

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1111

H.P. 794

House of Representatives, March 30, 1995

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**An Act to Enable Small Farm Owners to Process and Sell Foods They  
Produce.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HEESCHEN of Wilton.  
Cosponsored by Representatives: AHEARNE of Madawaska, BERRY of Livermore,  
CHARTRAND of Rockland, CHASE of China, CROSS of Dover-Foxcroft, HICHBORN of  
LaGrange, KILKELLY of Wiscasset, MARSHALL of Eliot, MERES of Norridgewock,  
NICKERSON of Turner, TYLER of Windham, VOLENIK of Sedgwick, Senators: CASSIDY  
of Washington, PARADIS of Aroostook.

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

2  
4 Sec. 1. 7 MRSA §2903-B is enacted to read:

6 §2903-B. Sales of milk from producing farm

8 Nothing in this chapter may be construed to include  
10 incidental sales of raw milk directly to consumers at the farm  
12 where the milk is produced or to preclude the advertising of the  
14 incidental sale of milk. Nothing in this chapter may be  
16 construed to prohibit any farmer or milk producer from making  
18 cheese of the milk or the cream produced on that farmer's or milk  
20 producer's farm. For purposes of this section, "incidental sales  
22 of milk" are those sales in which the average monthly number of  
24 gallons sold does not exceed 100 gallons.

26 Sec. 2. 7 MRSA §2905-A is enacted to read:

28 §2905-A. Aged milk cheese

30 Producers of aged milk cheeses that otherwise meet existing  
32 federal or state standards are not required to pasteurize milk  
34 used in the production of cheese. For purposes of this section,  
36 "aged milk cheese" means milk cheese that is aged for more than  
38 60 days.

40 Sec. 3. 22 MRSA §2152, sub-§3-A is enacted to read:

42 3-A. Final consumer. "Final consumer" includes individual  
44 consumers, restaurants and institutional buyers who do not resell  
46 the product except in prepared form.

48 Sec. 4. 22 MRSA §2152, sub-§4-A, as amended by PL 1991, c.  
50 784, §13, is repealed and the following enacted in its place: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 one kind of native produce, such  
as apple warehouses, potato warehouses or carrot warehouses;

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

6 E. Establishments engaged in the extraction and packaging  
8 of honey for retail sale direct to the final consumer;

10 F. Establishments engaged in the production and marketing  
12 of maple syrup for retail sale direct to the final  
14 consumer. This exclusion does not apply to any sale of  
16 maple syrup for resale or on a consignment basis; or

18 G. Establishments engaged in the processing and sale of  
20 products of a farm or garden direct to the final consumer by  
22 a person who owns, occupies or cultivates the farm or  
24 garden. For purposes of this paragraph, "processing" means  
26 the washing, cleaning, drying, sorting and packaging of farm  
28 or garden products and "farm or garden products" means  
30 vegetables, fruits, grains, dry beans, herbs and flowers.

## STATEMENT OF FACT

32 The purpose of this bill is to encourage on-farm production  
34 of agricultural products by clarifying what farm activities are  
36 of sufficient import to be subject to state licensing and  
38 inspection.

40 This bill clarifies the current practice of allowing on-farm  
sales of milk, places a monthly limit on those sales before  
licensing and permits the farmer to let potential customers know  
that the product is available for sale.

The bill also allows the manufacture of hard cheeses under  
existing federal guidelines.

The bill also exempts from the definition of "food  
establishments," subject to licensing requirements, certain sales  
of honey, maple syrup and produce when these products are sold  
directly to the final consumer.