

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1889

S.P. 667

In Senate, March 16, 1999

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### An Act to Amend the Maine Milk Laws.

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Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.  
Cosponsored by Representative PIEH of Bremen and  
Senator KILKELLY of Lincoln, Representatives: CARR of Lincoln, CROSS of  
Dover-Foxcroft, GILLIS of Danforth, VOLENIK of Brooklin.

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

4 **Sec. 1. 7 MRSA c. 601** is amended by repealing the chapter  
headnote and enacting the following in its place:

6 **CHAPTER 601**

8 **MILK AND MILK PRODUCTS**

10 **Sec. 2. 7 MRSA §2900** is enacted to read:

12 **§2900. Milk and milk products**

14 The commissioner, after holding public hearings in a manner  
16 consistent with the Maine Administrative Procedure Act, shall  
establish standards by rule for the inspection and examination,  
18 licensing, permitting, testing, labeling and sanitation of milk  
and milk product production and distribution and may change those  
standards.

20 The standards must be consistent with the minimum  
22 requirements of the official standards, known as the Pasteurized  
Milk Ordinance, as issued by the Secretary of the United States  
24 Department of Health and Human Services, Food and Drug  
Administration, but that do not preclude the sale of  
26 unpasteurized milk and milk products in the State.

28 The joint standing committee of the Legislature having  
jurisdiction over agriculture, conservation and forestry matters  
30 is authorized to report out legislation specific to the labeling  
of unpasteurized milk and milk products and sale restrictions of  
32 unpasteurized milk and milk products.

34 Rules adopted pursuant to this section are routine technical  
rules as defined in Title 5, chapter 375, subchapter II-A.

36 **Sec. 3. 7 MRSA §2901**, as amended by PL 1997, c. 639, §1, is  
38 repealed.

40 **Sec. 4. 7 MRSA §2901-A**, as enacted by PL 1973, c. 67, is  
amended to read:

42 **§2901-A. Standards and labeling**

44 Notwithstanding any other requirements of this chapter, milk  
46 and milk products, defined in accordance with standards then in  
effect which that have been adopted by the United States  
48 Government and labeled in conformity with labeling requirements  
then in effect which that have been adopted by the United States  
50 Government, shall be deemed are considered to conform with the

2 definitions and labeling requirements set forth in this chapter,  
3 ~~except that containers of milk and cream shall also bear the name~~  
4 ~~and address of the Maine licensed milk dealer and sufficient~~  
5 ~~information to identify the milk plant where packaged as required~~  
6 ~~by section 2903.~~

7 **Sec. 5. 7 MRSA §2901-B, sub-§2**, as enacted by PL 1993, c. 663,  
8 §1, is repealed.

9 **Sec. 6. 7 MRSA §2901-B, sub-§3** is enacted to read:

10 **3. Definitions.** As used in sections 2900, 2901-B and 2902,  
11 unless the context otherwise indicates, the following terms have  
12 the following meanings.

13 A. "Milk" means the lacteal secretion, practically free  
14 from colostrum, obtained by the complete milking of one or  
15 more healthy cows, goats or sheep.

16 B. "Milk products" includes cream, light cream, light  
17 whipping cream, heavy cream, heavy whipping cream, whipped  
18 cream, whipped light cream, sour cream, acidified sour  
19 cream, cultured sour cream, milk, butter, evaporated milk,  
20 sweetened condensed milk, nonfat dry milk solids, half and  
21 half, sour half and half, acidified sour half and half,  
22 cultured sour half and half, concentrated milk and milk  
23 products, skim milk, reconstituted or recombined milk and  
24 milk products, low-fat milk, light milk, reduced fat milk,  
25 homogenized milk, frozen milk concentrate, eggnog, cultured  
26 milk, cultured reduced fat milk, cultured light milk,  
27 cultured low-fat milk, cultured skim milk, buttermilk,  
28 yogurt, reduced fat yogurt, light yogurt, low-fat yogurt,  
29 nonfat yogurt, cottage cheese, creamed cottage cheese,  
30 acidified milk, acidified reduced fat milk, acidified light  
31 milk, acidified low-fat milk, acidified skim milk,  
32 low-sodium milk, low-sodium reduced fat milk, low-sodium  
33 light milk, low-sodium low-fat milk, low-sodium skim milk,  
34 lactose-reduced milk, lactose-reduced reduced fat milk,  
35 lactose-reduced light milk, lactose-reduced low-fat milk,  
36 lactose-reduced skim milk, aseptically processed and  
37 packaged milk and milk products, milk, reduced fat milk,  
38 light milk, low-fat milk and skim milk with added safe and  
39 suitable microbial organisms, any other milk product made by  
40 the addition or subtraction of milk fat or addition of safe  
41 and suitable optional ingredients for protein, vitamin or  
42 mineral fortification of milk products, frozen desserts and  
43 frozen dessert mix, cheese and any other products designated  
44 as milk products by the commissioner.

2           C. "Unpasteurized" means any milk or milk products that  
3           have not been subjected to the temperature and time  
4           requirements of pasteurization.

5           **Sec. 7. 7 MRSA §2902**, as amended by PL 1989, c. 888, §§3 and  
6           4, is repealed and the following enacted in its place:

7           **§2902. Licensing fees**

8           **1. Milk distributor license fee.** A milk distributor  
9           license fee is based on the total volume of milk sold or  
10           distributed in the State. The fee may not be lower than \$25 or  
11           exceed \$300.

12           **2. General Fund.** All money received from milk distributor  
13           license fees by the commissioner must be deposited in the General  
14           Fund.

15           **Sec. 8. 7 MRSA §2902-A**, as enacted by PL 1987, c. 700, §2, is  
16           repealed.

17           **Sec. 9. 7 MRSA §2903**, as amended by PL 1985, c. 32, is  
18           repealed.

19           **Sec. 10. 7 MRSA §2903-A**, as enacted by PL 1981, c. 574, §2,  
20           is repealed.

21           **Sec. 11. 7 MRSA §2904**, as amended by PL 1977, c. 694, §139,  
22           is repealed.

23           **Sec. 12. 7 MRSA §2904-A**, as enacted by PL 1997, c. 639, §2,  
24           is repealed.

25           **Sec. 13. 7 MRSA §2905** is repealed.

26           **Sec. 14. 7 MRSA §2906**, as repealed and replaced by PL 1977,  
27           c. 696, §98, is repealed.

28           **Sec. 15. 7 MRSA §2907** is repealed.

29           **Sec. 16. 7 MRSA §2908**, as amended by PL 1991, c. 725, §1, is  
30           repealed.

31           **Sec. 17. 7 MRSA §2909**, as enacted by PL 1993, c. 663, §2, is  
32           repealed.

33           **Sec. 18. 7 MRSA cc. 607 and 609**, as amended, are repealed.

34           **Sec. 19. 10 MRSA c. 503**, as amended, is repealed.

2           **Sec. 20. Effective date.** This Act does not take effect until  
rules pursuant to the Maine Revised Statutes, Title 7, section  
2900 have been adopted.

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### SUMMARY

8           This bill repeals and replaces certain statutes governing  
the production and distribution of milk and milk products. This  
10 bill grants the Department of Agriculture, Food and Rural  
Resources continued regulatory authority to adopt rules that  
12 reflect the standards outlined by the United States Department of  
Health and Human Services, Food and Drug Administration in the  
14 Pasteurized Milk Ordinance and clarifies the licensing fee  
schedule for milk distributors.

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