

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 378

H.P. 291

House of Representatives, February 9, 1993

An Act to Improve Milk Quality.

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TARDY of Palmyra.
Cosponsored by Representatives: HUSSEY of Milo, KETTERER of Madison, STROUT of
Corinth, VIGUE of Winslow.

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

2
4 Sec. 1. 7 MRSA §2901, sub-§26-B is enacted to read:

6 26-B. Quality assurance date. "Quality assurance date"
8 means the last date on which milk or cream may be sold or offered
10 for sale, as determined by the commissioner.

12 Sec. 2. 7 MRSA §2901-A, as enacted by PL 1973, c. 67, is
14 amended to read:

16 **§2901-A. Standards and labeling**

18 Notwithstanding any other requirements of this chapter, milk
20 and milk products, defined in accordance with standards then in
22 effect which have been adopted by the United States Government
24 and labeled in conformity with labeling requirements then in
26 effect which have been adopted by the United States Government,
28 ~~shall be~~ are deemed to conform with the definitions and labeling
30 requirements set forth in this chapter; except that containers of
32 milk and cream shall ~~shall~~ must also bear the quality assurance date
34 required by section 2901-B and the name and address of the Maine
36 licensed milk dealer and sufficient information to identify the
38 milk plant where packaged as required by section 2903.

40 Sec. 3. 7 MRSA §2901-B is enacted to read:

42 **§2901-B. Dating of containers**

44 1. Quality assurance date required. Each container of milk
46 or cream sold or offered for retail sale to consumers on and
48 after January 1, 1994 must be clearly marked with a quality
50 assurance date. If the milk or cream was pasteurized, the
52 quality assurance date may not exceed 14 days from the day on
54 which the milk or cream was pasteurized, the day of
56 pasteurization not included in the calculation, except as
58 provided in subsection 2.

60 2. Sale of milk after 14 days. The quality assurance date
62 may exceed 14 days from the day on which milk or cream was
64 pasteurized under the following conditions.

66 A. A person who wishes to label containers of milk or cream
68 with a quality assurance date that exceeds 14 days from the
70 day the milk or cream was pasteurized shall make application
72 to the commissioner. The application must contain
74 appropriate quality test data, as described in paragraph C.

2 B. A person who wishes to label containers of milk or cream
4 with a quality assurance date that exceeds 14 days from the
6 day the milk or cream was pasteurized shall take finished
8 product samples from each day's production, the number to be
10 determined by the commissioner, and store them in a
12 refrigerated storage facility used only for that purpose.
14 This refrigerated storage facility must be located in the
16 processing plant and be of a type approved by the
18 commissioner. It must be equipped with an indicating
20 thermometer on each shelf and a recording thermometer, and
22 be maintained at a temperature of 45 degrees Fahrenheit.
24 Upon receipt of written application, the commissioner shall
26 inspect a person's refrigerated storage facilities.

16 C. A person who wishes to label containers of milk or cream
18 with a quality assurance date that exceeds 14 days from the
20 day the milk or cream was pasteurized shall perform quality
22 tests on the stored finished product samples 2 days after
24 the proposed last sale date of the samples and send test
26 results to the commissioner on forms prescribed by the
28 commissioner. The commissioner shall adopt rules
30 determining the composition of the quality tests, the
32 qualifications for laboratories performing quality tests and
34 the period for which test results must be sent to the
36 commissioner as part of the application.

28 D. The commissioner shall grant authorization for a person
30 to label containers of milk or cream with a quality
32 assurance date that exceeds 14 days from the day the milk or
34 cream was pasteurized if 85% of all finished product samples
36 tested according to paragraph C are acceptable. If the
38 percentage falls below 85%, the commissioner shall reduce
40 the number of days in excess of 14 days from pasteurization
42 that the milk or cream can be sold to the number of days in
44 excess of 14 days of pasteurization in which 85% of all
46 samples are determined by the commissioner to be acceptable.

38 E. A person with authorization to label containers of milk
40 or cream with a quality assurance date that exceeds 14 days
42 from the day the milk or cream was pasteurized shall
44 continue to perform quality tests as described in paragraph
46 C and send weekly results to the commissioner on forms
48 prescribed by the commissioner.

46 F. The commissioner shall withdraw written approval for use
48 of a quality assurance date in excess of 14 days after
 pasteurization if continuing quality test results under
 paragraph E fail to meet the standards of paragraph D during
 a period determined by the commissioner.

