

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Pertaining to the Definition of "Milk"

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

Sec. 1. 7 MRSA §2900, sub-§5-A is enacted to read:

5-A. Fresh milk. "Fresh milk" means milk offered for sale to the public that has not been dehydrated, rehydrated or reconstituted in whole or in part and does not contain caseins, casein products or caseinates other than those caseins, casein products or caseinates that occur naturally.

Sec. 2. 7 MRSA §2900, sub-§6-A is enacted to read:

6-A. Maine fresh milk. "Maine fresh milk" means milk consisting entirely of fresh milk produced in the State.

Sec. 3. 7 MRSA §2900, sub-§13-A is enacted to read:

13-A. Northeastern fresh milk. "Northeastern fresh milk" means milk consisting entirely of fresh milk produced in Delaware, Maryland, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire or Maine.

Sec. 4. 7 MRSA §2901-A, as amended by PL 1999, c. 679, Pt. A, §3, is further amended to read:

§ 2901-A. Standards and labeling

Notwithstanding any other requirements of this chapter, milk and milk products, defined in accordance with standards then in effect that have been adopted by the United States Government and labeled in conformity with labeling requirements then in effect that have been adopted by the United States Government, are considered to conform with the definitions and labeling requirements set forth in this chapter; except that containers of milk and cream packaged in Maine must also bear the name and address of the Maine licensed milk distributor and sufficient information to identify the milk plant where packaged and milk labeled as fresh must comply with section 2901-D.

Sec. 5. 7 MRSA §2901-D is enacted to read:

§ 2901-D. Labeling milk as fresh

A person may not sell milk labeled as "fresh milk," "Maine fresh milk" or "Northeastern fresh milk" unless the milk meets the definition of those terms under section 2900, subsection 5-A, 6-A or 13-A.

SUMMARY

This bill prohibits the sale of milk labeled as "fresh milk," "Maine fresh milk" or "Northeastern fresh milk" unless the milk meets the definition for the term used, as enacted in the bill. Civil penalties under

the Maine Revised Statutes, Title 7, section 2908-A apply as well as the Commissioner of Agriculture, Food and Rural Resources' authority to apply for an injunction under Title 7, section 2910-A.