

MAINE STATE LEGISLATURE

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MINORITY

L.D. 271

Date: 6/12/2013

(Filing No. S-273)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 104, L.D. 271, Bill, "An Act To Facilitate the Processing of Livestock That Is Not for Resale"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

1-A. Amenable species. "Amenable species" means cattle, sheep, swine, goats, horses, mules and other equines, including their carcasses and parts.

Sec. 2. 22 MRSA §2511, sub-§11, as enacted by PL 1999, c. 771, §1, is amended to read:

11. Custom slaughterhouse. "Custom slaughterhouse" means a person who maintains a slaughtering facility that is a licensed establishment or a registered establishment under this chapter for the purposes of slaughtering livestock or poultry for another person's exclusive use by that person and members of that person's household and that person's nonpaying guests and employees, and who is not engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products or any cattle, domesticated deer, sheep, swine, goats, domestic rabbits, equines, poultry or other designated animals useable as human food.

Sec. 3. 22 MRSA §2511, sub-§41-A is enacted to read:

41-A. Registered establishment. "Registered establishment" means a person registered under section 2514-A.

Sec. 4. 22 MRSA §2512, sub-§2, ¶O, as enacted by PL 1999, c. 777, §1, is amended to read:

O. Establish conditions for storage and handling of livestock products and poultry products by persons engaged in the business of buying, selling, freezing, storing or transporting these products in or for intrastate commerce to ensure that these products are not adulterated or misbranded when delivered to the consumer; ~~and~~

COMMITTEE AMENDMENT

1 **Sec. 5. 22 MRSA §2512, sub-§2, ¶P**, as amended by PL 2003, c. 20, Pt. E, §1, is
2 further amended to read:

3 P. Establish the method for providing voluntary inspection and withdrawal of
4 inspection of exotic animals, wild game, domesticated deer and domestic rabbits.
5 These rules may also provide for the inspection of meat and meat food products
6 derived from those animals. The commissioner shall provide voluntary inspection of
7 bison, domesticated deer and ratite produced in the State, including the inspection of
8 meat and meat food products derived from bison, domesticated deer and ratite, for
9 which the commissioner shall charge a fee of \$35 per hour. The commissioner shall
10 charge \$35 per hour per inspection of meat and meat food products processed in the
11 State but derived from bison, domesticated deer and ratite produced outside the
12 State; and

13 **Sec. 6. 22 MRSA §2512, sub-§2, ¶Q** is enacted to read:

14 Q. Allow the slaughter and processing of an animal that is a member of an amenable
15 species owned by a person at the home of another person if that animal is not being
16 offered for sale by the owner or by any other person.

17 **Sec. 7. 22 MRSA §2514, sub-§1**, as enacted by PL 1999, c. 777, §1, is amended
18 to read:

19 **1. License or registration required.** A person may not engage in intrastate
20 commerce in the business of buying, selling, preparing, processing, packing, storing,
21 transporting or otherwise handling meat, meat food products or poultry products, unless
22 that person holds a valid license issued under this chapter or is registered under section
23 2514-A. Categories of licensure include:

24 A. Commercial slaughterers;

25 B. Custom slaughterers, except that itinerant custom slaughterers who slaughter
26 solely at a customer's home or farm and who do not own, operate or work at a
27 slaughtering plant are exempt from the licensing provisions of this section;

28 C. Commercial processors;

29 D. Custom processors;

30 E. Wholesale distributors, except that livestock producers and livestock dealers who
31 sell carcasses to or through inspected slaughterhouses are exempt from having to
32 obtain a wholesale distributor's license under this paragraph. All other licensing
33 provisions are applicable;

34 F. Retail vendors;

35 G. Meat and poultry product brokers;

36 G-1. Mobile poultry processing unit operators;

37 H. Renderers;

38 I. Public warehouse operators;

39 J. Animal food manufacturers;

1 K. Handlers of dead, dying, disabled or diseased animals; and

2 L. Any other category that the commissioner may by rule establish.

3 **Sec. 8. 22 MRSA §2514-A** is enacted to read:

4 **§2514-A. Registration**

5 **1. Registration permitted.** A person may engage in intrastate commerce in the
6 business of buying, selling, preparing, processing, packing, storing, transporting or
7 otherwise handling meat, meat food products or poultry products if that person is
8 registered under this section. A person may register under this section if the person is a:

9 A. Custom slaughterer, except that itinerant custom slaughterers who slaughter
10 solely at a customer's home or farm and who do not own, operate or work at a
11 slaughtering plant are exempt from the registration provisions of this section;

12 B. Custom processor;

13 C. Poultry producer who processes fewer than 1,000 birds annually under section
14 2517-C; and

15 D. A person in any other category that the commissioner may by rule establish.

16 **Sec. 9. 22 MRSA §2518**, as amended by PL 2009, c. 354, §4, is further amended
17 to read:

18 **§2518. Periodic review of noninspected registered or licensed establishments**

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

29 **2. Review of certain slaughter or preparation establishments.** Inspection may
30 not be provided under this chapter at any establishment for the slaughter of livestock or
31 poultry or the preparation of any livestock products or poultry products that are not
32 intended for use as human food, but these products must, prior to their offer for sale or
33 transportation in intrastate commerce, unless naturally inedible by humans, be denatured
34 or otherwise identified, as prescribed by rules of the commissioner, to deter their use for
35 human food. These licensed establishments are subject to periodic review.

36 **3. Subject to review.** A periodic review under this section must include an
37 examination of:

38 A. The licensed establishment's sanitation practices;

39 B. Sanitation in the areas where meat and poultry products are prepared, stored and
40 displayed;

- 1 C. The adequacy of a refrigeration system used for meat food products and poultry
- 2 products;
- 3 D. Labeling; and
- 4 E. Meat food products or poultry products for wholesomeness or adulteration.

5 In addition, the inspector conducting the periodic review may conduct any other
6 examination necessary to ensure compliance with this chapter and the rules adopted
7 pursuant to this chapter.

8 **4. Access.** For purposes of a periodic review of a licensed establishment, inspectors
9 have access during normal business hours to every part of a licensed establishment
10 required to have inspection under this chapter, whether the licensed establishment is
11 operated or not.

12 **Sec. 10. Maine Revised Statutes headnote amended; revision clause.** In
13 the Maine Revised Statutes, Title 22, chapter 562-A, subchapter 2, in the subchapter
14 headnote, the word "licensing" is amended to read "licensing and registration" and the
15 Revisor of Statutes shall implement this revision when updating, publishing or
16 republishing the statutes.'

17 **SUMMARY**

18 This amendment, which is the minority report of the committee, strikes and replaces
19 the bill. The amendment authorizes the Commissioner of Agriculture, Conservation and
20 Forestry to allow an animal that is a member of an amenable species, a term defined in
21 the amendment, that is owned by a person to be slaughtered and processed at the home of
22 another person if that animal is not being offered for sale by the owner or by any other
23 person. It differs from the majority report in that it does not require the person
24 slaughtering and processing the animal to be registered as a custom slaughterer. The
25 amendment also adds registered establishments to slaughter establishments that may be
26 periodically reviewed by inspectors to ensure that the laws and rules governing slaughter
27 facilities are being followed.

FISCAL NOTE REQUIRED
(See attached)



126th MAINE LEGISLATURE

LD 271

LR 268(03)

An Act To Facilitate the Processing of Livestock That Is Not for Resale

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

B(S-273)

Fiscal Note

Potential current biennium cost increase - General Fund

Potential current biennium revenue decrease - Federal Expenditures Fund

Fiscal Detail and Notes

Under this legislation the slaughter and processing of an amenable species would not need to be registered or inspected by the State. The Department of Agriculture, Conservation and Forestry's meat inspection program follows federal guidelines that allow the State to receive up to 50% of the cost of the program in federal grant money. It is likely that the federal government would determine this legislation is not within federal guidelines, meaning the State could lose all or a portion of the federal funding received for the meat inspection program. For the federal fiscal year ended 9-30-12 the State received approximately \$270,000 in federal funding for this program. However, it is unlikely that the federal government would withhold funding for this program without first giving the department a listing of corrective action needed to be taken with a timeline for completion.