments described for the purpose of intrastate commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, goats, horses, mules and other equines, or the preparation of said food products is conducted during the nighttime.

The commissioner is authorized to designate days of slaughter or operation for approved establishments.

Approved establishments shall be a place where meat food products are prepared and is in compliance with the rules and regulations on sanitation and operation. Slaughter shall mean the butchering of animals or poultry for human consumption.

§ 2550. Compliance

No person, firm or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals:

1. Establishment. Slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles solely for intrastate commerce, except in compliance with the requirements of this chapter.

2. Articles. Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce,

A. Any such articles which are capable of use as human food, and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or

B. Any articles required to be inspected under this subchapter unless they have been so inspected and passed.

3. Act in transportation. Do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

§ 2551. False labels, devices and statements

1. Label. No brand manufacturer, printer or other person, firm or corporation shall cast, print, lithograph or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the commissioner.

2. Devices or statements. No person, firm or corporation shall:

A. Forge any official device, mark or certificate;

B. Without authorization from the commissioner use any official device, mark or certificate or simulation thereof, or alter, detach, deface or destroy any official device, mark or certificate;

C. Contrary to the regulations prescribed by the commissioner, fail to use, or to detach, deface or destroy any official device, mark or certificate;

D. Possess, without promptly notifying the commissioner or his representative, any official device or any counterfeit, simulated, forged or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged or improperly altered official mark;

E. Make any false statement in any shipper's certificate or other non-official or official certificate provided for in the regulations prescribed by the commissioner; or

F. Represent that any article has been inspected and passed, or exempted, under this chapter when, in fact, it has, respectively, not been so inspected and passed, or exempted.

§ 2552. Plainly identified

No person, firm or corporation shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses of horses, mules or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the commissioner to show the kinds of animals from which they were derived. When required by the commissioner, with respect to establish-

ments at which inspection is maintained under this subchapter, such animals and their carcasses, parts thereof, meat and meat food products shall be prepared in establishments separate from those in which cattle, sheep, swine or goats are slaughtered or their carcasses, parts thereof, meats or meat food products are prepared.

§ 2553. Inspectors; appointment and duties, rules and regulations

The commissioner shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, goats, horses, mules and other equines the inspection of which is provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products described are prepared. Said inspectors shall refuse to stamp, mark, tag or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment mentioned, until the same shall have actually been inspected and found to be not adulterated; and shall perform such other duties as are provided by this chapter and by the rules and regulations to be prescribed by said commissioner and said commissioner shall, from time to time, make such rules and regulations as are necessary for the efficient execution of this chapter, and all inspections and examinations made under this chapter shall be such and made in such manner as described in the rules and regulations prescribed by said commissioner not inconsistent with this chapter.

§ 2554. Humane slaughter; ritual slaughter

It shall be unlawful in any licensed slaughterhouse to shackle, hoist or otherwise bring animals, other than poultry, into position for slaughter by any method which shall cause injury or pain, nor bleed or slaughter any animals, other than poultry, except by a humane method. This paragraph shall not apply to animals slaughtered by or for the owner, the meat and meat products from which are not sold or offered for sale.

The commissioner shall, after hearing, promulgate regulations governing humane method of slaughter and may from time to time revise regulations which shall conform substantially to the rules and regulations promulgated by the Secretary of Agriculture of the United States pursuant to the Federal Humane Slaughter Act of 1958, Public Law 85-765, 72 Stat. 862, and any amendments thereto. The use of a manually operated hammer, sledge or poleax shall not be deemed to be a humane method of slaughter within the meaning of this chapter.

Nothing contained in this chapter shall be construed to prohibit, abridge or in any way hinder the religious freedom of any person or group. In order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this chapter. For the purposes of this section the term "ritual slaughter" means slaughter in accordance with the ritual requirements of a religious faith.

§ 2555. Penalties

Any person, firm or corporation, or any agent or employee of any person, firm or corporation, who shall give, pay or offer, directly or indirectly, to any

inspector, deputy inspector, chief inspector or any other officer or employee of this State authorized to perform any of the duties prescribed by this chapter or by the rules and regulations of the commissioner, any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of this State in the discharge of any duty provided for, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than \$5,000 nor more than \$10,000 and by imprisonment for not less than one year nor more than 3 years; and any inspector, deputy inspector, chief inspector or other officer or employee of this State authorized to perform any of the duties prescribed by this chapter who shall accept any money, gift or other thing of value from any person, firm or corporation, or officers, agents or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm or corporation engaged in intrastate commerce any gift, money or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine of not less than \$1,000 nor more than \$10,000 and by imprisonment for not less than one year nor more than 3 years.

