

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1048

S. P. 516

In Senate, April 15, 1937.

Reported by Senator Osgood of Oxford from Committee on Agriculture and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Relating to Production and Sale of Milk.

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

Sec. 1. License to sell milk. No person, firm, corporation, association or society, either by themselves or servants or agents, shall produce grade A milk for sale without having first filed with the commissioner of agriculture, an application for a license to so produce said grade A milk, and no person, firm, corporation, association, or society, either by themselves or servants or agents, shall pasteurize milk for sale without having first filed with the commissioner of agriculture, an application for a license to so pasteurize said milk. Upon receipt of such application, the commissioner of agriculture shall issue said person, firm, corporation, association, or society, making such application, a license to produce grade A milk and a license to pasteurize the milk as hereinafter provided. Each such license shall cover each group of buildings constituting a dairy farm or dairy plant in one location. Such license shall expire on the 1st day of January next after its issue, and shall be granted only to milk dealers owning or leasing the vehicles or places from which sales or supplies are to be made and shall not be transferred. The commissioner of agriculture shall have the power to revoke or suspend any license issued under the provisions hereinafter provided for.

Sec. 2. Inspection of milk. The commissioner of agriculture shall by adequate inspection see that grade A milk and pasteurized milk and grade A pasteurized milk is produced and processed in conformity with the following requirements.

A. Grade A milk shall be milk which at the time of its delivery shall not contain more than 25,000 bacteria per c. c. by the A. P. H. A. official plate count method and which shall contain at least 3.75% butter fat, and shall be procured under the following conditions and handled in the following prescribed manner:

(1) **Cows; tuberculosis and other diseases.** A physical examination and tuberculin test of all cows and heifers 6 months old or more shall be made at least once every 12 months by a licensed, accredited veterinarian approved by the state department of agriculture, the expense thereof to be borne alternately by the state and the owner of the cattle. Said tests shall be made and any reactors disposed of, in accordance with the current requirements approved by the United States Department of Agriculture, Bureau of Animal Industry, for accredited herds.

For diseases other than tuberculosis such tests and examinations as the commissioner of agriculture may require shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

(2) **Dairy barn; requirements.** A dairy or milking barn shall be required, and such sections thereof where cows are kept or milked shall have at least 3 square feet of window area for each stanchion.

Such sections of all dairy barns where cows are kept shall have at least 300 cubic feet of air space per stanchion, and shall be well ventilated.

The walks and gutters of such parts of all dairy barns in which cows are kept or milked shall be constructed of concrete or other easily cleaned material approved by the commissioner of agriculture, and shall be graded to drain properly, and shall be kept clean and in good repair. No horses, pigs, fowls, etc., shall be permitted in parts of the barn used for dairy purposes. The walls and ceilings of all dairy barns shall be whitewashed twice each year or painted once every 2 years, or oftener if necessary, or finished in a manner approved by the commissioner of agriculture, and shall be kept clean and in good repair. In case there is a second story above that part of the barn in which cows are milked, the ceiling shall be tight.

(3) **Cow yard.** All cow yards shall be graded and drained as well as practicable and kept clean.

(4) **Manure disposal.** All manure shall be stored or disposed of in

such manner as best to prevent the breeding of flies therein, or the access of cows to piles thereof.

(5) **Milk house or room; construction, etc.** There shall be provided a separate milk house or milk room for the handling and storage of milk and the washing and sterilization of milk apparatus and utensils, provided with a tight floor. The walls and ceiling of the milk house or room shall be of such construction as to permit easy cleaning, and shall be painted at least once each year, or finished in a manner approved by the commissioner of agriculture. The milk house or room shall be well lighted and ventilated and all openings effectively screened to prevent the entrance of flies, and shall be so located and conducted as to prevent any contamination to the milk or to cleaned equipment. The milk room shall not open directly into a stable or into any room used for domestic purposes and must be at least 25 feet away from the privy. Each milk house shall be provided with adequate facilities for the heating of water for the cleaning of utensils. The milk house shall be equipped with stationary wash and rinse vats.

The floors, walls, ceiling and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

(6) **Toilet.** Every dairy farm shall be provided with 1 or more sanitary toilets conveniently located, and constructed, operated and maintained in accordance with the recommendations of the state board of health, so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

(7) **Water supply.** The water supply for the milk room and dairy barn shall be properly located, constructed and operated, and shall be easily accessible, adequate and of a safe, sanitary quality.

(8) **Utensils; construction, etc.** All containers or utensils used in the handling or storage of milk must be made of non-absorbent material and of such construction as to be easily cleaned, and must be in good repair. Joints and seams shall be soldered flush. All milk pails shall be of a small mouth design approved by the commissioner of agriculture. All strainers shall be equipped with sterilized single service filter pads.

All containers and other utensils used in the handling, storage, or transportation of milk shall between each usage be treated with steam, or dry heat, or in a manner approved by the commissioner of agriculture.

All containers and other utensils used in the handling, storage, or transportation of milk shall be stored so as not to become contaminated before again being used.

After sterilization, no container or other milk utensils shall be handled

in such manner as to permit any part of the person or clothing to come in contact with any surface with which milk comes in contact.

(9) **Milking; udder, teats and flanks.** The udders and teats of all milking cows shall be clean at the time of milking. The flanks, bellies and tails of all milking cows shall be free from visible dirt at the time of milking.

