

MAINE STATE LEGISLATURE

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M
R. & S.

L.D. 799

DATE: May 25, 1999

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AGRICULTURE, CONSERVATION AND FORESTRY

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

COMMITTEE AMENDMENT " B " 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 amended to read:

8-D. Farm cheese. "Farm cheese" means cheese manufactured within the State on the farm on which the milk is produced from milk that is heat-treated. "Heat-treated," for the purposes of section 2904-A, means the process of heating every particle of milk to a temperature of 145 degrees Fahrenheit for at least 30 minutes using a double boiler. "Farm cheese" does not include cheese that has been aged at a temperature above 35 degrees 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 product made from unpasteurized milk unless the label on that product contains the words "not pasteurized." It is unlawful for a person to sell unpasteurized milk or a product made from unpasteurized milk at an eating establishment as defined in Title 22, section 2491, subsection 7. This section does not apply to

COMMITTEE AMENDMENT

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2 farm cheese or to cheese that has been aged at a temperature
3 above 35 degrees Fahrenheit for at least 60 days prior to sale.

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

6 **§2904-A. Farm cheese**

7
8 **1. Inspection.** The department shall inspect the processing
9 of farmstead farm cheese using the same standards used to inspect
10 the processing of other cheeses.

11
12 **2. Licensing.** A producer may not sell farmstead farm
13 cheese unless licensed in accordance with this section. The
14 department shall issue a license to a farmstead farm cheese
15 producer ~~in accordance with the same standards used to issue~~
16 ~~licenses to other cheese producers~~ who uses equipment and
17 standards established in this section and in rules adopted
18 pursuant to this section.

19
20 **3. Labeling.** ~~The department shall establish rules for the~~
21 ~~labeling of farmstead cheese. Rules adopted pursuant to this~~
22 ~~subsection are routine technical rules as defined in Title 5,~~
23 ~~chapter 375, subchapter II-A.~~ Except as provided in subsection
24 6, farm cheese that is offered for sale must bear a label that
25 contains the words "heat-treated, not pasteurized." Except as
26 provided in subsection 6, when farm cheese is offered for
27 consumption at an eating establishment as defined in Title 22,
28 section 2491, subsection 7, the menu must identify items on the
29 menu that contain or are made with farm cheese and must provide
30 notice that farm cheese is not pasteurized using the words
31 "heat-treated, not pasteurized" on the menu.

32
33 **4. ~~Sale restrictions.~~** ~~Farmstead cheese may only be sold~~
34 ~~from the farm where it is produced and through farm stands and~~
35 ~~farmers' markets, as defined in section 415.~~

36
37 **5. Standards, rules.** Milk used for making farm cheese must
38 be heat-treated in a double boiler with a capacity for
39 heat-treating not more than 2 gallons of milk per batch. The
40 double boiler and thermometer used for heat treatment must be
41 approved by the department. The department shall adopt rules to
42 establish a process for licensing and inspecting farm cheese
43 producers. Rules adopted pursuant to this subsection are major
44 substantive rules as defined in Title 5, chapter 375, subchapter
45 II-A.

46
47 **6. Established producers.** For the purposes of this
48 section, "established producer" means a person who on June 30,
49 1998 held a valid license to produce farm cheese for sale and who
50 heat-treated the milk using a double boiler method prior to

2 making the farm cheese. Notwithstanding subsection 3, farm
 4 cheese made by an established producer and offered for sale must
 6 bear a label that contains the words "heat-treated."
 8 Notwithstanding subsection 3, when farm cheese made by an
 10 established producer is offered for consumption at an eating
 12 establishment as defined in Title 22, section 2491, subsection 7,
the menu must identify items on the menu that contain or are made
with farm cheese and must provide notice that farm cheese is
heat-treated using the words "heat-treated" on the menu. A
license issued to an established producer under this section may
not be transferred to another person. This subsection is
repealed June 30, 2004.'

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

18 **FISCAL NOTE**

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

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

32 **SUMMARY**

34 This amendment replaces the bill. It amends the statute
 36 governing farmstead cheese. It changes the term "farmstead
 38 cheese" to "farm cheese." It removes the restriction on sale of
 40 farm cheese and specifies that the cheese must be made from milk
 42 that has been heat-treated in accordance with standards
 established in statute and rule. It establishes labeling
 requirements for unpasteurized milk and products made from
 unpasteurized milk. It prohibits the sale of unpasteurized milk
 at restaurants and other eating establishments. It requires
 44 eating establishments to identify items on the menu that contain
 or are made with farm cheese. This amendment also adds a fiscal
 46 note to the bill.