

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1469

H.P. 1050

House of Representatives, May 2, 1995

An Act to Reinstate the Maine Meat Inspection Act.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative KILKELLY of Wiscasset.
Cosponsored by Representatives: HEESCHEN of Wilton, POVICH of Ellsworth, Senators:
CASSIDY of Washington, LONGLEY of Waldo.

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

Sec. 1. 7 MRSA c. 103, sub-c. IX-A is enacted to read:

SUBCHAPTER IX-A

MEATS

§921. Short title

This subchapter may be known and cited as the "Maine Meat Inspection Act."

§922. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Animal food manufacturer.** "Animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived from carcasses, or products of the carcasses, of regulated animals.

2. **Capable of use as human food.** "Capable of use as human food" means any carcass, or product of a carcass, of any animal, unless it is denatured or otherwise identified by the commissioner by rule to deter its use as human food, or it is naturally inedible by humans.

3. **Carcass.** "Carcass" means the dead body of an animal and the term includes parts of the carcass that are separated from it.

4. **Commissioner.** "Commissioner" means the Commissioner of Agriculture, Food and Rural Resources and the commissioner's agent.

5. **Federal Food, Drug and Cosmetic Act.** "Federal Food, Drug and Cosmetic Act" means that Act codified in 21 United States Code, Sections 301 to 395, as amended.

6. **Federal Meat Inspection Act.** "Federal Meat Inspection Act" means that Act codified in 21 United States Code, Sections 601 to 695, as amended.

7. **Meat broker.** "Meat broker" means a person engaged in the business of buying or selling carcasses, meat or meat food products of regulated animals on commission or negotiating purchases or sales of such articles other than for the broker's own account or as an employee of another person.

2 **8. Meat food product.** "Meat food product" means any
product capable of use as human food that is made wholly or in
4 part from any portion of the carcass of cattle, sheep, swine or
goats, excepting products that contain meat or other portions of
6 carcasses only in a relatively small proportion or historically
have not been considered by consumers as products of the meat
8 food industry, and that are exempted from definition as a meat
or other portions of carcasses contained in that product are not
10 adulterated and that those products are not represented as meat
food products. This term as applied to food products of equines
12 has a meaning comparable to that provided in this subsection for
cattle, sheep, swine and goats.

14
16 **9. Official certificate.** "Official certificate" means any
certificate prescribed by rule by the commissioner for issuance
18 by an inspector or other person performing official functions
under this subchapter.

20 **10. Official device.** "Official device" means any device
prescribed or authorized by the commissioner for use in applying
22 an official mark.

24 **11. Official inspection legend.** "Official inspection
legend" means any symbol prescribed by rule by the commissioner
26 showing that an article was inspected and passed in accordance
with this subchapter.

28
30 **12. Official mark.** "Official mark" means the official
inspection legend or any other symbol prescribed by rule by the
commissioner to identify the status of any article or animal
32 under this subchapter.

34 **13. Pesticide chemical.** "Pesticide chemical," "food
additive," "color additive" and "raw agricultural commodity" have
36 the same meanings for purposes of this subchapter as under the
Federal Food, Drug and Cosmetic Act.

38
40 **14. Prepared.** "Prepared" means slaughtered, canned,
salted, rendered, boned, cut up or otherwise manufactured or
42 processed.

44 **15. Regulated animals.** "Regulated animals" means cattle,
sheep, swine, goats, or horses, mules or other equines.

46 **16. Renderer.** "Renderer" means a person engaged in the
business of rendering carcasses or products of the carcasses of
48 regulated animals, except rendering conducted under inspection
under this subchapter.

17. **Slaughter.** "Slaughter" means the killing of regulated animals for human consumption.

§923. Adulterated meat

The term "adulterated" applies to a carcass, meat or meat food product if:

1. Deleterious substances. It bears or contains any poisonous or deleterious substance that may render it injurious to health; but if the substance is not an added substance, the article is not considered adulterated under this subsection if the quantity of the poisonous or deleterious substance in or on the article does not ordinarily render it injurious to health;

2. Additives and residues. It meets the definition of adulteration in section 483, subsection 2 or:

A. 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, food additive or a color additive that may, in the judgment of the commissioner, make such article unfit for human food;

B. If it is, in whole or in part, a raw agricultural commodity and that commodity bears or contains a pesticide chemical that is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act, Section 408;

C. If it bears or contains any food additive that is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act, Section 409; or