#### § 2556. Exemptions

1. Own use. The provisions of this subchapter requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations shall not

A. Apply to the slaughtering by any person of animals of his own raising, and the preparation by him and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and his nonpaying guests and employees; nor

B. To the custom slaughter by any person, firm or corporation of cattle, sheep, swine or goats delivered by the owner thereof for such slaughter, and the preparation by such slaughter and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner, by him, and members of his household and his nonpaying guests and employees; provided that such custom slaughter does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products of any cattle, sheep, swine, goats or equines, capable of use as human food.

2. Retail stores and restaurants. The provisions of this chapter requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

3. Limitations. The slaughter of animals and preparation of articles referred to in subsection 1, paragraph B and subsection 2 shall be conducted in

accordance with such sanitary conditions as the commissioner may by regulations prescribe. Violation of any such regulation is prohibited.

4. Application. The adulteration and misbranding provisions of this subchapter, other than the requirement of the inspection legend, shall apply to articles which are not required to be inspected under this section.

#### § 2557. Storage and handling

The commissioner may by regulations prescribe conditions under which carcasses, parts of carcasses, meat and meat food products of cattle, sheep, swine, goats, horses, mules or other equines, capable of use as human food, shall be stored or otherwise handled by any person, firm or corporation engaged in the business of buying, selling, freezing, storing or transporting, in or for intrastate commerce, such articles, whenever the commissioner deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited.

### SUBCHAPTER II

#### MEAT PROCESSORS AND RELATED INDUSTRIES

##### § 2561. Not for human food

Inspection shall not be provided under subchapter I at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules or other equines, or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the commissioner to deter their use for human food. No person, firm or corporation shall buy, sell, transport or offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses, parts thereof, meat or meat food products of any such animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the commissioner or are naturally inedible by humans.

##### § 2562. Records

1. Examining, samples of inventory, etc. The following classes of persons, firms and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses; and all persons, firms and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the commissioner afford such representative and any duly authorized representative of the Secretary of Agriculture of the United States accompanied by such representative of the commissioner access to their places of business and opportunity to examine the facilities, inventory and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor:

A. Any persons, firms or corporations that engage, for intrastate commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules or other equines, or preparing, freezing, packaging or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

B. Any persons, firms or corporations that engage in the business of buying or selling, as meat brokers, wholesalers or otherwise, or transporting, in intrastate commerce, or storing in or for such commerce, any carcasses, or parts or products of carcasses, of any such animals;

C. Any persons, firms or corporations that engage in business, in or for intrastate commerce, as renderers, or engage in the business of buying, selling or transporting, in such commerce, any dead, dying, disabled or diseased cattle, sheep, swine, goats, horses, mules or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.

2. Retention. Any record required to be maintained by this section shall be maintained for such period of time as the commissioner may by regulations prescribe.

#### § 2563. Registration

No person, firm or corporation shall engage in business, in or for intrastate commerce, as a meat broker, renderer or animal food manufacturer, or engage in business in such commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, goats, horses, mules or other equines, whether intended for human food or other purposes or engage in business as a public warehouseman storing any such articles in or for such commerce, or engage in the business of buying, selling or transporting in such commerce, any dead, dying, disabled or diseased animals of the specified kinds, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless, when required by regulations of the commissioner he has registered with the commissioner his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

#### § 2564. Animals not slaughtered

No person, firm or corporation engaged in the business of buying, selling or transporting in intrastate commerce, dead, dying, disabled or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled or diseased cattle, sheep, swine, goats, horses, mules or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless such transaction or transportation is made in accordance with such regulations as the commissioner may prescribe to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

### SUBCHAPTER III

#### FEDERAL AND STATE COOPERATION

##### § 2571. Department of Agriculture — powers and duties

The Maine Department of Agriculture is designated as the state agency which shall be responsible for cooperating with the Secretary of Agriculture of the United States under section 301 of the Federal Meat Inspection Act and such agency is directed to cooperate with the Secretary of Agriculture of the United States in developing and administering the meat inspection program of this State under this chapter to assure that not later than November 15, 1969, its requirements will be at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and in developing and administering the program of this State under subchapter II in such a manner as will effectuate the purposes of this chapter and the said Federal Act.

