

# MAINE STATE LEGISLATURE

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MAJORITY

L.D. 1282

Date: 6/4/2013

(Filing No. S-195)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 444, L.D. 1282, Bill, "An Act To Help Small Farmers in Selling Raw Milk and Homemade Food Products"

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

'An Act To Help Small Farmers in Selling Raw Milk Products'

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 7 MRSA §2900, sub-§5-A is enacted to read:

5-A. Farmers' market. "Farmers' market" has the same meaning as in section 415, subsection 1, paragraph A.

Sec. 2. 7 MRSA §2900, sub-§16-A is enacted to read:

16-A. Raw milk. "Raw milk" means milk that has not been pasteurized or homogenized.'

Amend the bill in section 3 in §2910-C by striking out all of subsection 1 (page 1, lines 21 to 25 in L.D.)

Amend the bill in section 3 in §2910-C in subsection 2 in paragraph D in the 3rd line (page 2, line 1 in L.D.) by striking out the following: "raw milk" and inserting the following: 'milk that has not been pasteurized'

Amend the bill in section 3 in §2910-C in subsection 3 in paragraph C in the last line (page 2, line 9 in L.D.) by striking out the following: "inspection." and inserting the following: 'inspection. Not pasteurized.'

Amend the bill in section 3 in §2910-C in subsection 4 in the last line (page 2, line 12 in L.D.) by inserting after the following: "products." the following: 'Any food processed or manufactured under this exemption does not constitute an approved source for further retail or wholesale use.'

Amend the bill in section 3 in §2910-C by inserting at the end the following:

COMMITTEE AMENDMENT

R 0 8

1 6. Testing of raw milk or raw milk products. A person selling raw milk or raw  
2 milk products shall submit samples of the raw milk to an accredited laboratory as defined  
3 by the department by rule for testing a minimum of 10 times annually.

4 7. Testing of water supply. A person selling raw milk or raw milk products shall  
5 submit water samples from the water supply for the milk house and milking operation to  
6 an accredited laboratory as defined by the department by rule for testing at least twice  
7 annually.

8 8. Rules. The commissioner shall adopt rules governing the testing of raw milk  
9 samples and the water supply of milk producers who sell raw milk or raw milk products  
10 under this section. The commissioner shall also by rule establish penalties for failed tests.  
11 Rules adopted pursuant to this subsection are major substantive rules as defined in Title  
12 5, chapter 375, subchapter 2-A.'

13 Amend the bill in section 3 in §2910-C by renumbering the subsections to read  
14 consecutively.

15 Amend the bill by striking out all of sections 4 and 5.

16 Amend the bill by inserting at the end the following:

17 **'Sec. 6. Appropriations and allocations.** The following appropriations and  
18 allocations are made.

19 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

20 **Division of Quality Assurance and Regulation 0393**

21 Initiative: Provides one-time funding for rulemaking.

22	<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
23	All Other	\$3,700	\$0
24			
25	<b>GENERAL FUND TOTAL</b>	<b>\$3,700</b>	<b>\$0</b>
26			

27 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
28 section number to read consecutively.

29

**SUMMARY**

This amendment is the majority report. It changes the title by removing a reference to homemade food products. It strikes from the bill the exemptions from licensing and inspection for homestead food operations. The amendment changes the wording of the signage and labeling requirements for milk producers selling raw milk or raw milk products without a license pursuant to the provisions of the bill. It requires milk producers selling raw milk or raw milk products that are exempt from licensing and inspection by the State to have samples of their raw milk and water supply tested by an accredited laboratory. The amendment also requires the Commissioner of Agriculture, Conservation and Forestry to adopt rules governing the testing of raw milk and water supply samples of the milk producers who operate under the exemptions in the bill.

The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 126th MAINE LEGISLATURE

LD 1282

LR 846(02)

## An Act To Help Small Farmers in Selling Raw Milk and Homemade Food Products

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-195)  
Committee: Agriculture, Conservation and Forestry  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
<b>Net Cost (Savings)</b>				
General Fund	\$3,700	\$0	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$3,700	\$0	\$0	\$0

#### Fiscal Detail and Notes

The bill includes a one-time General Fund appropriation of \$3,700 in fiscal year 2013-14 to the Department of Agriculture, Conservation and Forestry for rulemaking, including advertisement, meeting space rental and transcripts.