D. If it bears or contains any color additive that is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act, Section 706. An article that is not adulterated under paragraph B or C, or the first sentence of this paragraph, must nevertheless be deemed adulterated if use of the pesticide, chemical, food additive or color additive in or on the article is prohibited by rule of the commissioner in establishments at which inspection is maintained under this subchapter;

3. Filthy or putrid. It consists of any filthy, putrid or decomposed substance or is for any other reason unfit for human food;

4. Unsanitary conditions. It has been prepared, packed or held under unsanitary conditions;

2 5. Not slaughtered. It is the product of an animal that
died otherwise than by slaughter;

4 6. Container harmful. Its container is composed of any
poisonous or deleterious substance that may render the contents
6 injurious to health;

8 7. Irradiated. It has been intentionally subjected to
radiation, unless the use of the radiation was in conformity with
10 a regulation or exemption in effect pursuant to the Federal Food,
Drug and Cosmetic Act, Section 409;

12 8. Tampered with. Any valuable constituent has been
omitted or abstracted from the article, any substance has been
14 substituted for a natural constituent, damage or inferiority has
been concealed in any manner or substance has been added to or
16 mixed or packed with the article so as to increase its bulk or
weight or reduce its quality or strength or make it appear better
18 or of greater value than it is; or

20 9. Certain margarine. It is margarine containing animal
fat and any of the raw material used consisted of any filthy,
22 putrid or decomposed substance.

24 **§924. Misbranded meat**

26 The term "misbranded" applies to any carcass, meat or meat
28 food product if:

30 1. False labeling. Its labeling is false or misleading in
any particular;

32 2. Misnamed. It is offered for sale under the name of
34 another food;

36 3. Imitations. It is an imitation of another food, unless
its label bears, in type of uniform size and prominence, the word
38 "imitation" and immediately after it the name of the food
imitated;

40 4. Misleading container. Its container is made, formed or
filled so as to be misleading;

42 5. Package labeling requirements. It is in a package or
other container, unless it bears a label showing:

44 A. The name and place of business of the manufacturer,
46 packer or distributor; and
48

2 B. An accurate statement of the quantity of the contents in
3 terms of weight, measure or numerical count; provided that,
4 under this paragraph, reasonable variations may be permitted
5 and exemptions as to small packages may be established by
6 rules prescribed by the commissioner;

7 6. Visible, understandable wording. Any word, statement or
8 other information required by or under authority of this
9 subchapter to appear on the label or other labeling is not
10 prominently placed as compared to other words, statements,
11 designs or devices, in the labeling, and is not in terms that
12 render it likely to be read and understood by the ordinary
13 individual under customary conditions of purchase and use;

14 7. Conformity with standards. It is represented as a food
15 for which a definition and standard of identity or composition
16 has been prescribed by rules of the commissioner under section
17 929, unless it conforms to that definition and standard and its
18 label bears the name of the food specified in the definition and
19 standard and, to the extent required by law, the common names of
20 optional ingredients, other than spices, flavoring and coloring,
21 present in the food;

22 8. Fill of containers. It is represented as a food for
23 which a standard for fill of container has been prescribed by
24 rule of the commissioner, and it falls below the applicable
25 standard of fill of container, unless its label bears a statement
26 that it falls below that standard;

27 9. Common names. It is not subject to subsection 7, unless
28 its label bears the common or usual name of the food and, if it
29 is fabricated from 2 or more ingredients, the common or usual
30 name of each ingredient, except that spices, flavorings and
31 colorings may, when authorized by the commissioner, be designated
32 as spices, flavorings and colorings without naming each and the
33 commissioner may by rule establish exemptions to this paragraph;

34 10. Special dietary uses. It is represented for special
35 dietary uses, unless its label bears information concerning its
36 vitamin, mineral and other dietary properties that the
37 commissioner, after consultation with the United States Secretary
38 of Agriculture, prescribes by rule as necessary in order fully to
39 inform purchasers as to its value for those uses;

40 11. Artificial ingredients. It bears or contains any
41 artificial flavoring, artificial coloring or chemical
42 preservative, unless it bears labeling stating that fact unless
43 the commissioner finds compliance with the requirements of this
44 paragraph is impracticable and establishes exemptions by rule; or

12. Inspection information. It fails to bear the inspection legend and any other information the commissioner may require to ensure 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.

§925. Examination and inspection

For the purpose of preventing the use in intrastate commerce of meat and meat food products that are adulterated, the commissioner shall require inspectors appointed for the purpose to inspect all regulated animals before they are 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 regulated animals are conducted solely for intrastate commerce. All regulated animals found on inspection to show symptoms of disease must be set apart and slaughtered separately from all other regulated animals. When slaughtered, the carcasses of diseased animals are subject to a careful inspection, as provided by the commissioner by rule.

