

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1426

H.P. 990

House of Representatives, March 22, 2005

An Act To Amend Certain Milk and Milk Products Laws

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.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SMITH of Monmouth.
Cosponsored by Senator NUTTING of Androscoggin and
Representative: PIOTTI of Unity.

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

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4 **Sec. 1. 7 MRSA §2900, sub-§5**, as enacted by PL 1999, c. 679, Pt. A, §1, is repealed.

6 **Sec. 2. 7 MRSA §2900, sub-§6**, as enacted by PL 1999, c. 679, Pt. A, §1, is amended to read:

8 **6. Heat treated.** "Heat treated" or "heat-treated" means
10 processed by heating every particle of milk to a temperature of
12 145 degrees Fahrenheit for at least 30 minutes ~~using a double~~
~~boiler.~~

14 **Sec. 3. 7 MRSA §2901-A**, as amended by PL 1999, c. 679, Pt. A, §3, is further amended to read:

16 **§2901-A. Standards and labeling**

18 Notwithstanding any other requirements of this chapter, milk
20 and milk products, defined in accordance with standards then in
22 effect that have been adopted by the United States Government and
24 labeled in conformity with labeling requirements then in effect
26 that have been adopted by the United States Government, are
28 considered to conform with the definitions and labeling
30 requirements set forth in this chapter; except that containers of
32 milk and cream packaged in Maine must also bear the name and
34 address of the Maine licensed milk distributor and sufficient
36 information to identify the milk plant where packaged.
Heat-treated cheese that is offered for sale must bear a label that contains the words "not pasteurized." When heat-treated cheese is offered for consumption at an eating establishment as defined in Title 22, section 2491, subsection 7, the menu must identify items on the menu that contain or are made with heat-treated cheese and must provide notice that the heat-treated cheese is not pasteurized using the words "not pasteurized" on the menu.

38 **Sec. 4. 7 MRSA §2902-B, sub-§3**, as enacted by PL 2003, c. 452, Pt. B, §18 and affected by Pt. X, §2, is amended to read:

40 **3. Exception.** This section does not apply to farm
42 heat-treated cheese or to cheese that has been aged at a
44 temperature above 35 degrees Fahrenheit for at least 60 days prior to sale.

46 **Sec. 5. 7 MRSA §2904-A**, as amended by PL 1999, c. 418, §3, is repealed.

48 **Sec. 6. 7 MRSA §2906**, as amended by PL 1999, c. 679, Pt. A, §9, is further amended to read:

2 **§2906. Civil suits**

4 The district attorney for the county in which any violation
6 of sections 2901-A to 2904-A 2903-B has occurred shall, if
8 requested, assist the commissioner in suits arising under those
sections.

10 **Sec. 7. 7 MRSA §2907**, as amended by PL 1999, c. 679, Pt. A,
§10, is further amended to read:

12 **§2907. Jurisdiction**

14 The District Court and the Superior Court have concurrent
16 jurisdiction in cases arising under sections 2901-A to 2904-A
2903-B.

18 **Sec. 8. 7 MRSA §2908-A, sub-§1**, as enacted by PL 2003, c. 452,
Pt. B, §20 and affected by Pt. X, §2, is amended to read:

20 **1. Violation.** A firm, person, corporation or society may
22 not sell milk or milk products in the State without the license
or permits provided in sections 2901-C and 2902-A, violate
24 sections 2901-A to 2904-A 2903-B or neglect, fail or refuse to
26 comply with those sections and the rules, regulations and
standards of identity and quality issued pursuant to section 2910.

28 **Sec. 9. 7 MRSA §2910-A**, as enacted by PL 1999, c. 679, Pt. A,
§13, is amended to read:

30 **§2910-A. Injunctions by commissioner**

32 In addition to any other remedy for the enforcement of
34 sections 2901-C to 2904-A 2903-B or a rule, order or decision by
the commissioner adopted or issued pursuant to this chapter, the
36 commissioner is authorized to apply to the Superior Court for a
preliminary or permanent injunction restraining any person from
38 violating any provision of sections 2901-C to 2904-A 2903-B or
any rule, order or decision of the commissioner adopted or issued
40 pursuant to this chapter. The Superior Court has jurisdiction
upon hearing and for good cause shown to grant a preliminary or
42 permanent injunction. In case of violation of an injunction
issued under this section, the court may cite the person for
44 contempt of court. The existence of either civil or criminal
remedies is not a defense in this proceeding. The commissioner
46 is not required to give or post a bond when making an application
for an injunction under this section.
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SUMMARY

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4 This bill repeals certain sections of law having to do with
6 the licensing, inspection and testing of farm cheese. It allows
for heat-treated cheeses to be produced and sold similarly to all
other processed milk and milk products in the State.