

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 908

S. P. 355

In Senate, February 16, 1945.

Transmitted by revisor of statutes pursuant to joint order

Referred to the Committee on Agriculture, sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Denny of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Governing the Production of Milk and Cream.

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

Sec. 1. R. S., c. 27, §§ 79-A - 79-B, additional. Chapter 27 of the revised statutes is hereby amended by adding thereto 2 new sections to be numbered 79-A and 79-B, to read as follows:

'Sec. 79-A. Production and sale of milk or cream, regulated. All persons, firms or corporations who shall produce, sell or offer for sale milk or cream for human consumption shall comply with the following requirements of this section:

I. Milk. No raw milk shall be sold or offered for sale which contains more than 50,000 bacteria per cubic centimeter and no cream shall be sold or offered for sale which contains more than 100,000 bacteria per cubic centimeter as determined by the Official Plate Count of the American Public Health Association's Standard Methods, at the time it is delivered to the consumer.

All milk and cream sold or served in any hotel, restaurant, store or similar establishment shall be in the original container in which it was

placed at the dairy farm or milk plant. All milk and cream shall be stored in a clean and sanitary place at 50° F., or less, until served or sold.

II. Cows. All cows in the herd shall be free from disease, and any cows producing abnormal milk shall be removed from the herd.

III. Dairy barn. A dairy barn shall be required.

A. Lighting and ventilation. A dairy barn or milking barn shall be required and in such sections thereof where cows are milked, windows shall be provided and kept clean and so arranged as to insure adequate light, properly distributed. Such sections of the dairy barn where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding. Proper ventilation shall mean conditions which will result in sufficient fresh air at all times. No horses, pigs, fowl or other animals shall be permitted in the part of the barn used for dairy purposes.

B. Floors. All floors and gutters in such parts of the dairy barn where cows are milked shall be tight, smooth and sound. The floors shall be graded and drained properly and shall be kept clean and in good repair. A proper gutter shall be constructed of sufficient width and depth, to promote cleanliness of the cows and improve drainage.

C. Walls and ceilings. The walls and ceilings of dairy barns shall be tight and smooth with a minimum of ledges where dust and dirt may collect. They shall be kept clean and in good repair and shall be whitewashed once each year or may be painted when needed.

D. Cow yard. The cow yard shall be graded and drained as well as practicable and kept clean and free from all accumulations of manure. Swine and other domestic animals shall not be permitted in the cow yard.

E. Manure disposal. All manure shall be removed and stored or disposed of in such manner as to best prevent the breeding of flies therein or the access of cows to piles thereof. Barn cellars are acceptable but shall be ventilated and kept closed tightly at all times.

IV. Milk house or room. There shall be provided a milk house or room in which the cooling, handling and storing of milk and milk products and the washing, bactericidal treatment and storing of all milk containers and utensils shall be done. A metal rack shall be provided on which shall be stored all milk utensils and containers. It shall contain facilities for cooling and storing milk or milk products to 50° F., or less. It shall, unless

the milk is to be pasteurized, have water piped into it and shall be provided with adequate facilities for the heating of water, for the cleaning of utensils and shall be equipped with a 3-compartment stationary sink.

It shall be used for no other purpose than stated above.

A. Lighting and ventilation. The milk room or house shall be well lighted and ventilated. All openings shall be effectively screened throughout the fly season and include outward opening, self-closing screened doors.

B. Floors. The milk house or room shall be provided with a tight floor constructed of concrete, graded to provide proper drainage and shall be kept clean and in good repair.

C. Walls and ceilings. The walls and ceilings shall be of such construction as to permit easy cleaning and shall be tight and smooth with a minimum of ledges.

D. Location. The milk house or room shall be separated from the milking barn and shall not open into any part of the barn or any room used for domestic purposes. It shall be located near enough to the barn so that the milk may be carried directly to the milk house for the purpose of straining. The milk house shall be so located that it will not be necessary to carry the milk in going from that part of the barn where it is milked, through the horse barn, barn floor or grain room to reach the milk house. If it is attached to the side of the tie-up, it shall be connected with a ventilated, covered walk, 4 to 6 feet long with self-closing double doors to prevent odors gaining access to the milk house or room.

E. Cleanliness. The floors, walls, ceilings 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.

If the milk house or room is not located as provided above, a straining room shall be constructed and located as directed for milk house or room.

V. Utensils.

A. Construction. All utensils and containers used in the production, handling, storage and transportation of milk or milk products shall be made of a smooth, non-absorbent material and of such construction as to be easily cleaned and shall be in good repair. Joints and seams shall be soldered flush. No woven wire strainers shall be used.

B. Cleanliness. All utensils, containers and equipment used in the handling, storage and transportation of milk or milk products shall be thoroughly cleaned after each usage.

C. Sterilization. All utensils, containers and equipment shall between each usage be subjected to an approved bactericidal process with steam, boiling water or chlorine. Bactericidal treatment with dry heat in properly controlled electric or steam heated cabinets will be permitted.

D. Storage. All utensils, containers and equipment used in the handling, storage or transportation of milk shall be stored in the milk room in such manner as not to become contaminated before against being used.

