

# MAINE STATE LEGISLATURE

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## CHAPTER 609

## INSPECTIONS AND ENFORCEMENT

Sec.

- 3101. Inspection and analysis.
- 3102. Examination procedures.
- 3103. Pasteurization standards and equipment.
- 3104. Injunctions by commissioner.

**§ 3101. Inspection and analysis**

The commissioner shall inspect the production, manufacture, transportation, storage and sale of milk, cream, butter and all other dairy products, substitutes therefor, or imitations thereof.

The commissioner shall have free access at all reasonable hours to any dairy farm, milk plant, vehicle, establishment, premises or place where milk or milk products, substitutes therefor, or imitations thereof, are or may be produced, collected, handled, processed, pasteurized, bottled, packaged, stored, sold or otherwise prepared for distribution for the purpose of inspecting such dairy farm, milk plant, vehicle, establishment, premises or place to determine if any of the provisions of sections 2901 to 2904 and 3101 to 3103 are being violated; and to secure samples or specimens of any milk, cream, milk products, substitutes or imitations thereof, after paying or offering to pay the market value for such samples. The commissioner shall make or cause to be made examination of samples secured under this section to determine whether or not any provisions of sections 2901 to 2904 and 3101 to 3103 are being violated.

The commissioner may seize without warrant such cans, bottles, containers and equipment used in the production, handling, processing, pasteurizing, bottling, or used in the purchase or sale of milk or cream as may be needed as evidence of violation of any provisions of sections 2901 to 2904 and 3101 to 3103.

The commissioner may, in his discretion, publish the results of all analyses with the names of the persons, firms, corporations, associations and societies from which the samples analyzed were taken or the name of the milk dealer. He may, in his discretion, issue a report of the results of all analyses, for distribution to such newspapers in the State as may request a copy.

1961, c. 163, § 1.

§ 3102. Examination procedures

The examination of milk and milk products shall conform to the procedures in the current edition of "Standard Methods for the Examination of Dairy Products" recommended by the American Public Health Association, or shall conform to the official methods of "Association of Official Agricultural Chemists."

1961, c. 163, § 1.

§ 3103. Pasteurization standards and equipment

**1. Raw milk or cream.** Raw milk or raw cream means raw milk or raw cream which is to be consumed raw, produced upon dairy farms complying with the provisions of sections 2901 to 2904 and 3101 to 3103 and the rules and regulations issued thereunder.

The standard plate count of raw milk shall not be more than 50,000 colonies of bacteria per milliliter. The standard plate count of raw cream shall not be more than 50,000 colonies of bacteria per gram.

**2. Standard plate count.** The standard plate count of pasteurized milk shall not be more than 20,000 colonies of bacteria per milliliter.

**3. Phosphatase test.** All pasteurized milk, pasteurized cream, pasteurized flavored milk product and pasteurized flavored dairy drinks, skim milk and fat-free milk as defined by sections 2901 to 2904 and 3101 to 3103 shall show efficient pasteurization as evidenced by a satisfactory phosphatase test.

**4. Pasteurized cream.** Pasteurized cream means cream produced from raw milk or from raw cream which has been pasteurized. The standard plate count of pasteurized cream shall not be more than 50,000 colonies of bacteria per gram.

**5. Pasteurized milk.** Pasteurized milk means milk which has been pasteurized, cooled and placed in the final container in a milk plant operated by a licensed dealer. Milk shall be pasteurized under the following provisions and specifications and in compliance with the rules and regulations promulgated by the commissioner.

**A. Floors.** Floors of all rooms in which milk is handled shall be constructed of concrete or other equally impervious and easily cleaned material. They shall be smooth, properly drained and provided with trapped drains and kept clean.

**B. 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.

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

**D. Lighting and ventilation.** All rooms shall be well lighted and ventilated.

**E. 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. There shall be a separate room for pasteurizing, cooling and bottling operations and a separate room for washing and sterilizing bottles, cans and equipment. Cans of 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.

**F. Toilet facilities.** Every plant shall be provided with toilet facilities. Toilet rooms 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. Toilet rooms shall not open directly into any room in which milk, milk products, equipment or containers are handled or stored.

