

§2511. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1999, c. 771, §1 (NEW).]

1. Adulterated. "Adulterated" applied to a livestock or poultry product means that the livestock product or poultry product:

A. Contains a poisonous or harmful substance that may render it injurious to health. The product is not considered adulterated under this definition if the quantity of the substance in or on the product does not ordinarily render it injurious to health; [PL 1999, c. 771, §1 (NEW).]

B. Contains an added poisonous or harmful substance that may, in the judgment of the commissioner, make the product unfit for human food; [PL 1999, c. 771, §1 (NEW).]

C. Is a raw agricultural commodity and the commodity contains a pesticide chemical that is unsafe within the meaning of the Federal Food, Drug, and Cosmetic Act, Section 408; [PL 1999, c. 771, §1 (NEW).]

D. Contains a food additive that is unsafe within the meaning of the Federal Food, Drug, and Cosmetic Act, Section 409; [PL 1999, c. 771, §1 (NEW).]

E. Contains a color additive that is unsafe within the meaning of the Federal Food, Drug, and Cosmetic Act, Section 706. A product that is not otherwise considered adulterated under paragraph C or D is considered adulterated if use of the pesticide chemical, food additive or color additive in or on the product is prohibited by rules of the commissioner in licensed establishments; [PL 1999, c. 771, §1 (NEW).]

F. Consists of any filthy, putrid or decomposed substance or is unsound, unhealthful, unwholesome or otherwise unfit for human food; [PL 1999, c. 771, §1 (NEW).]

G. Has been prepared, packed or held under unsanitary conditions where it may have become contaminated with filth or where it may have been rendered injurious to health; [PL 1999, c. 771, §1 (NEW).]

H. Is the product of an animal, including poultry, that has died in a manner other than by slaughter; [PL 1999, c. 771, §1 (NEW).]

I. Is in or has been in a container composed of a poisonous or harmful substance that may render the contents injurious to health; [PL 1999, c. 771, §1 (NEW).]

J. Has been subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to the Federal Food, Drug, and Cosmetic Act, Section 409; [PL 1999, c. 771, §1 (NEW).]

K. Has had a valuable constituent omitted or abstracted; has had a substance substituted, wholly or in part; has had damage or inferiority concealed in any manner; or has had a substance added, mixed or packed so as to increase its bulk or weight, reduce its quality or strength or make it appear better or of greater value than it is; or [PL 1999, c. 771, §1 (NEW).]

L. Is margarine containing animal fat, and any of the raw material used consisted of a filthy, putrid or decomposed substance. [PL 1999, c. 771, §1 (NEW).]

[PL 1999, c. 771, §1 (NEW).]

2. Animal food manufacturer. "Animal food manufacturer" means a person engaged in the business of preparing animal food, including poultry food, derived wholly or in part from livestock or poultry carcasses or parts or products of carcasses.

[PL 1999, c. 771, §1 (NEW).]

3. Broker or meat and poultry products broker. "Broker" or "meat and poultry products broker" means a person engaged in the business of buying or selling livestock products or poultry products for other persons on commission or otherwise negotiating purchases or sales of these products other than for the broker's account or as an employee of another person.

[PL 1999, c. 771, §1 (NEW).]

4. Color additive. "Color additive" has the same meaning as under the Federal Food, Drug, and Cosmetic Act.

[PL 1999, c. 771, §1 (NEW).]

5. Commercial processor. "Commercial processor" means a person who maintains an official establishment under this chapter for the purpose of processing livestock, meat, meat food products, poultry or poultry products other than for the exclusive use in the household of the owner of the commodity by the owner and members of the owner's household and the owner's nonpaying guests and employees.

[PL 1999, c. 771, §1 (NEW).]

6. Commercial slaughterhouse. "Commercial slaughterhouse" means a person engaged in the business of slaughtering livestock or poultry other than as a custom slaughterhouse.

[PL 1999, c. 771, §1 (NEW).]

7. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee.

[PL 1999, c. 771, §1 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

8. Consumer package. "Consumer package" means a container or package that contains a product in its final form for sale to the end-use consumer.

[PL 1999, c. 771, §1 (NEW).]

9. Container or package. "Container" or "package" means a box, can, tin, cloth or plastic or other receptacle, wrapper or cover.

[PL 1999, c. 771, §1 (NEW).]

10. Custom processor. "Custom processor" means a person who maintains a licensed establishment under this chapter for the purpose of processing livestock, meat, meat food products, poultry or poultry products exclusively for use in the household of the owner of the commodity by the owner and members of the owner's household and the owner's nonpaying guests and employees.

[PL 1999, c. 771, §1 (NEW).]

