

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

action as determined necessary to further the purposes of this chapter;

See title page for effective date.

## CHAPTER 416

H.P. 361 - L.D. 486

### An Act Regarding Fish Stocking

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

**Sec. 1. 12 MRSA §7013-A** is enacted to read:

#### **§7013-A. Fish stocking**

**1. Public comments.** When the Department of Inland Fisheries and Wildlife, Bureau of Resource Management determines that there is a need to consider changing the long-term management objectives on a water or group of waters that supports a major fishery or major fisheries, the Department of Inland Fisheries and Wildlife shall provide information regarding such a proposal to any person at that person's request. The bureau shall conduct department-sponsored meetings to solicit public comments on those management objectives.

**2. Department-sponsored meetings.** Regional fisheries biologists must be available at department-sponsored meetings held pursuant to subsection 1 to review the management opportunities presented by the proposals to change long-term management objectives, as well as the information used to assess the opportunities, and to receive public comments concerning the proposals.

See title page for effective date.

## CHAPTER 417

H.P. 694 - L.D. 961

### An Act to Strengthen the State's Drug Laws

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

**Sec. 1. 17-A MRSA §1105, sub-§1, ¶E,** as amended by PL 1995, c. 65, Pt. A, §58 and affected by §153 and Pt. C, §15, is further amended to read:

E. A person violates section 1103 or 1106, and, at the time of the offense, the person is on a school bus or on or within 1,000 feet of the real property comprising a private or public elemen-

tary or secondary school. For purposes of this paragraph, "school bus" has the same meaning as set forth in Title 29-A, section 2301, subsection 5; or

**Sec. 2. 17-A MRSA §1105, sub-§1, ¶F,** as enacted by PL 1989, c. 924, §11, is amended to read:

F. A person violates section 1103 or 1106, and, at the time of the offense, the person enlists or solicits the aid of or conspires with a child who is, in fact, under 18 years of age, to traffick in or furnish any scheduled drug.

See title page for effective date.

## CHAPTER 418

S.P. 281 - L.D. 799

### An Act Requiring Labeling of Unpasteurized Milk Products

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

**Sec. 1. 7 MRSA §2901, sub-§8-D,** as enacted by PL 1997, c. 639, §1, is repealed and the following enacted in its place:

**8-D. Farm cheese.** "Farm cheese" means cheese manufactured within the State on the farm on which the milk is produced from milk that is heat-treated. "Heat-treated," for the purposes of section 2904-A, means the process of heating every particle of milk to a temperature of 145 degrees Fahrenheit for at least 30 minutes using a double boiler. "Farm cheese" does not include cheese that has been aged at a temperature above 35 degrees Fahrenheit for at least 60 days.

**Sec. 2. 7 MRSA §2902-B** is enacted to read:

#### **§2902-B. Sale of unpasteurized milk and milk products**

It is unlawful for a person to sell unpasteurized milk or a product made from unpasteurized milk unless the label on that product contains the words "not pasteurized." It is unlawful for a person to sell unpasteurized milk or a product made from unpasteurized milk at an eating establishment as defined in Title 22, section 2491, subsection 7. This section does not apply to farm cheese or to cheese that has been aged at a temperature above 35 degrees Fahrenheit for at least 60 days prior to sale.

**Sec. 3. 7 MRSA §2904-A,** as enacted by PL 1997, c. 639, §2, is amended to read:

#### **§2904-A. Farm cheese**

**1. Inspection.** The department shall inspect the processing of ~~farmstead~~ farm cheese using the same standards used to inspect the processing of other cheeses.

**2. Licensing.** A producer may not sell ~~farmstead~~ farm cheese unless licensed in accordance with this section. The department shall issue a license to a ~~farmstead~~ farm cheese producer ~~in accordance with the same standards used to issue licenses to other cheese producers who uses equipment and standards established in this section and in rules adopted pursuant to this section.~~

**3. Labeling.** ~~The department shall establish rules for the labeling of farmstead cheese. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. Except as provided in subsection 6, farm cheese that is offered for sale must bear a label that contains the words "heat-treated, not pasteurized." Except as provided in subsection 6, when farm 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 farm cheese and must provide notice that farm cheese is not pasteurized using the words "heat-treated, not pasteurized" on the menu.~~

**4. Sale restrictions.** ~~Farmstead cheese may only be sold from the farm where it is produced and through farm stands and farmers' markets, as defined in section 415.~~

**5. Standards, rules.** Milk used for making farm cheese must be heat-treated in a double boiler with a capacity for heat-treating not more than 2 gallons of milk per batch. The double boiler and thermometer used for heat treatment must be approved by the department. The department shall adopt rules to establish a process for licensing and inspecting farm cheese producers. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

**6. Established producers.** For the purposes of this section, "established producer" means a person who on June 30, 1998 held a valid license to produce farm cheese for sale and who heat-treated the milk using a double boiler method prior to making the farm cheese. Notwithstanding subsection 3, farm cheese made by an established producer and offered for sale must bear a label that contains the words "heat-treated." Notwithstanding subsection 3, when farm cheese made by an established producer 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 farm cheese and must provide notice that farm cheese is heat-treated using the words "heat-treated"

on the menu. A license issued to an established producer under this section may not be transferred to another person. This subsection is repealed June 30, 2004.

See title page for effective date.

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## CHAPTER 419

H.P. 610 - L.D. 850

### An Act to Institute Wild Number Beano

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

**Sec. 1. 17 MRSA §311, sub-§7-B** is enacted to read:

**7-B. Wild number beano.** "Wild number beano" means a beano occasion, game or series of beano games in which a number is picked or denoted as a wild number that may be used to fill any number or letter on a beano card.

**Sec. 2. 17 MRSA §314-C** is enacted to read:

#### **§314-C. Wild number beano**

An organization licensed under section 314 may conduct wild number beano during any beano occasion. The wild number must be announced at the beginning of a wild number beano game or at the beginning of each game conducted as part of a series.

See title page for effective date.

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## CHAPTER 420

S.P. 329 - L.D. 983

### An Act to Amend the Centers for Innovation Program

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

**Sec. 1. 5 MRSA §1581**, as amended by PL 1997, c. 24, Pt. FF, §3, is further amended by inserting at the end a new paragraph to read:

The Centers for Innovation program, established under section 13124, must be a separate appropriation not included under any other department or agency in the General Fund appropriation bill.

**Sec. 2. Funding level.** In implementing section 1 of this Act, the amounts appropriated for the Centers for Innovation program must be at least the