

**§2512. Powers and duties of the commissioner**

The commissioner shall implement a meat and poultry products inspection and licensing program that imposes and enforces requirements with respect to intrastate operations and commerce that are at least as stringent as those imposed and enforced under the federal acts with respect to operations and transactions in interstate commerce. The Department of Agriculture, Conservation and Forestry is designated as the state agency to administer this chapter and to cooperate with the Secretary of Agriculture of the United States in developing and administering the state meat inspection program. [PL 1999, c. 777, §1 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

**1. Duties.** The commissioner shall:

A. Require ante mortem and post mortem inspections, quarantine, segregation and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in this State, except those exempted under section 2517-C or 2517-E or exempted by the commissioner under subsection 2, paragraph K, at which livestock or poultry are slaughtered or livestock products or poultry products are prepared for human food solely for distribution in intrastate commerce; [PL 2019, c. 73, §2 (AMD).]

B. Require the identification of livestock and poultry for inspection purposes and the marking and labeling of livestock products or poultry products or their containers, or both, as "Maine Inspected and Passed" if the products are not found upon inspection to be adulterated and "Maine Inspected and Condemned" if they are found upon inspection to be adulterated and the destruction for food purposes of all the condemned products under the supervision of an inspector; [PL 1999, c. 777, §1 (NEW).]

C. Prohibit the entry into official establishments of livestock products and poultry products not prepared under federal inspection or inspection pursuant to this chapter and further limit the entry of these articles and other materials into licensed establishments under conditions that the commissioner determines necessary to carry out the purposes of this chapter; [PL 1999, c. 777, §1 (NEW).]

D. Require that when livestock products and poultry products leave official establishments they bear directly on the products or on their containers, or both, as the commissioner may require, all information required under section 2511, subsection 29 and require approval of all labeling and containers to be used for the products when sold or transported in intrastate commerce to ensure that they comply with the requirements of this chapter; [PL 1999, c. 777, §1 (NEW).]

E. Investigate the sanitary conditions of each licensed or official establishment under paragraph A and withdraw or otherwise refuse to provide inspection service at a licensed or official establishment where the sanitary conditions are such as to render adulterated the livestock products or poultry products prepared or handled there; [PL 1999, c. 777, §1 (NEW).]

F. Establish standards relating to sanitation for all establishments required to have inspection under paragraph A or required to be licensed under section 2514; and [PL 1999, c. 777, §1 (NEW).]

G. Require that persons licensed under this chapter keep records; fully and correctly disclose all transactions involved in their business; and afford to the commissioner and the commissioner's representatives, including representatives of other governmental agencies designated by the commissioner, access to their places of business and opportunity, at all reasonable times, to examine the facilities, inventory and records, to copy the records and to take reasonable samples of the inventory upon the payment of the fair market value. [PL 1999, c. 777, §1 (NEW).]

[PL 2019, c. 73, §2 (AMD).]