11. Custom slaughterhouse. "Custom slaughterhouse" means a person who maintains a slaughtering facility that is a licensed establishment or a registered establishment under this chapter for the purposes of slaughtering livestock or poultry for another person's exclusive use by that person and members of that person's household and that person's nonpaying guests and employees, and who is not engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products or any cattle, domesticated deer, sheep, swine, goats, domestic rabbits, equines, poultry or other designated animals useable as human food.

[PL 2013, c. 252, §1 (AMD).]

12. Director. "Director" means the person designated by the commissioner to be in charge of the day-to-day operations of the state meat and poultry inspection and licensing program established by this chapter.

[PL 1999, c. 771, §1 (NEW).]

13. Domesticated deer. "Domesticated deer" means fallow deer, family Cervidae, subfamily Cervinae, genus Dama; red deer, family Cervidae, subfamily Cervinae, genus Cervus, species Elaphus; and any other species specified under Title 7, section 1333, subsection 1 kept as domestic animals for breeding stock or for sale as food.

[PL 2003, c. 386, §18 (AMD).]

14. Federal acts. "Federal acts" means the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act.

[PL 1999, c. 771, §1 (NEW).]

15. Federal Food, Drug, and Cosmetic Act. "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938, 52 Stat. 1040, and amendatory or supplementary acts. It includes as part of its meaning the Maine Food Law, chapter 551, subchapter 1, rules promulgated under that subchapter and amendatory or supplementary acts, when not inconsistent with the Federal Food, Drug, and Cosmetic Act.

[PL 1999, c. 771, §1 (NEW).]

16. Federal Meat Inspection Act. "Federal Meat Inspection Act" means the Act so entitled, approved March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act 81 Stat. 584.

[PL 1999, c. 771, §1 (NEW).]

17. Federal Poultry Products Inspection Act. "Federal Poultry Products Inspection Act" means the Act so entitled, approved August 28, 1957, 71 Stat. 441, as amended by the Federal Wholesome Poultry Products Act, 82 Stat. 791.

[PL 1999, c. 771, §1 (NEW).]

18. Food additive. "Food additive" has the same meaning as under the Federal Food, Drug, and Cosmetic Act.

[PL 1999, c. 771, §1 (NEW).]

19. Handler of dead, dying, disabled or diseased animals. "Handler of dead, dying, disabled or diseased animals" means a person who buys, sells, transports or otherwise handles animals that died other than by slaughter or animals that display the following symptoms:

A. Central nervous system disorder; [PL 1999, c. 771, §1 (NEW).]

B. Abnormal temperature, high or low; [PL 1999, c. 771, §1 (NEW).]

C. Difficult breathing; [PL 1999, c. 771, §1 (NEW).]

D. Abnormal swellings; [PL 1999, c. 771, §1 (NEW).]

E. Lack of muscular coordination; [PL 1999, c. 771, §1 (NEW).]

F. Inability to walk normally or stand; or [PL 1999, c. 771, §1 (NEW).]

G. Any of the conditions for which livestock are required to be condemned on ante mortem inspection in accordance with the requirements of this chapter and the rules adopted pursuant to this chapter. [PL 1999, c. 771, §1 (NEW).]

[PL 1999, c. 771, §1 (NEW).]

20. Immediate container. "Immediate container" means a consumer package or any other container in which livestock products or poultry products are packed.

[PL 1999, c. 771, §1 (NEW).]

21. Inspector. "Inspector" means an employee or official of the State or an employee or official of the Federal Government or of any other governmental entity of this State, authorized by the commissioner to perform inspection functions under this chapter under an agreement between the commissioner and the governmental entity.

[PL 1999, c. 771, §1 (NEW).]

22. Label. "Label" means a display of written, printed or graphic matter upon a product or the immediate container, not including package liners, of a product.

[PL 1999, c. 771, §1 (NEW).]

23. Labeling. "Labeling" means all labels and other written, printed or graphic matter:

A. On a product or its container or wrapper; or [PL 1999, c. 771, §1 (NEW).]

B. Accompanying the product. [PL 1999, c. 771, §1 (NEW).]

[PL 1999, c. 771, §1 (NEW).]

24. Licensed establishment. "Licensed establishment" means a person required to hold a license under section 2514.

[PL 1999, c. 771, §1 (NEW).]

25. Livestock. "Livestock" means cattle, domesticated deer, sheep, swine, goats, domestic rabbits, horses, mules, other equines or other designated animals, whether live or dead.

[PL 1999, c. 771, §1 (NEW).]

26. Livestock product. "Livestock product" means a carcass or part of a carcass, meat or meat food product of any livestock.

[PL 1999, c. 771, §1 (NEW).]

26-A. Locally owned grocery store. "Locally owned grocery store" means a grocery store at least 51% of which is owned by one or more residents of the State and that has a gross floor area of 25,000 square feet or less.

[PL 2013, c. 304, §1 (NEW).]

