

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 492

H. P. 377

House of Representatives February 2, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hall of Windham.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT to Clarify the Laws Relating to Milk and Milk Products.

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

Sec. 1. R. S., T. 7, § 2901, sub-§ 1, repealed and replaced. Subsection 1 of section 2901 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

1. Acidified milk products. Acidified milk products means milk products obtained by the direct acidification with food grade acids of milk products. When direct acidification is used to make cottage cheese or to make the cottage cheese used in creamed cottage cheese the label shall bear the statement "Curd set by direct acidification." When direct acidification is used to make sour milk products the label shall bear the statement "Soured by direct acidification."

1-A. 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.

1-B. Butter. Butter means the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing

not less than 80% by weight of milk fat, all tolerances having been allowed for.

Sec. 2. R. S., T. 7, § 2901, sub-§§ 8-A - 8-C, additional. Section 2901 of Title 7 of the Revised Statutes, as amended by section 1 of chapter 41 of the public laws of 1969, is further amended by adding 3 new subsections 8-A to 8-C, to read as follows:

8-A. Eggnog. Eggnog means the clean, wholesome food product made from 2 or more of the following ingredients: Milk product, eggs, sucrose, dextrose, spices, wholesome edible stabilizer, with or without artificial flavoring and coloring. Eggnog shall contain not less than 6% by weight of milk fat, not less than 1% by weight of egg yolk solids and not more than .5% by weight of stabilizer. Eggnog shall be pasteurized at a temperature of 155° Fahrenheit for 30 minutes or 175° Fahrenheit for 25 seconds.

8-B. Eggnog flavored milk. Eggnog flavored milk means the clean, wholesome food product made from the same ingredients and prepared in the same manner as eggnog. Eggnog flavored milk shall contain not less than 3.25% of milk fat, not less than 0.5% of egg yolk solids and not more than 0.5% by weight of stabilizer.

8-C. Evaporated milk. Evaporated milk is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9% of milk fat and not less than 25.9% of total milk solids. It may contain one or both of the following ingredients: (1) Disodium phosphate or sodium citrate or both, or calcium chloride, added in a total quantity of not more than .1% by weight of the finished evaporated milk; (2) vitamin D in such quantity as to increase the total vitamin D content to not less than 25 U.S.P. units per fluid ounce of the finished evaporated milk. It may be homogenized. It is sealed in a container and so processed by heat as to prevent spoilage. When optional ingredient vitamin D is present, the label shall bear the statement "With Increased Vitamin D Content" or "Vitamin D Content Increased". Such statement shall immediately and conspicuously precede or follow the name "Evaporated Milk" without intervening written, printed or graphic matter, wherever such name appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

Sec. 3. R. S., T. 7, § 2901, sub-§§ 9 & 10, amended. The last sentence of subsection 9 and the last sentence of subsection 10 of section 2901 of Title 7 of the Revised Statutes, are repealed as follows:

~~The standard plate count of flavored dairy drink shall not be more than 50,000 colonies of bacteria per milliliters.~~

~~The standard plate count of flavored milk shall not be more than 50,000 colonies of bacteria per milliliters.~~

Sec. 4. R. S., T. 7, § 2901, sub-§ 10-A, additional. Section 2901 of Title 7 of the Revised Statutes, as amended by section 1 of chapter 41 of the public laws of 1969, is further amended by adding a new subsection 10-A, to read as follows:

**10-A. Fortified milk and milk products.** Fortified milk and milk products means milk and milk products other than vitamin D milk and milk products, the vitamin or mineral, or both, or the vitamin or solids-not-fat content or both, of which have been increased by a method, in an amount and with a quality approved by the commissioner. Milk and milk products fortified with nonfat dry milk solids shall contain not less than 9.0% and not more than 12.0% of milk solids-not-fat.

**Sec. 5. R. S., T. 7, §2901, sub-§ 12, repealed and replaced.** Subsection 12 of section 2901 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

**12. Half and half.** Half and half means the milk 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.

**Sec. 6. R. S., T. 7, § 2901, sub-§ 14-A, additional.** Section 2901 of Title 7 of the Revised Statutes, as amended by section 1 of chapter 41 of the public laws of 1969, is further amended by adding a new subsection 14-A, to read as follows:

**14-A. Imitation eggnog.** Imitation eggnog means the clean wholesome food product made from the same ingredients and prepared in the same manner as eggnog, but which does not comply with the standards of identity for eggnog or eggnog flavored milk.

**Sec. 7. R. S., T. 7, § 2901, sub-§ 15-A, additional.** Section 2901 of Title 7 of the Revised Statutes, as amended by section 1 of chapter 41 of the public laws of 1969, is further amended by adding a new subsection 15-A, to read as follows:

**15-A. Low fat milk.** Low fat milk means milk which contains at least .5% and not more than 2.5% of milk fat. Low fat milk shall contain not less than 8.5% of milk solids not fat.