§926. Postmortem

1. Inspection. The commissioner shall require inspectors to conduct a postmortem inspection of the carcasses of all regulated animals capable of use as human food, to be prepared at any slaughtering, meat-canning, salting, packing, rendering or similar establishment in the State in which these articles are prepared solely for intrastate commerce.

2. Marking. The carcasses found to be not adulterated must be marked, stamped, tagged or labeled as "Maine Inspected and Passed." The inspectors shall mark as "Maine Inspected and Condemned," all carcasses of animals found to be adulterated.

3. Destruction. The condemned carcasses and parts must be destroyed for use for food purposes by the establishment in the presence of an inspector.

4. Reinspection and destruction. The inspectors shall, when they find it necessary, reinspect any carcasses to determine whether since the first inspection any have become adulterated and, if so, those must be destroyed for food purposes by the establishment in the presence of an inspector.

§927. Application

Sections 922 to 926 apply to all carcasses of regulated animals or their meat or meat products useable as human food, that are brought into any slaughtering, meat-canning, salting, packing, rendering or similar establishment where inspection under this subchapter is maintained. Inspection is required before the carcasses or parts are allowed to enter into any department where they are to be treated and prepared for meat food products. Sections 922 to 926 apply to all products that, after having been issued from any regulated establishment, are returned to that or any similar establishment where inspection is maintained. The commissioner may limit the entry of carcasses, meat and meat food products, and other materials into any establishment at which inspection under this subchapter is maintained in order to ensure that the entry of those articles into those establishments is consistent with this subchapter.

§928. Inspectors

1. Duty of inspector. The commissioner shall require inspectors to inspect all meat food products prepared in any slaughtering, meat-canning, salting, packing, rendering or similar establishment where those articles are prepared solely for intrastate commerce.

2. Access. For the purposes of inspection, inspectors must have access at all times, by day or night, to every part of that establishment, whether the establishment is being operated or not.

3. Duty to mark. Inspectors shall mark as "Maine Inspected and Passed" all products found to be not adulterated. Inspectors shall mark as "Maine Inspected and Condemned" all products found to be adulterated, and condemned meat food products must be destroyed.

4. Inspection characterized. Inspection under this subchapter and condemnation may not be considered licensing or an adjudicatory proceeding under the Maine Administrative Procedure Act.

5. Removal of inspectors. The commissioner may, on notice and opportunity for hearing in a manner consistent with the Maine Administrative Procedure Act as to adjudicatory proceedings, remove inspectors from any establishment that fails to destroy condemned meat food products.

§929. Labeling

1. Container. When any meat or meat food product prepared for intrastate commerce that has been inspected and marked "Maine Inspected and Passed" is packed in any container in an

2 establishment where inspection under this subchapter is
maintained, the person preparing that product shall cause a label
4 to be attached to the container under supervision of an
inspector. That label must state that the contents have been
6 "Maine Inspected and Passed" under this subchapter. The
inspection of meat or meat food products put into containers in
any establishment where inspection under this subchapter is
8 maintained is not complete until that meat or meat product has
been sealed or enclosed in a container under the supervision of
10 an inspector.

12 **2. Information.** All carcasses, meat and meat food products
inspected at an establishment under the authority of this
14 subchapter and found to be not adulterated must, when they leave
the establishment, bear in distinctly legible form directly on
16 the article or on its container, as the commissioner may require,
the information required under section 924.

18 **3. Standards.** For the protection of the public, the
20 commissioner may, by rules adopted under the Maine Administrative
Procedure Act, prescribe:

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

28 B. Definitions and standards of identity or composition for
articles subject to this subchapter and standards of fill of
30 container for such articles not inconsistent with any
standards established under the Federal Food, Drug and
32 Cosmetic Act, or under the Federal Meat Inspection Act. The
commissioner shall consult with the United States Secretary
34 of Agriculture before issuing standards to avoid
inconsistency between these standards and federal standards.

36 **4. Limitations.** An article subject to this subchapter may
38 not be sold or offered for sale in intrastate commerce, under any
name or other labeling that is false or misleading, or in any
40 container of a misleading form or size, but established trade
names and labeling and containers that are not false or
42 misleading, as approved by the commissioner, are permitted.

44 **5. Use withheld.** If the commissioner has reason to believe
that any labeling or the size or form of any container in use or
46 proposed for use for any article subject to this subchapter is
false or misleading in any particular, the commissioner may
48 direct that the use be withheld unless the labeling or container
is modified as the commissioner prescribes so that it will not be
50 false or misleading. If the person using or proposing to use the

2 labeling or container does not accept the determination of the
3 commissioner, that person may request an adjudicatory hearing
4 under the Maine Administrative Procedure Act, but the use of the
5 labeling or container must, if the commissioner so directs, be
6 withheld pending hearing and final determination by the
7 commissioner.

8 The withholding of use pending the opportunity for a hearing is
9 not considered to be licensing or an adjudicatory proceeding, as
10 those terms are defined by the Maine Administrative Procedure Act.

12 **§930. Sanitation**

14 As necessary to ensure sanitary conditions, the commissioner
15 shall direct experts in sanitation or other competent inspectors
16 to inspect all slaughtering, meat-canning, salting, packing,
17 rendering or similar establishments in which regulated animals
18 are slaughtered and their meat and meat food products are
19 prepared solely for intrastate commerce. The commissioner shall
20 prescribe the rules of sanitation under which these
21 establishments must be maintained. Where the sanitary conditions
22 of any of these establishments are such that the meat or meat
23 food products are adulterated, the commissioner shall refuse to
24 allow the affected meat or meat food products to be labeled
25 "Maine Inspected and Passed."

26 The commissioner may provide inspection services only to
27 establishments that comply with the rules of sanitation and are
28 therefore approved.

30 **§931. Time of inspection**

32 1. Inspection anytime. The commissioner shall require
33 inspection of all regulated animals and their food products,
34 slaughtered and prepared for the purpose of intrastate commerce,
35 to be made day or night, whenever the slaughtering of regulated
36 animals or the preparation of food products from them occurs.

38 2. Authority to set times. The commissioner is authorized
39 to designate days of slaughter or operation for approved
40 establishments.

42 **§932. Prohibitions**

44 With respect to any regulated animals or any carcasses, meat
45 or meat food products of those animals, a person may not:

48 1. Establishment. Slaughter the animals or prepare any
49 articles that are capable of use as human food, at an
50 establishment preparing these articles solely for intrastate

commerce, except in compliance with the requirements of this subchapter;

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

A. Any of these articles that are capable of use as human food, and that are adulterated or misbranded at that time; or

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

3. Act in transportation. With respect to any articles capable of use as human food, do any act while the regulated animals or carcasses, meat or meat products are being transported in intrastate commerce or held for sale after such transportation that is intended to cause or causes the articles to be adulterated or misbranded.

§933. Labels, devices and statements; prohibitions

1. Label. A brand manufacturer, printer or other person may not make any device containing an official mark or its simulation or a label bearing such a mark or simulation, or any form of official certificate or simulation, except as authorized by the commissioner.

2. Devices or statements. A person may not:

A. Forge any official device, mark or certificate;

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

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

D. Possess, without promptly notifying the commissioner, 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 any meat product bearing any counterfeit, simulated, forged or improperly altered official mark;

2 E. Make any false statement in any shipper's certificate or
3 other nonofficial or official certificate provided for in
4 the rules prescribed by the commissioner; or

6 F. Represent that any article has been inspected and passed
7 or exempted under this subchapter when, in fact, it has not.

8 **§934. Identification of animals; interstate and intrastate,**
9 **separated**

10 A person may not sell, transport, offer for sale or
11 transportation, or receive for transportation, in intrastate
12 commerce, carcasses of regulated animals or their meat or meat
13 food products unless they are plainly and conspicuously labeled
14 or otherwise identified as required by rules prescribed by the
15 commissioner to show the kinds of animals from which they were
16 derived. The commissioner may require that intrastate operations
17 under this subchapter take place in separate establishments from
18 those where regulated animals are slaughtered or carcasses, meat
19 or meat products are prepared for interstate commerce.

21 **§935. Inspectors; appointment and duties**

23 1. Appointment. The commissioner shall appoint inspectors
24 to inspect all regulated animals, all carcasses, meats and meat
25 food products and the sanitary conditions of all establishments
26 in which those meat and meat food products are prepared under
27 this subchapter.

29 2. Duties. The inspectors shall refuse to label any
30 carcass, part or meat food product prepared in these
31 establishments until these articles have actually been inspected
32 and found to be not adulterated. The inspectors shall perform
33 other duties provided by this subchapter and by the rules adopted
34 by the commissioner.

36 3. Certain rules. The commissioner shall adopt as
37 appropriate rules of the United States Department of Agriculture
38 Federal Meat Inspection Act of March 4, 1907, as amended by the
39 Wholesome Meat Act of 1967.

