

## §2902-A. Operating permits

**1. Sale prohibited.** Following the adoption of and in accordance with rules established according to this section, no operator of a dairy farm may sell any milk to a milk distributor unless the operator holds a valid operating permit for the farm issued by the commissioner.

[PL 1999, c. 679, Pt. A, §7 (AMD).]

**2. Issuance of operating permits.** The commissioner, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, shall adopt rules for the issuance of operating permits. These rules must establish permitting procedures and standards for permit issuance. In establishing these procedures and standards, the commissioner shall seek consistency with applicable federal milk regulations and guidelines and with the provisions of agreements among states relating to the interstate shipment of milk. These permits are not transferable with respect to persons or locations or both.

[PL 1999, c. 679, Pt. A, §7 (AMD).]

**3. Permit granted; requirements; suspension.** A permit must be granted upon the express condition that the permittee at all times conducts the operation and maintains the facilities in accordance with the requirements of state law and any rules adopted under this chapter. Any violation that results in a health or safety hazard may lead to suspension of a permit in accordance with Title 5, section 10004 for a period of up to 30 days. A suspension or revocation of a permit for longer than 30 days, or a refusal to renew a permit, must be in accordance with Title 5, chapter 375, subchapter 5.

[PL 2017, c. 475, Pt. A, §7 (AMD).]

**4. Hearing on suspension of permit.** Upon receiving a written request from a person whose permit has been suspended, or who has been given a notice of intent to suspend by the commissioner, the commissioner shall within 72 hours conduct a hearing to ascertain the facts involved in the case and, based upon the evidence presented at that hearing, shall affirm, modify or rescind the suspension or notification of intent to suspend.

[PL 1987, c. 700, §2 (NEW).]

**5. Exemption.** An operator of a dairy farm located outside this State who holds a similar operating permit for that farm from a regulatory agency in another state may be exempted from this permit requirement by the commissioner.

[PL 1999, c. 679, Pt. A, §7 (AMD).]

### SECTION HISTORY

PL 1987, c. 700, §2 (NEW). RR 1999, c. 1, §4 (COR). PL 1999, c. 679, §A7 (AMD). PL 2017, c. 475, Pt. A, §7 (AMD).

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