**Sec. 7-A. R. S., T. 7, § 2901, sub-§ 18, repealed and replaced.** Subsection 18 of section 2901 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

**18. Milk dealer.** Milk dealer means any person who owns or operates a store or 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.

Subsection 22 of section 2901 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:

**22. Milk products.** Milk products means cream, sour cream, milk, butter, evaporated milk, sweetened condensed milk, nonfat dry milk solids, half and half, reconstituted half and half, concentrated milk, skim milk, nonfat or fat-free milk, reconstituted milk and milk products, vitamin D milk and milk products, low fat milk, fortified milk and milk products, homogenized milk,

flavored milk, flavored dairy drink, eggnog, imitation eggnog, eggnog flavored milk, cultured buttermilk, cottage cheese, creamed cottage cheese, acidified milk and milk products, and any other products designated as milk products by the commissioner. Milk products, except milk, may contain stabilizers, emulsifiers, acidifiers and similar ingredients which are approved by the Federal Food and Drug Administration and the commissioner. The names of such additives or ingredients or both shall appear conspicuously in descending order of predominance on the package.

22-A. Nonfat dry milk solids. Nonfat dry milk solids or defatted milk solids means the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 0.5% by weight of moisture. The fat content is not over 1.5% by weight unless otherwise indicated. Nonfat dry milk solids fortified with vitamins A and D shall provide 500 U.S.P. units of vitamins A and 100 U.S.P. units of vitamin D in 8 fluid ounces of the reconstituted product.

Sec. 9. R. S., T. 7, §2901, sub-§ 23, amended. The last sentence of subsection 23 of section 2901 of Title 7 of the Revised Statutes is repealed as follows:

~~The standard plate count of nonfat or fat free milk shall not be more than 50,000 colonies of bacteria per milliliters.~~

Sec. 10. R. S., T. 7, § 2901, sub-§ 26-A, additional. Section 2901 of Title 7 of the Revised Statutes, as amended by section 1 of chapter 41 of the public laws of 1969, is further amended by adding a new subsection 26-A, to read as follows:

26-A. Reconstituted flavored dairy drink. Reconstituted flavored dairy drink means a dairy drink consisting of water and nonfat dry milk solids to which has been added a syrup or flavor made from wholesome ingredients.

Sec. 11. R. S., T. 7, § 2901, sub-§ 27-A, additional. Section 1901 of Title 7 of the Revised Statutes, as amended by section 1 of chapter 41 of the public laws of 1969, is further amended by adding a new subsection 27-A, to read as follows:

27-A. Reconstituted milk and milk products. Reconstituted milk and milk products means milk or milk products which result from the reconstituting or recombining of milk constituents with potable water.

Sec. 12. R. S., T. 7, § 2901, sub-§§ 28 - 30, repealed and replaced. Subsection 28, as amended by section 1 of chapter 41 of the public laws of 1969, and subsections 29 and 30, of section 2901 of Title 7 of the Revised Statutes, are repealed and the following enacted in place thereof:

28. Skim milk. Skim milk means milk which contains less than 0.5% milk fat and not less than 8.5% milk solids-not-fat.

29. 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.

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

31. **Sweetened condensed milk.** Sweetened condensed milk is the liquid or semi-liquid food made by evaporating a mixture of sweet milk and refined sugar, sucrose or any combination of refined sugar and refined corn sugar, dextrose, to such point that the finished sweetened condensed milk contains not less than 28% of total milk solids and not less than 8.5% of milk fat. The quantity of refined sugar, or combination of such sugar and refined corn sugar used, is sufficient to prevent spoilage.

32. **Vitamin D milk and milk products.** Vitamin D milk and milk products means milk and milk products, the vitamin D content of which have been increased by a method approved by the commissioner to at least 400 U.S.P. units per quart.

Sec. 13. R. S., T. 7, § 2902, amended. Section 2902 of Title 7 of the Revised Statutes is amended by adding before the last paragraph the following new paragraph:

The commissioner may permit any milk dealer licensed by the department to sell milk produced and processed, or both, from sources outside of the State, providing he is satisfied after investigation that all such milk is being produced and processed, or both, in accordance with the procedures established by the National Conference on Interstate Milk Shipments and provided that the sanitary ratings so achieved shall be satisfactory to the commissioner.

Sec. 14. R. S., T. 7, § 2903, amended. The first sentence of the 7th paragraph of section 2903 of Title 7 of the Revised Statutes is amended to read as follows:

It shall be unlawful to sell or serve any milk, skim milk, nonfat or fat-free milk, flavored milk or flavored dairy drink, or low fat milk, fortified milk and milk products 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.

Sec. 15. R. S., T. 7, § 2903, amended. The first sentence of the 8th paragraph of section 2902 of Title 7 of the Revised Statutes is amended to read as follows:

It shall be unlawful to sell or serve any milk, skim milk, nonfat or fat-free milk, flavored milk or flavored dairy drink, or low fat milk, fortified milk and milk products 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~~ 45° Fahrenheit, or less, in dry storage.

