

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2121

H.P. 1536

House of Representatives, January 5, 1990

Submitted by the Department of Agriculture, Food and Rural Resources  
pursuant to Joint Rule 24.

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PINES of Limestone.

Cosponsored by Senator COLLINS of Aroostook, Representative BELL of  
Caribou and Representative ALIBERTI of Lewiston.

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STATE OF MAINE

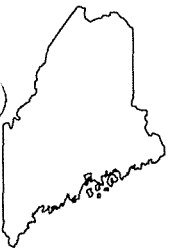
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act to Regulate Food Salvage Operations.**

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

2  
4 Sec. 1. 22 MRSA §2152, §§2-A, 4-B, 7-B and 7-C, are enacted to read:

6 2-A. Distressed merchandise. "Distressed merchandise"  
8 means any food that has been subjected to prolonged or improper  
10 storage, loss of label or identity or abnormal environmental  
12 conditions such as extremes in temperature, humidity, smoke,  
14 water, fumes, pressure or radiation that are due to natural  
disasters or that may have been rendered otherwise unsafe or  
unsuitable for human or animal consumption or use for any other  
reason.

16 4-B. Food salvage establishment. "Food salvage  
18 establishment" means a food establishment engaged in  
reconditioning or by other means salvaging distressed merchandise  
and includes any food establishment that sells, buys, warehouses  
or distributes any salvaged merchandise.

20 7-B. Salvage broker. "Salvage broker" means a person, firm  
22 or corporation engaged in buying, selling, distributing or  
24 warehousing any distressed or salvaged merchandise, whether or  
not in combination with other merchandise, which does not operate  
a food salvage establishment.

26 7-C. Salvaged merchandise. "Salvaged merchandise" means  
28 distressed merchandise that has been reconditioned.

30 Sec. 2. 22 MRSA §2167, first ¶, as enacted by PL 1979, c. 672,  
Pt. A, §54, is amended to read:

32  
34 No person, firm or corporation may operate a food  
36 establishment, food salvage establishment or act as a salvage  
broker unless licensed as a food establishment, food salvage  
38 establishment or a salvage broker by the commissioner. In the  
case of retail food establishments, licenses issued shall be  
displayed in a place visible to customers or other persons using  
a licensed establishment.

40  
42 Sec. 3. 22 MRSA §2168, as enacted by PL 1979, c. 672, Pt. A,  
§55, is amended to read:

44 **§2168. Fees**

46 Each application for, or renewal of, a license to operate a  
48 food establishment or food salvage establishment or act as a  
salvage broker, within the meaning of this chapter shall be  
50 accompanied by a fee, appropriate to the size of the  
establishment of the licensee, determined by the commissioner and  
not to exceed \$30. The fee may not be refunded. No license may be

assignable or transferable. The fees so collected by the commissioner shall be deposited in the General Fund.

Sec. 4. 22 MRSA §2169, first ¶, as enacted by PL 1979, c. 672. Pt. A, §56, is amended to read:

The commissioner shall, within 30 days following receipt of application for a license to operate a food establishment or a food salvage establishment or to act as a salvage broker, issue a the appropriate license to operate any feed establishment which as long as the applicant is found to comply in compliance with this chapter and any rules and ~~regulations~~ adopted by the commissioner. When any such applicant, upon inspection by the commissioner, is found not to meet the requirements of this chapter or ~~regulations~~ rules adopted ~~hereunder~~ under this chapter, the commissioner is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the commissioner shall be made by the applicant for compliance, or a conditional license setting forth conditions which shall be met by the applicant to the satisfaction of the commissioner.

#### STATEMENT OF FACT

This bill provides for the regulation of food salvage operations by requiring food salvage establishments and food salvage brokers to be licensed in the same manner as other food establishments under the Maine Revised Statutes, Title 22, chapter 551.