

ROES 2	Date: 5/5/11 Minority AGRICULTURE, CONSERVATION AND FORESTRY			
	Reproduced and distributed under the direction of the Clerk of the House.			
4	STATE OF MAINE			
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6	HOUSE OF REPRESENTATIVES			
7	125TH LEGISLATURE			
8	FIRST REGULAR SESSION			
9 10	COMMITTEE AMENDMENT "A" to H.P. 292, L.D. 366, Bill, "An Act Regarding the Sale of Raw Milk"			
11 12	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:			
13 14	'Sec. 1. 7 MRSA §2900, sub-§8, as enacted by PL 1999, c. 679, Pt. A, §1, is amended to read:			
15 16 17 18	8. Milk distributor. "Milk distributor" means any person who offers for sale or sells to another person any milk or milk products in their final form, except that "milk distributor" does not include a milk producer who sells milk only to end use consumers in accordance with section 2901-D.			
19	Sec. 2. 7 MRSA §2901-D is enacted to read:			
20	§2901-D. Direct sales from milk producers to consumers			
21 22	1. License not required. A milk producer is not required to be licensed under this chapter if the producer sells only milk from that producer's dairy farm and the milk:			
23	A. Is sold directly to an end use consumer;			
24	B. Is sold on the dairy farm directly to a consumer by the milk producer; and			
25 26	C. Is sold in a container carrying a label that clearly states "produced and packaged on a farm that is not licensed or inspected."			
27 28 29 30 31 32 33	2. Unpasteurized milk. In addition to the labeling requirement in subsection 1, paragraph C, an unlicensed milk producer selling milk under this section may not sell unpasteurized milk unless the label on that product contains the words "not pasteurized" and a clearly legible sign is posted on the refrigerator containing the milk or at the point of sale that reads: "Warning: This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from use of this product."			

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 292, L.D. 366

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Sec. 3. 7 MRSA §2902-B, sub-§1, as amended by PL 2005, c. 270, §3, is further amended to read:

Sale of unpasteurized milk or milk product. A person may not sell 1. unpasteurized milk or a product made from unpasteurized milk, including heat-treated cheese, unless the label on that product contains the words "not pasteurized." A milk producer that is not licensed under this chapter shall also comply with section 2901-D.

Sec. 4. 7 MRSA §2955, first ¶, as amended by PL 1975, c. 517, §4, is further amended to read:

No A dealer shall may not buy milk from producers or others for sale or shall 10 process, distribute, sell or offer to sell milk in any market in the State designated by the commission unless duly licensed by the commission. No A license shall be is not 11 12 required of any person who produces or and sells milk for consumption only on the 13 premises of the producer or and seller. Each person, before engaging in the business of a 14 dealer in any market designated by the commission, shall make application to the 15 commission for a license, which the commission is authorized to grant. No A retailer 16 shall may not sell or offer to sell milk in any market in the State which he milk that the 17 retailer has purchased in Maine from an unlicensed dealer.'

SUMMARY

19 This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It establishes criteria for exempting a milk 20 21 producer from licensing requirements under the Maine Revised Statutes, Title 7, chapter 22 601. It restricts sales to direct sales to end use consumers on the dairy farm premises and 23 requires the milk container to state that the farm is not inspected or licensed. It also 24 requires a warning to be displayed on the premises when an unlicensed producer is selling 25 unpasteurized milk. It clarifies the existing exemption from licensing under Title 7, 26 chapter 603. It removes the definition of "premises" in the bill that included motor 27 vehicles and portable farm stands.

FISCAL NOTE REQUIRED (See attached)

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COMMITTEE AMENDMENT



125th MAINE LEGISLATURE

LD 366

LR 518(02)

An Act Regarding the Sale of Raw Milk

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

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Net Cost (Savings) General Fund	\$775	\$1,050	\$1,050	\$1,050
Revenue General Fund	(\$775)	(\$1,050)	(\$1,050)	(\$1,050)

Fiscal Detail and Notes

Allowing a person who produces and sells milk only on the premises of the producer and seller to do so without a license will result in a reduction to General Fund revenue of \$775 in fiscal year 2011-12 and \$1,050 in fiscal year 2012-13, based on 42 licenses @ \$25 each.