In such cooperative efforts, the Maine Department of Agriculture is authorized to accept from said secretary advisory assistance in planning and otherwise developing the state program, technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of such a program. The Maine Department of Agriculture is authorized to spend public funds of this State appropriated for administration of this chapter to pay 50% of the estimated total cost of the cooperative program.

The Maine Department of Agriculture is authorized to recommend to said Secretary of Agriculture such officials or employees of this State as the commissioner shall designate, for appointment to the advisory committees provided for in section 301 of the Federal Meat Inspection Act; and the commissioner shall serve as the representative of the Governor for consultation with said secretary under paragraph (c) of section 301 of said Act unless the Governor shall select another representative.

### SUBCHAPTER IV

#### AUXILIARY PROVISIONS

##### § 2581. Inspection services; judicial review

The commissioner may, for such period, or indefinitely, as he deems necessary to effectuate the purposes of this chapter, refuse to provide, or withdraw, inspection service under subchapter I with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under subchapter I because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted, in any federal or state court, of any felony, or more than one violation of any law, other than a felony, based upon the acquiring, handling or distributing of unwholesome, mislabeled or deceptively packaged food or upon fraud in connection with transactions in food. This section shall not affect in any way other provisions of this chapter for withdrawal of inspection services under subchapter I from establishments failing to main-



tain sanitary conditions or to destroy condemned carcasses, parts, meat or meat food products.

For the purpose of this section a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder or owner of 10% or more of its voting stock or employee in a managerial or executive capacity. The determination and order of the commissioner with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within 30 days after the effective date or such order in the appropriate court as provided in section 2584. Judicial review of any such order shall be upon the record upon which the determination and order are based.

#### § 2582. Detention

Whenever any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules or other equines, or any product exempted from the definition of a meat food product, or any dead, dying, disabled or diseased cattle, sheep, swine, goat or equine is found by any authorized representative of the commissioner upon any premises where it is held for purposes of, or during or after distribution in intrastate commerce, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of subchapter I or of the Federal Meat Inspection Act or the Federal Food, Drug and Cosmetic Act, or that article or animal has been, or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed 20 days, pending action under section 2583 or notification of any federal authorities having jurisdiction over such article or animal, and shall not be moved by any person, firm or corporation from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the commissioner that the article or animal is eligible to retain such marks.

#### § 2583. Procedure; condemnation

Any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules or other equines, or any dead, dying, disabled or diseased cattle, sheep, swine, goat or equine, that is being transported in intrastate commerce, or is held for sale in this State after such transportation, and that is or has been prepared, sold, transported or otherwise distributed or offered or received for distribution in violation of this chapter, or is capable of use as human food and is adulterated or misbranded, or in any other way is in violation of this chapter, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any proper court as provided in section 2584 within the jurisdiction of which the article or animal is found. If the article or animal is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of this State, but the article or

animals shall not be sold contrary to this chapter, or the Federal Meat Inspection Act or the Federal Food, Drug and Cosmetic Act; provided that upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to this chapter, or the laws of the United States, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the commissioner as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of this State.

This section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this chapter, or other laws.

#### § 2584. Jurisdiction

The Superior Court and the District Court are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this chapter, and shall have jurisdiction in all other kinds of cases arising under this chapter, except as provided in section 2547, subsection 5.

#### § 2585. Penalties

Any person who forcibly assaults, resists, opposes, impedes, intimidates or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 3 years, or by both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 10 years, or by both.

#### §2586. General penalty

Any person, firm or corporation who violates any provision of this chapter for which no other criminal penalty is provided by this chapter shall upon conviction be punished by imprisonment for not more than one year, or by a fine of not more than \$1,000, or by both, but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated, except as defined in section 2541, subsection 1, paragraph H, such person, firm or corporation shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 3 years or by both, provided that no person, firm or corporation shall be subject to penalties under this section for receiving for transportation any article or animal in violation of this chapter if such receipt was made in good faith, unless such person, firm or corporation refuses to furnish on request of a representative of the commissioner the name and address of the person from whom he received such article or animal, and copies of all documents, if any there be, pertaining to the delivery of the article or animal to him.

