

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE HUNDRED AND EIGHTH LEGISLATURE

---

---

Legislative Document

No. 1376

---

---

H. P. 1063

House of Representatives, March 28, 1977

On Motion of Mr. Carroll of Limerick referred to the Committee on Agriculture. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Carroll of Limerick.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

---

**AN ACT to Permit the Commissioner of Agriculture to Inspect Meat Plants  
Doing Business with Firms in Other States.**

---

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

Sec. 1. 22 MRSA § 2541, sub-§ 7-A is enacted to read:

7-A. Interstate commerce. "Interstate commerce" means commerce between a firm in this State producing meat or meat food products and a firm in another state which is purchasing that meat or those meat food products.

Sec. 2. 22 MRSA § 2543, as enacted by PL 1969, c. 464, § 1, is amended to read:

§ 2543. Examination and inspection

For the purpose of preventing the use in interstate and 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 interstate or 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 examina-

tion and inspection, all as provided by the rules and regulations to be prescribed by the commissioner as provided for.

**Sec. 3.** 22 MRSA § 2544, as enacted by PL 1969, c. 464, § 1, is amended to read:

**§ 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 **interstate or 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, 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.

**Sec. 4.** 22 MRSA § 2546, as enacted by PL 1969, c. 464, § 1, is amended to read:

**§ 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 **interstate or 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.

**Sec. 5.** 22 MRSA § 2547, sub-§§ 1 and 4, as enacted by PL 1969, c. 464, § 1, are amended to read:

1. **Containers.** When any meat or meat food product prepared for **interstate or 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.

4. **Limitations.** No article subject to this subchapter shall be sold or offered for sale by any person, firm or corporation in **interstate or intrastate** 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.

**Sec. 6. 22 MRSA § 2548, 1st ¶**, as enacted by PL 1969, c. 464, § 1, is amended to read:

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 **interstate or 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."

**Sec. 7. 22 MRSA § 2549, 1st ¶**, as enacted by PL 1969, c. 464, § 1, is amended to read:

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 **interstate or 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.

**Sec. 8. 22 MRSA § 2550, sub-§ 1**, as enacted by PL 1969, c. 464, § 1, is amended to read:

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 interstate or intrastate commerce, except in compliance with the requirements of this chapter;

**Sec. 9.** 22 MRSA § 2550, sub-§ 2, 1st ¶, as enacted by PL 1969, c. 464, § 1, is amended to read:

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

**Sec. 10.** 22 MRSA § 2550, sub-§ 3, as enacted by PL 1969, c. 464, § 1, is amended to read:

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 interstate or 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.

**Sec. 11.** 22 MRSA § 2552, 1st sentence, as enacted by PL 1969, c. 464, § 1, is amended to read:

No person, firm or corporation shall sell, transport, offer for sale or transportation, or receive for transportation, in interstate or intrastate commerce, any carcasses or horses, mules or other equines or parts of such carcasses, or the meat or meat 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.

**Sec. 12.** 22 MRSA § 2555, as enacted by PL 1969, c. 464, § 1, is amended to read:

### § 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 interstate or 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.

**Sec. 13. 22 MRSA § 2556, sub-§ 1, ¶ A**, as enacted by PL 1969, c. 464, § 1, is amended to read:

**A.** Apply to the slaughtering by any person of his own animals of his own raising, and the preparation by him and transportation in **interstate** or 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

**Sec. 14. 22 MRSA § 2556, sub-§ 1, ¶ B**, as amended by PL 1971, c. 387, is further amended to read:

**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 slaughtered and transportation **interstate** or intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use in the household of such owners, by him, and members of his household and his nonpaying guests and employees; nor to the custom preparation by any person, firm or corporation of carcasses, parts thereof, meat or meat food products, derived from the slaughter by any person of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in **interstate** or intrastate commerce of such custom prepared articles, exclusively for use in the household of such owner, by him and members of his household and his nonpaying guests and employees; provided that in cases where such person, firm or corporation engages in such custom operations at an establishment at which inspection under this chapter is maintained, the commissioner may exempt from such inspection at such establishment any animals slaughtered or any meat or meat food products otherwise prepared on such custom basis; provided further that custom operations at any establishment shall be exempt from inspection requirements as provided by this section only if the establishment complies with regulations which the commissioner is authorized to promulgate to assure that any carcasses, parts thereof, meat or meat food products wherever handled on a custom basis, or any containers or packages containing such articles, are separated at all times from carcasses, parts thereof, meat or meat food products prepared for sale, and that all such articles prepared on a custom basis or any containers or packages containing such articles are plainly marked 'Not for Sale' immediately after being prepared and kept so identified until delivered to the owner and that the establishment conducting the custom operation is maintained and operated in a sanitary manner.

**Sec. 15. 22 MRSA § 2557**, as enacted by PL 1969, c. 464, § 1, is amended to read:

§ 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 **interstate** or 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.

Sec. 16. 22 MRSA § 2561, as enacted by PL 1969, c. 464, § 1, is amended to read:

§ 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 **interstate** or intrastate commerce, unless naturally edible 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, in **interstate** or 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.

Sec. 17. 22 MRSA § 2562, sub-§ 1, ¶¶'s **A, B and C**, as enacted by PL 1969, c. 464, § 1, are further amended to read:

**A.** Any persons, firms or corporations that engage, for **interstate** or 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 **interstate** or 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 **interstate** or intrastate commerce, as renderers, or engage in the business 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.

Sec. 18. 22 MRSA § 2563, as enacted by PL 1969, c. 464, § 1, is amended to read:

**§ 2563. Registration**

No person, firm or corporation shall engage in business, in or for **interstate** or intrastate commerce, as a meat broker, renderer or animal food manufacturer, or engage in business in such consumer 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.

**Sec. 19. 22 MRSA § 2564**, as enacted by PL 1959, c. 464, § 1, is amended to read:

**§ 2564. Animals not slaughtered**

No person, firm or corporation engaged in the business of buying, selling or transporting in **interstate** or 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.

**Sec. 20. 22 MRSA § 2583**, 1st ¶, 1st sentence, as enacted by PL 1969, c. 464, § 1, is amended to read:

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 **interstate** or 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.

**Sec. 21. 22 MRSA § 2587**, sub-§ 1, ¶ A, as enacted by PL 1969, c. 464, § 1, is amended to read:

**A.** To gather and compile information concerning, and to investigate from time to time, the organization, business, conduct, practices and man-



agement of any person, firm or corporation engaged in **interstate or** intrastate commerce, and the relation thereof to other persons, firms and corporations;

**Sec. 22. Effective date.** This Act shall become effective upon the effective date of any United States statute permitting state regulation of interstate commerce, as defined in Title 22, section 2541, subsection 7-A.

#### STATEMENT OF FACT

This bill would permit the Commissioner of Agriculture to inspect state meat plants which sell their meat or meat food products to an out-of-state firm. Currently, the Federal Government has preempted this area, and this Act will become effective only upon enactment of a federal statute permitting this kind of state regulation. There is currently before Congress a bill which would permit the kind of regulation proposed by this legislation.