

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1282

S.P. 444

In Senate, April 2, 2013

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

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Representative KESCHL of Belgrade and  
Representative: HICKMAN of Winthrop.

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

2 **Sec. 1. 7 MRSA §2901-A**, as amended by PL 1999, c. 679, Pt. A, §3, is further  
3 amended to read:

4 **§2901-A. Standards and labeling**

5 Notwithstanding any other requirements of this chapter, milk and milk products,  
6 defined in accordance with standards then in effect that have been adopted by the United  
7 States Government and labeled in conformity with labeling requirements then in effect  
8 that have been adopted by the United States Government, are considered to conform with  
9 the definitions and labeling requirements set forth in this chapter; except that containers  
10 of milk and cream packaged in Maine must also bear the name and address of the Maine  
11 licensed milk distributor and sufficient information to identify the milk plant where  
12 packaged and labeling required under section 2910-C must contain any additional  
13 information required by section 2910-C.

14 **Sec. 2. 7 MRSA §2902-B, sub-§3**, as amended by PL 2005, c. 270, §3, is further  
15 amended to read:

16 **3. Exception.** This section does not apply to cheese that has been aged at a  
17 temperature above 35 degrees Fahrenheit for at least 60 days prior to sale or to raw milk  
18 under section 2910-C.

19 **Sec. 3. 7 MRSA §2910-C** is enacted to read:

20 **§2910-C. Raw milk**

21 **1. Definitions.** For purposes of this section, unless the context otherwise indicates,  
22 the following terms have the following meanings.

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

25 B. "Raw milk" means milk that has not been pasteurized or homogenized.

26 **2. Raw milk.** A person may sell raw milk or raw milk products without a license  
27 under section 2901-C or 2902-A or rules adopted under section 2910 as long as:

28 A. The person daily produces for sale less than 20 gallons of raw milk or processes  
29 for sale less than 20 gallons of raw milk into cheese aged less than 60 days, yogurt,  
30 cream, butter or kefir;

31 B. The raw milk or raw milk product is sold only directly from the person's own  
32 farm or farm stand or at a farmers' market within the State;

33 C. The raw milk or raw milk product is labeled pursuant to the provisions of  
34 subsection 3; and

35 D. The person places a clearly visible sign at the point of sale for the raw milk or raw  
36 milk product that contains the name, address and telephone number of the person's

1           farm and the following statement: "Products from this farm made from raw milk are  
2           exempt from State of Maine licensing and inspection."

3           **3. Labeling.** In addition to the provisions of section 2901-A, raw milk and raw milk  
4           products sold under subsection 2 must be clearly and individually labeled with the  
5           following information:

6           A. The name, address and telephone number of the raw milk producer's farm;

7           B. The name of the raw milk or raw milk product; and

8           C. The following statement: "This product is made from raw milk and is exempt  
9           from State of Maine licensing and inspection."

10          **4. Exemption from licensing and inspection.** A person selling raw milk or raw  
11          milk products under subsection 2 is exempt from the licensing and inspection provisions  
12          of this chapter with respect to that raw milk or those raw milk products.

13          **5. Adulterated or misbranded food.** A person selling raw milk or raw milk  
14          products under subsection 2 is subject to the provisions of Title 22, sections 2156, 2157  
15          and 2159.

16          **Sec. 4. 22 MRSA §2501,** as amended by PL 2011, c. 193, Pt. B, §10, is further  
17          amended by adding at the end a new paragraph to read:

18          A homestead food operation under section 2503 is exempt from licensing under  
19          section 2492 and any inspection requirements under this chapter.

20          **Sec. 5. 22 MRSA §2503** is enacted to read:

21          **§2503. Homestead food operations**

22          **1. Definitions.** For purposes of this section, unless the context otherwise indicates,  
23          the following terms have the following meanings.

24          A. "Farmers' market" has the same meaning as in Title 7, section 415, subsection 1,  
25          paragraph A.

26          B. "Homestead food operation" means a person who:

27                  (1) Produces homestead food products made only in the kitchen of the person's  
28                  primary residence;

29                  (2) Sells homestead food products only from the person's primary residence or  
30                  farm stand or at a farmers' market within the State; and

31                  (3) Sells no more than \$10,000 annually of homestead food products.

32          C. "Homestead food product" means a food product that is sold by a homestead food  
33          operation. "Homestead food product" does not include potentially hazardous food.

34          D. "Potentially hazardous food" means:

