

# MAINE STATE LEGISLATURE

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DATE: April 30, 1999

(Filing No. S- 162 )

**AGRICULTURE, CONSERVATION AND FORESTRY**

Reported by:

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**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 281, L.D. 799, Bill, "An Act Requiring Labeling of Unpasteurized Milk Products"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**Sec. 1. 7 MRSA §2901, sub-§8-D** as enacted by PL 1997, c. 639, §1, is repealed and the following enacted in its place:

**8-D. Farm cheese.** "Farm cheese" means cheese manufactured within the State that is produced on the same farm on which the milk is produced, from milk that is heat treated but is not pasteurized. "Heat treated" for the purposes of this subsection and section 2904-A means heated to a temperature of 165° Fahrenheit for at least 15 seconds or heated to a temperature of 145° Fahrenheit for at least 30 minutes. "Farm cheese" does not include cheese that has been aged at a temperature above 35° Fahrenheit for at least 60 days.

**Sec. 2. 7 MRSA §2902-B** is enacted to read:

**§2902-B. Sale of unpasteurized milk and milk products**

It is unlawful for a person to sell unpasteurized milk or a milk product made from unpasteurized milk unless the label on that product clearly states "not pasteurized." This restriction does not apply to cheese that has been aged at a temperature above 35° Fahrenheit for at least 60 days prior to sale.

**COMMITTEE AMENDMENT**

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Sec. 3. 7 MRSA §2904-A, as enacted by PL 1997, c. 639, §2, is amended to read:

**§2904-A. Farm cheese**

1. **Inspection.** The department shall inspect the processing of farmstead farm cheese using the same standards used to inspect the processing of other cheeses.

2. **Licensing.** A producer may not sell farmstead farm cheese unless licensed in accordance with this section. The department shall issue a license to a farmstead farm cheese producer in accordance with the same standards used to issue licenses to other cheese producers who meets the standards established in this section and complies with rules adopted pursuant to this section.

3. **Labeling; identification by food establishments.** ~~The department shall establish rules for the labeling of farmstead cheese. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.~~ In accordance with section 2902-B, farm cheese that is offered for sale must bear a label that clearly states "not pasteurized." When farm cheese is offered for consumption at an eating establishment as defined in Title 22, section 2491, subsection 7, the menu must provide notice that farm cheese is not pasteurized and must indicate items on the menu that contain or are made with farm cheese.

4. ~~**Sale restrictions.** Farmstead cheese may only be sold from the farm where it is produced and through farm stands and farmers' markets, as defined in section 415.~~

5. **Rules.** The department shall adopt rules to establish a process for licensing and inspecting farm cheese producers. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.'

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

The Department of Agriculture, Food and Rural Resources will incur some minor additional costs to adopt certain rules pertaining to the inspection of farm cheeses. These costs can be absorbed within the department's existing budgeted resources.

R. & S.

COMMITTEE AMENDMENT "A " to S.P. 281, L.D. 799

2           This bill may increase the number of civil violations filed  
4           in the court system. The additional workload and administrative  
6           costs associated with the minimal number of new cases filed can  
8           be absorbed within the budgeted resources of the Judicial  
          Department. The collection of additional fines may also increase  
          General Fund revenue by minor amounts.'

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**SUMMARY**

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          This amendment amends the statute governing farmstead  
14           cheese. It changes the term "farmstead cheese" to "farm  
16           cheese." It removes the restriction on sale of farm cheese and  
18           requires farm cheese to be labeled "not pasteurized." It  
          requires a food establishment that serves farm cheese to identify  
          the product as not pasteurized on the menu. The amendment also  
          adds a fiscal note to the bill.

**COMMITTEE AMENDMENT**