26-B. Locally owned restaurant. "Locally owned restaurant" means an eating establishment at least 51% of which is owned by one or more residents of the State and that is not a chain restaurant pursuant to section 2491, subsection 2-B.

[PL 2013, c. 304, §1 (NEW).]

27. Meat. "Meat" means the part of the muscle of cattle, domesticated deer, sheep, swine, goats, horses, mules, other equines or other designated animals that is skeletal or that is found in the tongue, diaphragm, heart or esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve and blood vessels that normally accompany the muscle tissue but does not include the muscle found in the lips, snout or ears.

[PL 1999, c. 771, §1 (NEW).]

28. Meat food product or meat product. "Meat food product" or "meat product" means a product useable as human food that is made wholly or in part from any meat or other portion of a carcass of cattle, domesticated deer, sheep, swine, domestic rabbits or goats, excepting products that are exempted from definition as a meat food product by the commissioner under conditions that the commissioner may prescribe to ensure that the meat or other portions of carcass contained in products are unadulterated and that products are not represented as meat food products. This term, as applied to food products of equines or other designated animals, has a meaning comparable to that provided in this subsection with respect to cattle, domesticated deer, sheep, swine, domestic rabbits and goats.

[PL 1999, c. 771, §1 (NEW).]

29. Misbranded. "Misbranded" applies to any livestock product or poultry product under one or more of the following circumstances:

A. Its labeling is false or misleading; [PL 1999, c. 771, §1 (NEW).]

B. It is offered for sale under the name of another food; [PL 1999, c. 771, §1 (NEW).]

C. It is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately after the word "imitation," the name of the food imitated;

[PL 1999, c. 771, §1 (NEW).]

D. Its container is made, formed or filled so that it is misleading; [PL 1999, c. 771, §1 (NEW).]

E. It does not bear a label showing the name and place of business of the manufacturer, packer or distributor and an accurate statement of the quantity of the product in terms of weight, measure or numerical count, except that the commissioner may establish by rule exemptions for livestock products not in containers and variations and exemptions as to small packages for livestock products or poultry products; [PL 1999, c. 771, §1 (NEW).]

F. A word, statement or other information required by this chapter to appear on the label or labeling is not prominently and conspicuously placed as compared with other words, statements, designs or devices on the labeling and in terms likely to be read and understood by the ordinary individual under customary conditions of purchase and use; [PL 1999, c. 771, §1 (NEW).]

G. It is represented as a food for which a definition and standard of identity or composition has been prescribed by the rules of the commissioner under section 2512 and:

(1) It does not conform to the definition and standard; or

(2) Its label does not bear the name of the food specified in the definition and standard and, as may be required by rules, the common names of optional ingredients other than spices, flavoring and coloring present in the food; [PL 1999, c. 771, §1 (NEW).]

H. It is represented as a food for which a standard of fill of container has been prescribed by rules of the commissioner under section 2512 and it falls below the standard of fill of container, unless its label bears, in such manner and form as the rules specify, a statement that it falls below the standard; [PL 1999, c. 771, §1 (NEW).]

I. It is not a food for which a definition and standard of identity or composition has been prescribed and the label does not bear:

(1) The common or usual name of the food; and

(2) If it is fabricated from 2 or more ingredients, the common name of each ingredient, except that spices, flavorings and colorings may be designated as spices, flavorings and colorings without naming each as provided in rule; [PL 1999, c. 771, §1 (NEW).]

J. It is represented for special dietary uses and its label does not bear such information concerning its vitamin, mineral and other dietary properties as the commissioner determines to be and by rule prescribes as necessary in order to fully inform purchasers of its value for these uses; [PL 1999, c. 771, §1 (NEW).]

K. It contains any artificial flavoring, artificial coloring or chemical preservative, does not have a label stating that fact and does not meet requirements for exemption from this paragraph as established in rule; or [PL 1999, c. 771, §1 (NEW).]

L. It fails to have, directly on its containers, as the commissioner may by rules prescribe, the official inspection legend and establishment number of the official establishment where the product was prepared and any other information as the commissioner may require in rules to ensure that it does not have false or misleading labeling and that the public is informed of the manner of handling required to maintain the product in a wholesome condition. [PL 1999, c. 771, §1 (NEW).]

[PL 1999, c. 771, §1 (NEW).]

29-A. Mobile poultry processing unit. "Mobile poultry processing unit" means a poultry slaughterhouse that meets the structural, operational and licensing requirements of a mobile poultry processing unit under the federal acts and that is operated by a person licensed under section 2514. [PL 2013, c. 304, §2 (NEW).]

30. Official certificate. "Official certificate" means a certificate established by rule of the commissioner for issuance by an inspector or other person performing official functions under this chapter.

[PL 1999, c. 771, §1 (NEW).]

31. Official device. "Official device" means a device authorized by the commissioner for use in applying an official mark.

[PL 1999, c. 771, §1 (NEW).]

32. Official establishment. "Official establishment" means an establishment as determined by the commissioner at which inspection of the slaughter of livestock or poultry or the preparation of livestock products or poultry products is maintained under the authority of this chapter.

[PL 1999, c. 771, §1 (NEW).]

33. Official inspection legend. "Official inspection legend" means a symbol established by rule of the commissioner showing that a product was inspected and passed in accordance with this chapter.

[PL 1999, c. 771, §1 (NEW).]

34. Official mark. "Official mark" means the official inspection legend or any other symbol established by rule of the commissioner to identify the status of any product of livestock or poultry under this chapter.

[PL 1999, c. 771, §1 (NEW).]

35. Person. "Person" includes an individual, partnership, corporation, association or other business unit and an officer, agent or employee.

[PL 1999, c. 771, §1 (NEW).]

36. Pesticide chemical. "Pesticide chemical" has the same meaning as under the Federal Food, Drug, and Cosmetic Act.

[PL 1999, c. 771, §1 (NEW).]

37. Poultry. "Poultry" means a domesticated bird, whether live or dead.

[PL 1999, c. 771, §1 (NEW).]

37-A. Poultry producer. "Poultry producer" means a person who raises poultry offered for sale.

[PL 2009, c. 354, §1 (NEW).]

38. Poultry product. "Poultry product" means a poultry carcass or part of a carcass or a product that is made wholly or in part from a poultry carcass or part of a carcass, excepting products that are exempted by the commissioner from definition as a poultry product under conditions that the commissioner may prescribe to ensure that the poultry ingredients in products are not adulterated and that these products are not represented as poultry products.

[PL 1999, c. 771, §1 (NEW).]

39. Prepared. "Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up or otherwise manufactured or processed.

[PL 1999, c. 771, §1 (NEW).]

40. Public warehouse operator. "Public warehouse operator" means a person who acts as a temporary custodian of meat, meat food products or poultry products stored in that person's warehouse for a fee.

[PL 1999, c. 771, §1 (NEW).]

40-A. Rabbit producer. "Rabbit producer" means a person that raises rabbits offered for sale.

[PL 2019, c. 73, §1 (NEW).]

41. Raw agricultural commodity. "Raw agricultural commodity" has the same meaning as under the Federal Food, Drug, and Cosmetic Act.

[PL 1999, c. 771, §1 (NEW).]

41-A. Registered establishment. "Registered establishment" means a person registered under section 2514-A.

[PL 2015, c. 329, Pt. A, §6 (RPR).]

42. Reinspection. "Reinspection" includes inspection of the preparation of livestock products and poultry products, as well as reexamination of products previously inspected.
[PL 1999, c. 771, §1 (NEW).]

43. Renderer. "Renderer" means a person engaged in the business of rendering livestock or poultry carcasses or parts of carcasses, except rendering conducted under inspection or exemption under this chapter.
[PL 1999, c. 771, §1 (NEW).]

44. Retail vendor. "Retail vendor" means a person who sells, displays, advertises for sale, offers for sale or has available for sale meat, meat food products or poultry products for purchase by consumers. "Retail vendor" includes a person who operates a store or who sells or attempts to sell to consumers at their homes or otherwise sells, displays, advertises, offers or has available for sale meat food products or poultry products at retail for purchase by consumers.
[PL 1999, c. 771, §1 (NEW).]

45. Shipping container. "Shipping container" means a container used or intended for use in packaging a livestock product or poultry product packed in an immediate container.
[PL 1999, c. 771, §1 (NEW).]

45-A. Small enterprise. "Small enterprise" means a person licensed under section 2514 that processes 20,000 birds or fewer in a calendar year and that elects to operate under an exemption pursuant to section 2517-C, subsection 1-B.
[PL 2013, c. 323, §2 (NEW).]

46. Useable as human food. "Useable as human food" refers to a livestock or poultry carcass or part or product of a livestock or poultry carcass, unless it is denatured or otherwise identified as required by rules prescribed by the commissioner to deter its use as human food or as naturally inedible by humans.
[PL 1999, c. 771, §1 (NEW).]

47. Wholesale distributor. "Wholesale distributor" means a person who sells meat to retail vendors, other merchants or to industrial, institutional and commercial users mainly for resale or business use.
[PL 1999, c. 771, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 777, §1 (NEW). PL 2003, c. 386, §18 (AMD). PL 2009, c. 354, §1 (AMD). PL 2011, c. 657, Pt. W, §6 (REV). PL 2013, c. 252, §§1, 2 (AMD). PL 2013, c. 304, §§1, 2 (AMD). PL 2013, c. 323, §§1, 2 (AMD). PL 2015, c. 329, Pt. A, §6 (AMD). PL 2019, c. 73, §1 (AMD).

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