

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

---

Legislative Document

No. 312

---

H.P. 206

House of Representatives, February 10, 2015

### **An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production**

---

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative NOON of Sanford.  
Cosponsored by Senator DILL of Penobscot and  
Representatives: BLACK of Wilton, CHAPMAN of Brooksville, HARLOW of Portland,  
KUMIEGA of Deer Isle, MASTRACCIO of Sanford, RUSSELL of Portland, Senators:  
DUTREMBLE of York, LIBBY of Androscoggin.

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

2 **Sec. 1. 7 MRSA §416** is enacted to read:

3 **§416. Farm-produced dairy products**

4 **1. Definitions.** As used in this section, unless the context indicates otherwise, the  
5 following terms have the following meanings.

6 A. "Farm-produced dairy product" means a dairy product, including but not limited  
7 to yogurt, kefir and fluid milk, that is sold on the same farm on which the dairy  
8 product is produced.

9 B. "Farm-produced dairy product producer" means a person who produces farm-  
10 produced dairy products.

11 C. "Informed end consumer" means, with regard to farm-produced dairy products, a  
12 person who:

13 (1) Purchases or consumes the farm-produced dairy product;

14 (2) Does not resell the farm-produced dairy product or process and sell food  
15 prepared with the farm-produced dairy product; and

16 (3) Has been informed that the farm-produced dairy product was not produced in  
17 a food establishment licensed under Title 22, chapter 551 and that the farm-  
18 produced dairy product has not been inspected.

19 **2. License not required for sale of farm-produced dairy products.** A farm-  
20 produced dairy product producer is exempt from licensing requirements under Part 7,  
21 chapter 601 and Title 22, chapter 551 for sales of farm-produced dairy products when:

22 A. The sales and transfers of the farm-produced dairy product are made directly to an  
23 informed end consumer on the premises on which the farm-produced dairy product  
24 was produced;

25 B. The farm-produced dairy product producer allows each customer to visually  
26 inspect the farm where the farm-produced dairy product was produced. A farm-  
27 produced dairy product producer may require customers who choose to inspect the  
28 farm to follow sanitary procedures determined by the farm-produced dairy product  
29 producer;

30 C. The farm-produced dairy product producer does not advertise the farm-produced  
31 dairy product in any manner other than in a face-to-face exchange between the farm-  
32 produced dairy product producer and the customer;

33 D. The farm-produced dairy product producer successfully completes a course in  
34 dairy sanitation offered by the University of Maine Cooperative Extension and  
35 displays a certificate of completion in a conspicuous place where sales occur. The  
36 farm-produced dairy product producer must complete a course under this paragraph  
37 at least every 3 years; and

38 E. The farm-produced dairy product producer samples source water and recirculating  
39 water on the farm at least once a year, maintains records of all sampling results at the

1 farm and posts the most recent sampling results in a conspicuous place where sales  
2 occur.

3 **3. Farm-produced dairy products and premises exempt from inspection.** Farm-  
4 produced dairy products produced and sold in this State and the premises on which a  
5 farm-produced dairy product is produced are not subject to inspection by the department  
6 under section 446 or Part 7, chapter 601 or Title 22, section 2162 or 2164 when the  
7 transaction is between a farm-produced dairy product producer and an informed end  
8 consumer in accordance with subsection 2.

9 **4. Labeling.** Farm-produced dairy products sold pursuant to this section must be  
10 sold in packages and with a label on each package containing the name, address and  
11 phone number of the farm-produced dairy product producer. The farm-produced dairy  
12 product must also be clearly labeled with the following statement: "This food has been  
13 produced at a facility that is exempt from licensing and inspection by the State of Maine."  
14 If the farm-produced dairy product is made from unpasteurized milk, the label must also  
15 contain the words "not pasteurized."

16 **5. Commissioner's authority.** Notwithstanding subsection 3, when the  
17 commissioner is investigating an outbreak of a foodborne illness and has reason to  
18 believe that a farm-produced dairy product is adulterated pursuant to Title 22, section  
19 2156, subsection 1, the commissioner shall inspect and may detain, embargo or condemn  
20 those products in accordance with Title 22, section 2159.

21 **Sec. 2. 22 MRSA §2176** is enacted to read:

22 **§2176. Application**

23 This subchapter does not apply to the sale of farm-produced dairy products to  
24 informed end consumers pursuant to Title 7, section 416.

25 **SUMMARY**

26 This bill facilitates direct sales of dairy products sold on the same farm on which the  
27 product is produced by exempting those sales from state licensing and inspection  
28 requirements if certain conditions are met.