Nothing in this chapter shall be construed as requiring the commissioner to report for prosecution or for the institution of libel or injunction proceedings, minor violations of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

§ 2587. Powers of commissioner

1. Powers. The commissioner shall have power:

A. To gather and compile information concerning, and to investigate from time to time, the organization, business, conduct, practices and management of any person, firm or corporation engaged in intrastate commerce, and the relation thereof to other persons, firms and corporations;

B. To require, by general or special orders, persons, firms and corporations engaged in intrastate commerce, or any class of them, or any of them to file with the commissioner, in such form as the commissioner may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commissioner such information as he may require as to the organization, business, conduct, practices, management and relation to other persons, firms and corporations, of the person, firm or corporation filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commissioner may prescribe, and shall be filed with the commissioner within such reasonable period as the commissioner may prescribe, unless additional time be granted in any case by the commissioner.

2. Witnesses and evidence. For the purposes of this chapter, the commissioner shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, firm or corporation being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person, firm or corporation relating to any matter under investigation. The commissioner may sign subpoenas and may administer oaths and affirmations, examine witnesses and receive evidence.

A. Such attendance of witnesses, and the production of such documentary evidence, may be required at any designated place of hearing. In case of disobedience to a subpoena the commissioner may invoke the aid of any court designated in section 2584 in requiring the attendance and testimony of witnesses and the production of documentary evidence.

B. Any of the courts designated in section 2584 within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, firm or corporation, issue an order requiring such person, firm or corporation to appear before the commissioner or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

C. Upon the application of the Attorney General of this State at the request of the commissioner, the Superior Court shall have jurisdiction to

issue writs of mandamus commanding any person, firm or corporation to comply with this chapter or any order of the commissioner made in pursuance thereof.

D. The commissioner may order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commissioner and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commissioner as provided.

E. Witnesses summoned before the commissioner shall be paid the same fees and mileage that are paid witnesses in the courts of this State, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts.

F. No person, firm or corporation shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements or other documentary evidence before the commissioner or in obedience to the subpoena of the commissioner whether such subpoena be signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

3. Failure to comply; false statements. Any person, firm or corporation that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the commissioner shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for not more than one year, or by both.

A. Any person, firm or corporation that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this chapter, or that shall willfully make, or cause to be made, any false entry in any account, record or memorandum kept by any person, firm or corporation subject to this chapter or that shall willfully neglect or fail to make, or to cause to be made, full, true and correct entries in such accounts, records or memoranda, of all facts and transactions appertaining

to the business of such person, firm or corporation, or that shall willfully remove out of the jurisdiction of this State, or willfully mutilate, alter or by any other means falsify any documentary evidence of any such person, firm or corporation or that shall willfully refuse to submit to the commissioner or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any such person, firm or corporation in his possession or within his control, shall be deemed guilty of an offense and shall be punished, upon conviction in any court of competent jurisdiction by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for a term of not more than 3 years, or by both.

B. If any person, firm or corporation required by this chapter to file any annual or special report shall fail to do so within the time fixed by the commissioner for filing the same, and such failure shall continue for 30 days after notice of such default, such person, firm or corporation shall forfeit to this State the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasurer of this State, and shall be recoverable in a civil action in the name of the State brought in the district where the person, firm or corporation has his or its principal office or in any district in which he or it shall do business. It shall be the duty of the various county attorneys, under the direction of the Attorney General of this State, to prosecute for the recovery of such forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of this State.

C. Any officer or employee of this State who shall make public any information obtained by the commissioner without his authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than 11 months, or by both.

#### § 2588. Application of chapter

The requirements of this chapter shall apply to persons, firms, corporation establishments, animals and articles regulated under the Federal Meat Inspection Act only to the extent provided for in section 408 of said Federal Act.

#### § 2589. Title

This chapter shall be designated as the **Maine Meat Inspection Act**.

Sec. 2. R. S., T. 22, §§ 2531-2538, repealed. Sections 2531 to 2538 of Title 22 of the Revised Statutes, as amended, are repealed.