MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1567

H.P. 1108

House of Representatives, March 2, 1999

An Act to Help Farmers to Protect the Quality of Milk.

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

OSEPH W. MAYO, Clerk

Presented by Representative WESTON of Montville. Cosponsored by Senator DAVIS of Piscataquis and Representative JONES of Pittsfield.

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

Sec. 1. 7 MRSA §2904, as amended by PL 1977, c. 694, §139, is further amended to read:

\$2904. Rules and regulations

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The commissioner shall, in a manner consistent with the Maine Administrative Procedure Act, adopt and-promulgate rules, regulations and standards of identity and quality to supplement and give full effect to sections 2901 to 2904 and 3101 to 3103. Such rules and -- regulations -- shall must establish sanitary regulations pertaining to the production, processing, handling and distribution of milk, cream and other milk products, substitutes therefor, or imitations thereof, including construction, and sanitary condition of buildings, grounds and equipment where milk or milk products, substitutes therefor, or are produced, processed, handled imitations thereof, distributed. The rules must describe the appropriate tests and testing procedures for various aspects of quality testing. A test designed to test the contents of a tank holding milk from more than one cow may not be used to test milk produced by one cow. The commissioner shall establish, in accordance with the authority contained in this section, standards of identity and quality for milk products, substitutes therefor, or imitations thereof,-which that are not defined in sections 2901 to 2904 2903 and this section. Such rules, -- regulations and standards of identity and quality shall have the force of law.

Sec. 2. 7 MRSA §2904-B is enacted to read:

§2904-B. Department as arbitrator

When a discrepancy occurs between tests or a person disputes the results of tests conducted to ensure compliance with this Part, the commissioner shall arbitrate the dispute. When the parties fail to agree, the commissioner shall give notice to the parties of the failure to arbitrate, and that notice is considered a final agency action.

42 SUMMARY

This bill makes the Department of Agriculture, Food and Rural Resources the arbitrator in disputes over milk test results. It directs the department to establish by rule the tests appropriate for various aspects of milk quality testing.