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

**H. Equipment.** All equipment with which milk comes in contact shall be of smooth, impervious, noncorrodible, non-toxic material; shall be so constructed and so located as to be easily cleaned; and shall be kept in good repair. Only sanitary milk piping of a type which can be easily cleaned shall be used. All single service containers, closures, gaskets and other articles used shall have been manufactured, packaged, transported and handled in a sanitary manner. The construction and operation of all pasteurizing vats and other equipment shall meet with the approval of the commissioner and shall be in compliance with rules and regulations promulgated by him.

**I. Disposal of wastes.** All wastes shall be properly disposed of.

**J. Containers and equipment.** All milk and milk product containers and equipment, except single service containers, shall be thoroughly cleaned after each usage, and subjected effectively to bactericidal treatment before each usage in compliance with the rules and regulations promulgated by the commissioner. Milk dealers shall thoroughly clean and effectively sanitize all empty containers before returning them or causing them to be forwarded to a producer or to another dealer.

**K. Storage and handling of containers and equipment.** After bactericidal treatment, all bottles, cans and other milk and milk product containers and equipment shall be transported and stored in such a manner as to be protected from contamination. Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such a manner as to permit contamination of the milk.

**L. Storage of caps, parchment paper, single service containers and gaskets.** Milk bottle caps, cap or container stock, parchment paper for milk cans, single service containers and gaskets shall be purchased and stored only in sanitary tubes, wrappings or cartons; shall be kept therein in a clean, dry place until used, and shall be handled in a sanitary manner.

**M. Cooling.** Pasteurized milk and milk products shall be cooled immediately in approved equipment to a temperature of 50° F., or less, and held at this temperature until delivered to the consumer. This provision shall not be deemed to include milk products to be used for culturing.

**N. Bottling and packaging.** Bottling and packaging of pasteurized milk, pasteurized skim milk, pasteurized non-fat or fat-free milk, pasteurized flavored milk and pasteurized flavored dairy drink shall be done at the place of pasteurization in approved mechanical equipment in such manner as to prevent any part of the person or clothing from coming in contact with any surface with which milk or milk products come in contact. Overflow milk shall not be sold for human consumption.

**O. Capping.** Capping of milk, cream, skim milk, non-fat or fat-free milk, flavored milk or flavored dairy drink shall be done in a sanitary manner by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall protect the pouring lip to at least its largest diameter.

**P. Personnel cleanliness.** All persons who come in contact with milk, milk products, containers and equipment shall wear clean outer garments and shall keep their hands clean at all times while engaged in such work.

**Q. Vehicles.** All vehicles used for the transportation of milk, cream, skim milk, nonfat or fat-free milk, flavored milk or flavored dairy drink shall be constructed and operated so as to protect their contents from the sun, from freezing and from contamination. All vehicles used for the distribution of milk or cream shall have the name of the distributor prominently displayed thereon. Milk tank trucks shall be constructed, maintained, operated, washed and sanitized in accordance with the requirements of sections 2901 to 2904 and 3101 to 3103 pertaining to all other milk handling equipment. 1961, c. 163, § 1.

#### **§ 3104. Injunctions by commissioner**

In addition to any other remedy for the enforcement of sections 2901 to 2904 and 3101 to 3103 or any rule, regulation, order or decision of the commissioner, the Superior Court shall have jurisdiction upon complaint filed by the commissioner to restrain or enjoin any person from committing any act prohibited by sections 2901 to 2904 and 3101 to 3103 or prohibited by any rule, regulation, order or decision of the commissioner. If it is established, upon hearing, that the person charged has been or is committing any act declared to be unlawful by sections 2901 to 2904 and 3101 to 3103 or is in violation of any rule, regulation, order or decision of the commissioner, the court shall enter a decree perpetually enjoining said person from further commission of such act or actions. In case of violation of any injunction issued under this section, the court shall summarily try and punish the person for contempt of court. The existence of other civil or criminal remedies shall be no defense to this proceeding. The commissioner shall not be required to give or post a bond when making an application for an injunction under this section.

1963, c. 255, § 5.