

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1034

H.P. 709

House of Representatives, March 17, 2009

### An Act To Create Regulatory Exemptions for Poultry

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative McCABE of Skowhegan.  
Cosponsored by Senator DAMON of Hancock and  
Representatives: CLEARY of Houlton, CRAY of Palmyra, FLEMINGS of Bar Harbor,  
GIFFORD of Lincoln, O'BRIEN of Lincolnville, PERCY of Phippsburg, PRATT of  
Eddington, Senator: ALFOND of Cumberland.

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

2 Sec. 1. 22 MRSA §2511, sub-§37-A is enacted to read:

3 37-A. Poultry producer. "Poultry producer" means a person who raises poultry  
4 offered for sale.

5 Sec. 2. 22 MRSA §2512, sub-§1, ¶A, as enacted by PL 1999, c. 777, §1, is  
6 amended to read:

7 A. Require ante mortem and post mortem inspections, quarantine, segregation and  
8 reinspections with respect to the slaughter of livestock and poultry and the  
9 preparation of livestock products and poultry products at all establishments in this  
10 State, except those exempted under section 2517-C or exempted by the commissioner  
11 under subsection 2, paragraph K, at which livestock or poultry are slaughtered or  
12 livestock products or poultry products are prepared for human food solely for  
13 distribution in intrastate commerce;

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

15 §2517-C. Slaughter and inspection; exemption for poultry

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

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

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

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

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

25 E. Any poultry products sold are sold by the person who raised the poultry:

26 (1) At the farm on which the poultry were raised;

27 (2) At a farmers' market as defined in Title 7, section 415; or

28 (3) To a restaurant licensed under section 2492.

29 2. Labeling requirements for sales at farmers' markets and to restaurants. A  
30 poultry producer may not sell poultry products that have not been inspected at a farmers'  
31 market or to a restaurant pursuant to subsection 1 unless the poultry products are labeled  
32 with:

33 A. The name of the farm, the name of the poultry producer and the address of the  
34 farm including the zip code;

1 B. The number of the license issued to the poultry producer in accordance with  
2 section 2514 and the lot number for the poultry products pursuant to subsection 1,  
3 paragraph D;

4 C. The statement "Exempt under Title 22, section 2517-C NOT INSPECTED." The  
5 statement must be prominently displayed with such conspicuousness that it is likely  
6 to be read and understood; and

7 D. Safe handling and cooking instructions as follows: "SAFE HANDLING  
8 INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave.  
9 Keep raw poultry separate from other foods. Wash working surfaces, including  
10 cutting boards, utensils, and hands, after touching raw poultry. Cook thoroughly to  
11 an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15  
12 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

13 3. Information provided on restaurant menu. The owner or manager of a  
14 restaurant that purchases or otherwise obtains poultry exempt from inspection under  
15 subsection 1 may not offer an item containing the exempt poultry unless the item is  
16 identified on the menu with the words "poultry processed on the farm and not inspected"  
17 in close proximity to the menu item. The name of the farm from which the poultry was  
18 purchased must also be stated on the menu.

19 4. Additional requirements for poultry producers selling to restaurants. In  
20 addition to the labeling requirements under subsection 2, a poultry producer may not sell  
21 poultry products to a restaurant under this section unless the poultry producer provides  
22 the purchaser with a statement alerting the purchaser to the requirements under subsection  
23 3.

24 A poultry producer shall procure a signed statement from any restaurant purchasing  
25 poultry products from the poultry producer under this section. The statement must verify  
26 that the restaurant is aware that the poultry is exempted from inspection under subsection  
27 1 and that the menu of the restaurant must contain the information required under  
28 subsection 3. The poultry producer shall keep the signed statement on file while the  
29 poultry producer is selling poultry to the restaurant under this section. The poultry  
30 producer shall send a copy of signed statements, including the name of the poultry  
31 producer and the name of the purchasing restaurant, to the commissioner upon request.

32 5. Enforcement. The commissioner shall enforce the provisions of this section. An  
33 employee of the Department of Health and Human Services authorized to enter and  
34 inspect a restaurant for purposes of inspection under section 2497 may enforce subsection  
35 3 and other provisions of this section as they apply to restaurants under a memorandum of  
36 agreement between the commissioner and the Commissioner of Health and Human  
37 Services.

38 6. Violation; penalty. A person who violates this section is subject to penalties  
39 under section 2524.

40 Sec. 4. 22 MRS §2518, sub-§1, as enacted by PL 1999, c. 777, §1, is amended  
41 to read:

