

MAINE STATE LEGISLATURE

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Date: 5/27/19

Majority

(Filing No. H-427)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 709, L.D. 1034, Bill, "An Act To Create Regulatory Exemptions for Poultry"

Amend the bill by striking out the title and substituting the following:

'An Act To Increase Access to Farm Fresh Poultry'

Amend the bill by striking out all of sections 3 and 4 and inserting the following:

'Sec. 3. 22 MRSA §2517-C is enacted to read:

§2517-C. Slaughter and inspection; exemption for poultry

1. Exemption. Notwithstanding section 2512 and whether or not the poultry are intended for human consumption, inspection is not required for the slaughter of poultry or the preparation of poultry products as long as the poultry are slaughtered or the poultry products are prepared on the farm where the poultry were raised and:

A. Fewer than 1,000 birds are slaughtered annually on the farm;

B. No birds are offered for sale or transportation in interstate commerce;

C. Any poultry products sold are sold only as whole birds;

D. The poultry producer has a valid license issued under section 2514;

E. The facilities for slaughtering and processing are in compliance with rules adopted under subsection 6;

F. The poultry producer assigns a lot number to all birds sold and maintains a record of assigned lot numbers and the point of sale; and

G. The poultry are sold in accordance with the restrictions in subsection 2.

2. Restrictions on point of sale. Poultry products sold under this section may only be sold by the poultry producer and in the following locations or manner:

A. At the farm on which the poultry were raised;

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- 1 B. At a farmers' market as defined in Title 7, section 415;
- 2 C. To a restaurant licensed under section 2492 and located within a 50-mile radius of
- 3 the farm where the poultry were raised;
- 4 D. Delivered to a consumer's home by the poultry producer whose name and license
- 5 number appear on the label under subsection 3; or
- 6 E. Received by a person who is a member of a community supported agriculture
- 7 farm that has a direct marketing relationship with the poultry producer. For the
- 8 purposes of this section, "community supported agriculture" means an arrangement
- 9 whereby individual consumers have agreements with a farmer to be provided with
- 10 food or other agricultural products produced on that farm.

11 3. Labeling requirements for sales at farmers' markets and to restaurants. A

12 poultry producer may not sell poultry products that have not been inspected at a farmers'

13 market or to a restaurant pursuant to subsections 1 and 2 unless the poultry products are

14 labeled with:

15 A. The name of the farm, the name of the poultry producer and the address of the

16 farm including the zip code;

17 B. The number of the license issued to the poultry producer in accordance with

18 section 2514 and the lot number for the poultry products pursuant to subsection 1,

19 paragraph F;

20 C. The statement "Exempt under the Maine Revised Statutes, Title 22, section 2517-

21 C NOT INSPECTED." The statement must be prominently displayed with such

22 conspicuousness that it is likely to be read and understood; and

23 D. Safe handling and cooking instructions as follows: "SAFE HANDLING

24 INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave.

25 Keep raw poultry separate from other foods. Wash working surfaces, including

26 cutting boards, utensils and hands, after touching raw poultry. Cook thoroughly to an

27 internal temperature of at least 165 degrees Fahrenheit maintained for at least 15

28 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

29 4. Information provided on restaurant menu. The owner or manager of a

30 restaurant that purchases or otherwise obtains poultry exempt from inspection under

31 subsection 1 may not offer an item containing the exempt poultry unless the item is

32 identified on the menu with the words "poultry processed on the farm and not inspected"

33 in close proximity to the menu item. The name of the farm from which the poultry were

34 purchased must also be stated on the menu.

35 5. Additional requirements for poultry producers selling to restaurants. In

36 addition to the labeling requirements under subsection 3, a poultry producer may not sell

37 poultry products to a restaurant under this section unless the poultry producer provides

38 the purchaser with a statement alerting the purchaser to the requirements under subsection

39 4.

40 A poultry producer shall procure a signed statement from any restaurant purchasing

41 poultry products from the poultry producer under this section. The statement must verify

42 that the restaurant is aware that the poultry are exempted from inspection under

1 subsections 1 and 2, that the restaurant is within a 50-mile radius of the farm where the
2 poultry were raised and that the restaurant is aware that the menu of the restaurant must
3 contain the information required under subsection 4. The poultry producer shall keep the
4 signed statement on file while the poultry producer is selling poultry to the restaurant
5 under this section. The poultry producer shall send a copy of signed statements, including
6 the name of the poultry producer and the name of the purchasing restaurant, to the
7 commissioner upon request.

8 **6. Rules.** The commissioner shall adopt rules to establish requirements for the
9 physical facilities and sanitary processes used by poultry producers whose products are
10 exempt from inspection under this section. Rules adopted under this subsection are major
11 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

12 **7. Enforcement.** The commissioner shall enforce the provisions of this section. An
13 employee of the Department of Health and Human Services authorized to enter and
14 inspect a restaurant for purposes of inspection under section 2497 may enforce subsection
15 4 and other provisions of this section as they apply to restaurants under a memorandum of
16 agreement between the commissioner and the Commissioner of Health and Human
17 Services.

18 **8. Violation; penalty.** A person who violates this section is subject to penalties
19 under section 2524.

20 **Sec. 4. 22 MRSA §2518, sub-§1,** as enacted by PL 1999, c. 777, §1, is amended
21 to read:

22 **1. Review by inspector.** The commissioner may cause establishments that are
23 required to be licensed under section 2514 but are exempt from inspection under section
24 2512, subsection 2, paragraph K to be periodically reviewed by inspectors to ensure that
25 the provisions of this chapter and the rules adopted under this chapter are satisfied and
26 that the public health, safety and welfare are protected. The commissioner shall cause
27 establishments that are required to be licensed under section 2514 but are exempt from
28 inspection under section 2517-C to be reviewed annually by inspectors to ensure that the
29 provisions of this chapter and the rules adopted under this chapter are satisfied and that
30 the public health, safety and welfare are protected.

31 **Sec. 5. Appropriations and allocations.** The following appropriations and
32 allocations are made.

33 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

34 **Health - Bureau of 0143**

35 Initiative: Allocates funds for the costs of one half-time Sanitarian II position and related
36 costs for additional eating establishment inspections.

37	OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
38	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
39	Personal Services	\$33,492	\$34,756
40	All Other	\$11,887	\$8,887

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	\$45,379	\$43,643
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SUMMARY

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It retains the provisions of the bill and directs the Commissioner of Agriculture, Food and Rural Resources to establish requirements for sanitary processes and physical facilities through rulemaking. It requires an annual inspection of facilities and an annual review of processes by the Department of Agriculture, Food and Rural Resources.

It allows consumers participating in a community supported agriculture agreement with a farmer who has a direct marketing relationship with a poultry producer to receive poultry products that have not been inspected. It also allows a poultry producer to deliver poultry products to a consumer's home. Sales to restaurants are restricted to restaurants within a 50-mile radius of the farm on which the poultry were produced.

The amendment adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 1034

LR 1692(02)

An Act To Create Regulatory Exemptions for Poultry

Fiscal Note for Bill as Amended by Committee Amendment "A"
 Committee: Agriculture, Conservation and Forestry
 Fiscal Note Required: Yes

Fiscal Note

Minor impact - General Fund

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations				
Other Special Revenue Funds	\$45,379	\$43,643	\$44,683	\$45,778

Correctional and Judicial Impact Statements

Decreases the number of civil violations and Class E crimes; decreases correctional and judicial costs
 A reduction in fines will decrease General Fund revenue by minor amounts.

Fiscal Detail and Notes

Provides an allocation of \$45,379 in 2009-10 and \$43,643 in 2010-11 for the Maine Center for Disease Control and Prevention in the Department of Health and Human Services for the costs of one half-time Sanitarian II position and related costs for additional eating establishment inspections. Additional costs to the Department of Agriculture, Food and Rural Resources associated with rulemaking and annual reviews and inspections can be absorbed within existing budgeted resources.