MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1883

H.P. 1384

House of Representatives, February 15, 1994

An Act to Require Licenses and Fees for BST Manufacturers and Dealers.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on Agriculture suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative SPEAR of Nobleboro.
Cosponsored by Representatives: AULT of Wayne, BAILEY of Farmington, BARTH of Bethel, BIRNEY of Paris, CAMERON of Rumford, CLEMENT of Clinton, CROSS of Dover-Foxcroft, DEXTER of Kingfield, HEESCHEN of Wilton, HEINO of Boothbay, HUSSEY of Milo, JOY of Island Falls, KILKELLY of Wiscasset, KNEELAND of Easton, LARRIVEE of Gorham, LORD of Waterboro, MARSHALL of Eliot, NASH of Camden, SIMONDS of Cape Elizabeth, ST. ONGE of Greene, TARDY of Palmyra, TRUE of Fryeburg, Senators: GOULD of Waldo, TITCOMB of Cumberland, WEBSTER of Franklin.

	Emergency preamble. Whereas, Acts of the Legislature do not								
2	become effective until 90 days after adjournment unless enacted								
	as emergencies; and								
4									
	Whereas, the current state law restricting the use of								
б	biosynthetic bovine somatotropin, or "BST," is repealed on								
	February 1, 1994; and								
8									
	Whereas, the use of BST after February 3, 1994 has been								
10	approved by the federal Food and Drug Administration; and								
12	Whereas, it is essential to immediately enact laws requiring								
	licensing of manufacturers and distributors of BST and reporting								
14	of the sale and distribution of BST; and								
16	Without the state of the Tanial through the state								
16	Whereas, in the judgment of the Legislature, these facts								
10	create an emergency within the meaning of the Constitution of								
18	Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and								
20	safety; now, therefore,								
20	Salecy, now, cherefore,								
22	Be it enacted by the People of the State of Maine as follows:								
24	Sec. 1. 7 MRSA §2903-B is enacted to read:								
26	§2903-B. Selling and purchasing biosynthetic bovine somatotropin								
2.0	1 Timesian of management Wantedtown								
28	1. Licensing of manufacturer. Manufacturers of								
30	biosynthetic bovine somatotropin, known as "BST," who sell or freely distribute BST for use in the State must be licensed by								
30	the commissioner. A licensed manufacturer may sell or distribute								
32	BST destined for use in the State only to distributors licensed								
34	under this chapter or to milk producers in the State.								
34	under ends endseer of co mark producers in end states								
0 1	2. Licensing of distributor. A distributor who sells or								
36	distributes BST to milk producers in the State must be licensed								
	by the commissioner.								
38	37 GALO GOMMITED 2 Canol &								
	3. Free distribution. A person may not distribute BST free								
40									
	has not signed a prior written consent to receive the								
42	distribution.								
44	4. Purchase of BST. A person who purchases BST for use in								
	the State must purchase BST from a distributor or manufacturer								
46	licensed in the State.								
48	License requirements; fees. Upon application and								
	payment of the fee, the commissioner shall issue the following								
50	licenses:								

2	A. Manufacturer annual license, \$100; and
4	B. Distributor annual license, \$50.
6	Licenses issued under this subsection may be renewed annually or October 1st, upon reapplication and payment of the licensing
8	fee. All fees collected pursuant to this subsection must be
10	deposited into the General Fund.
	6. Reporting of sale or distribution of BST. A person who
12	manufactures or distributes BST in the State shall notify the
1.4	commissioner each month of each individual sale date and date of
14	distribution made within the previous month and include with each notification the name of the purchaser, the sale date and the
16	quantity sold.
18	7. Notification of milk sale. A milk producer in the State must notify the milk dealer before using BST in milk production.
20	A milk dealer may require up to 100 days' notice from a milk producer before the milk producer uses BST in milk production.
22	
	8. Penalty. Notwithstanding Title 17-A, section 1301, a
24	person who violates or fails to comply with subsections 1 to 6 commits a Class E crime punishable by a maximum term of
26	imprisonment of 3 months and is subject to a fine of \$10,000.
,-	Each violation is a separate and distinct offense and, in the
28	case of a continuing violation, the fine for each day's
2.0	continuance must be increased by 10% over the amount accrued
30	during the previous day starting from the day the violator is served with notice of the violation. The service must be by hand
32	or by certified mail, return receipt requested. A person who
	violates subsection 7 is subject to a forfeiture of not more than
34	\$100 for each violation.
36	9. Rules. The commissioner may adopt rules to enforce the provisions of this section.
38	
40	Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.
42	
44	STATEMENT OF FACT
46	This bill requires persons manufacturing, selling or distributing biosynthetic bovine somatotropin, or "BST," to
48	obtain a license and pay a fee. The bill also prohibits the free distribution of BST to any person who has not signed a prior
EΛ	distribution of BSI to any person who has not signed a prior

2	to require milk product	_	to 100	days'	notice	before	BST	is	added	to	their
4											

8 This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.

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