Sec. 16. R. S., T. 7, § 2903, amended. Section 2903 of Title 7 of the Revised Statutes is amended by adding at the end the following paragraphs:

It shall be unlawful for any person 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 labeled with the word "Reconstituted" if the product is made by reconstitution or recombination; the words "vitamin D" and the number of U.S.P. units per quart in the case of vitamin D milk or milk products; the words "Nonfat Milk Solids Added" if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk or milk products; the names of vitamins, minerals and similar ingredients added, the amount added and the percentage of the minimum adult daily requirements supplied by each vitamin so added, except that this provision shall not apply to milk and milk products to which vitamin D only has been added.

It shall be unlawful for any person to sell any food which bears on the container or appears in the advertising of such food the words, "Nondairy" or words connoting similar meaning unless such food contains no milk products.

It shall be unlawful for any milk dealer or for any manufacturer of imitation milk and milk products, or both, to neglect, refuse or fail to provide assays of vitamin D milk, vitamin D milk products, vitamin and mineral, or both, fortified milk and milk products; and imitation milk and milk products on samples of such products obtained by the commissioner at least once a year. Such assays shall be made at the expense of the dealer or manufacturer and shall be performed in a laboratory approved by the commissioner. The results of such assays shall be forwarded promptly to the commissioner.

Sec. 17. R. S., T. 7, § 3103, sub-§§ 2 & 3, repealed and replaced. Subsections 2 and 3 of section 3103 of Title 7 of the Revised Statutes are repealed and the following enacted in place thereof:

2. Standard plate count. The standard plate count of all pasteurized milk and pasteurized milk products shall not be more than 20,000 colonies of bacteria per milliliter or gram. This provision shall not apply to cultured milk or cultured milk products. All pasteurized milk and pasteurized milk products shall contain no coliform organisms in 1/10 of one milliliter or gram.

3. Phosphatase test. All pasteurized milk and pasteurized milk products as defined by sections 2901 and 2904 and 3101 to 3103 shall show efficient pasteurization as evidenced by a satisfactory phosphatase test.

Sec. 18. R. S., T. 7, § 3103, sub-§ 4, amended. The last sentence of subsection 4 of section 3103 of Title 7 of the Revised Statutes is repealed as follows:

~~The standard plate count of pasteurized cream shall not be more than 50,000 colonies of bacteria per gram.~~

Sec. 18-A. R. S., T. 7, § 3103, sub-§ 5, ¶ M, amended. The first sentence of paragraph M of subsection 5 of section 3103 of Title 7 of the Revised Statutes is amended to read as follows:

Pasteurized milk and milk products shall be cooled immediately in approved equipment to a temperature of 50° F. 45° Fahrenheit, or less, and held at this temperature until delivered to the consumer.

**Sec. 19. R. S., T. 7, § 3103, sub-§ 5, ¶ N, amended.** The first sentence of paragraph N of subsection 5 of section 3103 of Title 7 of the Revised Statutes is amended to read as follows:

Bottling and packaging of pasteurized milk, pasteurized skim milk, pasteurized nonfat or fat-free milk, pasteurized flavored milk and pasteurized flavored dairy drink **and low fat milk and fortified milk and milk products** shall be done at the place of pasteurization in approved mechanical equipment in such manner as to prevent any part of the person or clothing from coming in contact with any surface with which milk or milk products come in contact.

**Sec. 20. R. S., T. 7, § 3103, sub-§ 5, ¶ O, amended.** The first sentence of paragraph O of subsection 5 of section 3103 of Title 7 of the Revised Statutes is amended to read as follows:

Capping of milk, cream, skim milk, nonfat or fat-free milk, flavored milk or flavored dairy drink **or low fat milk and fortified milk and milk products** shall be done in a sanitary manner by approved mechanical equipment.

**Sec. 21. R. S., T. 7, § 3103, sub-§ 5, ¶ Q, amended.** The first sentence of paragraph Q of subsection 5 of section 3103 of Title 7 of the Revised Statutes is amended to read as follows:

All vehicles used for the transportation of milk, cream, skim milk, nonfat or fat-free milk, flavored milk or flavored dairy drink **or low fat milk and fortified milk and milk products** shall be constructed and operated so as to protect their contents from the sun, from freezing and from contamination.

#### STATEMENT OF FACT

The intent of this Act is as follows:

(1) To insure to the citizens of this State, and the general public an adequate supply of pure fresh milk and other milk products of constantly improving quality.

(2) To establish such appropriate milk laws, regulations and administrative procedures as will protect the public health and welfare.

(3) To improve the economy of the State and the welfare of dairy farmers and milk dealers by improving the competitive position of the dairy industry and to increase the consumption of milk and milk products.

(4) To secure uniformity in milk standards, labeling and sanitary procedures and to develop milk markets by cooperating and coordinating with the appropriate milk agencies of other states and the Federal Government to the extent consistent with the interest of the State of Maine.