41 **§936. Humane slaughter; ritual slaughter**

43 1. Prohibition. A person may not shackle, hoist or
44 otherwise bring animals, other than poultry, into position for
45 slaughter by any method that may cause injury or pain. A person
46 may not bleed or slaughter any animals, other than poultry,
47 except by a humane method. The use of a manually operated
48 hammer, sledge or poleax is not a humane method of slaughter
49 within the meaning of this subchapter.

2 **2. Rules.** The commissioner shall adopt rules in accordance
3 with the Maine Administrative Procedure Act, governing humane
4 methods of slaughter which must conform substantially to the
5 rules adopted pursuant to the Federal Humane Slaughter Act of
6 1958, Public Law 85-765, 72 Stat. 862, and its amendments.

8 **3. Exemption.** Nothing contained in this subchapter may be
9 construed to prohibit or abridge the religious freedom of any
10 person or group. In order to protect freedom of religion, ritual
11 slaughter and the handling or other preparation of livestock for
12 ritual slaughter are exempted from the terms of this subchapter.
13 For the purposes of this section the term "ritual slaughter"
14 means slaughter in accordance with the ritual requirements of a
15 religious faith.

16 **§937. Influencing inspectors prohibited**

18 **1. Offer; penalty.** Any person who gives, pays or offers
19 directly or indirectly to any inspector or any other officer or
20 employee of the State authorized to perform any of the duties
21 prescribed by this subchapter any money or other thing of value
22 with intent to influence that inspector or other officer or
23 employee in the discharge of any duty provided for is guilty of a
24 Class C crime.

26 **2. Acceptance; penalty.** Any inspector or other officer or
27 employee of the State authorized to perform any of the duties
28 prescribed by this subchapter who accepts any money, gift or
29 other thing of value from any person, given with intent to
30 influence official action, or who receives or accepts from any
31 person engaged in intrastate commerce under this subchapter any
32 gift, money or other thing of value regardless of intent is
33 guilty of a Class C crime and, in addition to other penalties
34 under the law, must be summarily discharged from office.

36 **§938. Exemptions**

38 **1. Own use.** The provisions of this subchapter requiring
39 inspection of the slaughter of animals and the preparation of the
40 carcasses, their meat and meat food products at establishments
41 conducting these operations do not apply:

44 **A.** To the slaughtering by any person of that person's own
45 animals of that person's own raising, and the preparation by
46 that person and transportation in intrastate commerce of the
47 carcasses, parts of the carcasses, meat and meat food
48 products of those animals exclusively for use by that person
49 and that person's household members, nonpaying guests and
50 employees; or

2 B. To the custom slaughter or custom preparation after
4 slaughter under paragraph A or this paragraph by any person
6 of regulated animals delivered by the owner for such
8 slaughter, and the preparation by that slaughterer and
10 transportation in intrastate commerce of the carcasses, meat
12 and meat food products of those animals, exclusively for use
14 in the household of that owner by that owner and that
16 owner's household members, nonpaying guests and employees.

18 In cases where a person engages in custom operations at an
20 establishment at which inspection under this subchapter is
22 maintained, the commissioner may exempt from inspection at that
24 establishment animals slaughtered or meat or meat food products
26 prepared on a custom basis only if the establishment complies
28 with any rules adopted by the commissioner under this subchapter
30 to ensure that any carcasses, meat or meat food products handled
32 on a custom basis, or any containers containing these articles,
34 are separated at all times from carcasses, meat or meat food
36 products prepared for sale, and that all articles prepared on a
38 custom basis or any containers of these articles are plainly
40 marked "Not for Sale" immediately after being prepared until
42 delivered to the owner.

24 2. Retail stores and restaurants. The provisions of this
26 subchapter requiring inspection of the slaughter of animals and
28 the preparation of carcasses, meat and meat food products does
30 not apply to operations of types traditionally and usually
32 conducted at retail stores and restaurants, when conducted at any
34 retail store or restaurant for sale in normal retail quantities
36 or for service to consumers at that establishment.

32 3. Limitations. The slaughter of animals and preparation
34 of articles referred to in subsection 1, paragraph B and
36 subsection 2 must be conducted in accordance with sanitary
38 conditions as prescribed by the commissioner by rule.

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

44 §939. Storage and handling

46 The commissioner may prescribe by rule conditions under
48 which carcasses, meat and meat food products of regulated animals
50 capable of use as human food must be stored or otherwise handled
52 by any person engaged in the business of buying, selling,
54 freezing, storing or transporting in or for intrastate commerce

such articles, in order to ensure that those articles will not be adulterated or misbranded when delivered to the consumer.