(10) **Clean clothing.** Milkers and milk handlers shall wear clean outer garments while working.

(11) **Milk stools.** Milk stools shall be made of metal or wood and shall be kept clean.

(12) **Removal of milk.** Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the dairy barn.

(13) **Cooling.** Milk must be cooled immediately after milking to 50° F., or less and maintained at or below that temperature until delivered to the consumer.

(14) **Bottling and capping.** Milk shall be bottled from a container with a readily cleanable valve, or by means of a bottling machine approved by the commissioner of agriculture. Milk shall be bottled and capped on the farm where it is produced. Bottles shall be capped by machine. The machine shall be cleaned and sterilized before each usage. Caps shall be purchased in sanitary tubes and kept therein until used.

(15) **Personnel; health.** Every person connected with a dairy or milk plant whose work brings him in contact with the production, handling, storage, or transportation of milk, containers or equipment, shall pass such medical examinations as may be deemed necessary by the commissioner of agriculture, and every such person shall submit such specimens of bodily discharges as the commissioner of agriculture may require. Such examinations may be made by the health officer or by a licensed physician approved by the health officer.

B. Pasteurized milk. Pasteurized milk is milk, every particle of which, has been heated to a temperature of 142° to 145° F., and held at this temperature for 30 minutes, after which it shall be immediately cooled to below 50° F., and held at this temperature until delivered to the consumer. The bacterial count shall not exceed 25,000 per c.c.

C. Grade A pasteurized milk. Grade A pasteurized milk is hereby defined as milk produced under the above specifications for the production of grade A milk and said milk pasteurized under the specifications as outlined for the processing of pasteurized milk as herein contained.

(1) **Floors.** Floors of all rooms in which milk is handled shall be con-

structed of concrete or other equally impervious and easily cleaned material. They shall be smooth, properly drained and provided with trapped drains, and kept clean.

(2) **Walls and ceilings.** Walls and ceilings of rooms in which milk is handled or stored shall have a smooth and washable light-colored surface and be kept clean.

(3) **Doors and windows.** All openings into the outer air shall be effectively screened to prevent the access of flies. Doors shall be self-closing.

(4) **Lighting and ventilation.** All rooms shall be well lighted and ventilated.

(5) **Protection from contamination.** The various milk plant operations shall be so located and conducted as to prevent any contamination of the milk or to the cleaned equipment. Compliance with these shall be a separate room for pasteurizing, cooling and bottling operation. A separate room for washing and sterilizing bottles, cans and equipment. Raw milk shall not be unloaded directly into the pasteurizing room and the same equipment shall not be used for both raw and pasteurized milk. Rooms in which milk is handled, stored or processed shall not open directly into any stable, living quarters or any undesirable or unsanitary place.

(6) **Toilet facilities.** Every plant shall be provided with toilet facilities. This room shall be kept in a clean condition, good repair and well ventilated. All privies or earth closets shall be of a sanitary type and shall be located at least 50 feet from the milk plant.

(7) **Water supply.** The water supply shall be easily accessible, adequate and of a safe, sanitary quality.

(8) **Equipment.** All equipment with which milk comes in contact shall be constructed in a manner as to be easily cleaned. Only sanitary milk piping of a type which can be easily cleaned with a brush shall be used. The construction and operation of all pasteurizing vats and other equipment shall meet with the approval of the commissioner of agriculture.

(9) **Bottle caps.** Bottle caps shall be purchased and stored only in sanitary tubes and shall be kept therein until used.

(10) **Bottling.** Bottling and capping shall be done at the place of pasteurization in automatic machinery approved by the commissioner of agriculture, in such manner as to prevent any part of the person or clothing from coming in contact with any surface with which the milk comes in contact. Overflow milk shall not be sold for human consumption.

(11) **Repasteurization prohibited.** No milk shall be pasteurized more than once, except as may be especially permitted by the commissioner of agriculture, or his agents thereto duly authorized.

Sec. 3. Designation of grades of milk. Any person, firm, corporation, association or society either by themselves or by their servants or agents, who have complied with the said specifications shall use in the connection with the sale of his or its product, thus produced, according to the specifications herein outlined for the production of grade A milk, and the processing and production of pasteurized milk and the processing and production of pasteurized grade A milk as approved by the Maine commissioner of agriculture, the words "grade A milk", "pasteurized milk" and "grade A pasteurized milk" in accordance with the quality or grade thus produced, processed and offered for sale.

Sec. 4. Restrictions. No milk shall be sold or offered for sale in the state as grade A milk or as pasteurized milk or as pasteurized grade A milk unless such milk has been produced according to the specifications outlined herein for the production of such specified type of milk.

Sec. 5. Penalty. Any person, firm, corporation, association, or society who shall produce grade A milk, or pasteurized milk, or pasteurized grade A milk, for sale in the state without the license provided in section 1 or who shall violate any of the provisions of the foregoing sections providing for the production of grade A milk, or pasteurized milk, or pasteurized grade A milk, or neglects or refuses to comply with any of the provisions of said sections or any of the other provisions or in any way violates any of the foregoing provisions shall be punished by a fine of not more than \$100 for the first offense and by a fine of not more than \$200 for each subsequent offense.

Sec. 6. Jurisdiction. Municipal courts and trial justices shall have original jurisdiction, concurrent with the superior court of actions brought for the recovery of penalties imposed and of prosecutions of violations thereof.