VI. Milking. The udders and teats of all milking cows shall be clean at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils. The flanks, bellies and tails of all milking cows shall be free from visible dirt at the time of milking. Milkers' hands shall be clean and wet hand milking is prohibited. Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils and equipment. Milk stools shall be stored above floor and kept clean.

A. Removal of milk. Each pail of milk shall be removed immediately to the milk house or straining room. No milk shall be strained in the dairy barn.

B. Straining. Single service cotton pad strainers shall be used and all cotton pads shall be stored in such condition as to prevent the contamination of the same before being used.

C. Cooling. The milk shall be cooled as soon as it is practicable after it is milked to 50° F., or less. Milk sold to a pasteurizing plant need not be cooled if delivered before 9 A. M., but it shall be either cooled upon arrival at the plant or immediately pasteurized. In cooling bottled milk or milk in cans, neither shall be submerged in the cooling tank. An overflow pipe shall be provided in both instances which will insure the draining off of the water before it reaches the tops of the containers. The water in the tank shall be kept fresh, and clean at all times.

D. Bottling and capping. Raw milk and raw milk products shall be

bottled from a container with a readily cleanable valve or by means of an approved bottling machine. Bottles shall be capped by machine. Caps shall be purchased in sanitary tubes and kept therein in a clean, dry place until used. The name or trade names of the producer shall appear on all bottle caps as well as the words "Raw Milk" or "Raw Cream."

VII. Water supply. The water supply shall be potable, abundant and readily available.

VIII. Toilet. Every dairy farm shall be provided with one or more sanitary toilets, conveniently located and properly constructed and maintained so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply. The toilet shall not be located within 25 feet of the milk house or room.

IX. Personnel; health. All milk handlers shall submit to such physical examination as the commissioner of agriculture may direct to insure that no carriers of any disease are employed in the handling of milk or milk products.

X. Vehicles. All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect the milk or milk products from the sun and from contamination and shall be kept in a clean and sanitary condition, and no substance capable of contaminating the milk or milk products shall be transported with the milk or milk products. Each vehicle used in the distribution of milk shall have the milk license plate prominently displayed.

Any person, firm or corporation who neglects or refuses to comply with any of the provisions of this section shall be punished by a fine of not more than \$50 for the first offense, and not more than \$100 for each subsequent offense.'

'Sec. 79-B. 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 of section 79-A.'

Sec. 2. R. S., c. 27, § 80, amended. Section 80 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 80. Registration of milk dealers; penalty for refusing to register or post certificate. Any person, firm, corporation, association, or society,

who shall sell or deliver milk or cream ~~as a business~~ to any person from a wagon or other conveyance, depot, or store, or who shall sell or deliver milk to a hotel, restaurant, boarding-house, or any public place, shall be considered a milk dealer within the meaning of this section, and shall on or before the 1st day of January in each year, apply to the commissioner for registration, furnishing such information as may be required, upon blanks issued and furnished by the said commissioner to such persons as may request the same. Every such registration shall expire on the 1st day of January, next after its issue, and shall be granted only to the milk dealer owning or leasing the vehicle or place from which sales or supplies are to be made, and shall not be transferred. Upon receipt of the application for registration, containing the information required, and upon being satisfied that all milk is being produced and handled ~~in a sanitary way~~ **accordance with the provisions of section 79-A** and is from cows free from disease, the said commissioner shall issue to the applicant a certificate of registration, which certificate shall be posted in a conspicuous place in the store or depot from which sale or supply is made, and the number of the certificate of registration for each wagon or other vehicle shall be placed in a conspicuous place on said wagon or other vehicle. The commissioner may cancel the certificate of any dealer, who, after due hearing on complaint by the said commissioner or his authorized agent, is found to be selling milk produced or handled ~~under unsanitary conditions in violation of the provisions of section 79-A~~ **or milk from diseased cows.** If any person, firm, corporation, association, or society desires to become a milk dealer, as provided by this section, before the 1st day of January in any year, he or they shall, prior to engaging in the business, register with the commissioner in the manner hereinbefore provided, for each place or vehicle from which sale or supply is to be made. Any dealer who neglects or refuses to register with the commissioner, or to post certificates of registration in the store or depot from which sale or supply is made, or to post the number of the certificate of registration on the wagon or other vehicle from which sale or supply is made, as provided in this section, or to surrender his certificate to the said commissioner when notified in writing that the same has been canceled, and the reason given for cancelation, or who himself or by his servant or agent, sells or delivers, or has in his custody or possession with intent to sell or deliver, any milk after having been refused the aforesaid certificate of registration by the commissioner, ~~forfeits \$50 to be recovered in an action of debt, to be prosecuted in the name of the state by the county attorney for the county in which such violation has occurred;~~ **but the provisions of this section shall not apply to milk or cream delivered to a creamery or butter or cheese factory shall be punished by a**

fine of not more than \$50. No certificate of registration shall be required of producers selling only to licensed milk pasteurizing plants.'

Sec. 3. R. S., c. 27, § 90, repealed. Section 90 of chapter 27 of the revised statutes is hereby repealed.

Sec. 4. R. S., c. 27, § 84, amended. Section 84 of chapter 27 of the revised statutes is hereby amended by adding at the end thereof a new sentence to read as follows:

'The name or trade name of the producer shall appear on all bottle caps.'