§940. Registration of commercial establishments

A person may not operate a commercial slaughterhouse or commercial meat processing establishment unless the establishment is registered by the commissioner.

For purposes of this section, a "commercial slaughterhouse" or "commercial meat processing establishment" means a group of buildings or parts of buildings, in one location, under the same ownership where commercial slaughter or commercial preparation of meat or meat food products is performed in accordance with the provisions of this subchapter.

An application for registration or renewal of registration must be made before September 1st of each year on a form prescribed by the commissioner. The commissioner shall approve the registration if the establishment complies with all applicable rules. A fee of \$5 must be paid for each registration or renewal.

§941. Registration of custom establishments

A person may not operate a custom slaughterhouse or custom meat processing establishment unless the establishment is registered by the commissioner.

For purposes of this section, a "custom slaughterhouse" or "custom meat processing establishment" means a group of buildings or parts of buildings in one location, under the same ownership, where custom slaughter or custom preparation of meat or meat food products is performed in accordance with the provisions of this subchapter.

An application for registration or renewal of registration must be made before September 1st of each year on a form prescribed by the commissioner. The registration must be approved after the commissioner is satisfied that there is compliance with the rules governing these operations. A fee of \$5 must be paid for each registration or renewal.

§942. Not for human food

1. Denaturing required. Inspection need not be provided under this subchapter at any establishment for the killing of regulated animals or the preparation of any carcasses or products of these animals, that are not intended for use as human food, but before these articles may be offered for sale or

2 transportation in intrastate commerce, unless they are naturally
3 inedible by humans, the articles must be denatured or otherwise
4 identified as prescribed by rules by the commissioner to deter
5 their use for human food.

6 2. Prohibition. A person may not buy, sell, transport or
7 offer for sale or transportation, or receive for transportation,
8 in intrastate commerce, any carcasses, meat or meat products of
9 regulated animals that are not intended for use as human food
10 unless they are denatured or otherwise identified as required by
11 rule by the commissioner or are naturally inedible by humans.

12 **§943. Registration; records**

13
14 The following classes of persons shall register with the
15 commissioner and shall keep records that fully and correctly
16 disclose all transactions involved in their businesses:

17
18 1. Slaughterers and processors. Any person that engages,
19 for intrastate commerce, in the business of slaughtering any
20 regulated animals or preparing, freezing, packaging or labeling
21 any carcasses or products of carcasses of these animals, for use
22 as human food or animal food;

23
24 2. Meat brokers and wholesalers. Any person that engages
25 in the business of buying or selling, as a meat broker,
26 wholesaler or otherwise, or transporting, in intrastate commerce,
27 or storing or for such commerce any carcasses or products of
28 carcasses of these animals; and

29
30 3. Renderers; dealers in certain animals. Any person that
31 engages in business, in or for intrastate commerce, as a
32 renderer, or that engages in the business of buying, selling or
33 transporting in intrastate commerce, any dead, dying, disabled or
34 diseased regulated animals or the carcasses of those animals if
35 they died otherwise than by slaughter.

36
37 All persons subject to these requirements shall, at all
38 reasonable times, upon notice, afford any duly authorized
39 representative of the commissioner or of the United States
40 Secretary of Agriculture accompanied by a representative of the
41 commissioner access to their places of business and opportunity
42 to examine their facilities, inventory and records, to copy all
43 these records, and to take reasonable samples of their inventory
44 upon offering or payment of the fair market value.

45
46 **§944. Animals not slaughtered**

47
48 A person may not engage in the business of buying, selling
49 or transporting in intrastate commerce dying, disabled or
50 otherwise inedible animals.

diseased animals or the carcasses of animals that died otherwise than by slaughter, except in accordance with rules prescribed by the commissioner to ensure that these animals or their unwholesome parts or products are not used for human food purposes.

§945. Department: powers and duties

1. Cooperation with United States Secretary of Agriculture. The department is designated as the state agency responsible for cooperating with the United States Secretary of Agriculture under the Federal Meat Inspection Act, Section 301 to ensure that its requirements are at least equal to those imposed under the Federal Meat Inspection Act, Titles I and IV and in developing and administering the meat inspection program of this State.

2. Accept federal assistance. The department may accept from the Federal Government advisory assistance in planning and developing the state meat inspection program, technical and laboratory assistance, equipment and training and financial and other aid for administration of that program.

3. Spend funds. The department may spend public funds of this State appropriated for administration of this subchapter.

4. Service on committees. The commissioner shall serve as the representative of the Governor for consultation under the Federal Meat Inspection Act, Section 301, Paragraph (c) and the commissioner may recommend to the United States Secretary of Agriculture persons for appointment to the advisory committees provided for in the Federal Meat Inspection Act, Section 301.