**2. Powers.** The commissioner may:

- A. Remove inspectors from an official establishment that fails to destroy condemned products as required by subsection 1, paragraph B; [PL 1999, c. 777, §1 (NEW).]
- B. Refuse to provide inspection service under this chapter with respect to an official establishment for reasons specified in the Federal Meat Inspection Act, Section 401 or the Poultry Products Inspection Act, Section 18 or for any other violation of this chapter or the rules adopted under it; [PL 2021, c. 64, §12 (AMD).]
- C. Order labeling and containers to be withheld from use if the commissioner determines that the labeling is false or misleading or the containers are of a misleading size or form; [PL 1999, c. 777, §1 (NEW).]
- D. [PL 2021, c. 64, §13 (RP).]
- E. Authorize inspection to continue at an official establishment on state holidays or beyond the regular work shift or workweek for state inspectors as long as the necessary inspectors are available and the official establishment pays all overtime salaries for inspections necessary to keep the plant open and other expenses caused by the overtime employment; [PL 2021, c. 64, §14 (AMD).]
- F. Adopt by reference, or otherwise, provisions of the rules under the federal acts with changes as the commissioner determines appropriate to make those provisions applicable to operations and transactions subject to this chapter that have the same effect as if adopted under this chapter. The commissioner may adopt other rules of practice providing an opportunity for hearing in connection with the issuance of orders under paragraph A, B or C or subsection 1, paragraph E and establishing a procedure for proceedings in these cases. This paragraph does not preclude a requirement that a label or container be withheld from use or a refusal of inspection under paragraph A or C or subsection 1, paragraph E pending issuance of a final order in a proceeding; [PL 1999, c. 777, §1 (NEW).]
- G. Appoint and prescribe the duties of a director, inspectors and other personnel that the commissioner determines necessary to carry out the purposes of this chapter; [PL 1999, c. 777, §1 (NEW).]
- H. Cooperate with the Secretary of Agriculture of the United States in administration of this chapter to carry out the purposes of this chapter, accept federal assistance for that purpose and spend public funds of this State appropriated for administration of this chapter to pay the State's proportionate share of the estimated total cost of the cooperative program; [PL 1999, c. 777, §1 (NEW).]
- I. Recommend to the Secretary of Agriculture of the United States officials or employees of the Department of Agriculture, Conservation and Forestry for appointment to the advisory committees provided for in the federal acts; [PL 1999, c. 777, §1 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]
- J. Serve as the representative of the Governor for consultation with the Secretary of Agriculture under the Federal Meat Inspection Act, Section 301, Subsection (c) and the Poultry Products Inspection Act, Section 5, Subsection (c) unless the Governor selects another representative; [PL 2021, c. 64, §15 (AMD).]
- K. Exempt the operations of a person from inspection or other requirements of this chapter if and to the extent the operations would be exempt from the corresponding requirements under the federal acts if the operations were conducted in or for interstate commerce or if the State were designated under the federal acts as one in which the federal requirements apply to intrastate commerce; [PL 1999, c. 777, §1 (NEW).]
- L. Require a retail vendor that affixes labels with a date to meat, meat food products or poultry products to clearly and conspicuously post its policy concerning date of sale labeling to enable consumers to understand the policy; [PL 1999, c. 777, §1 (NEW).]

M. Exempt a livestock producer that sells directly to consumers or inspected slaughterhouses in carcass form from the licensing requirements of section 2514. To be eligible for this exemption, the livestock must be slaughtered under inspection and the producer shall relinquish control of the carcass at the slaughterhouse. Payment for the carcasses is based on hanging weight rather than live weight. This exemption does not apply to retail operations or poultry; [PL 1999, c. 777, §1 (NEW).]

N. Establish the sizes and style of type to be used for labeling information required under this chapter and definitions and standards of identity or composition or standards of fill of container consistent with federal standards when the commissioner determines the action appropriate for the protection of the public; [PL 1999, c. 777, §1 (NEW).]

O. Establish conditions for storage and handling of livestock products and poultry products by persons engaged in the business of buying, selling, freezing, storing or transporting these products in or for intrastate commerce to ensure that these products are not adulterated or misbranded when delivered to the consumer; [PL 2019, c. 633, §1 (AMD).]

P. Establish the method for providing voluntary inspection and withdrawal of voluntary inspection of exotic animals, domesticated deer, domestic rabbits and amenable species. These rules may also provide for the inspection of meat and meat food products derived from those animals. The commissioner shall provide voluntary inspection of exotic animals, domesticated deer, domestic rabbits and amenable species produced in the State, including the inspection of meat and meat food products derived from exotic animals, domesticated deer, domestic rabbits and amenable species, for which the commissioner shall charge an hourly fee. The commissioner shall charge per hour for inspection of meat and meat food products processed in the State but derived from exotic animals, domesticated deer, domestic rabbits and amenable species; and [PL 2021, c. 64, §16 (AMD).]

Q. Establish procedures for the disposition of inspected meat, meat products, poultry and poultry products that have been found to be misbranded but not found to be adulterated. [PL 2019, c. 633, §3 (NEW).]

[PL 2021, c. 64, §§12-16 (AMD).]

#### SECTION HISTORY

PL 1999, c. 777, §1 (NEW). PL 2003, c. 20, §E1 (AMD). PL 2003, c. 451, §G1 (AMD). PL 2009, c. 354, §2 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). PL 2019, c. 73, §2 (AMD). PL 2019, c. 633, §§1-3 (AMD). PL 2021, c. 64, §§12-16 (AMD).

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