

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 794, L.D. 1111, Bill, "An Act to Enable Small Farm Owners to Process and Sell Foods They Produce"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 22 MRSA §2152, sub-§4-A, as amended by PL 1991, c. 784, §13, is repealed and the following enacted in its place:

4-A. Food establishment. "Food establishment" means a factory, plant, warehouse or store in which food and food products are manufactured, processed, packed, held for introduction into commerce or sold. The following establishments are not considered food establishments required to be licensed under section 2167:

A. Eating establishments, as defined in section 2491, subsection 7;

B. Fish and shellfish processing establishments inspected under Title 12, section 4682, 6101, 6102 or 6856;

C. Storage facilities for native produce;

D. Establishments, such as farm stands primarily selling fresh produce, not including dairy and meat products;

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2 E. Establishments engaged in the washing, cleaning or
4 sorting of whole produce, provided the produce remains in
6 essentially the same condition as when harvested. The whole
8 produce may be packaged for sale, provided that packaging is
10 not by a vacuum packaging process or a modified atmosphere
12 packaging process; and

14 F. Establishments that are engaged in the drying of single
16 herbs that are generally recognized as safe under 21 Code of
18 Federal Regulations, Sections 182 to 189. The single herbs
20 may be packaged for sale, provided that packaging is not by
22 a vacuum packaging process or a modified atmosphere
24 packaging process.

26 Sec. 2. 36 MRSA §4312-B, sub-§4, as repealed and replaced by
28 PL 1985, c. 737, Pt. A, §100, is amended to read:

30 4. Organization. Members of the commission shall elect
32 annually by majority vote one member of the commission who shall
34 to serve as chairman chair. The chairman commission may appoint
36 by majority vote an executive director or and such personnel as
38 he--deems the commission considers necessary to administer
40 policies and programs established by the commission. The
42 executive director and other staff serve at the pleasure of the
44 commission. The salaries paid to the executive director and
46 other staff of the commission must be fixed by the commission,
48 subject to the approval of the Governor. These--officers--or
50 personnel--shall The executive director and other staff are not be
subject to the Personnel-Laws personnel laws of the State.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

Changes in the exemptions for food establishment licensure will result in insignificant reductions of General Fund revenue from license fees.

Authorizing the Maine Blueberry Commission to set staff salaries, subject to the approval of the Governor, may change the commission's level of expenditures by a relatively minor amount.'

STATEMENT OF FACT

The amendment replaces the original bill. It expands the list of establishments exempted from licensing as a food establishment to include establishments engaged in the washing, cleaning or sorting of whole produce, provided the produce

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2 remains in essentially the same condition as when harvested and
any packaging is not by a vacuum packaging process or a modified
4 atmosphere packaging process. It also exempts from licensing
those establishments that are engaged in the drying of single
6 herbs that are generally recognized as safe under federal
regulations. The single herbs may be packaged for sale, provided
8 that packaging is not by a vacuum packaging process or a modified
atmosphere packaging process.

10 The amendment also allows the Maine Blueberry Commission to
fix the salary of the commission's staff and executive director,
12 subject to approval by the Governor.

14 It also adds a fiscal note to the bill.