§946. Withdrawal of inspection services

1. Grounds for withdrawal. The commissioner may, after opportunity for hearing is provided for the affected persons, refuse to provide or may withdraw inspection services under this subchapter with respect to any establishment if the commissioner determines that the applicant for or recipient of the services is unfit to engage in any business requiring inspection under this subchapter because of conviction in federal or state court of a felony or more than one violation of any law that results in a conviction other than a felony based on the acquiring, handling or distributing of unwholesome, mislabeled or deceptively packaged food or on fraud in connection with transactions in food.

2. Penalty not exclusive. This section does not affect in any way other provisions of this subchapter for withdrawal of inspection services from establishments failing to maintain

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

§947. Detention

1. Grounds for detention. Whenever an authorized representative of the commissioner has reason to believe that an article subject to this subchapter and capable of use as human food is adulterated, misbranded, has not been legally inspected or is otherwise intended for distribution in violation of the state or federal law, that representative may summarily detain the article.

2. Terms of detention. Detention under subsection 1 is subject to the following terms.

A. The period of detention is limited to 20 days, pending action under section 948 or notification of proper federal authorities.

B. Articles detained may not be moved from the location where detained until released by the commissioner's representative.

C. The representative shall require removal of official marks from the article detained, unless it appears to the satisfaction of the commissioner that the article is eligible to retain those marks.

§948. Condemnation procedure

1. Articles condemned. The State may proceed against, seize and condemn any carcass, meat or meat food product of regulated animals or any dying, disabled or diseased regulated animals that are being transported in intrastate commerce or are held for sale in this State after intrastate transportation and that are in violation of the subchapter. The State may proceed on a libel of information in any proper court, as provided in this section, within the jurisdiction of which the article is found.

2. Destruction or sale. If the article is condemned, it must, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if the article is sold, less the court costs and fees and storage and other proper expenses, must be paid into the State Treasury, but the article may not be sold contrary to this subchapter, the Federal Meat Inspection Act or the Federal Food, Drug and Cosmetic Act.

2 3. Bond. Upon the execution and delivery of a good and
4 sufficient bond conditioned that the article will not be sold or
6 otherwise disposed of contrary to this subchapter or the laws of
 the United States, the court may direct that the article be
 delivered to the owner subject to supervision by authorized
 representatives of the commissioner.

8 4. Costs and fees. When a decree of condemnation is
10 entered against the article or animal and it is released under
12 bond or destroyed, court costs and fees and storage and other
 proper expenses must be awarded against the person, if any,
 intervening as claimant of the article.

14 5. Form of proceedings. The proceedings in these cases
16 must conform, as nearly as possible, to proceedings in admiralty,
18 except that either party may demand trial by jury of any issue of
 fact joined in any case, and all proceedings must be at the suit
 of and in the name of the State.

20 6. Jurisdiction. The Superior Court and the District Court
22 are vested with jurisdiction specifically to enforce and to
24 prevent and restrain violations of this subchapter, and have
 jurisdiction in all other kinds of cases arising under this
 subchapter, except as provided in section 929, subsection 5.

26 7. Other laws. This section in no way derogates from
28 authority for condemnation or seizure conferred by other
 provisions of this subchapter or other laws.

30 **§949. Penalties**

32 1. Interference with official duties. Any person who
34 forcibly assaults, resists, intimidates or otherwise interferes
36 with any person engaged in or on account of the performance of
 official duties under this subchapter is guilty of a Class C
 crime.

38 2. Aggravated interference with official duties. Whoever
40 in the commission of any acts in violation of subsection 1 uses a
 deadly or dangerous weapon is guilty of a Class B crime.

42 3. General penalty. Any person who violates any provision
44 of this subchapter for which no other criminal penalty is
46 provided by this subchapter is guilty of a Class D crime, but if
48 the violation involves intent to defraud, or any distribution or
 attempted distribution of an article that is adulterated, except
 as defined in section 923, subsection 8, that person is guilty of
 a Class C crime.

2 4. Exception. A person may not be subject to penalties
4 under this section for receiving for transportation any article
6 in violation of this subchapter if that receipt was made in good
8 faith, unless that person refuses to furnish on request of a
 representative of the commissioner the name and address of the
 person from whom that article was received and copies of all
 documents pertaining to the delivery of the article.

