

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1969

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
ONE HUNDRED AND FOURTH LEGISLATURE
1969

Sec. 2. R. S., T. 35, §§ 358-359, additional. Title 35 of the Revised Statutes is amended by adding 2 new sections, 358 and 359, to read as follows:

§ 358. Injunctive relief against gas companies or natural gas pipeline companies

Any gas company or natural gas pipeline company, operating or acting in violation of any statute or rule, regulation or order of the commission, may be restrained and enjoined from such operation or action upon complaint addressed to the Superior Court and brought by the commission. Whenever practicable, the commission shall give notice to any gas company or natural gas pipeline company against whom an action for injunctive relief is contemplated and afford it an opportunity to present its views, and, except in the case of a knowing and willful violation, shall afford it reasonable opportunity to achieve compliance. Failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

§ 359. Civil penalty for gas companies or natural gas pipeline companies

Any gas company or any natural gas pipeline company that violates any provision of chapters 1 to 17 or chapter 181, relating to safety of pipeline facilities or transportation of gas or of any regulation issued thereunder, shall be subject to a civil penalty of not to exceed \$1,000 for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed \$200,000 for any related series of violations.

Any civil penalty may be compromised by the commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the gas company or natural gas pipeline company charged, the gravity of the violation, and the good faith of the gas company or natural gas pipeline company charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the State to the gas company or natural gas pipeline company charged or may be recovered in a civil action in the state courts.

Effective October 1, 1969

Chapter 41

AN ACT Clarifying Certain Milk and Milk Products Laws.

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

Sec. 1. R. S., T. 7, § 2901, sub-§ 28, amended. Subsection 28 of section 2901 of Title 7 of the Revised Statutes is amended to read as follows:

28. **Skim milk.** Skim milk means milk which contains less than ~~3.25%~~ 0.5% milk fat. The standard plate count of pasteurized skim milk shall not be more than 50,000 colonies of bacteria per ~~ml~~ milliliter.

Sec. 2. R. S., T. 7, § 2904, amended. Section 2904 of Title 7 of the Revised Statutes is amended to read as follows :

§ 2904. Rules and regulations

The commissioner shall, after investigation and public hearing adopt and promulgate rules ~~and~~, 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 establish sanitary regulations pertaining to the production, processing, handling and distribution of milk, cream and other ~~dairy~~ milk products, substitutes therefor, or imitations thereof, including the construction, sanitary condition of buildings, grounds and equipment where milk or milk products, substitutes therefor, or imitations thereof, are produced, processed, handled and distributed. 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 are not defined in sections 2901 to 2904. Such rules ~~and~~, regulations and standards of identity and quality shall be filed and open for public inspection at the office of the commissioner and shall have the force of law.

Sec. 3. R. S., T. 7, § 2908, amended. Section 2908 of Title 7 of the Revised Statutes is amended to read as follows :

§ 2908. Penalties

Any firm, person, corporation or society who shall produce grade A milk, or pasteurized grade A milk for sale in the State or who shall sell milk or cream in the State without the license or licenses provided in section 2902, or who shall violate any of the provisions of sections 2901 to 2904 and 3101 to 3103, or neglects, fails or refuses to comply with any of the provisions of said sections and the rules ~~and~~, regulations and standards of identity and quality issued thereunder, 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.

Effective October 1, 1969

Chapter 42

AN ACT Relating to Tree and Shrub Seeds Under the Maine Seed Law.

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

Sec. 1. R. S., T. 7, § 485, amended. Section 485 of Title 7 of the Revised Statutes is amended to read as follows :

§ 485. Annual analysis

The Director of the Maine Agricultural Experiment Station shall annually analyze, or cause to be analyzed, samples of articles of agricultural ~~or vegetable~~ seed, vegetable or tree and shrub seeds, commercial feeding stuff, commercial fertilizer, drugs, foods and economic poisons at such time and to