10 5. Commissioner's discretion. Nothing in this subchapter
12 may be construed as requiring the commissioner to report for
14 prosecution or for the institution of civil proceedings for minor
 violations of this subchapter whenever the commissioner believes
 that the public interest will be adequately served by a suitable
 written notice of warning.

16 §949-A. Power of commissioner to obtain information

18 1. Powers. The commissioner has the power:

20 A. To gather and compile information concerning, and to
22 investigate the organization, business, conduct, practices
24 and management of any person engaged in intrastate commerce
 of articles regulated by this subchapter, and the relation
 to other persons subject to this subchapter;

26 B. To require persons engaged in intrastate commerce under
28 this subchapter to file in writing, under oath, with the
30 commissioner, annual or special reports or answers in
 writing to specific questions regarding the organization,
 business, conduct, practices, management and relation to
 other persons;

32 C. At all reasonable times to have access to and the right
34 to copy any documentary evidence of any person being
36 investigated or proceeded against under this subchapter, and
38 may, in a manner consistent with the Maine Administrative
40 Procedure Act, require by subpoena the attendance and
42 testimony of witnesses and the production of all documentary
 evidence of any person relating to any matter under
 investigation. The commissioner may sign subpoenas,
 administer oaths and affirmations, examine witnesses and
 receive evidence; or

44 D. To order testimony to be taken by deposition in any
46 proceeding or investigation pending under this subchapter at
48 any stage of the proceeding or investigation. Depositions
50 may be taken before any person designated by the
 commissioner and having power to administer oaths. The
 testimony must be transcribed and then attested by the
 deponent. Any person may be compelled to appear and be

2 deposed and to produce documentary evidence in the same
3 manner as witnesses.

4 **2. Self-incrimination and perjury.** A person may not be
5 excused from attending and testifying or from producing books,
6 papers or other documentary evidence before the commissioner or
7 in obedience to the subpoena of the commissioner or a delegate,
8 or in any cause or proceeding based upon any alleged violation of
9 this subchapter on the ground that the testimony or evidence
10 required may tend to incriminate or subject that person to a
11 penalty or forfeiture; but a person may not be prosecuted or
12 subjected to any penalty or forfeiture for any matter concerning
13 which, after having claimed privilege against self-incrimination,
14 that person is compelled to testify or produce evidence, except
15 that a person so testifying is not exempt from prosecution and
16 punishment for perjury.

17 **3. Failure to comply; false statements.** A person commits a
18 violation of this section and is guilty of a Class C crime if
19 that person:
20

21 A. Willfully makes, or causes to be made, any false entry
22 or statement of fact in any report filed under this
23 subchapter;
24

25 B. Willfully makes, or causes to be made, any false entry
26 in any record kept by a person subject to this subchapter;
27

28 C. Willfully neglects or fails to make or cause to be made,
29 full, true and correct entries in records of all facts and
30 transactions pertaining to the business of that person;
31

32 D. Willfully removes out of the jurisdiction of this State,
33 or willfully mutilates, alters or by any other means
34 falsifies any documentary evidence of that person; or
35

36 E. Willfully refuses to submit to the commissioner or to
37 any of the commissioner's authorized agents, for the purpose
38 of inspection and taking copies, any documentary evidence of
39 that person, within that person's control.
40

41 **4. Failure to file report.** If any person required by this
42 subchapter to file any report fails to do so within the time
43 fixed by the commissioner and that failure continues for 30 days
44 after notice of default, that person shall forfeit to the
45 Treasurer of State the sum of \$100 for each day of the
46 continuance of the failure, recoverable in a civil action in the
47 name of the State brought in the district where the person has
48 its principal office or in any district where that person does
49 business. It is the duty of the district attorneys, under the
50

2 direction of the Attorney General, to prosecute for the recovery
3 of these forfeitures. The costs and expenses of prosecution must
4 be paid out of the appropriation for the expenses of the courts.

5 **5. Unauthorized disclosure.** Any officer or employee of the
6 State who makes public any information obtained by the
7 commissioner without the commissioner's authority, unless
8 directed by a court, is guilty of a Class D crime.

10 **§949-B. Application of subchapter**

12 The requirements of this subchapter apply to persons,
13 establishments and articles regulated under the Federal Meat
14 Inspection Act only to the extent permitted in Section 408 of
15 that Act.

18 **STATEMENT OF FACT**

20 This bill reenacts, with updated language, the Maine Meat
21 Inspection Act repealed in 1980. It provides for state
22 inspection and regulation of the slaughter, processing, labeling,
23 sale and transportation of cattle, sheep, swine, goats or horses,
24 mules or other equines in intrastate commerce.